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M.V.C.No.34/2025

**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL -II  
YADGIR**

Present: **Sri. Balasaheb Wadavade,**  
**B.Com., LL.B.(Spl.)**

Senior Civil Judge and CJM,  
Yadgir and MACT-II Yadgir.

**Dated this the 21<sup>st</sup> Day of May 2026**

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**PETITIONERS :** 1.Gamibai W/o Channappa,  
Age: 39 years, Occ: Household.

2. Channappa S/o Davuji,  
Age : 41 years Occ: Agriculture,  
Both are R/o Mudnal Sanna  
Tanda Tq & Dist: Yadgiri.

**(Petitioners No.1 and 2 are represented by Sri. P.C.M.P Adv.)**

**// VERSUS //**

**RESPONDENTS :** 1. Basavaraj S/o Bheemaraya,  
Age: 50 Yrs , Occ: Owner of vehicle  
Tractor new Holland bearing  
Reg.No.KA-33-TA-8964,  
R/o: Hattinkuni, Tq and Dist: Yadgiri

2. Cholamandalam M.S. General  
Insurance Co.Ltd,Unit No.4,  
Level Golden Heights Complex,  
59 C- Cross, Industrial Sub  
Rub Rajaji Nagar,Bangalore-560010.

**(Respondent No.1 Ex-parte.)**  
**(Respondent No.2 represented by: Sri. T.G.K. Adv.)**



## **J U D G M E N T**

This is a petition filed by the petitioners under section 166 of M. V. Act, 1989 by seeking compensation of Rs.78,00,000/- for the death along with an interest from the date of accident till its realization in the interest of justice.

### **2. Facts of the petition are as under:**

The petitioners have alleged that on 23-12-2024, at about 07.00 pm, on the main road of Yadgiri-Yergol, near Yergol by pass road, Kishan S/o Roopasingh, Kumar S/o Pandu Rathod and Karan S/o Channappa Rathod were proceeding by motor cycle bearing Reg.No.KA-33-V-2011 to Balvadi village, after completion of labour work while they were returning to their village at that time, driver of the Tractor bearing registration No.KA-33-TA-8964 and trailer drove it in a manner rash or negligent endanger to human life and dashed the motor cycle. Due to this they fell down



along with motor cycle and sustained grievous injuries and Karan shift Government Hospital Yadgir and thereafter to United Hospital Kalaburagi wherein Karan died on 01.01.2025.

**3.** The Karan S/o Channappa Rathod was hale and healthy prior to accident and doing labour work and getting income of Rs.30,000/- per month. On all these grounds, the petitioners have claimed Rs.78,00,000/- as compensation.

**4.** After registration of the petition, this court has issued notice against the respondents, notices were served against them, the respondent No.1 has not appeared. Further respondent No.2 has appeared and filed objection to main petition wherein he has denied the contents of petition paras. He admits that tractor bearing Reg.No.KA-33-TA-8964 has covered insurance policy with him. Driver of the Tractor bearing Reg.No.KA-33-TA-8964 did not possess valid and



effective driving licence at the time of accident. An accident did not take place due to the negligence of driver of the Tractor. The compensation claimed by the petitioners are more excessive, exorbitant and exaggerated. He has prayed to dismiss the petition.

**5.** On the basis of pleadings, the following issues that have arisen for my consideration,

### **ISSUES**

**1.** Whether the petitioners prove that on 23-12-2024, at about 07.00 pm, on the main road of Yadgiri-Yergol, near Yergol by pass road, Kishan S/o Roopasingh, Kumar S/o Pandu Rathod and Karan S/o Channappa Rathod were proceeding by motor cycle bearing Reg.No.KA-33-V-2011 to Balvadi village, after completion of labour work while they were returning to their village at that time, driver of the Tractor bearing registration No.KA-33-TA-8964 and trailer drove it in a manner rash or negligent endanger to human life and dashed the motor cycle. Due to this they



fell down along with motor cycle and sustained grievous injuries and Karan shift Government Hospital Yadgir and thereafter to United Hospital Kalaburagi wherein Karan died on 01.01.2025.?

