



**IN THE COURT OF VII ADDL. DISTRICT & SESSIONS
JUDGE AND MACT, AT TUMAKURU**

Dated this the 27th day of November 2025

PRESENT BEFORE:

Smt.Yasmin Parveen.Ladkhan

B.A.LL.B(Spl.)

VII Addl. District & Sessions Judge
& MACT, Tumakuru

M.V.C.No.24/2025

Petitioners: 1. Sri Chikkegowda C.
S/o Late Chikkabuddalaiah
Aged about 55 years,

2. Padmavathi
W/o Chikkegowda C.
Aged about 42 years.

Both R/a Bommanahalli vilalge,
Sirivara Post, Hebbur Hobli,
Tumakuru Taluk.

(By Sri R.V.D Adv.)

V/s

Respondents:1. Sri Boregowda C.
S/o Late Chikkabuddalaiah,
Aged about 63 years,
R/at Bommanahalli vilalge,
Sirivara Post, Hebbur Hobli,
Tumakuru Taluk.



(R.C. Owner of the vehicle Royal Enfield
Classic 350 Bullet bearing Reg.No.KA-
41/EG-5756)

(By Sri M.T.E. Adv.)

2. National Insurance Co., Ltd.,
Branch Office, Kasthuri Mansion,
Behind Krishna Talkies,
Above Corporation Bank,
M.G.Road, Tumakuru Cit
Represented by its Manager,

(Policy No.26020131236230417978
Valid from 14.12.2023 to 13.12.2024)

(By Sri.K.H.G.Adv.)

J U D G M E N T

The petitioners have filed this petition under Section 164 of Motor Vehicles Act 1989 claiming compensation of Rs.20,00,000/- with interest at the rate of 12% per annum from the date of petition till its realization for the death of their son Punith Kumar C. in the road traffic accident.

II. The petition averments are as under;

That on 21.09.2024 one Punith Kumar along with his friend Bharath had been to Pemmanahalli to watch



Orchestra, after completion of said programme both of them returning to their house. Deceased Punith Kumar C. was riding Royal Enfield Classic 320 CC Bullet bearing Reg.No.KA-41/EG-5756 and his friend was Pillion rider, when both of them proceeding on K.G.Temple-Sirivara road, at about 12.00 a.m, (night) they reached near Mule Aladamaragate, Pemmanahalli village, Kasaba Hobli, Gubbi Taluk at that time the rider Punith Kumar was riding the said vehicle with a high speed and in a rash and negligent manner without following the Traffic rules and he lost his control over the said vehicle, as such the said vehicle was toppled on the road and caused the accident, as a result of which, Punith Kumar fell down on the road and he had sustained fatal injuries and fractures on his head, chest, stomach, legs and hands and other vital parts of the body, immediately the injured was shifted to Government District Hospital, Tumakuru, wherein he was admitted as in patient and while taking treatment, at



about 1.20 a.m. the injured Punith Kumar died in the hospital, due to fatal injuries sustained in the accident. The claimants have spent Rs.50,000/- towards transportation, medical expenses and other charges, later post mortem was conducted and claimants have shifted the dead body of Punith Kumar to their native in a hired vehicle by paying Rs.30,000/- towards vehicle charges, and conducted funeral and obsequies by spending more than Rs.1,50,000/-.

The deceased was hale and healthy prior to the accident and he was doing agriculture work and milk vending business and he was getting Rs.30,000/- per month. He was aged only 23 years and was young and energetic person. The claimants are the father and mother of the deceased and they were totally depending on the earnings of the deceased. Now the claimants are suffering due to sudden death of their loving affectionate and earning son in their old age. The future life of the



claimants became miserable and they are suffering mentally. The deceased was unmarried person. The accident had occurred only due to rash and negligent riding of the Royal Enfield Classic 320 CC Bullet bearing Reg.No.KA-41/EG-5756 by its rider only. Chandrashekarapura Police have registered a case against the rider of the vehicle Royal Enfield Classic 320 CC Bullet bearing Reg.No.KA-41/EG-5756 in Cr.No.98/2024 under sections 281, 125(a), 106 of B.N.S. Act and charge-sheet is submitted under sections 281, 125(a), 106 of B.N.S. Act. against the accused i.e., respondent No.1. Respondent No.1 is the R.C. owner of the offending vehicle Royal Enfield Classic 320 CC Bullet bearing Reg.No.KA-41/EG-5756 and Respondent No.2 is the insurer of the said vehicle and the insurance was in force as on the date of accident covering all risk and hence, both respondents are jointly and severally liable to pay the compensation of Rs.50,00,000/- with interest at the rate of 12% per annum



from the date of petition till realization, hence, prayed to allow the petition as sought for in the petition.

