

Mahadeva vs Texterity Solutions LLP on 1 September, 2025

KABC020050622023

BEFORE THE COURT OF 10th ADDITIONAL SMALL CAUSES
AND MOTOR ACCIDENT CLAIMS TRIBUNAL, AT:
BENGALURU
(SCCH-16)

Present: Sri. Mohammed Yunus Athani
B.A., LL.B.,
X Addl. Judge, Court of Small Causes
& Member, MACT, Bengaluru.

MVC No.994/2023

Dated this 1st day of September, 2025

Petitioners: 1. Mahadeva S/o Puttamadayya,
Aged about 55 years,

2. Mahadevamma W/o Mahadeva
Aged about 42 years,

Both are residing at
Honnegowdanahalli,
Devarahalli, Gundlupet (T),
Chamarajnagar,
Karnataka - 571126.

(Sri. M. Shivarama, Advocate)

V/s

Respondents: 1. M/s Texterity Solutions LLP
No.86/1, Maruti Complex,
Pusa Thippasandra Main Road,
2 MVC No.994/2023

Thippasandra, Bengaluru - 560075.

(RC owner of Car bearing Reg.
No.KA-05-AK-9892)

(Sri. Shantha Kumar H.S., Advocate)

2. TATA AIG General Insurance Co.
Ltd.,
No.69, 3rd Floor, J.P & Devi
Jambukeshwar Arcade,
Miller's Road,
Bengaluru - 560051.

(Policy No. 0163109208 00 00,
Valid from 12.03.2022 to
11.03.2023)

(Sri. H.K. Ramamurthy, Advocate)

3. Syed Shabeer S/o Syed Ali,
No.315 CRP MSS School,
Mangammanapalya,
Bommanahalli, Bengaluru.

(RC Owner of Tata -709 vehicle
bearing Reg. No.KA-34-9497)

(Sri. Leelakanta Swamy C. S.,
Advocate)

JUDGMENT

This is petition filed under Section 166 of Motor Vehicles Act, 1988, seeking compensation of Rs.60,00,000/- from the respondents, on account of death of Rajesh H.M., who is son of petitioners No.1 and 2, in a road traffic accident.

2. The brief facts of the case are as follows:

On 11.09.2022 at about 8.55 a.m., the deceased Rajesh H.M. was riding motorcycle bearing Reg. No. KA-10-EE-1276, from Dairy Circle towards Lalbagh, on Dr. Mariyappa Road, near NIMHANS convention hall gate, Bengaluru. At that time, the driver of car bearing Reg. No. KA-05-AK-9892, which was moving ahead of the said motorcycle, drove the same in a rash and negligent manner, endangering to human life, without observing the traffic rules and regulations, without observing the right side mirror and switching on the indicator, suddenly steered the vehicle from his left side to right side. Due to which the right back portion of the said car dashed to the handle and left side mirror of the motorcycle of the deceased. Due to said impact the deceased fell down along with the motorcycle on the right side of the road. At the same time, a Tata-709 bearing Reg. No. KA-34-9497, driven by it driver in rash and negligent manner, endangering to human life, without observing the traffic rules and regulations, came and dashed against the deceased. Due to which, the deceased

sustained grievous injuries all over the body. Immediately after the accident the deceased was shifted to Sanjay Gandhi Hospital, wherein he took treatment as an in-patient from 11.09.2022 to 05.11.2022. Thereafter, he was under continuous follow up treatment and succumbed to the above injuries on 19.01.2023, at about 2:10 a.m. The post- mortem was conducted at KIMS hospital, Bengaluru. Earlier to the accident, the deceased was working as delivery boy at Base company and was earning Rs.20,000/- per month. He was contributing his entire earnings to his family. Due to untimely death of a sole bread earner, the petitioners are struggling for their livelihood. The Wilson Garden Traffic Police have registered the case against the driver of the above said Car and Tata-709 vehicles, for the offences punishable under Section 279 and 337 of I.P.C. Due to jurisdiction in question the said Wilson Garden Traffic Police have referred the case to Jayanagar Traffic Police for the offence punishable U/Sec. 279 and 304(A) of IPC. The respondent No.1 is the owner and respondent No.2 is the insurer of the offending vehicle Reg. No. KA-05-AK-9892 and respondent No.3 is the RC owner of Tata 709 vehicle bearing Reg. No.KA-34-9497. Hence, they are jointly and severally liable to pay compensation to the petitioners. Therefore, it is prayed to allow the petition and award compensation of Rs.60,00,000/- with interest.

