



**IN THE COURT OF IIND ADDL. SENIOR CIVIL
JUDGE & JMFC & ADDL.MACT, BIDAR**

Dated this the 15th Day of July, 2026

PRESENT

SMT. SHOBHA B.Sc., LL.B.,
II Addl. Senior Civil Judge & JMFC Bidar.

MVC No.218/2024

PETITIONER:

1. Vijaylakshmi W/o of late Dhanraj, aged 34 years, Occupation Household, R/o H.No.3-31, Near Panchayat Kati village Chitta wadi Tq. & Dist. Bidar.
2. Vachana D/o late Dhanraj, aged 18 years, Occupation Student, R/o H.No.3-31, Near Panchayat Kati village Chitta wadi Tq. & Dist. Bidar.
3. Vandana D/o late Dhanraj, aged 14 years-minor, Occupation Student, R/o H.No.3-31, Near Panchayat Kati village Chitta wadi Tq. & Dist. Bidar.
4. Amit S/o late Dhanraj, aged 12 years-minor, Occupation Student. (minor claimants no.3 & 4 are U/g of their real mother Vijaylakshmi-claimant no.1), R/o H.No.3-31, Near Panchayat Kati village Chitta wadi Tq. & Dist. Bidar.
5. Bhagamma W/o late Sharnappa, aged 70 years, Occupation Household, R/o H.No.3-31, Near Panchayat Kati village Chitta wadi Tq. & Dist. Bidar.

[By Sri. Mathapati Sanjay Advocate]



- AND -

RESPONDENTS :

1. VRH Logistic Private Limited.
Represented by its owner. Sri. Rakesh Chandar Sharma, R/o H.No.16-2-146/26, Flat No.301, 3rd Floor Laxmi Recidency Anand Nagar Malakpet Saidabad Hyderabad-500036. T.S. (Owner of the Container Lorry Tata motors Regd.No.TS-11/UC-6262).
2. The Manager,
M/s IFFCO-TOKIO General Insurance Co. Ltd. Policy issuing/servicing office S.C.B.3-R1-19, 2nd Floor, Plot No.5, HACP colony Kharkhana Road Vikramপুরi Secunderabad-500011. T.S. (Vide Policy No.1-20DOR0IN P400 Policy #MT037142) (Valid From: 08-02-2023, To: 07-02-2024)

**[Resp No.1 by Sri.S.R Kamlekar Adv]
[Resp No.2 by Sri. Prakash V.M Adv.]**

J U D G M E N T

This is the petition filed under the provision of section 166 of Motor Vehicles Act, by the petitioners seeking compensation of Rs.56,50,000/- with interest at the rate of 18% from the date of petition till realization.

2. The brief facts of the petitioner's case is as follows:

The claimant No.1 is the wife, claimant No.2 to 4 are children and claimant No.5 is the mother of deceased Dhanraj, claimant No.3 and 4 are minors, they are the only legal heirs of the deceased Dhanraj; that on



14.04.2023 deceased Dhanraj along with his Car owner by name Vadagayanaki Sneha and her daughter by name Sanvi were coming to Bidar from Hyderabad in Car bearing No MH:05/CV-8183, the deceased Dhanraj was driving the Car with due caution on the left side on the road, when they came on NH-65 near Table-9 Hotel at outskirts of Kandi village at about 14-20 hours a container lorry bearing Reg. No. TS-11/UC-6262 being driven by its driver with high speed in rash and negligent manner from back side lost his control and violently dashed to the Car and in that process the Car hit to the divider and took a jump and fell on the side of the divider and turned turtle before the RTC Bus No.AP-23/Z-0082 which was coming from Sangareddy, the accident had occurred due to rash and negligent driving of container lorry, the driver of the lorry ran away from the spot, in the said accident Sneha expired on the spot her daughter Sanvi sustained grievous injuries and was shifted to Hyderabad, deceased Dhanraj was shifted to Govt. BRIMS Hospital where he was given treatment but expired on 15.04.2023, a complaint was filed by Jaalingama Narasaiha conductor of RTC bus No.AP-23/Z0082, the police Sangareddy has registered a case in crime No. 181/2023 under section 337, 304(A) IPC and issued the FIR against the driver of offending container lorry and filed a Charge sheet. After conducting the inquest panchanama and postmortem the body was handed over to the claimants.



3. It is stated that, the deceased was hale and healthy aged about 39 years at the time of death, he was earning Rs.20,000/- per month and Rs.500/- as daily Batta and maintaining his family, and due to the untimely death the claimants have lost their present and future dependency and put to starvation. It is further stated that, respondent No.1 is the owner of the offending container lorry and respondent No.2 is the insurer of the offending lorry and both are jointly and severally liable to pay the compensation and prayed to allow the petition.

