

KADK010032552024



Presented on : 26-07-2024
Registered on : 27-07-2024
Decided on : 03-08-2026
Duration : 2years 9days

**IN THE COURT OF VI ADDITIONAL DISTRICT AND
SESSIONS JUDGE AND MACT, D.K.,MANGALURU.**

Dated: This the 3rd day of August 2026

PRESENT:

**Sri Rajesh Maruthi Kamate, B.Com, LL.B (Spl)
VI Addl. District & Sessions Judge & MACT
D.K., Mangaluru.**

M.V.C./1221/2024

Petitioner:

Master S Nishanth

*S/o. Shashikumar @ Shashikumar R,
Aged about 11 years
(Petitioner is Minor represented by his father
Mr. Shashikumar R@ Shashikumar
as a Natural Guardian
S/o. Rasayya,
aged about 40 years,
R/at. 1-28, Nidube, Aivarnadu,
Sullia Taluk, Aivarnadu D.K-574239*

*Presently R/at. Girinagar, Derebail,
Konchady, Mangalore)*

(By Sri. Shantharam Rai, Adv.)

-Vs-

Respondent/s:**1. Mr. Abdul Nasir Gurumpu Ahammad****@ Abdul Nasir***S/O Ahammad Gurumpu Abdulla***@ Ahammad GA Adult***R/at. #5-272, Gurumpu House,**Sullia Kasaba, Sullia Taluk,**D.K-574239**(R.C owner & Insurance holder
of Mahindra Bolero Pickup
bearing Reg. KA-19-AD-1867)***2. The Manager***Raheja QBE General Insurance
Company Ltd.**Fulcrum, 501 & 502,**A wing, 5th Floor,**International Airport project road,**Sahar Andheri East, Mumbai-400059.**Branch office situated in Bangalore**of Respondent No.2***The Manager***Raheja QBE General Insurance
Company Ltd.**Unit # 201, 2nd Floor HM Geneva House,**Cunningham Rd, next to Fortis Hospital,**Vasanth Nagar, Bengaluru-560052***Policy/Invoice issue date: 03.01.2024****Period of insurance: 04.01.2024 to
03.01.2025****Certificate cum policy number:
M00201567****3. Mr. Ummar Bantrabail Mahammad****@ Ummar,***S/O Mahammad Bantrabail*

@ Mahammad,
Aged about 32 years,
Presently R/at Mavinapalla House,
Ajjavara Village,
Sullia Taluk D.K-574239

Permanent Address: Bantrabailu House,
Bellare Village,
Sullia Taluk D.K-574212

**(By Sri. Asif Baikady, Advocate for R1 & R3
By Smt. Prathibha, Advocate for R2)**

: J U D G M E N T :

Injured/ minor Petitioner has filed Claim Petition U/Sec.166 of M.V. Act claiming compensation of Rs.25,00,000/- for the injuries suffered by him in the Motor Vehicle Accident that has occurred on 01.01.2024 at about 08.30 a.m. at near Government School Darkasthu, Bellare Village, Sullia Taluk, D.K.

2. The brief facts of the petition are as under;-

On 01.01.2024 at about 08.30AM the petitioner was walking on extreme side of the Bellare-Sullia public damar road near Government School Darkasthu, Bellare Village, Sullia Taluku, D.K in order to attend class at Government primary school, Bellare observing the vehicles both side. At that time one Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 driven by its driver Mr. Ummar Bantrabail Mahammad @ Ummar from Bellare side towards Sullia side on Bellare Sullia public damar road in a rash and negligent

manner at a high speed without following any traffic rules and regulations and came extreme wrong side of the road and hit to the pedestrian petitioner and due to the said impact the petitioner fell on the Tar road and sustained grievous injuries. The petitioner was primary treated at Government Taluk Hospital Sullia and KVG Hospital Sullia and later for better medical treatment he was shifted to KMC Hospital Ambedkar Circle Mangalore and was inpatient in the said hospital from 01.01.2024 to 05.01.2024. The petitioner has appointed an attendant to look after him when he was inpatient in the hospital by paying Rs.1,000/- per day and spent a sum of Rs.1,000/- per day for food and nourishment, the petitioner was inpatient in the said Hospital and the minor petitioner was discharged with an advice to come for follow up treatment and to take bed rest at home for a period of one Year. It is also contended that the petitioner was already spent a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) for the medical expenses, nourishing food, payment made to the attendant, conveyance etc., and further requires a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) for future medical expenses.