III. After due service of notice, respondent No.1 and 2 have appeared through their advocates and filed objections to the main petition.

IV The objections to the main petition by respondent No.1 is as under:

The claim petition is not maintainable either in law or on facts and the same is liable to be dismissed in limine. The particulars pleaded in column No.1 to 7, 10 to 14 and 17 of the claim petition are all denied as false. It is false to say the deceased Punith Kumar C. was met with an accident and sustained injuries and he died. It is false to say that the deceased Punith Kumar C. aged 23 years. It is false to say that the deceased was doing agricultural and milk vending business and earning Rs.30,000/- per month, further he sustained injuries in the accident and he died, for the same the claimants have not produced



any documentary evidence, it is false to say that the deceased sustained injuries in the road accident. It is false to say that the deceased Punith Kumar C. was hale and healthy prior to the accident. It is further false to say the claimants are suffering from mental shock and agony due to death of their son in the accident. It is false to say the claimants have spent towards medical expenses and conveyance charges etc., The claimants have filed this case for unlawful gain, hence the averments made in the claim petition are false. The compensation claimed highly exorbitant, excessive and without any legal basis and the claimants are not liable to entitle to award interest if the compensation award by this court. This respondent was insured his vehicle with National Insurance Co., Ltd., vide policy No. 26020131236230417978 valid from 14.12.2023 to 13.12.2024 and the policy was in force at the time of accident covering all risks. Hence the respondent No.2 is liable to answer this petition. The deceased rider of the



vehicle was holding valid driving license as on the date of accident. The respondent No.1 is reserved their rights to file addl./ amended statement if any when the facts are made available at the later stage of the case. All the other averments which are made in the claim petition which are not specifically denied are all specifically denied as false.

V. The objections to the main petition by respondent No.2 is as under:

The claim petition is not maintainable either in law or on facts and the same is liable to be dismissed in limine. The claim petition is not maintainable in law, as the deceased is not the insured or authorised rider. There is no contract between the deceased and respondent No.2 hence, his legal heirs are barred under law to claim any relief against this respondent. The deceased who is no way concerned to the insured of the vehicle bearing Reg.No.KA-41/EG 5756 to proceedings and there is no relief sought against this respondent in the claim petition.



The legal heirs of the deceased are barred from claiming any compensation against the respondent. The alleged accident took place on 21.09.2024 and as per the charge sheet the alleged accident occurred due to the rash and negligent driving of the deceased himself and he being self-tort-feasor, the legal heirs cannot claim any compensation for his death. The rider of the vehicle bearing Reg.No.KA-41/EG/5756 was not holding valid and effective driving license to drive the said vehicle and D.L. FC were not valid at the time of alleged accident and the respondent No.1 has knowing fully and willfully committed breach of policy terms and conditions. The respondent No.1 has violated terms and conditions of policy since at the time of alleged accident he was not holding valid FC to ply the insured vehicle on the public road. The present petition is liable to be dismissed against this respondent due to non-compliance under section 158(6) and 134© of the M.V. Act. The details given



in the petition i.e., age, income, name etc., mentioned in column No.1 to 5 of the claim petition are all not within the knowledge of this respondent and the deceased aged about 23 years, was doing milk vending business earning Rs.30,000/- per month are not admitted and specifically denied as false. There is no nexus between the petitioner and the alleged accident. The respondent does not admit and denies that the jurisdictional police have registered a case against the driver of the insured vehicle. The amount of compensation claimed Rs.20,00,000/- is highly excessive, exaggerated, arbitrary and speculative when compared to comparable cases which have been disposed off. Hence prayed to dismiss the petition with costs.

VI On the basis of the above pleadings, on 25.06.2025 the following 04 issues have been framed and on 23.07.2025 the additional issue has been framed as under:

**I S S U E S**

1. Whether the petitioners prove that on 21.09.2024 at about 12.00 a.m. when the deceased Punith Kumar was proceeding in a Royal Enfield Classic 320 CC Bullet bearing Reg.No.KA-41/EG-5756 along with his friend Bharath as pillion rider near Mule Aladamaragate, Pemmanahalli village, Kasaba Hobli, Gubbi Taluk, due to rash and negligent riding of the rider of the said bike met with an accident and sustained injuries in a Road Traffic Accident and died on same day at Government District Hospital, Tumakuru as contended in the petition?
2. Whether the respondent No.1 proves his discharge from liabilities as contended in his objection to the main petition?
3. Whether the petitioners are entitled for compensation of Rs.20,00,000/- with 12% interest per annum as contended in the petition ?
4. What order or award?