3. On service of notice to the respondents, the respondents No.1 to 3 have appeared through their counsel and filed their separate written statements.

4. The respondent No.1 in its written statement has denied all the allegations made in the petition. It has admitted that, the car bearing Reg. No.KA-05-AK-9892 was insured with the respondent No.2 bearing Policy No.0163109208 00 00, valid from 12-03-2022 to 11-03-2023. The said policy was in force at the time of accident covering all risks and the driver of said vehicle was holding valid and effective driving licence to drive the same, as on the date of accident. Further it has sought protection under Sec.147 and 149 of M.V. Act. Hence, the respondent No.2 - insurance company is answerable for this claim petition and the respondent No.1 is not liable to pay any compensation to the petitioner. It is contended that, the accident has taken place solely due to rash and negligent driving of the driver of Tata- 709 vehicle bearing Reg. No.KA-34-9497 and negligence of the deceased. Further it is contended that, the compensation claimed is highly excessive and exorbitant. For the above denials and contentions, it prayed for dismissal of the petition.

5. Whereas the respondent No.2 in its written statement has denied all the allegations made in the petition. It has admitted the issuance of insurance policy in favour of the respondent No.1, in respect of car bearing Reg. No.KA-05-AK- 9892. It has denied the age, income and avocation of the deceased. It has denied that, the alleged accident has occurred due to rash and negligent driving of car bearing Reg. No.KA-05-AK-9892. Further it is contended that, the alleged accident, if any, was due to rash and negligent driving on the part of the driver of uninsured Tempo bearing No.KA-34-9497 and the deceased, who was riding his motorcycle without wearing helmet. Both the drivers were driving their vehicles in rash and negligent manner, endangering to human life, without holding driving licence and colluded each other. Therefore, the jurisdictional Police have registered a case against the driver of tempo and filed a charge-sheet against him for the offence punishable

U/Sec. 279, 304(a) of I.P.C. R/w Sec. 181, 146, 196, 56, 192, 66(1) and 192(A) of M.V. Act. Further it is contended that, the claim petition filed by the petitioner is liable to be dismissed for non-joinder of necessary parties, there was no nexus between the alleged accident and death of Rajesh H.M., and the petition is bad for non-compliance of provision under Sections 134(C) and 158(6) of Motor Vehicles Act. Further, it has sought permission to contest even on behalf of respondent No.1, as per Section 170 of the Motor Vehicles Act. The compensation claimed is highly excessive and exorbitant. For the above denials and contentions, it prayed for dismissal of the petition.

6. The respondent No.3 in its written statement has denied all the allegations made in the petition. It has denied that, the alleged accident has occurred due to rash and negligent driving of Tata 709 bearing Reg. No.KA-34-9497. Further it is contended that, the Tata 709 vehicle bearing No.KA-34-9497 not at all involved in the said accident and there was no negligence on the part of the driver of the Tata

709. On the contrary, the deceased/rider of motorcycle and driver of car were responsible for the alleged accident, since both were not diligent in driving their respective vehicles and due to their negligence the accident has taken place. Further it is contended that, the insurer and owner of the motorcycle are not made party to this petition and hence, the petition is liable to be dismissed for non-joinder of necessary parties. It has denied the age, income and avocation of the deceased. Further it is contended that, the compensation claimed is highly excessive and exorbitant. For the above denials and contentions, it prayed for dismissal of the petition.

7. On the basis of rival pleadings of both the sides, the following issues are framed:

ISSUES

1. Whether the petitioners prove that, deceased Rajesh H.M., has succumbed to the injuries sustained in the alleged road traffic accident, occurred on 11.09.2022 at about 8.55 a.m., near NIMHANS Convention Hall Gate, Dr. Marigowda Road, Bengaluru City, due to the rash and negligent driving of the driver of Car bearing Reg. No. KA-05-AK-

9892 and negligent driving of driver of Tata-709 vehicle bearing No. KA-34-A-
9497 ?

2. Whether the petitioners are entitled to compensation? If so, what is the quantum and from whom ?

3. What order or Award ?

8. In order to prove their case, the petitioner No.2 has got examined herself as P.W.1 and got marked 19 documents as Ex.P.1 to 19. Further, they have examined one more witness/Medical Record Officer of Sanjay Gandhi Hospital as P.W.2 and closed their side. On the other hand, the

respondent No.2 has examined its authorized person/Associate as R.W.1 and got marked 2 documents as Ex.R.1 and 2. The respondent No.3 has examined himself as R.W.2. Whereas, the respondent No.1 has not adduced any evidence on its behalf.

