

KABC020054752025



**BEFORE MOTOR VEHICLES ACCIDENT CLAIMS
TRIBUNAL, BENGALURU CITY
SCCH-4**

PRESENT: Smt.Gayathri S Kate,
B.Com., LL.B.,
XVIII ADDL., JUDGE & ACJM,
Court of Small Causes,
BENGALURU.

Dated this the 16th day of August-2025

MVC No.886/2025

PETITIONERS: Smt.Jayashree B.R.,
W/o. Late. M.N. Jagadish,
Aged about 59 years,
R/at No.20, 2nd Cross,
Mallasandra, T. Dasarahalli,
Bengaluru-560 057.

(By Sri.N.S.K., Adv.,)

V/s

RESPONDENTS: 1. Mr. J.K.Karthik,
S/o. Jayanna,
Aged about 18 years
R/at. Shankara Gallu Grama,
Gudibande Mandal,
Madakasira Taluk,
Sathya Sai District,

Andhra Pradesh.

Presently residing at:

Mr. J.K. Karhik,
S/o. Jayanna,
Aged about 18 years,
R/at. Near Shanimahatma Temple,
8th Cross, Bhuvaneshwari Nagar,
T. Dasarahalli,
Bengaluru-560 057.

(By Sri.H.S.S., Adv.,)

2. Mr. Maruthi R.,
S/o. Ramanjineya,
Aged about Major,
R/at Bhovi Colony,
Pavagada Town and Taluk,
Tumukuru District

(Exparte)

JUDGMENT

The petitioners have filed this petition U/s 166 of the Motor vehicles Act 1989, claiming compensation amount of Rs.14,00,000/- with costs and interest from date of accident till date of realization, in respect of death of Sri.M.N.Jagadish who succumbed to injuries on 02.09.2024 in Road Traffic Accident.

2. The brief facts of the petitioner are summarized as under:

On 02.09.2024 at about 6.20 a.m., the petitioner along with her deceased husband went to park for walking, while walking in front of BHEL mini colony in front of Verabhadra Swamy provision store while crossing the road from north to south direction, at that time, the rider of a motor cycle bearing Reg. No.KA-64-S-6925 came in a rash and negligent manner and hit her husband. Due to which, the husband of the petitioner fell on the road and sustained grievous injuries.

3. Immediately after the accident, the deceased M.N.Jagadish was shifted to Prakriya Hospital wherein he got admitted as an inpatient on the same day. During the course of treatment, the doctor declared him as dead. The petitioner has incurred sum of Rs.2,95,000/- amount towards biological test and other various procedures conducted for a day and the petitioner has spent sum of

Rs.4,00,000/- towards transportation of dead body and for funeral and other obsequies expenses.

4. Prior to the date of the accident, the deceased M.N.Jagadish was very hale and healthy and was aged about 61 years and he was working as a Real Estate Agent and was earning Rs.35,000/- to Rs.40,000/- per month from said avocation and he used to contribute all his earnings towards maintenance of his family. Due to sudden death of deceased, the petitioner has suffered mental shock and agony and her lives has come to stand still. The petitioner being the wife of the the deceased and she has lost love and affection of the deceased and her lives have become miserable.

5. The respondent No.1 and 2 are the rider and owner of the offending vehicle are jointly severally liable to pay the compensation to the petitioners. Hence, prays to award compensation of Rs.14,00,000/- with interest.

6. After registration of the petition. Notices were Points against respondents. In spite of service of the notice, the respondent No.1 has appeared before this court. But, he has not filed Written statement. The respondent No.2 has not appeared before this court. Hence, after due service of notice against the respondent No.2, he was placed *ex parte*.

7. In order to substantiate the claim petition, the petitioner No.1 is examined as PW.1 and got marked the documents at Ex.P.1 to Ex.P.14. As respondent No.1 has not filed written statement and respondent No.2 was placed *ex parte*, cross examination of PW.1 and respondent evidence does not arise.

8. I have heard the arguments on both sides and perused the materials available on record.

9. Upon considering rival contentions raised by the parties, this tribunal has framed the following points:

1. Whether the petitioner prove that deceased M.N., Jagadish died in the Motor vehicle accident that occurred on 02.09.2024 at about 6.20 a.m., In front of Veerabhadra Provision Store, Pipe line road, BHEL Mini colony, Mallasandra, Bengaluru city, due to the rash and negligence riding of the motor cycle bearing Reg.No.KA-64-S-6925 by its rider?
2. Whether the petitioner prove that they are the legal heirs and dependents of deceased?
3. Whether the petitioner is entitled for the compensation? If so, what amount and from whom?
4. What order or award?