4. Notice was issued to the respondents Sri. SSK Advocate filed Vakalath for respondent No.1 and Sri. PVM advocate has filed Vakalath for respondent No.2.

5. Respondent No.1 in his WS has stated that, the petition filed by the claimants is not maintainable, it is stated that in order to extract money a false petition is filed, it is further stated that the driver of the lorry is not made party and the petition is not maintainable for non joinder of necessary parties, further the averments of the plaint are denied and prayed to dismiss the application.

6. Respondent No.2 in its WS has stated that, the petition filed is not maintainable, further admitted that the insurance policy was valid from 08.02.2023 to 07.02.2024 but further stated that the liability is subject to terms and condition of the policy, further the



averments as to the manner of accident is denied, it is further stated that Dhanraj was driver of the car bearing No. MH:05 /CV-8183 suddenly applied break on highway road without any indication and driver of respondent No.1 has dashed hind side of the Car bearing No. MH:05 CV-8183, the said accident had occurred due to the negligent act of the car driver and dashed to the RTC Bus bearing No.AP-23/Z-0082 and Dhanraj has expired, it is further stated that, a false claim petition is made against respondent No.1 vehicle and its insurance company, it is further stated that Dhanaraj was driving the Car without driving license, it is further stated that the investigating officer has not collected the particulars of the vehicle, driver and owner, it is further stated that, the respondent No.1 has violated the permit conditions, the owner of the offending vehicle has not submitted the particulars of the accident and driver, the concerned police have not forwarded the relevant documents as per statutory requirement, the particulars such as age, profession, income of the deceased are denied, it is further stated that the claimants have filed the claim petition within six months of the accident, hence prayed to dismiss the petition.

7. Based on the above pleadings my predecessor in office has framed the following issues;

- 1]. Whether the petitioners prove that, deceased Dhanraj S/o Sharnappa died in Motor vehicle accident that occurred on 14.04.2023 at about 14.20 hours on NH-65 road near Table



No,.9 Hotel outskirts of Kandi Village due to rash and negligent driving of container lorry bearing Reg. No.TS-11/VC-6262 by its driver as alleged in the petition?

2]. Whether the petitioners are entitled for the compensation as claimed? If so, from whom?

3]. What order or award?

8. In order to prove the claim of the petitioners, petitioner No.1 got examined as PW1 and got marked 11 documents as per Ex.P1 to 11 and closed their side. Respondent No.2 has not examined any witnesses or filed any documents on its side.

9. Heard,

10. My findings to the above issues are as under:

Issue No.1: In the Affirmative.

Issue No.2: In Partly Affirmative.

Issue No.3: As per the final order.

REASONS

11. ISSUE No.1: PW1 has filed her chief examination by way of affidavit reiterated the averments of petition in her chief examination got marked 11 documents, Ex.P1 is the attested copy of FIR, Ex.P2 is the attested copy of charge sheet, Ex.P3 is the attested copy of requisition for postmortem, Ex.P4 is the true copy of postmortem report, Ex.P5 is the attested copy of spot panchanama, Ex.P5(A) is the translated copy of panchanama Ex.P6 is the attested copy of sketch map, Ex.P7 is the attested copy of inquest panchanama,



Ex.P7(A) is the translated copy of panchanama, Ex.P8 is the affidavit of translator, Ex.P9 is the notarized copy of D.L, Ex.P10 notarized copy of Adhar Card, Ex.P11 is the true copy of complaint, Ex.P11(A) is the translated copy complaint. During her cross examination she has deposed that, she was married around 19 years back, 2nd petitioner has completed her PUC 2nd year, 3rd petitioner is studying in 1st PUC, 04th petitioner is studying in 08th Std., she has further stated that when the accident took place she was in village in Chittawadi, she came to know about the accident from her husband's friend, further after the accident she has seen him at Sangareddy Hospital, further she has deposed that her husband was driving the car when the accident took place and there were three persons in the said car, she has further deposed that, her husband was driving the Car from behind a lorry came and hit the Car and the Car went in front of the Bus which was on the other side of the divider, further she has denied the suggestion that the accident took place due to the fault of bus, further she has denied the suggestion that her husband drove the vehicle in a high speed. I have perused the FIR which is registered in crime No.181/2023 on the complaint given by Jaalingma Narasaiha against the driver of container lorry bearing Reg. No.TS-11/UC-6262, Ex.P2 is the Charge sheet wherein one Vinodkumar Driver of lorry container is arrayed as accused and the Charge Sheet is filed against him for the offences punishable under section 304(A), 338 of IPC., Ex.P4 is the postmortem