Addl.Issue;

Whether respondent No.2 proves it's discharge from the liabilities as contended in it's objection to the main petition?

VII To prove the case, the petitioner No.1 has examined himself on behalf of petitioner No.2 also as PW.1 by filing affidavit evidence and got marked 15 documents as Ex.P-1 to Ex.P-15 and fully cross-examined by counsels for respondents.

The respondent No.1 inspite of affording sufficient opportunities not lead any evidence, hence on 13.8.2025, evidence of respondent No.1 is taken as nil.

The respondent No.2 is examined its Deputy Manager as R.W.1 and got marked 02 document as Ex.R.1 and Ex.R.2 and fully cross-examined by counsel for petitioners, but not cross-examined by counsel for respondent No.1.



VIII I have heard arguments of learned counsels for petitioners and respondents.

IX. The counsel for petitioners has filed memo along with copy of Judgment passed by VI Addl.District & Sessions Judge & MACT, Tumakuru in M.V.C.No.557/2024 dated 08.07.2025.

The counsel for respondent No.2 has filed memo with citation reported in ILR 2008 KAR 1249.

X I have perused the materials placed before the court.

XI My answer to the above issues are as under:

Issue No.1 : In the Affirmative

Issue No.2 : In the Negative

Issue No.3 : Partly in the Affirmative

Addl. Issue : In the Negative.

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

R E A S O N S

XII **Issue No.1:** The petitioner No.1 has examined himself by filing affidavit evidence on behalf of petitioner No.2



also as PW.1 and has reiterated the contents of the petition.

PW.1 in his further chief-examination has produced the true copy of FIR dated 22.09.2024 registered by the Chandrashekara Nagara Police Station, Gubbi circle of Tumakuru District in Cr.No.98/2024 for the offences punishable under sections 281, 125(a), 106 of B.N.S. Act, true copies of complaint, spot panchanama, inquest panchanama, inquest mahazar, P.M. report, IMV report and final sheet as per Ex.P.2 to Ex.P.7. The Aadhaar cards of deceased, petitioner No.1 and 2 as per Ex.P.8 to Ex.P.10 and also produced the driving license of deceased Punith Kumar who was riding the said bike which came to be marked as Ex.P.11, petitioners also produced Pass books as per Ex.P.12 and Ex.P.13 and also produced their Pan Cards as per Ex.P.14 and Ex.P.15.

The counsel for respondent No.1 has fully cross-examined P.W.1 wherein he has admitted that his



deceased son Punith Kumar was holding valid driving license at the time of accident and he was riding Royal Enfield Bullet bearing Reg.No.KA-41/EG-5756 and it was duly insured and the deceased was also having valid driving license, hence, the respondent No.1 was not liable to pay compensation to them.

The counsel for respondent No.2 has fully cross-examined P.W.1 wherein he admits that Ex.P.2 complaint is lodged by him on the basis of the information provided to him by his nephew Rajesh. He has admitted that respondent No.1 Boregowda is his own elder brother. He has also admitted that the said accident has occurred due to negligence on the part of his deceased son Punith Kumar and same is mentioned in Ex.P.2 complaint. He has also admitted that in Ex.P.2 in the final report/charge sheet it is mentioned that the said accident is occurred due to deceased Punith Kumar and he is mentioned as accused. He has denied that respondent No.1 Boregowda



is his own elder brother, hence, colluding with him they have filed false case against respondent No.2 and they have falsely implicated the vehicle which is insured with the respondent No.2.

XIII On perusal of the materials placed before the court reveals that the petitioners have proved that on 21.09.2024 at 12.00 a.m. deceased Punith Kumar was riding Royal Enfield Classic 320 CC Bullet bearing Reg.No.KA-41/EG-5756 along with his friend as pillion rider near Mule Aladamaragate, Pemmanahalli, Gubbi Taluk due to his rash and negligent riding met with an accident and sustained injuries and died on the same day at Government Hospital, Tumakuru.

The documentary evidence produced by the petitioners confirms the death of deceased Punith Kumar and there is no reason to dis-believe the version of the petitioners as deposed in the evidence i.e., P.W.1. The petitioners by addicing oral and documentary evidence



have discharged the burden cast upon them. Hence, issue No.1 is answered in the **Affirmative**.

XIV **Issue No.2:** The respondent No.1 after due service of notice of petition has appeared through his counsel and has filed objections and has denied the contents of column No.1 to 7, 10 to 14 and 17 to 21 as false. He admits that deceased Punith Kumar met with an accident and sustained injuries and died, but denies that the age of the deceased was 23 years and he was earning Rs.30,000/- per month from doing agricultural and milk vending business. He has admits that he is the owner of the said vehicle and it was insured with the respondent No.2 and as on the date and time of the accident the said vehicle was validly insured with the respondent No.2. Hence, he is not liable to pay any compensation.

