

KATK020043122021



**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE
AND CJM, TUMAKURU**

Present:Sri. SUNIL .S. HOSAMANI

B.com., LL.M.,

Prl. Senior Civil Judge & CJM
Tumakuru.

Dated this the 01st day of July, 2026

MVC.No.559/2024

PETITIONERS:

1. Smt. Parvathamma
W/o late Mohan kumar
Aged about 35 years,
2. Thanu K.M.
D/o Late Mohan Kumar
Aged about 16 years,
3. Gnanashree M.
S/o Late Mohan Kumar
Aged about 13 years,

Petitioners 2 and 3 are minors
Represented by petitioner No.1
Residing at 10/1,
Sri. Lakshmivankateshwara
Devarachikkanahalli, Bangalore
south, Nilaya, Near Maramma
Temple, Now resident of
Hanumanthapura Tumakuru
Town.

(By Sri.G.H.K., Advocate)



V/s

RESPONDENTS:

1. Ramakrishna H.K.,
S/o Krishnappa,
Aged about 31 years,
R/at Hanumanahalli,
Bandakote post, Gowdagere
Hobli, Sira Taluk,

RC owner of the car
Reg. No. KA-04-MQ-5742)
2. The Branch Manager
Acko General Insurance Co.Ltd.
#36, Hustlehub one EAST,
Somasandrapaly, 27 Main Road
Sector-2 HSR layout,
Bengaluru-560102

Policy No. BCCA01142086934/00
Valid from 29.12.2023 to
28.12.2024

(R2 by Sri.N.V.N. Adv.,)
(R1 is exparte)

JUDGMENT

The claimants filed this petition for compensation of Rs.60,00,000/- with interest at the rate of 12% per annum for the death of Mohan Kumar in the road traffic accident.



2. The claimant No.1 was the wife of deceased Mohan Kumar. The claimant No.2 and 3 are the daughters of deceased Mohan Kumar. On 02.03.2024, the Mohan Kumar and his brother Ramakrishna and Mruthyunjay were proceeding in the car bearing No.KA-04-MQ-5742 from Bengaluru to Muddaranganahalli of Sira Taluk to attend the death ceremony of relatives. After attending the death ceremony, they were returning at about 05.15 p.m. at V.R.L. hotel situated on NH-48 Kora Hobli. At that time, the driver of the said car bearing No.KA-04-MQ-5742 driving with a rash and negligent manner with high speed, dashed to the car bearing No.KA-06-MA-4738 which was going ahead. Due to accident, the said car was completely damaged. The inmates of the car by name Mohan Kumar and Mruthyunjay have sustained bleeding and grievous injuries. The driver of the car by name Ramakrishna also sustained injuries. The Mohan Kumar was shifted to Sridevi Hospital, wherein he was declared as dead. The claimants are the legal heirs of deceased Mohan Kumar, performed the funeral ceremony for which they have spent Rs.2,50,000/-. The Mohan Kumar was hale and healthy before accident and he was aged about 48 years. At the time of accident, the Mohan Kumar was working as a cable operator in City Bengaluru and also doing agricultural work by which he earning ₹60,000 per month. Due to death of Mohan Kumar, the claimants have lost



their earning member of the family and they have suffering from mental shock and agony. The accident occurred due to rash and negligence of car bearing No.KA-06-MQ-5742, for which, the Kora Police have registered case against the driver of the car in Crime No.28/2024 for the offences punishable under Section 279, 337, 304A of IPC. The respondent No.1, is the owner of said car which was insured with respondent No.2. Hence respondent No.1 and 2 are jointly and severally liable to pay the compensation amount. Hence they pray to allow the petition.

