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**BEFORE 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 27th Day of February, 2026

M.V.C No.255/2024

- PETITIONERS :**
1. Shakuntala W/o Kuberappa,
Age: 38 years, Occ: Household,
 2. Abhisheka S/o Kuberappa,
Age: 10 years, Occ: Student, minor,

The Petitioner No. 2 is minor U/g of his natural Mother/next friend the Petitioner No. 1 Shakuntala.

All R/o H. No. 1/1 to 2/12, Kanekal, Tq and Dist: Yadagir.
Mobile No. 7676781188.

(Petitioners are represented by Sri. S.B Adv.)

// VERSUS //

- RESPONDENTS :**
1. Suresh S/o Gaddeppa Biradar,
Age: 28 Years, Occ: Owner of Ashok Leyland Tipper Bearing Reg. No. KA-36-C-2360, R/o H. No. 112, MCC Labour Colony, Shakthi Nagar, Tq and Dist: Raichur. PIN-584170.

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2. The Manager/Legal officer,
Shriram General Ins. Co. Ltd., No. 3/5,
3rd floor, S.V. Arachade, Bllekahalli
main road, Bannerughatta Road, IIM
Post, Bengaluru. PIN- 560076.

(Respondent No.1 is represented by: Sri. S.S.P, Adv.)

(Respondent No.2 is 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, seeking compensation of Rs.1,10,00,000/- 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 29-05-2024, at about 07.15. pm, on the main road of Raichur-Yadgiri, near Killankera village, deceased Kuberappa S/o Veerappa was proceeding by motor cycle bearing registration No.KA-33-S-2214 from Killankera to Yadgir, at that time driver of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360 drove it in

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a manner so rash or negligent as to endanger human life and dashed the motorcycle of the deceased. Due to this Kuberappa fell on the ground along with motorcycle and sustained grievous injuries and died at spot.

3. The Kuberappa was hale and healthy prior to accident and he was primary school teacher at Madwar and getting monthly salary of Rs.60,000/- per month and Rs.30,000/- per month from agriculture supervising . On all these grounds, the petitioner has claimed Rs.1,10,00,000/- as compensation.

4. After registration of the petition, this court has issued notice against the respondents, notice were served against them, the respondent No.1 has appeared but not filed objection to main petition. Further respondent No.2 has appeared and filed objection to main petition wherein he has denied the contents of petition colum No.9 to 14 and 22. He

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admits that Ashok Leyland Tipper bearing Registration number KA-36-C-2360 has covered insurance policy with him. Driver of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360 did not possess valid and effective driving licence at the time of accident. Rider of the motor cycle bearing registration No.KA-33-S-2214 did not possess valid and effective driving licence at the time of accident. An accident took place on the negligence of rider of the motor cycle bearing registration No.KA-33-S-2214. The compensation claimed by the petitioners is more excessive, exorbitant and exaggerated. He has prayed to dismiss the petition.

5. On the base of petition and objections, the following issues that have arisen for my consideration,

ISSUES

1. Whether the petitioners prove that on 29-05-2024, at about 07.15. pm, on the main road of Raichur-Yadgiri, near

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Killankera village, deceased Kuberappa S/o Veerappa was proceeding by motor cycle bearing registration No.KA-33-S-2214 from Killankera to Yadgir, at that time driver of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360 drove it in a manner so rash or negligent as to endanger human life and dashed the motorcycle of the deceased. Due to this Kuberappa fell on the ground along with motorcycle and sustained grievous injuries and died at spot ?

2. Whether the respondent No.2 proves that driver of the Ashok Leyland Tipper bearing registration No.KA-36-C-2360 did not possess valid and effective driving licence at the time of accident ?

3. Whether the petitioners are entitled for the compensation? If so, to what extent and against whom?

4. What order or award?

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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.1 and 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 29-05-2024, at about 07.15. pm, on the main road of Raichur-Yadgiri, near Killankera village, her

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husband by name Kuberappa S/o Veerappa was proceeding by motor cycle bearing registration No.KA-33-S-2214 from Killankera to Yadgir, at that time driver of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360 drove it in a manner so rash or negligent as to endanger human life and dashed her husband's motorcycle. Due to this, her husband Kuberappa fell on the ground along with motorcycle and sustained grievous injuries and died at spot. Her husband by name Kuberappa was hale and healthy prior to accident and he was primary school teacher at Madwar and getting monthly salary of Rs.60,000/- per month and Rs.30,000/- per month from agriculture supervising , in order to prove these facts, the PW-1 has produced the following documents,

1. The Ex.P-1 is the certified copy of first information report of Saidapur police station crime number 0068/2024.

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2. Ex.P-2 is the certified copy of complaint.
3. Ex.P-3 is the certified copy of the final report.
4. Ex.P-4 is the certified copy of inquest panchanama.
5. Ex.P-5 is the certified copy of postmortam report.
6. Ex.P-6 is the certified copy of motor vehicles accident report.
7. Ex.P-7 is the certified copy of the December month-2023 salary certificate of the deceased by name Kuberappa.
8. Ex.P-8 is the certified copy of the January month-2024 salary certificate of the deceased by name Kuberappa.
9. Ex.P-9 is the certified copy of the February month-2024 salary certificate of the deceased by name Kuberappa.