Inspite of affording sufficient opportunities the respondent No.1 has not lead any evidence. Hence, on 13.08.2025 evidence of respondent No.1 is taken as nil. It



is well established principle of law that pleadings must be proved either by adducing oral evidence or by producing documentary evidence in the absence such pleadings has got no evidentiary value in the eye of law, thereby the respondent No.1 has failed to discharge the burden cast on him. Hence, issue No.2 is answered in the **Negative**.

XV **Addl.Issue:** The respondent No.2 after due service of notice appeared and filed objections to main petition and denies the petition averments and contends that deceased is tortfeasor, it is not liable to pay any compensation.

The respondent No.2 has got examined its Deputy Manager as R.W.1 who by filing affidavit evidence has reiterated the contents of the objections to the main petition and in his further examination-in-chief has produced the authorization letter as per Ex.R.1 and also produced Insurance policy of ownership of respondent No.1 vehicle Royal Enfield Classic Bullet bearing



Reg.No.KA-41/EG-5756 to show that from 14.12.2023 till 13.12.2024 the said vehicle was insured with it as per Ex.R.2.

The counsel for respondent No.1 has not cross-examined. Hence, evidence of respondent No.1 is taken as nil.

The counsel for petitioners has fully cross-examined him. In his cross-examination he admits that respondent No.1 is a registered owner of the said vehicle Royal Enfield Classic Bullet bearing Reg.No.KA-41/EG-5756 under respondent No.2 and he has also admits that final report Ex.P.7 is not challenged by them before any competent authority. He has also admitted that Ex.P.11 is the driving license of deceased Punith Kumar which is valid but he has denied that respondent No.2 is liable to pay compensation to the petitioners.

The respondent No.2 though has taken up specific defense that the claim petition is not maintainable in law,



as the deceased is not the insured or not an authorised rider or not a third party. Hence, the legal heirs cannot claim any compensation for his death and it is barred under law against it and also taken up specific contention that the deceased who was riding the vehicle was not holding valid and effective license.

The respondent No.2 who has got examined its Deputy Manager as R.W.1 by filing affidavit evidence has reiterated the contents of the objections to the main petition and during his cross-examination has admitted that the respondent No.1 is a registered owner of the offending vehicle and had been duly insured with it and deceased was also holding valid driving license and also the said insurance policy was valid and effective. Thereby, the respondent No.2 has failed to discharge the burden cast upon it, as on the date of the accident the deceased was hold valid driving license and the said Insurance policy the offending vehicle was valid and effective. The



respondent No.2 failed to discharge the burden cast upon it. Hence, respondent No.2 being the insurer of the offending vehicle is liable to pay compensation. Hence, additional issue is answered in the **Negative**.

XVI **Issue No.3:** The petitioners have contended that due to the death of their son they are entitled for compensation of Rs.20,00,000/- with 12 % p.a. The counsel for petitioners has submitted a memo along with Judgment of VI Addl.District & Sessions Judge, Tumakuru and contends that the petition be allowed as prayed for. The Judgment relied on by the counsel for petitioners is not of the appellate courts i.e., either Hon'ble High Court or Hon'ble Supreme Court. The Judgment of VI Addl.District & Sessions court, Tumakuru how it is binding on this court is not known to this court and for what reason the said Judgment is furnished also.

The counsel for the respondent has relied on a citation **ILR 2008 KAR 1249 in case of M/s Oriental**



Insurance Co., Ltd., Vs Smt. Salma and others, wherein

it is held that :

“Petition under-Award-Accident occurred due to the negligence of the victim himself- Maintainability of petition under section 163A- Held, A petition under section 163A of the Act is maintainable even in case where negligence is on the part of the victim-Further held, even ‘Obiter Dicta’ made in the decision of the Supreme Court is binding on the High Court.”

XVII On perusal of documentary evidence clearly reveals that the petitioners have filed this petition under section 164 of IMV Act.

Section 164 of the Motor Vehicles Act mandates the payment of fixed compensation in cases of death or grievous hurt resulting from a motor vehicle accident. The owner or authorized insurer must pay with a fixed amount of ₹5 lakh for death and ₹2.5 lakh for grievous hurt.



The owner or authorized insurer is liable, and the claimant does not need to prove fault. Any compensation already received under another law for the same incident is deducted from this amount.

1[Payment of compensation in case of death or greivous hurt, etc. -- (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.