3. *It is further contended that the petitioner was hale and healthy prior to the accident and was aged 11 years, a Student in Government Primary school at Sullia studying 5th standard. Because of this unfortunate accident, he could not attend his classes till today and is under bed rest. This accident has caused permanent disability. As a result of the injuries, the petitioner is now not in a*

position to perform his day to day works as efficient as prior to the date of accident. All these days the petitioner has suffered untold hardships, mental agony, pain and suffering etc. He is having severe pain in injured/fractured parts ever since the time of the accident had he is with pains throughout his life as a result of the injury of the parts. The petitioner was very active student in the class. Due to this accident diagnosis of closed head injury with traumatic optic nerve injury the treated doctor Mr. Mayur Kamath V issued disability certificate he has left eye blindness and assessed total disability 60% for whole body. He has developed fear complex and has become very dull in studies and extra-curricular activities. Due to the grievous injuries he is not able to concentrate on his work and studies as he gets recurring headaches and feels giddiness. Due to the multiple grievous injuries and he feels reluctant to go school as tease his future prospect is also reduced.

4. *It is also averred that the accident occurred only on account of rash and negligent driving of the driver of Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867. The 1st Respondent being the R.C Owner and Insurance holder and 2nd respondent being Insurer of the Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 and 3rd respondent being the driver at the time of the above said accident are jointly and severally liable to pay the compensation to the petitioner and the petitioner moderately estimates a total sum of ₹25,00,000/- (Rupees Twenty Five Lakhs Only) towards compensation namely for medical expenses already incurred,*

nourishing food, future medical expenses, payment made to the attendant, permanent disability, loss of business, loss of future prospectus in life, pain and suffering etc.,.

5. On service of notice the respondents have appeared before this Court through their respective counsels and filed objection statements and Respondent No.1 has adopted the written statement filed by the Respondent No.3.

6. The 2nd respondent Insurance Company in its objection statement has contended and denied all the petition averments and contended that all the material allegations made in the above petition are false and the petition is not maintainable either on facts or in law against this respondent. At the time of the alleged accident the vehicle bearing Reg. KA-19-AD-1867 was not insured with this respondent. This respondent issued the police No. M00201567 was valid from 04.01.2024 to 03.01.2025 in the name of Abdul Nasir, but the alleged accident occurred on 01.01.2024. Hence it is very clear that vehicle bearing Reg. KA-19-AD-1867 was not insured with this respondent as on the date of accident and not insured with Raheja QBE General Insurance Co Ltd as alleged in the petition and there was no contract of insurance between 1st respondent and this respondent as on the date of alleged accident. Hence has sought for dismissal of the petition.

7. The Respondent No.3 in his objection statement has denied all the petition averments and contended that the Claim petition is false, frivolous, and not maintainable under law of facts and the vehicle mentioned in the claim petition is nowhere connected to the present case and Respondent No. 3 is the driver of the motor vehicle bearing No. KA-19-AD-1867 and he always drives the vehicle slowly steadily with compliance of all traffic rules and regulations. Hence sought for dismissal of the petition.

8. Based on the pleadings my predecessor in Court framed following issues

: I S S U E S:

1. **Whether the Petitioner proves that on 01.01.2024 at about 8.30 am, while the minor Petitioner was walking on extreme side of Bellare-Sullia public damar road, near Government School, Darkasthu, Bellare Village, Sullia Taluk, the driver of Mahindra Bolero pick-up bearing Reg. No. KA-19-AD-1867 came by driving it in rash and negligent manner and dashed to him and he has sustained injuries??**
2. **Whether the petitioner is entitled for compensation? If so, what amount?**
3. **What order or award?**

9. In order to prove the case guardian of the minor petitioner i.e., his father by name Shashikumar @ Shashikumar R has examined himself as PW-1 and also examined Associate Prof. Neurosurgery of KMC Hospital Dr. Mayur Kamath as PW.2 and got

marked Ex.P1 to 25. On the other hand, respondent No.2/ Insurance Company has lead the evidence of one Mr. G L Santosh Kumar as RW.1 and got marked Ex.R1 & R2.