**2.** Whether the respondent No.2 proves that driver of the tractor bearing registration No.KA-33-TA-8964 did not possess valid and effective driving licence at the time of accident?

**3.** Whether the petitioners are entitled for the compensation? If so, by whom and what is the quantum?

**4.** What order or award?

**6.** In support to their case, petitioner No.1 examined herself as P.W.1 and got marked documents and closed her side evidence. On the other hand, respondent No.2 did not adduce evidence either oral or documentary.



7. Heard arguments on both sides. Perused the case papers.

8. My answer to the above issues are as under:

**Issue No.1 :** In the affirmative.

**Issue No.2 :** In the negative.

**Issue No.3:** In the partly affirmative.

**Issue No.4 :** As per final order for the following;

### **R E A S O N S**

9. **Issue No.1 :-** In order to prove this issue, petitioner No.1 examined herself as P.W.1 by filing examination in chief affidavit wherein she has alleged that on 23-12-2024, at about 07.00 pm, on the main road of Yadgiri-Yergol, near Yergol by pass road, her son by name Karan S/o Channappa Rathod, Kumar S/o Pandu Rathod and Kishan S/o Roopasingh were proceeding by motor cycle bearing Reg.No.KA-33-V-2011 to Balvadi village, after completion of labour



work while they were returning to their village at that time, driver of the Tractor bearing registration No.KA-33-TA-8964 and trailer drove it in a manner rash or negligent endanger to human life and dashed the motor cycle. Due to this they fell down along with motor cycle and sustained grievous injuries and Karan shift Government Hospital Yadgir and thereafter to United Hospital Kalaburagi wherein Karan died on 01.01.2025. Her son by name Karan was hale and healthy prior to accident and doing labour work and getting income of Rs.30,000/- per month, in order to prove these facts, the PW-1 has produced the following documents,

Ex.P-1 is the certified copy of first information report of Yadgir Rural police station crime number 0234/2024.

Ex.P-2 is the certified copy of the complaint.

Ex.P-3 is the certified copy of the final report.

Ex.P-4 is the certified copy of the inquest



panchanama.

Ex.P-5 is the certified copy of the spot

panchanama.

Ex.P-6 is the certified copy of postmortem

report.

Ex.P-7 is the certified copy of the motor vehicles

accident report.

Ex.P-8 are the medical bills.

**10.** Carefully perused the documents by this tribunal, these documents are suffice that on 24.12.2024, one person by name Minakshi W/o Kishan Chawan has lodged an information against driver of the tractor bearing registration No.KA-33-TA-8964 by making allegation that on 23-12-2024, at about 07.00 pm, on the main road of Yadgiri-Yergol, near Yergol by pass road, her husband by name Kishan S/o Roopasingh, Kumar S/o Pandu Rathod and Karan S/o Channappa Rathod were proceeding by motor cycle bearing

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Reg.No.KA-33-V-2011 to Balvadi village, after completion of labour work while they were returning to their village at that time, driver of the Tractor bearing registration No.KA-33-TA-8964 and trailer drove it in a manner rash or negligent endanger to human life and dashed the motor cycle. Due to this they fell down along with motor cycle and sustained grievous injuries and Kishan shift Government Hospital Yadgir and thereafter to United Hospital Kalaburagi wherein Kishan died on 24.12.2024. Further Kumar also shift Government Hospital Yadgir and thereafter to United Hospital Kalaburagi wherein Kishan died on 24.12.2024. Further Karan also died on 01.01.2025. On this information, the police have registered a case against driver of the tractor bearing registration No.KA-33-TA-8964 in crime No.0234/2024 and after completion of investigation, the police have filed final report against driver of the tractor bearing registration