report where it is stated that, the death is due to head injury, Ex.P5(A) is the translated copy of spot panchanama, Ex.P7(A) is the translated copy of inquest panchanama, Ex.P9 is the driving license of Dhanraj which was valid up to 08.01.2032, Ex.P11(A) is the translated copy of complaint. On perusal of the documents on records and the oral evidence it reveals that the accident took place near Table-9 Hotel at outskirts of Kandi village, the I.O after investigation has filed the charge sheet against the driver of container lorry. Hence I answer **Issue No.1 in affirmative.**

12. ISSUE No.2: PW1 has deposed that Dhanraj was healthy and young of 39 years old hard working at the time of accident, he was working as Driver under the employment of deceased Sneha of owner of the Car and drawing a salary of Rs.20,000/- per month and getting Batta of Rs.500/- and was maintaining his family. PW1 in order substantiate her claim in respect of income she has not got produced any documents, further with respect to age no document is been produced I have perused Ex.P9 and ExP10 the driving license and Adhar Card wherein the date of birth is stated as 05.07.1984, but in the postmortem it is stated as 46 years, the Adhar card and Driving license are not the proof for date of birth, hence the age in the postmortem report is taken into consideration for further calculation, further more in the absence of the document in respect of income the guidelines of Karnataka State Legal Service Authority



i.e., notional income is to be adopted. It is to be noted that the accident took place in the year 2023 and hence the notional income of **Rs.15,500/-** per month is taken into consideration as the monthly income of the deceased. I have perused the postmortem report wherein the age of deceased is stated as 46 years and same is taken into consideration for the purpose of determining the compensation; as per ratio laid down by **Hon'ble Supreme Court in Sarala Varma V/s Delhi Corporation**, the appropriate multiplier for the age of 46 years is 13, hence the multiplier '**13**' is adopted in the present case.

13. In regard to the future prospectus the Hon'ble Supreme Court in National Insurance Company limited Vs. Pranay Shetty has held that, in case of self employed person or those on fixed wages an addition towards future prospectus is permissible. When the deceased is 46 years an addition of 25% has to be added to the income. In the present case deceased is aged 46 years he was working as driver which falls under the category of self employed, accordingly an addition of 25% towards future prospectus is to be awarded, notional income of Rs.15,500/- when enhance by 25% it comes Rs.15,500/- + 3,875/- = **Rs.19,375/-** which has to considered for the purpose of determining loss of dependency.

14. In the present matter in hand the petitioner No.1 is the wife of the deceased petitioner No.2 to 4 are the



children and petitioner No.5 is the mother, PW1 during the cross examination has stated that, her children are pursuing education, the second petitioner has completed her PUC second year, she is unmarried, further she has denied the suggestion that her mother in law is not residing with her. Further there is a suggestion that she used to work and bear the expenses which is specifically denied. It is to be noted that, to show that the petitioners had income and were not dependent on the deceased no document has been produced by respondent No.2; the claimants were dependent on deceased Dhnaraj, there are five dependents and thereby 1/4th has to be deducted, after deducting 1/4th towards personal living expenses as the deceased has left five dependents the monthly contribution comes Rs.19,375/- Rs.4843.75/- = Rs.14,531.25/- by applying the appropriate multiplier the loss of dependency is calculated at Rs.14,531.25/- X 12 X 13 = **Rs.22,66,875/-** is awarded under the head of **loss of dependency**. The petitioners are entitled to compensation under the various heads as under;

15. Loss of Estate: In the National Insurance company Ltd., Vs. Pranay Shetty, the Hon'ble Supreme Court has held that, under conventional head a sum of Rs.15,000/- is to be awarded towards loss of estate with a further direction that the said amount shall be enhanced by 10% every three years. Therefore a 10% is enhanced, accordingly a sum of Rs.**16,500/-** awarded towards **loss of Estate**.