10. Heard the arguments on both sides. Perused the material on record.

11. My findings to the above referred issues are as under;

Issue No.1 :- In the Affirmative.

Issue No.2 :- Partly in the affirmative

Issue No.3:- As per final order for the following

: R E A S O N S :

12. **ISSUE No.1 :-**

In issue no.1 burden is on the petitioner to prove that on 01.01.2024 at about 8.30 am, the minor Petitioner by name Master S Nishanth met with an accident near Government School, Darkasthu, Bellare Village, Sullia Taluk due to the rash and negligent driving on the part of the driver of Mahindra Bolero pick-up bearing Reg.No.KA-19-AD-1867 and sustained grievous injuries in the said accident.

13. In order to prove the case the minor petitioner's father examined himself as PW1 and has lead oral and documentary evidence by reiterating the averments and got marked Complaint at Ex.P1, FIR at Ex.P2, Further statement of complainant at Ex.P3,

Statement of PW.1 at Ex.P4, Statement of minor petitioner at Ex.P5, Spot Mahazar at Ex.P6, Spot Sketch at Ex.P7, Wound Certificate at Ex.P8, IMV Report at Ex.P9, 133 notice at Ex.P10, Seizure Mahazar at Ex.P11 and Charge-sheet at Ex.P12. PW.1 in his cross examination by the respondent has deposed and admitted that accident has taken place at 08.30 a.m. when his son was crossing the road along with his daughter and one Anand has lodged the complaint who was on the spot and he has given statement in the police station and also that the said sketch and mahazar prepared by the police are correct but does not know whose statements has been recorded by the police and also whether the said vehicle was having insurance on the date of accident.

14. In support of the injuries sustained by the minor petitioner he has got marked medical documents such as Wound Certificate at Ex.P8, Out patient chit at Ex.P13, Discharge Summary at Ex.P14, Disability Certificate at Ex.P15, Lab report at Ex.P16, CT Scan Report at Ex.P17, 22 Medical Bills at Ex.P20 and Fitness Certificate at Ex.P21 and also he has examined PW.2 - Dr. Mayur Kamath, who has assessed the disability and he has also has deposed that due to the accidental injuries the minor petitioner has become permanently disabled person for which he has assessed the disability.

15. On perusal of the oral and documentary evidence, as well as the police documents it goes to show that 01.01.2024 at

about 08.30 a.m., the minor petitioner met with an accident while walking on extreme side of Bellare-Sullia public damar road, near Government School, Darkasthu, Bellare Village, Sullia Taluk due to rash or negligent driving on the part of the driver of the Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 and thereby sustained grievous injuries in the said accident. Thereafter one Anand has lodged the complaint against the driver of the offending Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867.

16. Based on the said complaint, the Bellare Police have registered the FIR in their Police Station in Cr.No.02/2024 on 02.01.2024 as per Ex.2 and after completion of investigation, I.O. has also filed charge sheet against the driver of the offending Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 for his rash and negligent act at Ex.P12. It is the contention of the Respondent that there is contributory negligence by the injured minor petitioner and placed reliance upon mahazar and sketch at Ex.P6 and 7 but it goes to show that as per the said sketch the accident has taken place on the middle of the road beside the divider and as such the rider of the Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 has not driven slowly in spite of the fact that the minor was crossing the road which shows the accident has solely taken place due to the rash and negligent act of the rider of Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867. Apart from it, the respondent has also not challenged the

charge sheet Ex.P12 which clearly goes to show that as per the case of the petitioner the accident has taken place due to the rash and negligent driving of the driver of Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867.

17. Hence, I am inclined to appreciate the entire oral and documentary evidence adduced by the petitioner, based on the material on record, I am of the opinion that on the relevant date, time and place the accident has occurred due to negligent manner by the driver of offending Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 resulting into motor accident in which minor petitioner has sustained grievous injuries in the accident and accordingly, **I answer issue No.1 in the Affirmative.**

18. **ISSUE No.2:-**

In issue no.2 burden is on the petitioner to prove that, he is entitled for compensation as prayed.