3. After issuance of notice the respondent No.1 has not appeared and remained ex-parte. The respondent No.2 insurance company have appeared through their advocate and filed objection to the petition. As per the respondent No.2, the petition filed by the claimants is false, vexatious and frivolous. The petition filed by the claimant is barred by limitation, in view of Amendment to Section 166(3) of IMV Act. The respondent No.2 admitted the issuance of policy No.BCCA 01142086934/00 which was valid from 29.12.2023 to 28.12.2024 in favour of respondent No.1 vehicle bearing No.K-04-MQ-5742. The liability of respondent No.2 is limited to the terms and conditions of policy and also subject to confirmation under Section 64 of Insurance Act. The driver of the car bearing



No.KA-06-MA-4738 is driven of the car in a rash and negligent manner with endangerous to human life without following traffic rules and without giving proper indication to the other road users has stopped the car due to which the driver of insured car bearing No.K-04-MQ-5742 has lost the control over his vehicle and dashed from back side of the said car. Hence on the ground of sole negligence on the part of driver of car bearing No.K-06-MA-4738 the accident was caused. Hence the claim of petition is liable to be dismissed. The driver of the car bearing No.KA-04-MQ-5742 was not holding valid and effective driving licence to drive the vehicle. As such, he has violated Section 3 of Motor Vehicles Act. The present petition is liable to be dismissed against respondent No.2 due to non-compliance of Section 158(6) of and 134 (C) of Motor Vehicles Act. The age and income mentioned in the claim petition is not correct. The contents of the para No.8 to 14 of the claim petition were denied by the respondent No.2. There is no nexus between claimants, the deceased and alleged accident. The compensation claimed by the claimant is highly excessive. Hence, the respondent No.2 have prays to dismiss the petition.

4. On the basis of the aforesaid pleadings, my predecessor has framed the following :-



ISSUES

- 1. Whether the claimant proves that on 02.03.2024 the deceased Mohankumar was going in the traveling in the Car No.KA-04-MQ-5742 from Bengaluru to Muddaranganahlli, Sira Taluk at about 05.15 pm on NH-48 Road, near VRL Hotel, Kora Hobli, Tumkur, the driver of the car by name Ramakrishna driven in a rash and negligent manner with high speed has dashed the car bearing No.KA-06 MA-4738 which was going ahead in which the Mohankumar sustained grievous injuries and succumbed to the injuries?*
- 2. Whether the respondent No.2 proves that the petition is barred by limitation?*
- 3. Whether claimants are entitled for the compensation? If so, what is the quantum of compensation and from whom?*
- 4. What Order?*
- 5.** To prove the claim, the claimant No.1 has examined as PW1 and got marked Ex.P1 to 24 documents. Even though respondent No.2 has filed objection to the petition, but they have not led evidence. The respondent No.1 has remained ex-parte. Hence, their evidence was taken as nil.



6. Heard the arguments from Advocate for claimants and respondent No.2. Perused the entire records.
7. Upon hearing the arguments and on going the materials on record, my findings on the above issues are as follows;

Issue No.1: In the Affirmative

Issue No.2: In the Negative

Issue No.3: The respondent No.2 is liable to pay compensation of Rs.33,35,104/- to the claimants.

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

REASONS

8. **Issue No.1** :- The claimant No.1 was the wife of deceased Mohan Kumar. The claimant No.2 and 3 are the daughters of deceased Mohan Kumar. On 02.03.2024, the Mohan Kumar and his brother Ramakrishna and Mruthyunjay were proceeding in the car bearing No.KA-04-MQ-5742 from Bengaluru to Muddaranganahalli of Sira Taluk to attend the death ceremony of relatives. After attending the death ceremony, they were returning at about 05.15 p.m. at V.R.L. hotel situated on NH-48 Kora Hobli. At that time, the driver of



the said car bearing No.KA-04-MQ-5742 driving with a rash and negligent manner with high speed, dashed to the car bearing No.KA-06-MA-4738 which was going ahead. Due to accident, the said car was completely damaged. The inmates of the car by name Mohan Kumar and Mruthyunjay have sustained bleeding and grievous injuries. The driver of the car by name Ramakrishna also sustained injuries. The Mohan Kumar was shifted to Sridevi Hospital, wherein he was declared as dead. The Kora Police have registered case against the driver of the car bearing No.KA-04-MQ-5742 in Crime No.28/2024 for the offences punishable under Section 279, 337, 304A of IPC.