(2) In any claim for compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or grievous hurt in respect of which the claim has been made was due to any wrongful act or



neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person.

(3) Where, in respect of death or grievous hurt due to an accident arising out of the use of motor vehicle, compensation has been paid under any other law for the time being in force, such amount of compensation shall be reduced from the amount of compensation payable under this section.]

XVIII In catena of cases, Hon'ble Apex Court has held in case of petition filed under section 164 of I.M.V. Act in case of death the compensation is fixed for Rs.5,00,000/- and in case of grievous injuries compensation is fixed at Rs.2,50,000/-. As the petitioners have proved that their son Punith Kumar has died in an accident due to his rash and negligent act and petition is filed under section 164 of I.M.V Act. Hence, the petitioners are entitled for compensation of Rs.5,00,000/- only and not Rs.20,00,000/-.



The petitioners have contended in the petition and have sought compensation of Rs.20,00,000/- with 12% interest but in view of the dictum of Hon'ble Apex Court rate of interest is fixed at 6%, hence petitioners are not entitled for 12% as contended in the petition. It is not in dispute that the respondent No.1 is the registered owner of the offending vehicle and the said vehicle was insured with the respondent No.2 and the said vehicle was having valid and effective insurance at the time of the accident. Hence, respondent No.2 being insurer and respondent No.1 being owner of the offending vehicle are jointly and severally liable to pay compensation. This petition is filed under section 164 of I.M.V. Act hence, the L.Rs of deceased i.e., petitioners are entitled for Rs.5,00,000/- with interest at the rate of 6% per annum. Hence, issue No.3 is answered **Partly in the Affirmative.**

XIX. **Issue No.4:** For the reasons stated and discussed as above, I proceed to pass the following:-

**ORDER**

The petition filed by the petitioners under Sec.164 of M.V.Act, is hereby partly allowed with costs.

The petitioners are entitled for compensation of Rs.5,00,000/- with interest at the rate of 6% p.a. from the date of petition till realization.

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

The respondent No.2 is hereby directed to credit or deposit the said compensation amount within a period of one month directly to the bank account number of the petitioners through RTGS/NEFT.

The respondent No.2 shall intimate the said fact to the court through E-mail.

The petitioner No.1 being father of the deceased is entitled for 30% and petitioner No.2 being mother of the deceased is entitled for 70% of compensation amount.



Out of the said compensation amount, 30% of the compensation amount of petitioner No.1 shall be deposited as F.D. in any nationalized bank of the choice of the petitioner No.1 for a period of 3 years with liberty to withdraw the interest accrued periodically.

After its maturity the entire amount along with the accrued interest shall be credited to the account number of petitioner No.1 without any further proceedings.

The remaining 70% of the award amount of petitioner No.1 shall be released in favour of the petitioner No.1 through account payee on due identification and verification.

Out of the said compensation amount 50% of the compensation amount of petitioner No.2 shall be deposited as F.D. in any nationalized bank of the choice of the petitioner No.2 for a period of 3 years, with liberty to withdraw the interest accrued periodically.



After its maturity the entire amount along with the accrued interest shall be credited to the account number of petitioner No.2 without any further proceedings.

The remaining 50% of the award amount of petitioner No.2 shall be released in favour of the petitioner No.2 through account payee on due identification and verification.

Advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to the Stenographer, transcription computerized, corrected and then pronounced by me in open Court, on this the 27th day of November 2025)

(Smt.Yasmin Parveen.Ladkhan)
VII Addl. Dist. and Sessions Judge
& MACT, Tumakuru.

-::A N N E X U R E::-

List of witnesses examined for the petitioner/s:

PW.1 : Chikkegowda C.

List of documents exhibited for the petitioner/s:

Ex.P1 : Certified Copy of FIR



- Ex.P2 : Certified Copy of complaint
- Ex.P3 : Certified Copy of Spot panchanama
- Ex.P4 : Certified Copy of Inquest panchanama
- Ex.P5 : Certified Copy of PM report
- Ex.P6 : Certified Copy of IMV report
- Ex.P7 : Certified Copy of Charge sheet
- Ex.P8 to P10 : Certified Copy of Aadhaar cards
- Ex.P11 : DL
- Ex.P12 & Ex.P13 : Bank Pass Books
- Ex.P14 and Ex.P15: Certified copies of PAN cards.

List of witnesses examined for the respondent/s:

- RW.1 : Siddaraju

List of documents exhibited for the respondent/s:

- Ex.R.1 : Authorization letter
- Ex.R.2 : Insurance policy

(Smt.Yasmin Parveen.Ladkhan)
VII Addl. Dist. and Sessions Judge
& MACT, Tumakuru.