While answering issue No.1 I have held that on the relevant date, time and place the accident had occurred due to the rash and negligent driving of the offending vehicle and as of a result the petitioner has sustained injuries. Now it is to be seen that whether the petitioner is entitle for compensation? If so for how much and from whom.

19. Whereas injuries causes deprivation to the body which results in losses entitling claimant to claim damages. Further damages may vary according to the gravity of the injuries and the said damages are to be assessed under two heads i.e. Pecuniary and Non-pecuniary damages. Pecuniary damages are those like medical treatment, attendants, transport, actual loss of earning and future loss of earning. Non-pecuniary damages includes for mental and physical shock, pain and suffering, loss of amenities in life. Hence, in my opinion petitioner who has sustained injures is entitled for compensation under these heads.

20. **PAIN AND SUFFERING :**

In this case it goes to show that in order to prove the case the father of the minor petitioner has examined himself as PW1 and produced Ex.P1 to 25 and it is the case of the petitioner that he has sustained injuries in the accident for which he has taken treatment in Government hospital, Sullia. Whereas he has produced Ex.P8 Wound Certificate and as per Ex.P14 Discharge Summary issued by the KMC Hospital, Mangaluru which goes to show he has taken treatment from 01.01.2024 to 05.01.2024 for a period of 05 days which discloses that, he had sustained grievous injuries such as **1. Cut lacerated wound over the left eyebrow, 2, Super facial wounds over the left side of the face, left side of knee and left side upper lip and closed head injury with traumatic optic nerve injury.** He has also produced Ex.P20 which are medical bills

to show that, he has taken as indoor patient treatment and incurred medical expenses. Whereas the petitioner has produced disability certificate at Ex.P15 to show that he has permanent physical disability of 60% with respect to left eye blindness.

21. Therefore, considering the above aspects and looking at the nature of injuries sustained by the minor petitioner and as well the documents produced before this court it will be just and reasonable to award **Rs.30,000/-** under the head pain and sufferings to the petitioner and the same is awarded accordingly.

22. LOSS OF FUTURE INCOME :-

In the petition it is contended that the petitioner was hale and healthy at the time of accident and a Student in Government Primary school at Sullia studying 5th standard. Because of this unfortunate accident, he could not attend his classes till today and is under bed rest. This accident has caused permanent disability. As a result of the injuries, the petitioner is now not in a position to perform his day to day works as efficient as prior to the date of accident. All these days the petitioner has suffered untold hardships, mental agony, pain and suffering etc. He is having severe pain in injured/fractured parts ever since the time of the accident had he is with pains throughout his life as a result of the injury of the parts. The petitioner was very active student in the class. Due to this accident diagnosis of closed head injury with traumatic optic nerve injury the treated doctor Mr. Mayur Kamath V issued disability

certificate he has left eye blindness. PW.1, in order to prove the same has produced Ex.P8 Wound Certificate and Ex.P15 Disability Certificate issued by PW.2 to show that he has sustained grievous injurious as per the wound certificate at Ex.P8. Wheres PW.1 in the cross has admitted that initially his son was admitted at Government Hospital, Sullia by taking first aid and thereafter was shifted to KMC Hospital, Mangaluru and got discharged as per the advice of the doctors and again had admitted his son on 13.06.2024 at KMC Hospital who had undergone CT Scan and MRI and after discharge is going to school and studying at 7th standard.

23. PW.2 being the non treated doctor has admitted petitioner has directly came to OPD and got admitted on 01.01.2024 also he was conscious and oriented and Dr.Teena has given optic injury treatment and treated by Dr.Muralidhar Pai and also he was in part of the treatment but has not examined whether there was loss of vision to the petitioner before admitting to the hospital but at the time of discharge the Cerebral Edima was reduced compared to the earlier CT Scan and has referred for opthomology but does not whether Dr.Teens, Opthomologist has given any separate certificate for the vision of left eye and both eyes were tested by her. Apart from it he has admitted that at the time of discharge the mental part was improved and condition of the minor petitioner was stable and also that vision of the left eye was normal and he has only assessed the physical disability and after 13.06.2024 he has not examined

the petitioner at any time but it is not possible to recover even though the petitioner was at tender age.