9. To prove the claim, claimant No.1 has examined as PW1 and got marked Ex.P1 FIR and Ex.P2 complaint. On perusal of Ex.P2 complaint, one H.S.Prakash lodged the complaint to the Kora Police. On the basis of said complaint, the Kora Police have registered the case against the driver of the car bearing No.K-04-MQ-5742 for the offence punishable under Section 279, 337, 304A of IPC. Further PW1 produced the Spot Mahazer, and Sketch which are marked Ex.P3 and Ex.P4. As per Ex.P3, near V.R.L. Hotel of Tumakuru-Sira NH-48 road, the accident was caused between car bearing No.KA-04-MQ-5742 and KA-06-MA-4738. Further PW1 produced



statement of witnesses and eyewitnesses which are marked as Ex.P5 and Ex.P6.

10. Further PW1 produced the charge sheet which is marked as Ex.P11. As per Ex.P11 charge sheet, the Kora Police has filed a charge sheet against driver of the car bearing No.KA-04-MQ-5742 which was driving by the respondent No.1. The respondent No.1 also owner of the said car. Further PW1 produced Inquest mahazar which is marked at Ex.P7 and P.M. report which is marked at Ex.P8. So as per the said documents the Mohan Kumar who was inmate of the car bearing No.KA-04-MQ-5748 has sustained grievous injuries in the accident and died on the way to the hospital.

11. So as per PW1 on the date of accident the deceased Mohan Kumar and his brother Ramakrishna and Mruthyunjay were proceeding in a car bearing No.KA-04-MQ-5742 from Bengaluru to Muddaranganahalli, Sira Taluk to attend the death ceremony of their relative. After attending the death ceremony, they were returning to Bengaluru on NH-48 near V.R.L. Hotel, Kora Hobli. At that time, the driver of the said car, Ramakrishna, driving his car in a rash and negligent manner has dashed to the car bearing No.KA-06-MA-4738, which was going ahead. The deceased Mohan Kumar was



inmate of car bearing No.KA-04-MQ-5742. So due to the said car accident both car were sustained damages. The PW1 has produced IMV report which is marked at Ex.P9. On perusal of Ex.P9 IMV report both cars have sustained damages. Even PW1 produced 133 IMV reply notice which is marked at Ex.P10. So it clearly goes to show that the car bearing No.KA-04-MQ-5742 belongs to respondent No.1 and he was driving the said car at the time of accident. Even the respondent No.1 has also sustained injuries in the said accident. So on the basis of oral and documentary evidence it clearly goes to show that on 02.03.2024 due to accident the Mohan Kumar who was inmate of the car bearing No.KA-04-MQ-5742 was died due to the injuries. Therefore, Issue No.1 is answered in the Affirmative.

12. Issue No.2:- The respondent No.2 contended that the petition filed by the claimants is barred by limitation as per Amended Section 166(3) of IMV Act. As per respondent No.2 insurance company the claim petition has to be filed within 60 days from the date of accident. But this petition was filed beyond 60 days. Hence, the petition is barred by limitation.

13. So the date of accident of this case was 02.03.2024 and this petition is filed on 2.05.2024 as per order sheet. But on perusal



of the petition which was filed before Hon'ble Principal District and MACT the filing date was 25.04.2024. So this petition is filed within 60 days from the date of accident.

14. Even though respondent No.2 have filed objection to the petition, but they have not led any evidence to prove their contention. On the basis of material on records, the petition is filed within 60 days as per Section 166(3) of Motor Vehicles Act. Hence, the claim of the respondent No.2 is not acceptable. Hence, respondent No.2 has failed to prove the issue No.2. Therefore, issue No.2 is answered in the Negative.

15. Issue No.3:- In view of the discussion made in issue No.1, the PW1 has proved that the driver of the car bearing No.KA-04-MQ-5742, driven his car in a high speed, in rash and negligent manner, has dashed to the car bearing No.KA-06-MA-4738, which was going ahead. Due to the said accident, the inmate of the car bearing No.KA-04-MQ-5742 has sustained grievous injuries and succumbed to the injuries.

16. Now the claimants have to prove that they are the dependents of the deceased Mohan Kumar. The PW1 has produced the Aadhar cards which are marked at Ex.P12 to 14. The Ex.P12 is the Aadhar card of claimant No.1, wherein the



husband name was mentioned as Mohan Kumar. The Ex.P13 and 14 are the Aadhar card of claimant No.2 and 3 wherein, the father's name was mentioned as Mohan Kumar. But, the respondent No.2 has not denied the relationship of claimants with deceased Mohan Kumar.