9. I have heard the arguments of both the sides and perused the entire material placed on record. The counsel for respondent No.3 has relied on the following decision in support of his arguments:

- i. The Royal Sundaram Alliance Insurance Company Limited V/s. Honnamma and other, in Special Leave Petition (CIVIL) No.2135/2023, judgment dated 05.05.2025.

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

Issue No.1: Affirmative Issue No.2: Partly Affirmative Issue No.3: As per the final order, for the following:

REASONS

11. Issue No.1: It is specific case of the petitioners that, on 11.09.2022 at about 8.55 a.m., when the deceased Rajesh H.M., was riding the motorcycle bearing Reg. No. KA-10-EE- 1276, from Dairy Circle towards Lalbagh, on Dr. Mariyappa Road, near NIMHANS convention hall gate, Bengaluru, at that time the driver of offending car bearing Reg. No. KA-05- AK-9892, which was moving ahead of the motorcycle of the deceased, drove the same in a rash and negligent manner, without observing the traffic rules and regulations, without observing the right side mirror and switching on the indicator, suddenly steered the vehicle from his left side to right side. Due to which the right back portion of the said car dashed to the handle and left side mirror of the motorcycle of the deceased. Due to said impact the deceased fell down along with the motorcycle on the right side of the road. At the same time, a Tata-709 bearing Reg. No. KA-34-9497, driven by it driver in rash and negligent manner, without observing the traffic rules and regulations, came and dashed against the deceased. Due to which, the deceased sustained grievous injuries all over the body and succumbed to the said injuries on 19.01.2023, at about 2:10 a.m. Further it is contended that, earlier to the accident the deceased was working as delivery boy at Base company and was earning Rs.20,000/- per month. He was contributing his entire earnings to his family. Due to untimely death of a sole bread earner, the petitioners are struggling for their livelihood.

12. In order to prove their case, the petitioner No.2 has got examined herself as P.W.1 by filing her examination-in- chief affidavit, wherein she has reiterated the entire averments made in the petition. Further, in support of their oral evidence, the petitioners have got marked total 17 documents as Ex.P.1 to 17. Out of the said documents, Ex.P.1 is true copy of F.I.R., Ex.P.2 is true copy of first information statement, Ex.P.3 is true copy of spot mahazar, Ex.P.4 is true copy of sketch, Ex.P.5 is true copy of Motor Vehicles Accident Report, Ex.P.6 is true copy of wound certificate, Ex.P.7 is true copy of inquest report, Ex.P.8 is true copy of post-mortem report, Ex.P.9 is true copy of F.S.L. report, Ex.P.10 is true copy of charge-sheet, Ex.P.11 is discharge summary, Ex.P.12 are medical bills, Ex.P.13 are advance receipts, Ex.P.14 to 16 are notarized copy of Aadhar cards of the deceased and petitioners No.1 and 2, Ex.P.17 are prescriptions, Ex.P.18 authorisation

letter and Ex.P.19 is in-patient records.

13. On meticulously going through the above police documents marked as Ex.P.1 to 10, prima-facie it reveals that, the accident in question has taken place due to rash and negligent driving of the driver of offending car bearing Reg. No. KA-05-AK-9892 and suddenly steering the said vehicle towards right side, without giving any signal or indicator and dashing the same to the motorcycle of the deceased and also due to rash and negligent driving of the driver of offending Tata-709 vehicle bearing Reg. No. KA-34- 9497 and dashing the same to the deceased fallen down on the road. Further it reveals that, due to said impact the deceased has sustained grievous injuries all over the body and succumbed to said injuries on 19.01.2023, at about 2:10 a.m. The investigation officer in his final report/charge- sheet, marked as Ex.P.10, has clearly stated that, the said accident is caused due to rash and negligent driving of the driver of offending car bearing Reg. No. KA-05-AK-9892 and offending Tata-709 vehicle bearing Reg. No. KA-34-9497 and the deceased has succumbed to grievous injuries sustained in the said accident, on 19.01.2023, at about 2:10 a.m.