*24. Hence considering the injuries sustained by the minor petitioner showing disability of 60% with respect to left eye as per Ex.P15 showing no vision in the left eye including perception of light and optic atrophy of left eye as left eye blindness with total disability of 60% but since the petitioner is minor boy and also looking into his future prospects of education since the said doctor is a non treated doctor assessed only physical disability and one Dr.Teena Optomologist has given treatment for the same and as such by considering the same has not caused the permanent disability having effect on his education but if the said disability is considered at **12%** on the basis of injurious sustained by the petitioner to the whole body will meet the ends of justice.*

25. In so far as the age of the petitioner is concerned PW 1 has stated in his evidence he has mentioned that the petitioner is minor and at the time of accident was 11 years and has produced Aadhaar Card of the minor petitioner at Ex.P23 wherein the date of birth of the minor petitioner is mentioned as 04.02.2013. Hence, it can be safely held that the minor petitioner was aged 11 years at the time of accident.

26. Now the petitioner counsel with respect to disability of the petitioner has relied upon the following citations:

1.MFA No.25028/2010 (MV-1) Dharwad Bench dated 28.06.2022 between Ms. Priyanka Pradeep Gavade Vs. The Divisional Manager, The New India Assurance Co. Ltd.

2. 2022 ACJ 1006 between Ayush Vs. Branch Manager, Reliance General Insurance Co. Ltd & another.

I had gone through the citations relied by the petitioner counsel with due respect to the said principle but in this case the said injury has not resulted into 100% permanent disability effecting through out his life and only to an extent of 12% as considered by this Court for which the said citations are not helpful to the present case in hand.

27. At this stage, I would like to rely upon one citation with respect to considering the income of the petitioner when she is minor as follows:

1. 2013 ACJ 2445

Mallikarjun Vs. National Insurance Co. Ltd. & another

Quantum – Injury - Principles of assessment-Assessment of compensation in case of children suffering disability-Apex Court observed that appropriate compensation on all other heads in addition to the actual expenditure for treatment, attendant, etc., should be, if the disability is above 10 per cent, and up to 30 per cent to the whole body, Rs.3,00,000; up to 60 per cent, Rs.4,00,000/-; up to 90 per cent, Rs.5,00,000 and above 90 per cent, it should be Rs.6,00,000; for permanent disability up to 10 per cent, it should be

Rs.1,00,000, unless there are exceptional circumstances to take a different yardstick.

Quantum-Injury-Leg-Fracture of tibia in right leg-Injured hospitalised for 58 years, underwent operation in which plate and screw were affixed-Fracture was mal-united resulting in shortening of right lower limb by 1.5 cm and injured is limping; limitation of right knee movement by 300 per cent and right ankle movement by 20 per cent; weakness of muscle power around right knee and right ankle-Injured boy aged 12, suffered disability of 34 per cent of right lower limb and 18 per cent to whole body-Tribunal awarded Rs.63,500 which was enhanced in appeal to Rs.1,09,500 – Apex Court allowed Rs.3,00,000 towards pain and suffering, mental and physical shock, hardship, inconvenience, discomfort, loss of amenities in life due to permanent disability; Rs.25,000 for discomfort, inconvenience and loss of income to parents; Rs.25,000 for medical and incidental expenses; and Rs.25,000 for future medical expenses-Award of Rs.1,09,500 enhanced to Rs.3,75,000. (Para 12)

28. In the said citation the Hon'ble Supreme Court has held that; when the petitioner is minor and has sustained injuries then based on the disability certificate and percentage of disability the above said formula has been adopted as follows;

- 1. If the disability is up to 10% it will be Rs.1.00 Lakhs.**
- 2. If the disability is above 10% and up to 30% to the whole body it will be Rs.3.00 Lakhs.**
- 3. If the disability is up to 60% it will be Rs.4.00 Lakhs.**
- 4. If the disability is up to 90% it will be Rs.5.00 Lakhs.**
- 5. If the disability is above 90% it will be Rs.6.00 Lakhs.**

29. Therefore, applying the said principle to the present case in hand it goes to show the minor petitioner has sustained disability

up to **12%** and as per the slab if the disability is between 10 % to 30% then the minor is entitled for compensation of Rs.3,00,000 hence considering the injuries sustained by her, I am of the opinion that the petitioner is entitled for **Rs.3,00,000/- (Rupees Three Lakh only)** towards compensation of loss of future income.