10. My findings on the above Points are as under.

- | | |
|-------------|---|
| Point No.1: | In the affirmative, |
| Point No.2: | In the affirmative, |
| Point No.3: | Partly in the affirmative, |
| Point No.4: | As per the final orders for the following:- |

REASONS

POINT NO.1 :

11. It is the specific case of the petitioners that on 02.09.2024 at about 6.20 a.m., the petitioner along with

her deceased husband went to park for walking, while walking in front of BHEL mini colony in front of Verabhadra Swamy provision store while crossing the road from north to south direction, at that time, the rider of a motor cycle bearing Reg. No.KA-64-S-6925 came with high speed and in a rash and negligent manner hit her husband. Due to which, the husband of the petitioner fell on the road and sustained grievous injuries and succumbed to the injuries at the hospital.

12. To substantiate the petition averments, petitioner No.1 examined herself as PW.1 and got marked 14 documents as per Ex.P.1 to Ex.P.14. Ex.P.1 and 2 FIR and complaint which reveals that one Smt.Jayashree has lodged complaint on 02.09.2024 against the rider of the respondent No.2 offender vehicle i.e., Motor cycle bearing Reg.No.KA-64-S-6925. Upon the complaint, the police have registered FIR for the offence punishable under section 134(a&b), 187 of MV Act and under Sec.125(a),

281 of BNS. Ex.P.10 is the spot sketch which speaks about the occurrence of accident. Ex.P.5 is the PM report which reveals that, deceased has succumbed to the injuries in the said accident. The Ex.P4 is the Statement of witnesses. Ex.P9 is vehicle seizure mahazar. Ex.P.3 is the charge sheet which reveals that, police have investigated the matter and filed charge sheet against the rider of the offender vehicle i.e., Motor cycle bearing Reg.No.KA-64-S-6925.

13. Therefore, it is apparent on the face of records that the respondents have admitted the occurrence of accident and death of deceased has caused due to the rash and negligent riding of the rider of the Motor cycle bearing Reg.No.KA-64-S-6925. In the absence of any cogent materials from the respondents in this regard. The only inference which has to be drawn is that, the accident in question was the result of the rash and negligent riding

of the rider of the Motor cycle bearing Reg.No.KA-64-S-6925. **Hence, I answer Point No.1 in the Affirmative.**

POINT NO.2:

14. The PW.1 in her evidence has deposed that, her deceased husband M.N.Jagadish was working as a Real Estate agent and was earning Rs.40,000/- per month. Her husband was aged about 61 years and was hale and healthy before the occurrence of accident. Petitioner being wife of the deceased M.N.Jagadish, was wholly dependent on the income of the said deceased, he being a sole bread earning member in his family. She has further deposed that, she has spent huge amount towards funeral and other expenses.

15. Petitioner has averred in the petition that, the petitioner is the wife of the deceased. To substantiate the same, PW.1 has produced notarized copy of Aadhar card along with originals of herself. The said document reflects the relationship of deceased with the petitioner. The oral

and documentary evidence led by PW.1 reflects that, petitioner is the LR's of deceased M.N.Jagadish. Since, the respondent has not contested the said matter in the evidence led by PW.1. Then the evidence of PW.1 stands unshaken and the same is sufficient to show that petitioner is the LR's of deceased. **Accordingly, I answer Point No.2 In the affirmative.**

POINT No.3:

16. Basically three facts lead to be established by the claimants for assessing compensation in the case of death as per **Sarla Verma Case** i.e., (i) age of deceased, (ii) Income of deceased and (iii) Number of dependents.

(i) **Age of deceased:** According to the petitioners the age of the deceased at the time of the accident was 61 years. In addition to that, the petitioner has not placed any document to show the age of the deceased. As per the PM report marked at Ex.P5, the age of the deceased is 61

years. The accident has occurred on **02.09.2024**. Upon computing the age of the petitioner based on all these materials, it clearly shows that, the deceased was aged about 61 years as on the date of occurrence of accident.