17. As per PW1, at the time of accident, Mohan Kumar was hale and healthy and he was aged about 48 years. To prove the age of deceased, PW1 has not produced Aadhar card of deceased. But, the pan card of deceased Mohan Kumar, was produced which is marked at Ex.P22. As per Ex.P22, the date of birth of Mohan Kumar was shown as 05.06.1976. The date of accident of this case was 02.03.2024. So as on the date of accident, the deceased Mohan Kumar was aged about 48 years. Further PW1 produced family of g-tree, which is marked at Ex.P17, wherein the claimants are shown as wife and daughters of Mohan Kumar. So the claimants have proved their relationship with deceased Mohan Kumar.

18. As per PW1, the deceased Mohan Kumar was doing cable operator work at City Cable Bengaluru and also doing agriculture work by which he earning Rs.60,000/- per month. PW1 has produced one RTC which is marked at Ex.P18. As per Ex.P18, the land bearing Survey No.48/4 measuring 2 acre 37



gunta of Ratnasandra Village, Sira Taluk was standing in the name of deceased Mohan Kumar. Further, PW1 produced one document about Cable Operating Work Salary Certificate of deceased Mohan Kumar, which is marked at Ex.P16. As per Ex.P16, the salary was shown as Rs.40,000/- per month, wherein the deceased was working as Cable Operator in the Supriya Eyes Zone and EMDC network at Beguru of Urban Bengaluru. Further PW1 produced the school document of deceased Mohan Kumar which are marked at Ex.P19 and also the bank statement of deceased Mohan Kumar which is marked at Ex.P23 and also produced passbook entry of deceased Mohan Kumar which is marked at Ex.P24.

19. Even though PW1 claimed that the deceased was earning Rs.60,000/- per month but no documents were produced by PW1, to prove the income of deceased was Rs.60,000/-. Even though PW1 has produced the Ex.P16 to show the salary of Rs.40,000/-, but to prove the Ex.P16, the PW1 has not examined the person who has issued said document. Hence, the income claimed by the petitioner is not acceptable. But on the basis of material placed before court, the income of the deceased can be considered Rs.25,000/- per month. The age of the deceased was 48 years at the time of accident. So as per the Pranav Sethi judgment of Hon'ble Supreme Court, in case up



to 41 to 50 years, 25% prospective income has to be considered. So Rs.25,000 X 25% will come to Rs.6,250/-. So the total income of the deceased has to be considered as Rs.31,250/- per month (25,000+6,250).

20. Further as per the judgment of Hon'ble Supreme Court in Pranav sethy case in case of 2 to 3 dependents the personal expenses has to be deducted as $\frac{1}{3}^{\text{rd}}$. So there are 3 dependents of deceased Mohan Kumar. Hence the $\frac{1}{3}^{\text{rd}}$ of Rs.31,250/- will come to Rs.10,416/-. So the income of deceased after deducting personal expenses will be (31250-10,416) Rs.20,834/-. So in this case multiplier will be applicable 13. So loss of income of deceased will be Rs.20,834X12X13=32,50,104/-.

21. It cannot be disputed that if the deceased had been alive, he would have contributed his earnings for the maintenance of the petitioners. On account of his sudden death, they had to loose the estate of the deceased. In a decision reported in ***AIR 2017 SC 5157 between National Insurance Company Ltd., V/S Pranay Sethi and others***, the Hon'ble Supreme Court has formulated reasonable figures in respect of the compensation awardable on conventional heads namely loss of estate, loss of consortium and funeral expenses. In view of this, a sum of Rs.10,000/- each is awarded as a loss of estate, and Rs.10,000/- each for loss of consortium for deceased dependents. Further



the petitioner are entitled for funeral and transport expenses of Rs.25,000/-.

22. The details of compensation which I propose to award are as under;

Loss of dependency	Rs.32,50,104/-.
Loss of estate	Rs.30,000/-
Loss of consortium.	Rs.30,000/-
Funeral and transport expenses	Rs.25,000 /-
Total	Rs.33,35,104/-

In view of the above the claimants are entitled to Rs.33,35,104/-.