16. Funeral Expenses: In the National Insurance company Ltd. Vs. Pranay shetty, the Hon'ble Supreme Court has fixed a sum of Rs.15,000/- towards funeral expenses under the conventional head with a direction that the said amount shall be enhanced by 10% every three years a 10% enhancement is to be applicable, accordingly a sum of **Rs.16,500/-** is awarded under the **funeral expenses.**

17. Consortium: In the National Insurance Company Ltd. Vs. Pranay Shetty, the Hon'ble Supreme Court has fixed Rs.40,000/- as compensation payable under the head of consortium with a further direction that the said amount shall be enhanced by 10% every three years, further Hon'ble Supreme Court has clarified in Magma General Insurance Company Vs. Nanuram, that consortium includes spousal consortium, parental consortium and filial consortium. Therefore 10% of enhancement is applicable. Accordingly **Rs.44,000/-** (Rs.40,000 X 10%) each is awarded to petitioners as towards **parental, children and spouse consortium.**

18. Transportation of dead body: PW1 has deposed that after conducting inquest panchanama over the dead body it was subjected to Govt. Hospital BRIMS for PM examination after the P.M examination the dead body was delivered to the claimants which was brought to the house in the hired vehicle and spent Rs.50,000/- but in support of the claim no document is produced.



Considering the facts and circumstances of the case and in the absence of documents it is just and reasonable a sum of Rs.**5,000/-** towards this head. Thus, the total award stands as follows;

1	Loss of dependency	Rs. 22,66,875/-
2	Loss of estate	Rs. 16,500/-
3	Funeral expenses	Rs. 16,500/-
4	Consortium	Rs. 2,20,000/-
5	Transportation of dead body	Rs. 05,000/-
	Total	Rs.25,24,875/-

19. Apportionment: The total compensation awarded shall be apportioned among the petitioners having regard to the degree of the dependency on the deceased; Petitioners No.1 being the wife and petitioner No.2 to 4 are the children and petitioner No.5 is the mother of the deceased, hence petitioner No.1 is entitled for 60% of the total compensation amount and petitioner No.2 to 5 are entitled to 10% each of total compensation amount.

20. Regarding liability: While discussing the issue No.1 I have given my findings that, the death is caused due to actionable negligence of the driver of the offending container lorry bearing Reg No TS-11/UC6262 of which the respondent No.1 is registered owner, and respondent No.2 is the insurer. Therefore, respondent No.1 and 2 are jointly and severally liable to pay the award amount. The respondent No.2 being the insurer is primarily liable to satisfy the award amount together



with interest at the rate of 6% from the date of petition till realization within one month from the date of this order. Accordingly, the issue No.2 framed herein above is answered **Partly in the Affirmative** in favour of the petitioner

21. ISSUE No.3: In view of my findings given on Issue No.1, 2 and for the reasons discussed herein above paragraphs, I proceed to pass the following:

ORDER

The petition filed under section 166 of Motor Vehicles Act, is hereby partly allowed with costs.

The petitioners are entitled to a compensation of **Rs.25,24,875/-** [Rupees Twenty five lakhs twenty four thousand eight hundred & seventy five only] with interest at the rate of 6% per annum from the date of petition till realization.

The respondent No.2 is directed to deposit the said compensation amount before this tribunal within two months from the date of this order.

After deposit of the awarded amount, 50% of the share of petitioner No.1, 5 shall be released directly through E-payment upon submission of Bank Account details, the remaining 50% shall be kept in Fixed deposit in their names in any nationalized or schedule



Bank of their choice for period of three years.
The share petitioner No.2 to 4 to be kept in F.D till they attain majority. However the petitioners are at liberty to withdraw the periodical interest accrued on the deposited amount from the time to time. The petitioners shall furnish their bank particulars.

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

Draw up award accordingly.

[Dictated to the Stenographer direct on computer, typed and computerized by him and corrected by me, then pronounced in the open court, on this the 15th day of July, 2026].

[SMT. SHOBHA]

II Addl. Senior Civil Judge & JMFC
Bidar.

ANNEXURE

I. List of witnesses examined by the petitioners:

PW.1: Vijaylakshmi W/o Dhanraj.

II. List of documents marked by the petitioners:

- Ex.P1: Attested copy of FIR.
- Ex.P2: Attested copy of charge sheet.
- Ex.P3: Attested copy of requisition of for postmortem.
- Ex.P4: True copy of postmortem report.
- Ex.P5: Attested copy of spot panchanama.
- Ex.P5(A): Translate copy of Spot panchanama.
- Ex.P6: Attested copy of sketch map.
- Ex.P7: Attested copy of inquest panchanama.
- Ex.P7(A): Translate copy of panchanama.



- Ex.P8: Affidavit of translator.
Ex.P9: Notarized copy of D.L.
Ex.P10: Notarized copy of Adhar Card.
Ex.P11: True copy of complaint,
Ex.P11(A): Translate copy complaint.

III. List of witnesses examined by the respondent:

Nil

IV. List of documents marked by the Respondent:

Nil

[SMT. SHOBHA]

II Addl. Senior Civil Judge & JMFC
Bidar.