(ii). **Income of the deceased:** According to the petitioner deceased M.N.Jagadish was Real Estate Agent and he was earning Rs.40,000/- per month. In this regard, the petitioner has not produced any documents. Under the circumstances, this court has to consider the notional income to assess the loss of dependency.

17. In Legal Manager IFFCO Tokio GIC Ltd., V/s Srinivasa and Others, 2018 SCC online Kar 2862

Hon'ble Apex Court has held that

"the court cannot ignore the notional income chart of the Lokadalath when there is no material evidence to prove the actual income. Hence, in the absence of material on record to prove the actual income of the deceased as on the date of occurrence of accident, the charge formulated by Karnataka State Legal Services Authority

Bengaluru is to be followed to assess the notional income of deceased as on the date of accident".

18. The Hon'ble High Court of Karnataka, Bengaluru while holding Lokadalath, has determined the notional income at Rs.16,500/- if the accident had occurred in the year-2024 and thus income of the deceased M.N.Jagadish is to be considered at **Rs.16,500/-** per month.

19. **Loss of dependency:** The following issues are to be determined by the Tribunal to arrive at loss of dependency, they are

(i) addition/deduction to be made for arriving at the income.

(ii) Deductions to be made towards the personal living expenses of the deceased.

(iii) The multiplier to be applied with reference to the age of the deceased.

20. As per the decision reported in **National Insurance Company Limited V/s Pranay Sethi and**

Other reported in (2017) 16 SCC 680, the Hon'ble Apex Court has held that

"if the deceased is below 40 years 40% of the established income of deceased towards future prospectus; an addition of 25% where the deceased was between the age of 40 to 50 years; an addition 10% where the deceased was between the age of 50 to 60 years should be regarded as necessary method of computation."

The deceased was aged about 61 years. Hence no amount is added towards future prospectus.

21. It is pertinent to note that, petitioner is the wife of the deceased M.N.Jagadish. As per the the **Sarla Verma V/s Delhi Transport Corporation and others reported in 2009 ACJ SC 1298** case, when there is sole Dependant 1/2 of the income is to be deducted towards personal expenses of the deceased. As such 1/2 amount is to be deducted towards personal and living expenses i.e., Rs.8,250/-. When the said 1/2 amount is deducted from monthly income of the deceased, then the balance

amount shall be Rs.8,250/- (Rs.16,500/- minus Rs.8,250/- = Rs.8,250/-). As per the ratio laid down by **Hon'ble Apex Court in Sarla Verma and Others V/s Delhi Transport Corporation Ltd., and another reported in (2009) 6 SCC 121**, the multiplier to the age of the deceased is **07**. Thus, total loss of income from the deceased comes to (Rs.8,250/- X 12 X 7 =Rs.6,93,000/-). Hence, Loss of dependency is determined as **Rs.6,93,000/-**.

22. Transportation, Funeral expenses, Loss of Estate, Loss of love and affection and Loss of Consortium:- In so far as the funeral and other expenses are concerned, as per the version of the petitioner she have spent huge amount towards transportation of dead body and funeral expenses. But she has not produced any documents to substantiate the said version. **As per the decision of the Hon'ble Supreme Court in National Insurance Company Ltd., V/s Pranaya Sheti and other**

the Compensation under the heads of transportation, funeral expenses, loss of estate, loss of love and affection and loss of consortium has to be enhanced at the rate of 10% in every three years.

Since, it is settled law in **National Insurance Company Ltd., V/s Pranay Sethi and others case reported in AIR 2017 SC 5157**, that the dependents would be entitled for the transportation of dead body to an extent of Rs.15,000/- with an enhancement at the rate of 10% in every three years. Hence, petitioner is entitled for compensation under this head to the tune of **Rs.16,500/- i.e.,** $(15,000 \times 10/100 = \text{Rs.1,500/-} + \text{Rs.15,000/-})$.

Further, for funeral expenses of Rs.15,000/- with an enhancement at the rate of 10% in every three years. Hence, petitioner is entitled for compensation under this head to the tune of **Rs.16,500/- i.e.,** $(15,000 \times 10/100 = \text{Rs.1,500/-} + \text{Rs.15,000/-})$.

Like wise for loss of estate to the extent of Rs.15,000/- with an enhancement at the rate of 10% every three years. Hence, petitioner is entitled for compensation under this head to the tune of **Rs.16,500/- i.e.,** $(15,000 \times 10/100 = \text{Rs.1,500/-} + \text{Rs.15,000/-})$.