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- 10.** Ex.P-10 is the certified copy of the March month-2024 salary certificate of the deceased by name Kuberappa.
- 11.** Ex.P-11 is the certified copy of the April month-2024 salary certificate of the deceased by name Kuberappa.
- 12.** Ex.P-12 is the certified copy of the May month-2024 salary certificate of the deceased by name Kuberappa.
- 13.** Ex.P-13 is the Income tax for the year 2022-23 (AY 2023-24).
- 14.** Ex.P-14 is the Income tax for the year 2023-24 (AY 2024-25).
- 15.** Ex.P-15 is the certified copy of the service book of the deceased by name Kuberappa.

Bank statement of the deceased, perused the same it reveals that deceased by name Kuberappa had salary

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account bearing number-62085871525 at SBI Bank, Yadgiri.

10. Carefully perused the documents by this tribunal, these documents are suffice that on 29-05-2024, petitioner No.1 has lodged an information against driver of the Ashok Leyland Tipper bearing registration No.KA-36-C-2360 by making allegation that on 29-05-2024, at about 07.15. pm, on the main road of Raichur-Yadgiri, near Killankera village, her husband by name Kuberappa S/o Veerappa was proceeding by motor cycle bearing registration No.KA-33-S-2214 from Killankera to Yadgir, at that time driver of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360 drove it in a manner so rash or negligent as to endanger human life and dashed her husband's motorcycle. Due to this, her husband Kuberappa fell on the ground along with motorcycle and sustained grievous injuries and died at spot. On this information,

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the police have registered a case against rider of the motorcycle bearing registration No.KA-33-U-9338 in crime No.0050/2024 and after completion of investigation, the police have filed final report against Ashok Leyland Tipper bearing Registration number KA-36-C-2360 for the offences punishable under sections 279 and 304-A of the I.P.C and section 187 of the I.M.V Act. Further Ex.P.1 to 15 are corroborated with an evidence of PW-1. Further evidence of PW-1 and documents are not challenged by the respondent No.1. 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

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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 of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360 by its driver. This tribunal held that injuries were caused to the husband of PW-1 and died due to negligent driving of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360. Thus on above said reasons this tribunal has held that petitioners are proved the issue No.1, hence it is answers in the affirmative.

11. Issue No.2: In order to prove this issue, respondent No. 2 has filed objection to main petition but in order to prove the contents of it, he did not enter into witness box. Hence adverse inference drawn

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against him **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 Ashok Leyland Tipper bearing Registration number KA-36-C-2360 for the offences punishable under sections 279 and 304-A of the I.P.C and section 187 of the I.M.V. Act. So final report suffice that respondent No.1 had not violated insurance policy of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360. Further driver of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360 valid and effective driving licence at the time of accident. Thus respondent No.2 has failed to prove this issue. Accordingly this tribunal answers this issue in the negative.

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12. ISSUE No.3:- The petitioners have stated that petitioner No.1 is the wife and petitioner No.2 is the son of the deceased Kuberappa S/o Veerappa. 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 Kuberappa S/o Veerappa shown as 46 years. The age of the deceased shown in the postmortem report as 49 years. The date of accident took place on 29-05-2024. Further perused the salary certificates of the deceased wherein date of birth of the deceased mentioned by the Government of Karnataka as 01.12.1978 and accident

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taken place on 29.05.2024. **Salary slips are public documents as per section 74 of the Bharatiya Sakshya Adhinyam,2023.** So age of the deceased at the time of accident was 46 years, 7 months and 28 days. Thus this tribunal hold that at the time of accident, deceased was 47 years old. 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 the age of the deceased is to be considered for applying multiplier. As per dictum of Hon'ble Supreme Court of India reported in **AIR 2009 SC 3104 Sarla Verma V/s Delhi Transport Corporation** "13" is the multiplier is applicable in the present case.

The petitioners have stated that husband of the petitioner No.1 and father of the petitioner No.2 was the Primary School Assistant Teacher at Madwar school in order to prove this, the petitioners have

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produced any salary certificates of the deceased and same are got marked as Ex.P-7 to 12. Perused the Ex.P-7, it reveals that it is a pay slip of the deceased for the month of December-2023. It further suffice that deceased was drawing net salary of Rs 46,363 after deductions of 11,396 for a month of December-2023.

Perused the Ex.P-8, it reveals that it is a pay slip of the deceased for the month of January-2024. It further suffice that deceased was drawing net salary of Rs 43,863 after deductions of 11,396 for a month of January-2024.

Perused the Ex.P-9, it reveals that it is a pay slip of the deceased for the month of February-2024. It further suffice that deceased was drawing net salary of Rs 43,863 after deductions of 11,396 for a month of February-2024.

Perused the Ex.P-10, it reveals that it is a pay slip of the deceased for the month of March-2024. It

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further suffice that deceased was drawing net salary of Rs 43,863 after deductions of 11,396 for a month of March-2024.