14. At the outset, it is pertinent to note that, in the present case, the date, time and place of accident, issuance of insurance policy by the respondent No.2, in respect of offending car bearing Reg. No. KA-05-AK-9892 and its validity as on the date of accident and the ownership of respondent No.3 over offending Tata-709 vehicle bearing Reg. No. KA-34-9497, are not in dispute. But, the respondents No.1 to 3 have specifically denied the above stated facts and circumstances of the accident. Further, the respondent No.1 & 2 have taken specific defence that, the said accident has taken place solely due to rash and negligent driving of the driver of Tata-709 vehicle bearing Reg. No.KA-34-9497 and negligence of the deceased. Whereas, the respondent No.3 has contented that, his Tata- 709 vehicle bearing Reg. No.KA-34-9497 was not at all involved in the said accident and the same has taken place solely due to rash and negligent driving of driver of the car bearing Reg. No.KA-05-AK-9892 and negligence of the deceased. But, the respondent No.1 to 3 have failed to establish the above contentions. Except the self serving statements of R.W.1, who is the authorised person/Associate of respondent No.2 insurance company, there is absolutely no other independent corroborative oral or documentary evidence placed on record by the respondents No.1 and 2 to show that, the said accident has taken place due to rash and negligent driving of the driver of Tata-709 vehicle bearing Reg. No.KA-34-9497 and negligence of the deceased and there was no negligence on the part of the driver of their car bearing Reg. No.KA-05-AK-9892. Likewise, except the self serving statements of R.W.2/respondent No.3, who is none other than the driver and owner of Tata-709 vehicle bearing Reg. No.KA-34-9497, there is absolutely no other independent corroborative oral or documentary evidence placed on record by the respondents No.3 to show that, the said accident has taken place due to rash and negligent driving of driver of the car bearing Reg. No.KA-05-AK-9892 and negligence of the deceased and there was no negligence on his part. Further, except mere allegations of the respondent No.1 to 3, there is no evidence placed on record to show that, the accident in question has taken place due to rash and negligent driving of the deceased himself or there was any contributory negligence on his part in the cause of accident. On the other hand, the oral and documentary evidence placed on record by the petitioners clearly establishes that, the accident in question has taken place due to rash and negligent driving of the driver of offending car bearing Reg. No. KA-05-AK-9892 and dashing the same to the motorcycle of the deceased and also due to rash and negligent driving of the driver of offending Tata- 709 vehicle bearing Reg. No.

KA-34-9497 and dashing the same to the deceased fell down on the road. Further, it clearly establishes that, the deceased Rajesh has sustained grievous injuries in the said accident and succumbed to said injuries on 19.01.2023, at about 2:10 a.m., while he was under follow-up treatment. Though, the learned counsel for respondent No.2 has cross-examined P.W.1 in length, nothing worth has been elicited from her mouth which creates doubt on the veracity of her evidence or which goes to show that, the said accident has taken place due to rash and negligent driving of the deceased himself or there was any contributory negligence on his part in the cause of accident.

15. On meticulously going through the oral and documentary evidence placed on record by both the sides, it clearly reveals that, the said accident has occurred due to rash and negligent driving of the driver of offending car bearing Reg. No. KA-05-AK-9892 and suddenly steering the said vehicle towards right side, without giving any signal or indicator and dashing the same to the motorcycle of the deceased, which was proceeding in the same direction. Due to said impact the deceased has fell down on the road and came under the wheel of Tata-709 vehicle bearing Reg. No. KA-34-9497, which was proceeding in the same direction, on the right side, 15 feet away from the place of accident. The mode of accident unequivocally admitted by the R.W.1 and R.W.2, in their cross-examination. This clearly goes to show that, the root cause of the accident in question was dashing of offending car bearing Reg. No. KA-05-AK-9892 to the motorcycle of the deceased. But, the oral and documentary evidence on record clearly goes to show that, at the relevant point of time of accident, the respondent No.3/driver of offending Tata-709 vehicle bearing Reg. No. KA-34-9497 was driving his vehicle at high speed and in rash and negligent manner. Further, the respondent No.3/R.W.2 has clearly deposed in his cross-examination that, at the time of accident the said vehicle was not in a good condition, there was problem in the clutch of the said vehicle and he was taking the same to the garage for repair. Further, he has admitted that, without switching on the indicators he was driving the said vehicle for repair and the said vehicle was not having insurance policy and he was not holding driving licence. The above admissions clearly establishes that, even the respondent No.3 was negligent in driving his vehicle at the time of said accident. But, the root cause of the said accident was rash and negligent driving of the driver of car bearing Reg. No. KA-05-AK-9892 and dashing the same to the motorcycle of the deceased. If the driver of offending car had not driven his vehicle in rash and negligent manner and dashed against the motorcycle of the deceased, the said accident would not have occurred and the deceased would not have fell down on the road and come under the wheel of Tata-709 vehicle bearing Reg. No. KA-34-9497. Likewise, if the driver of offending Tata-709 vehicle bearing Reg. No. KA-34-9497, knowing that the clutch of the said vehicle was not in a good condition, had not driven the said vehicle at high speed, he could have stopped the said vehicle immediately by applying the break and avoided dashing or ran over of said vehicle over the body of deceased. Therefore, in such circumstances, this Court is of the opinion that, the respondent No.3 has also contributed to some extent in the cause of accident. But, as the rash and negligent driving of the respondent No.3 was not the root cause of the accident, this Court is of the opinion that, holding the respondent No.3/driver of offending Tata-709 vehicle bearing Reg. No. KA-34-9497 has contributed to the extent of 20% and the driver of offending car bearing Reg. No. KA-05-AK-9892 has contributed to the extent of 80% in the cause of accident, would be justified and it would meet the ends of justice.