Similarly, for loss of love and affection to the extent of Rs.25,000/- with an enhancement at the rate of 10% every three years. Hence, petitioner is entitled for compensation under this head to the tune of **Rs.27,500/- i.e.,** $(25,000 \times 10/100 = \text{Rs.2,500/-} + \text{Rs.25,000/-})$.

Loss of consortium: it is pertinent to note that, the **Hon'ble Supreme Court in Pranay Sethi case has directed to award an amount of Rs.40,000/- towards consortium. Subsequently, the Hon'ble Supreme Court in Magma General Insurance Company Ltd., V/s Nanu Ram @ Chuhru Ram and others reported in (2018) 18 SCC 130** has held that, the term “**consortium**” is compendious of spousal, parental and filial consortium

and directed to award amount in all three categories. Hence, in view of the said decisions this tribunal awards under the head of consortium as follows;

(I) **Towards parental consortium:** Petitioner is the wife of deceased M.N. Jagadish and has lost love and affection of her husband and hence, she is entitled for **Rs.44,000/-** under this head (40,000 X 10/100 =Rs.4,000/- + Rs.40000/-).

Medical Expenses Incurred By Petitioner

Further, the petitioner has also produced the medical bills which is marked at Ex.P.13. As per the Ex.P.13, the petitioner has spent **Rs.2,95,000/-**. Hence, the petitioner is entitled for the same.

Hence, the petitioners are entitled for compensation under the following heads.

Sl. No.	Particulars	Amount
1.	Loss of dependency	Rs. 6,93,000/-
2.	Transportation of dead body	Rs. 16,500/-

3.	Funeral Expenses	Rs. 16,500/-
4.	Loss of Estate	Rs. 16,500/-
5.	Loss of Love and Affection	Rs. 27,500/-
6.	Loss of consortium	Rs. 44,000/-
7.	Medical expenses	Rs.2,95,000/-
	Total	Rs. 11,09,000/-

Hence, the petitioner is entitled for total compensation award amount of **Rs.11,09,000/-** which is just and proper.

23. Admittedly, the respondent No.1 is the rider and respondent No.2 is the owner of the offending vehicle. Hence, the respondents No.1 and 2 are jointly and severally liable to pay compensation to the petitioners equally with interest at the rate of 6% p.a., **Accordingly, I answer this point partly in the affirmative.**

POINT NO.4:-

24. For the foregoing reasons, I proceed to pass the following:

ORDER

The petition filed by the petitioner U/s 166 of the Motor Vehicles Act is hereby partly allowed with cost.

The petitioner is entitled for total compensation amount of **Rs.11,09,000/-** with interest at the rate of 6% p.a., from the date of petition till the realization from respondents.

The respondent No.1 and 2 are directed to deposit the compensation amount equally, within 60 days from the date of this order.

Considering the quantum of amount awarded to petitioner, it is ordered to release the entire amount in her favour.

Advocate fee is fixed at 1,500/-.

Draw the award accordingly.

(Dictated to the Stenographer directly on computer, typed by her, corrected by me and then pronounced in the open court on this the 18th day of October, 2025)

(Gayathri S Kate)

XVIII ADDL.JUDGE & ACJM

Court of Small Causes

Bengaluru.

ANNEXURE**List of witnesses examined for petitioners:**

PW.1 Smt. Jayashree B.R.,

List of documents marked on behalf of the petitioners:

Ex.P1	True copy of FIR
Ex.P2	True copy of Complaint
Ex.P3	True copy of Charge sheet
Ex.P4	True copy of witness statement 5 in nos.
Ex.P5	True copy of PM Report
Ex.P6	Notarized copy of death certificate of deceased
Ex.P7	True copy of requisition
Ex.P8	True copy of PF
Ex.P9	True copy of vehicle seizure mahazar
Ex.P10	True copy of rough sketch
Ex.P11	True copy of volunteer statement of accused
Ex.P12	Original death summary
Ex.P13	Medical bills issued by Prakriya Hospital for Rs.2,95,000/-
Ex.P14	Notarized copy of Aadhar card of PW.1

List of witnesses examined for Respondents:

NIL

List of documents marked on behalf of the Respondents:

NIL

*XVIII ADDL.JUDGE & ACJM
Court of Small Causes
Bengaluru.*