No.KA-33-TA-8964 for the offences punishable under sections 106(1), 125(b) and 281 of the BNS, 2023 and sections 180, 181, 192(1) and 196 of the I.M.V, Act. Further Ex.P.1 to 8 are corroborated with an evidence of PW-1. Further evidence of PW-1 and documents are not challenged by the respondent No.1 by appearing. Further PW-1 cross examined by the learned counsel for the respondent No.2 but nothing has been elicited in her mouth to support his defence. Further this is a claim petition arisen out of the accident, proving of negligence of offending vehicle is only preponderance of probabilities and not required standard of proof beyond reasonable doubt as required in a criminal case. This principles of law was laid down by the Hon'ble High Court of Karnataka, in **2011 SAR (Civil) 319 Kusum and others Vs Satbir and others**, therefore consideration of the evidence of PW-1 and documents, clearly goes to show that accident was



occurred due to negligent driving the tractor bearing registration No.KA-33-TA-8964 by its driver. This tribunal held that injuries were caused to the son of PW-1 and died due to negligent driving of the tractor. Thus on above said reasons this tribunal has held that petitioners have proved the issue No.1, hence it is answers in the affirmative.

**Issue No.2:** In order to prove this issue, respondent No.2 has filed objection to main petition in order to prove the contents of it, he did not enter into witness box, hence adverse inference drawn against him ie respondent No.2 **as per section 119(g) of the Bharatiya Sakshya Adhinyam, 2023.**

Perused the case papers it reveals that police have filed final report against driver of the tractor bearing registration No.KA-33-TA-8964 for the offences punishable under sections 106, 125(b) and 281 of the BNS, 2023 and section 192(1) of the I.M.V. Act. So



final report suffice that respondent No.1 had not violated the term and conditions of insurance policy of the tractor bearing registration No.KA-33-TA-8964. Further driver of the tractor bearing registration No.KA-33-TA-8964 had valid and effective driving licence and it was insured with the respondent No.2 at the time of accident. Thus respondent No. 2 has failed to prove this issue. Accordingly this tribunal answers this issue in the negative.

**11. ISSUE No.3:-** the petitioners have stated that petitioner No.1 is the mother and petitioner No.2 is father of the deceased Karan S/o Channappa. There is no serious dispute regarding relationship of the petitioners with the deceased. It shows that petitioners are depending on the income of the deceased. To assess the compensation, the tribunal has to look into several factors like age, avocation, income of deceased,



conveyance charges, funeral and obsequies, towards loss of love and affection, etc.

**(A) Towards dependency and loss of future earnings :** In the petition, age of the deceased by name Karan shown as 20 years. Age of the deceased shown in the postmortem report as 20 years. Date of accident took place on 23-12-2024. Further counsel for the petitioners has produced the aadhar card of the deceased along with a memo on 02.05.2026 wherein date of birth of the deceased mentioned as 01.01.2008. So age of the deceased at the time of accident was 16 years, 11 months and 22 days. So age of the deceased at the time of accident was 17 years was running as per aadhar card.

In a judgment reported in **(2017) 16 SCC 680 National Insurance Company Limited V/s Pranay Sethi** wherein the Hon'ble Supreme Court of



India has held that wherein the Hon'ble Supreme Court of India has held at para No.61 that

(iii) While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.

(iv) In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the



necessary method of computation. The established income means the income minus the tax component.

(v) For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paragraphs 30 to 32 of Sarla Verma which we have reproduced herein before.

(vi) The selection of multiplier shall be as indicated in the Table in Sarla Verma read with paragraph 42 of that judgment.

(vii) The age of the deceased should be the basis for applying the multiplier.

(viii) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.



I would like to refer the decision of **M.F.A No.11440/2021 between Laxminarayanappa @ Mogappa S/o Adinarayanappa and others Vs M/S Royal Sundaram Allianz Insurance company Limited and another** wherein the Hon'ble High Court of Karnataka has held at para No.104 that a ready reckoner of the sums payable to a single parent as well as both parents who has / have lost a minor child aged above 15 years but below 18 years of age in a motor vehicle accident for an occurring in each year from 1994 till date is as given in Tables 3.3 and 3.4 respectively.