16. Further, the Ex.P.3 spot mahazar and Ex.P.4 sketch also clearly speaks that, the said accident has occurred on the left side of Dr. Mariyappa Road, from Dairy Circle to Lalbagh, near NIMHANS convention hall gate, Bengaluru, in between offending car bearing Reg. No. KA-05-AK-9892 of the respondent No.1, motorcycle bearing Reg. No. KA-10-EE- 1276 of the deceased and offending Tata-709 vehicle bearing Reg. No. KA-34-9497 of the respondent No.3. Further, as per Ex.P.5 Motor Vehicle Accident Report, the accident is not caused due to any mechanical defects in the vehicles involved in the accident. When the accident was not caused due to any mechanical defects in the offending vehicles and there was no negligence on the part of the deceased/rider of motorcycle bearing Reg. No. KA-10-EE- 1276, then in the present facts and circumstances of the case, it can be presumed that, the said accident had occurred due to rash and negligent driving of the drivers of offending car bearing Reg. No. KA-05-AK-9892 and Tata-709 vehicle bearing Reg. No. KA-34-9497. The investigation officer in his final Ex.P.10 final report/charge-sheet has clearly stated that, the accident in question has taken place due to rash and negligent driving of the drivers of offending car bearing Reg. No. KA-05-AK-9892 and Tata-709 vehicle bearing Reg. No. KA-34-9497. Admittedly, the said final report/charge-sheet has not been challenged by the owners or the drivers of offending vehicles. In such circumstances, there is no impediment to believe the final report of the investigation officer and other police records, regarding the date, time and place of accident, involvement of the offending vehicles, rash and negligent driver of the drivers of offending vehicles, injuries caused to the deceased in the said accident and cause of his death.

17. Further, the Ex.P.8 Post-mortem report and Ex.P.9 Forensic Science Laboratory report, clearly speaks that, the deceased Rajesh H.M., has died due to late complications following post status - traumatic left shaft of femur and injuries sustained in a road traffic accident. There is no rebuttal evidence placed on record to show that, the above post-mortem report and F.S.L. report are false or concocted documents. There is nothing on record to disbelieve the oral and documentary evidence placed on record by the petitioners with respect to injuries sustained by the deceased in the accident in question and cause of his death. Therefore, in such circumstances and in the light of above observations, it can safely be held that, the respondents have failed to rebut the oral and documentary evidence placed on record by the petitioners regarding the rash and negligent driving of the driver of offending vehicles, injuries sustained by the deceased in the said accident and cause of his death.

18. Further, it is well settled principle of law that, in a case relating to the Motor Accident Claims, the claimants are not required to prove the case as required to be done in a criminal trial. The Hon'ble Supreme Court, in the case of Parameshwari V/s Amir Chand and others, reported in (2011) 11 SCC 635, has clearly held that, "in a road accident claim cases the strict principle of proof as in a criminal case are not required."

19. The Hon'ble Supreme Court, in the case of Bimla Devi and others V/s Himachal Road Transport Corporation and others, reported in (2009) 13 SCC 513, has clearly held that, "in a case relating to the Motor Accident Claims, the claimants are merely required to establish their case on touchstone of preponderance of probability and the standard of proof on beyond reasonable doubt could not be applied."

20. Therefore, in the light of ratio laid down in the above cited decisions and for the reasons stated above, this Court is of the considered opinion that, the petitioners have successfully proved through cogent and corroborative evidence that, the deceased Rajesh H.M., has succumbed to grievous injuries sustained in a motor vehicle accident occurred on 11.09.2022, at about 8.55 a.m., near NIMHANS Convention Hall Gate, Dr. Marigowda Road, Bengaluru City, due to the rash and negligent driving of the driver of Car bearing Reg. No. KA-05-AK-9892 and driver of Tata-709 vehicle bearing No. KA-34-A-9497. This Court is of the further opinion that, the respondent No.3/driver of offending Tata- 709 vehicle bearing Reg. No. KA-34-9497 has contributed 20% in the cause of accident and the driver of offending car bearing Reg. No. KA-05-AK-9892 has contributed 80% in the cause of accident. Hence, I answer Issue No.1 in Affirmative.