Perused the Ex.P-11, it reveals that it is a pay slip of the deceased for the month of April-2024. It further suffice that deceased was drawing net salary of Rs 45,049 after deductions of 11,528 for a month of April-2024.

Perused the Ex.P-12, it reveals that it is a pay slip of the deceased for the month of May-2024. It further suffice that deceased was drawing net salary of Rs 41,560 after deductions of 11,205 for a month of May-2024. Hence this tribunal hold that deceased was getting monthly salary of Rs.57,559/-after deduction of professional tax of Rs.200/-.

13. In view of ratio led down by the Hon'ble Supreme Court of India, the petitioners are entitled for future prospects with regard to the loss of future prospectus

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is concern, the Hon'ble Supreme Court of India in the decision reported in **2017 ACJ 2700 SC National Insurance Company Limited V/s Pranay Sethi and others**, 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

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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

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Rs. 15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.

In this case, deceased was 47 years old, therefore the income of the deceased Rs.57,559/ per month. Applying the principles enunciated in **National Insurance company Ltd, V/s Pranay Seth and other reported in 2017 ACJ 2700 SC** the compensation to be assessed as follows;

- I) Income of the deceased : Rs.57,559/-
- II) 30% future prospects: Rs.17,268/-

Total Income Rs. 74,827/-.

The deceased was married at the time accident and has 2 dependents, hence total deduction towards personal and living expenses of the deceased is 1/3 rd. Rs.74,827-24,942 comes to Rs.49,885. Rs.49,885 is contribution to the family. This amount is to be

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converted into an annual income Rs.49,885 X 12 = Rs. 5,98,620/-. Annual income of the deceased towards family comes to Rs. 5,98,620/-. Towards loss of dependency: Annual contribution of the deceased towards family was Rs. 5,98,620/-, same is multiplied with "13" Rs. 5,98,620 X 13 = Rs.77,82,060/-. The petitioners are entitled compensation Rs.77,82,060/- under the head of dependency.

(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 estate: the petitioners are entitled Rs.15,000/- towards loss of estate.

(E). Towards loss of consortium, love and affection: the petitioners are entitled Rs.40,000/- each towards loss of consortium and love and affection.

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

| | | |
|----|----------------------------------|-----------------------|
| 1. | Loss of dependency | Rs.77,82,060/- |
| 2. | Conveyance | Rs.10,000/- |
| 3. | Funeral Expenses | Rs.15,000/- |
| 4. | Loss of estate. | Rs.15,000/- |
| 5. | Loss of consortium Rs 40,000 X 2 | Rs.80,000/- |
| | Total | Rs.79,02,060/- |

Hence, petitioners are entitled to an amount of Rs.79,02,060/-.

Regarding liability :- The petitioners have proved that the accident was caused due to rash and negligent driving of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360 and caused the death of deceased. Therefore respondent No.1 is the owner and respondent No.2 is the insurer of the Ashok Leyland Tipper bearing Registration number KA-36-C-2360. Hence respondent No.1 and 2 are

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jointly and severally liable to pay compensation amount of Rs.79,02,060/- to the petitioners with an interest at the rate of 6% from the date of petition till realization of amount. Hence, this tribunal answers the issue No.3 in the partly Affirmative.

14. ISSUE No.4:- In view of reasons stated in the issue No.1 to 3, this tribunal proceeds to pass the following:

O R D E R

The petition filed by the petitioners under section 166 of the motor vehicle Act, 1989 is hereby partly allowed with cost.

The petitioners are entitled compensation amount of Rs.79,02,060/- (Seventy nine lakh, two thousand and sixty rupees only) from the respondents along with 6% interest per month from the date of award.

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The respondent No.1 and 2 are jointly and severally liable to pay the compensation amount of Rs.79,02,060/- (Seventy nine lakh, two thousand and sixty rupees only) along with interest at 6% per month to the petitioners within one month from the date of order.

The respondent No.2 being the insurer he is primarily liable to deposit compensation amount of Rs.79,02,060/- (Seventy nine lakh, two thousand and sixty rupees only) within one month from the date order.

The office is hereby directed to release 70% of compensation amount to the petitioners and 20% of compensation amount shall be keep fixed deposit in the name of petitioner No.2 in any

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nationalized bank or Schedule Bank till attaining majority and 10% compensation amount shall be keep fixed deposit in the name of petitioner No.1 in any nationalized bank or schedule Bank for a period of 2 years after deposit by the respondent No.2.

Advocate fee is fixed at Rs.2000/-.

Draw an Award accordingly.

(Typed by me on the laptop, corrected by me and then pronounced in the open court this the 04th day of February-2026)

(Balasaheb Wadavade)
Member MACT - II,
Yadgiri

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**A N N E X U R E****LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONERS :**

P.W-1 : Shakuntala W/o Kuberappa

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 the postmortam report.
- Ex.P-6 : Certified copy of M.V.A Report.
- Ex.P-7 to 12 : Pay slips
- Ex.P-13 & 14: Income Tax Return.
- Ex.P-15 : Certified copy of the service book of the deceased.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENTS :

Nil.

(Balasaheb Wadavade)
Member MACT - II,
Yadgiri