In this petition, son of the PW-1 by name Karan was 17 years was running at the time of accident.

Hence the petitioners are entitled Rs.19,21,418 under this head.

**(B). Towards Conveyance:** the petitioners are entitled Rs.10,000/- towards conveyance.



**(C). Towards funeral expenses:** the petitioners are entitled 15,000/- towards funeral expenses.

**(D). Towards loss of consortium:** the petitioner No.1 and 2 are entitled Rs.1,00,000/- each towards loss of consortium.

(E) . Towards Medical Bills: Petitioners are produced medical bills and same are got marked as Ex.P-8. These bills are not seriously disputed by the respondents. These medical bills are a sum of Rs.69.161/-. Hence PW-1 is entitled for medical bills of Rs.69,161/-.

Hence the petitioners are entitled for total compensation under the following heads;-

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1. Loss of dependency -- Rs.19,21,418
- 2.Conveyance -- Rs.10,000/-

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3. Funeral Expenses -- Rs.15,000/-

4. Loss of consortium

Rs 100,000 X 2 : Rs.2,00,000/-

5. Medical bills : Rs. 69, 161/-

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Total =Rs.22,15,579/-

Hence, petitioners are entitled to an amount of Rs.22,15,579/-.

**Regarding liability :-** As stated above the petitioners have proved that the accident was caused by driver of the Tractor bearing registration No.KA-33-TA-8964. The respondent No.1 is the owner and respondent No.2 is the insurer of the Tractor bearing registration No.KA-33-TA-8964. Therefore respondent No.1 and 2 are jointly and severally liable to pay the compensation to the petitioners with interest @ 6% per annum from the date of petition till its realization.



Hence, this tribunal answers the issues No.3 in the partly Affirmative.

**25. Issue No.4:-** In view of the reasons stated in the issues No. 1 to 3 this tribunal proceeds to pass the following:

### **O R D E R**

A claim petition filed by the petitioners under section 166 of the Motor Vehicles Act, 1988 is hereby partly allowed with costs.

The petitioner No.1 and 2 are entitled for compensation amount of Rs.22,15,579/- (Twenty two lakh, fifteen thousand and five hundred and seventy nine only) with interest at 6% p.a from the respondents from the date of petition till realization.

The respondent No.1 and 2 are jointly and severally liable to pay the compensation amount of



Rs.22,15,579/- (Twenty two lakh, fifteen thousand and five hundred and seventy nine only) with interest at 6% p.a from the date of petition till realization to the petitioners.

The respondent No.2 being the insurer, he is primarily liable to deposit an amount of Rs.22,15,579/- (Twenty two lakh, fifteen thousand and five hundred and seventy nine only) within a period of one month from the date of award.

It is further ordered that office is hereby directed to release the 80% compensation amount to the petitioners and remaining 20% of amount shall be keep fixed deposit in the name of petitioners any nationalized bank or schedule bank for a period of 2 years after deposit of the aforesaid compensation amount by the respondent No.2.

Advocate fee is fixed at Rs.2,000/-.

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Draw an award accordingly.

(Typed by me on the laptop, corrected by me and then pronounced in the open court this the 21<sup>st</sup> day of May- 2026)

**(Balasaheb Wadavade)**  
**Member MACT - II,**  
**Yadgiri**



**A N N E X U R E**

**LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONERS :**

P.W-1 : Gamibai W/o Channappa.

**LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENTS :**

Nil.

**LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONERS :**

- Ex.P-1 : Certified copy of FIR.  
Ex.P-2 : Certified copy of complaint.  
Ex.P-3 : Certified copy of the final report.  
Ex.P-4 : Certified copy of inquest panchanama.  
Ex.P-5 : Certified copy of spot panchanama.  
Ex.P-6 : Certified copy of postmortam report.  
Ex.P-7 : Certified copy of the I.M.V Report.  
Ex.P-8 : Medical bills.

**LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENTS :**

Nil.

**(Balasaheb Wadavade)  
Member MACT - II,  
Yadgiri.**