21. Issue No.2: While answering the above issue, for the reasons stated therein, this Court has come to conclusion that, the petitioners have successfully proved through cogent and corroborative evidence that, the accident has taken place due to rash and negligent driving of the driver of Car bearing Reg. No. KA-05-AK-9892 and driver of Tata-709 vehicle bearing No. KA-34-A-9497 and the deceased Rajesh H.M. has succumbed to grievous injuries sustained in the said accident. Now the petitioners are required to establish that, they are the legal representatives of the deceased. In this regard, they have produced their respective Aadhar cards and Aadhar card of the deceased, which are marked as Ex.P.14 to 16. The said documents clearly goes to show that, the petitioner No.1 is father and petitioner No.2 is mother of the deceased Rajesh H.M. On the other hand, the relationship of the petitioners with the deceased Rajesh H.M., is not specifically denied by the respondents and even there is no contrary evidence placed on record by the respondents with respect to same. In such circumstances, there is no impediment to believe the above documents produced by the petitioners and hold that, the petitioners are the legal representatives of deceased Rajesh H.M.

22. The Hon'ble Supreme Court, in the case of National Insurance Co. V/s Birender, reported in (2020) 11 SCC 356, has clearly held that, "The legal representatives of the deceased could move application for compensation by virtue of clause (c) of Section 166(1). The major married son who is also earning and not fully dependant on the deceased, would be still covered by the expression "legal representative" of the deceased. This Court in Manjuri Bera (supra) had expounded that liability to pay compensation under the Act does not cease because of absence of dependency of the concerned legal representative. Notably, the expression "legal representative" has not been defined in the Act.

The Tribunal has a duty to make an award, determine the amount of compensation which is just and proper and specify the person or persons to whom such compensation would be paid. The latter part relates to the entitlement of compensation by a person who claims for the same.

It is thus settled by now that the legal representatives of the deceased have a right to apply for compensation. Having said that, it must necessarily follow that even the major married and earning sons of the deceased being legal representatives have a right to apply for compensation and it would be the bounden duty of the Tribunal to consider the application irrespective of the fact whether the concerned legal representative was fully dependent on the deceased and not to limit the claim towards conventional heads only."

23. According to the ratio laid down in above decision, the legal representatives though not fully dependent on the deceased are entitled to claim compensation under all the heads i.e., under both conventional and non-conventional heads. In order to determine the compensation, the age, avocation, income, dependency, future prospects of the deceased and other conventional heads are to be ascertained.

24. The compensation towards loss of dependency: The oral and documentary evidence placed on record by the petitioners clearly establishes that, the petitioners being the parents of deceased Rajesh H.M., are the legal representatives of the deceased and they were depending on the deceased. The dependency does not only mean financial dependency. Even if the dependency is a relevant criterion to claim compensation for loss of dependency, it does not mean financial dependency is the 'ark of the covenant'. Dependency includes gratuitous service dependency, physical dependency, emotional dependency and psychological dependency. Hence, this Court is of the opinion that, all the petitioners are entitled for compensation under the head of loss of dependency. In order to calculate the loss of dependency, the first step is to determine the age and income of the deceased.

i) Age and income of the deceased: The petitioners have averred that, as on the date of accident the age of deceased was 23 years. To substantiate the same, the petitioners have produced the Aadhar card of deceased Rajesh H.M., which is marked as Ex.P.14, wherein his date of birth is mentioned as 26.12.2000. Admittedly, the accident has taken place on 11.09.2022. Therefore, as on the date of accident the age of the deceased was about 22 years. The petitioners have stated that, as on the date of accident the deceased was hale and healthy and was working as a Delivery Boy at Base Company and was earning Rs.20,000/- per month. But, the petitioners have not produced any document to show that, before accident the deceased Rajesh H.M., was as a Delivery Boy at Base Company and he was earning Rs.20,000/- per month. In such circumstances, there is no other option before this Court, except to consider the notional income as per the guidelines of the Karnataka State Legal Services Authority.

a) The Hon'ble High Court of Karnataka in the cases of, G. T. Basavaraj V/s Niranjan and another, in MFA No.7781/2016, judgment dated 11-08-2022, Ramanna and another V/s Y. B. Mahesh and another in MFA No.140/2017, judgment dated 16-01-2020 and New India Assurance Co. Ltd., V/s Anusaya and others in MFA No.101195/2014, judgment dated 05-01-2023, has clearly held that, "when the income of the deceased is not proved, then the notional income as per the guidelines issued by Karnataka State Legal Services Authority is to be adopted as the income of the deceased."