Liability

23. So in this case respondent No.1 was the owner of car bearing No.KA-04-MQ-5742. Even though notice was served to respondent No.1, but he has not appeared and denied the accident. Further as on the date of accident, the respondent No.1 himself was driving the car and he also sustained injuries in the accident. So there is no dispute that the car bearing No.KA-04-MQ-5742 was belongs to respondent No.1.

24. The respondent No.2 is the insurance company who have issued a policy to the car bearing No.KA-06-MQ-5742. The



respondent No.2 have admitted the issuance of policy No. BCCA01142086934/00 in favour of respondent No.1 car bearing No. KA-04-MQ-5742. The said insurance was valid from 29.12.2023 to 28.12.2024. So the accident of this case occurred on 02.03.2024. So as on the date of accident the insurance was valid. The said fact was also admitted by the respondent No.2 in their objection. Hence, the respondent No.1 and 2 are jointly and severally liable to pay the compensation. The primary liability is on the respondent No.2.

25. As per the decision reported in 2012 ASCG (SC) in case of ***Amrit Bhanu Shali & Ors. v. National Insurance Co. Ltd. & Ors***, wherein the Hon'ble Court held that, interest at the rate of 6% to be awarded in case of claim petition. Hence the respondent No.1 and 2 are jointly and severally liable to pay the compensation of Rs.33,35,104/- with interest at 6% per annum from date of petition till depositing entire compensation amount by respondent No.2. The primary liability is on the respondent No.2 to deposit the said amount within 2 months from the date of order. Accordingly, I answered issue No.3.

26. Issue No.4:- In view of reasons stated in the issue No.1 to 3. Hence, I proceed to pass the following;



ORDER

The petition filed by the claimants U/s.166 of IMV Act is partly allowed with cost.

The claimants are entitled to the compensation of Rs.33,35,104/- (Rupees Thirty Three Lakh Thirty Five Thousand One Hundred and Four Only) with interest at the rate of 6% p.a., from the date of petition till realization of entire amount from the respondent No.2. The respondent No.2 is directed to deposit the compensation amount within 60 days from the date of this order.

The compensation amount is apportioned as follows;

Claimant No.1 – 60%.

Claimant No.2 – 20%.

Claimant No.3 – 20%.

After depositing the compensation amount, the office is directed release 50% of claimant No.1 apportionment to her account through e-payment. The remaining 10%



apportionment has to be kept as FD in the name of claimant No.1 for a period of three years in any nationalized bank with liberty to withdraw periodical interest.

The compensation amount of claimant No.2 and 3 has to be kept as FD in the name of claimant No.2 and 3 till they attain the age of majority in any nationalized bank with liberty to withdraw periodical interest.

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

Draw award accordingly.

(Dictated to the stenographer directly on computer, print out taken by him and then pronounced by me in the open court on this the 01st day of July, 2026.)

Sd/-

(Sunil .S. Hosamani)
Prl. Senior Civil Judge
and CJM., Tumakuru.

ANNEXURE

LIST OF WITNESSES EXAMINED FOR THE PETITIONER;

PW1 : Smt.Parvathamma

**LIST OF DOCUMENTS MARKED FOR THE PETITIONER;**

Ex.P1	:	FIR
Ex.P2	:	Complaint
Ex.P3	:	Spot Mahazar
Ex.P4	:	Sketch
Ex.P5 & 6	:	Statements
Ex.P7	:	Inquest Mahazar
Ex.P8	:	PM report
Ex.P9	:	IMV report
Ex.P10	:	133 notice
Ex.P11	:	Final report
Ex.P12 to 14	:	Notarized copies of Aadhar card
Ex.P15	:	Notarized copy of pan card
Ex.P16	:	Salary certificate
Ex.P17	:	Genealogy
Ex.P18	:	RTC
Ex.P19 &20	:	J.O.C. Training document
Ex.P21 & 22	:	Aadhar card & Pan card
Ex.P23 & 24	:	Copies of passbook

LIST OF WITNESSES EXAMINED FOR THE RESPONDENTS :

-Nil-

LIST OF DOCUMENTS MARKED FOR THE RESPONDENTS:

-Nil-

Sd/-
(Sunil .S. Hosamani)
Prl. Senior Civil Judge
and CJM., Tumakuru.