b) Admittedly the accident took place in the year 2022. Therefore, the notional income of the deceased as per the guidelines issued by Karnataka State Legal Services Authority is to be treated as Rs.15,500/- per month. Therefore, the annual income of the deceased in the present case is held as Rs.1,86,000/-.

ii) As per the ratio laid down by the Hon'ble Supreme Court, in the case of National Insurance Co. Ltd., V/s Pranay Sethi and others, reported in (2017) 16 SCC 680, the legal heirs of deceased are also entitled for future prospects of the deceased, though he was not a permanent employee as on the date of death. Since the deceased was aged about 22 years and was not a permanent employee, the

future prospects would be 40% of his income, which comes to Rs.74,400/- per annum. Therefore, the future prospects of the deceased is held as Rs.74,400/- per annum. If this income is added to the notional income, then it comes to Rs.2,60,400/- per annum. Further, the annual income of the deceased comes within the exemption limits as per Income Tax Act.

iii) The deduction of personal expenses and calculating the multiplier: The family of the deceased consist of two persons i.e., petitioners No.1 and 2. The total number of the dependents of the deceased are two and admittedly the deceased has died bachelor. Therefore, deduction towards the personal expenses of deceased is taken as 50% of the total income, which comes to Rs.1,30,200/-. After deducting 50% out of total income, towards the personal expenses of deceased, the annual income of the deceased is held as Rs.1,30,200/-.

iv) As on the date of death, the age of the deceased was 22 years. As per the guidelines laid down by the Hon'ble Supreme Court in the case of Sarla Verma and others V/s Delhi Transport Corporation and another, reported in 2009 ACJ 1298 S.C., the appropriate multiplier in the present case is taken as 18. Accordingly, the compensation under the head of loss of dependency is held as Rs.23,43,600/-.

v) Compensation under conventional heads: In the present case, admittedly the petitioner No.1 & 2 are the father and mother of deceased Rajesh H.M. Hence, they are entitled for compensation under the head of filial consortium. As per the guidelines laid down by the Hon'ble Supreme Court in the case of National Insurance Co. Ltd. V/s Pranay Sethi and others, reported in (2017) 16 SCC 680, the compensation under the following conventional heads is awarded:

- a) Loss of estate - Rs. 15,000/-
- b) Loss of consortium - Rs. 40,000/-
- c) Funeral expenses - Rs. 15,000/-

The compensation under above heads has to be enhanced 10% for every 3 years. Seven years have been lapsed from the date of the judgment. Therefore, the compensation under the above conventional heads is enhanced by 20%, the loss of estate comes to Rs.18,000/-, the loss of filial consortium comes to Rs.48,000/- each to petitioners No.1 and 2 and funeral expenses comes to Rs.18,000/-.

vi) Medical expenses: The petitioners have deposed that, they have incurred expenses of Rs.4,00,000/- towards medical expenses, conveyance, nourishment and other incidental charge etc., of deceased Rajesh. In order to prove the same, petitioners have produced 66 medical bills, as per Ex.P.12. All the bills have been examined carefully and found that the petitioners have spent total amount of Rs.47,596/- towards the medical expenses. Therefore, the petitioners are entitled for

Rs.47,596/- under the head of medical expenses.

25. Accordingly, the petitioners are entitled for compensation under different heads as follows:

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No.	Head of Compensation	Amount/Rs
1.	Loss of dependency	Rs. 23,43,600-00
2.	Loss of filial consortium	Rs. 96,000-00
3.	Loss of estate	Rs. 18,000-00
4.	Funeral expenses	Rs. 18,000-00
5.	Medical expenses	Rs. 47,596-00
	Total	Rs. 25,23,196-00

Therefore, this Court is of the considered opinion that, the petitioners are entitled for total compensation of Rs.25,23,196/-, with interest at the rate of 6% per annum, from the date of petition till its realization.

26. Liability: Admittedly, as on the date of accident the respondent No.1 is the owner and respondent No.2 is the insurer of offending Car bearing No.KA-05-AK-9892 and respondent No.3 is the owner of Tata 709 vehicle bearing No. KA-34--9497. The Ex.R.2 insurance policy bearing No.0163109208 00 00, issued by the respondent No.2, in respect of offending Car bearing No.KA-05-AK-9892 was valid from 12-03-2022 to 11-03-2023. The accident in question has taken place on 11-09-2022. As such, the said policy was valid as on the date of accident. Further, there is no evidence on record to show that, there is any breach of terms and conditions of the said policy by the insured/respondent No.1. Further, the evidence placed on record by the petitioners clearly establishes that, due to rash and negligent driving of the driver of car bearing Reg. No. KA-05-AK-9892 and the driver of Tata-709 vehicle bearing No. KA-34-A-9497 the said accident has taken place and the deceased has succumbed to grievous injuries sustained in the said accident. In such circumstances, the respondent No.1 & 3 being the owners of said vehicles are vicariously liable to compensate for the damage caused by their vehicles. The respondent No.2 being the insurer of car bearing Reg. No. KA-05-AK-9892 is liable to indemnify the respondent No.1. This Court while answering Issue No.1, for the reasons stated therein, has already held the respondent No.3 driver of offending Tata-709 vehicle bearing Reg. No. KA-34-9497 has contributed 20% and the driver of offending car bearing Reg. No. KA-05-AK-9892 has contributed 80% in the cause of accident, Therefore, the respondent No.1 and 2 are jointly and severally liable to pay 80% of the compensation amount to the petitioners and the respondent No.3 is liable to pay 20% of the compensation to the petitioners. However, the primary liability is on the respondent No.2 to pay the said 80% compensation amount to the petitioners. Therefore, for the above stated reasons, holding that, the petitioners are entitled for compensation of Rs.20,18,557/- from the respondent No.2 and Rs.5,04,639/- from the respondent No.3, with interest at the rate of 6% per annum, from the date of petition till its realization, I answer Issue No.2 in Partly Affirmative.

27. Issue No.3: In view of the above findings, I proceed to pass the following order:

ORDER The petition is partly allowed with costs.

The petitioners are entitled for compensation of Rs.20,18,557/- (Rupees twenty lakh eighteen thousand five hundred and fifty seven only) from the respondent No.1 & 2 and Rs.5,04,639/- (Rupees five lakh four thousand six hundred and thirty nine only) from the respondent No.3, with interest at the rate of 6% p.a., from the date of petition till realisation.

The respondent No.1 & 2 are jointly and severally liable to pay the above compensation amount to the petitioners. However, the primary liability to pay the compensation amount is fastened on respondent No.2 - Insurance Company. The respondent No.2 & 3 are directed to pay the above said amounts within two months from the date of this order.

The above compensation amount is apportioned as follows:

Petitioner No.1 - Father - 50% Petitioner No.2 - Mother - 50% Out of total compensation amount awarded in favour of petitioners No.1 and 2, 40% of the compensation amount with proportionate interest shall be deposited in their names as fixed deposit in any nationalized/scheduled bank for the period of three years, with liberty to draw the accrued interest periodically and the remaining 60% amount with proportionate interest shall be released in their favour, through e-payment on proper identification and verification. Advocate's fee is fixed at Rs.2,000/-. Draw award accordingly.

(Dictated to the stenographer, directly on computer, typed by him, corrected and then pronounced in the open Court this the 1st day of September, 2025) (Mohammed Yunus Athani) Member, MACT, Bengaluru.

ANNEXURE Witnesses examined on behalf of petitioners P.W.1: Mahadevamma W/o Mahadeva @ Mahdevaiah P.W.2: R. Mgilasithan S/o Rathnam Documents marked on behalf of petitioners Ex.P.1: True copy of F.I.R.

Ex.P.2 :	True copy of First Information Statement
Ex.P.3:	True copy of Spot Mahazar
Ex.P.4 :	True copy of Spot Sketch
Ex.P.5:	True copy of M.V.A. Report
Ex.P.6:	True copy of Wound certificate
Ex.P.7:	True copy of Inquest Report
Ex.P.8:	True copy of Post-mortem Report
Ex.P.9:	F.S.L. Report
Ex.P.10:	True copy of Charge-sheet
Ex.P.11:	Discharge summary
Ex.P.12:	Medical bills

Ex.P.13: Advance receipts
Ex.P.14 to Notarized copy of Aadhaar card of

Ex.P.17: Prescriptions
Ex.P.18: Authorization letter
Ex.P.19: In-patient records

Witnesses examined on behalf of respondents R.W.1: Sahana R. W/o S. N. Nagendra
R.W.2: Syed Shabeer S/o Syed Ali Documents marked on behalf of respondents
Ex.R.1: Authorization Letter Ex.R.2: True copy of Insurance Policy (Mohammed
Yunus Athani) Member, MACT, Bengaluru.