30. MEDICAL EXPENSES:-

In so far as the medical bills are concerned, petitioner has contended that he has spent an amount of Rs.3,00,000/- towards the medical expenses. In support of his contention he has produced 22 medical bills at Ex.P20 amounting to Rs.61,464/-. I have examined the medical bills since the minor petitioner was treated as inpatient, took treatment, there are no reasons to disbelieve the amount spent by the petitioner to the tune of Rs.61,464/- and he is entitled for the same. Hence, it is just and necessary to award a sum of **Rs.61,464/-** under this head of medical expenses.

31. LOSS OF AMENITIES IN LIFE:

The petitioner due to injuries has lost amenities and enjoyment in the life hence looking at the said injuries sustained by the petitioner towards amenity and injuries an amount of **Rs. 25,000/-** can be awarded to the petitioner under this head.

32. Thus the petitioner is entitled for the compensation under the following permissible heads:

Heads of compensation	Compensation amount (in Rs.)
Towards pain and suffering	30,000/-
Towards Loss of future income	3,00,000/-
Towards Medical expenses	61,464/-
Towards loss of amenities in life	25,000/-
TOTAL	4,16,464/-

Accordingly, I am of the opinion that petitioner is entitled for compensation of **Rs.4,16,464/- (Rupees Four Lakhs Sixteen Thousand Four Hundred and Sixty Four Only)**.

33. INTEREST:

The petitioner is claiming interest @ 12% per annum on the compensation amount. The respondents have denied the same. Our **Hon'ble High Court** in the case rendered in **Vijay Ishwar Jadhav and others Vs Ulrich Belchior Fernandes and another (MFA.No.100090/2014 C/W MFA.No.25107/2013 dated 07.03.2018)**, has held that in the absence of any other law relating to interest on judgments, the MACT has to follow the provisions of Sec.34 of C.P.C and awarded interest @ 7% per annum. Considering the aforesaid decision, I deem it proper to

award interest at 7% per annum on the above compensation amount.

34. LIABILITY :-

In this case of the petitioner that Respondent No.1 is the owner, Respondent No.2 is the Insurer and Respondent No.3 is the driver of the offending Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 as shown in the petition. It is the case of the petitioner that the said Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 has dashed to the minor petitioner and caused accident and also it goes to show that as per Ex.P12 charge sheet is filed against the driver of the Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 for the offences punishable U/Sec. 279, 337 and 338 of Indian Penal Code and against the Respondent No.1 owner of the vehicle for the offences punishable u/s. 146 R/W 196 of IMV Act, Section 115 of Central Motor Vehicles Rules 1989 and Section 190(2) of Indian Motor Vehicles Act, 1988. Per contra it is the contention of the Respondent No.2/ Insurance Company that on the date of accident there was no insurance to the said vehicle and in spite of notice given to the Respondent No.1 has not given any reply and also not produced the copy of Insurance. Apart from it as per the evidence lead by Insurance Company and the copy of Insurance Policy at Ex.R2 shows the period of Insurance from 04.01.2024 to 03.01.2025 which is after the happening of accident and even though RW.1 has been cross

*examined but has reiterated that they have issued the policy for first time for which they had not inquired about the earlier existing policy which clearly goes to show that there was insurance on the date of accident and accordingly the Respondent No.2 / Insurance Company has proved that they are not liable to pay compensation to the petitioner and indemnify the Respondent No.1. Hence, 1st respondent being the owner of the offending Mahindra Bolero Pickup bearing Reg. KA-19-AD-1867 is solely liable to pay the compensation to the minor petitioner. Accordingly, I answer **Issue No.2 Partly in the Affirmative.***

35. **ISSUE No. 3:-** *As per discussion, I proceed to pass the following;*

ORDER

The claim petition filed by the petitioner U/Sec.166 of the Motor vehicle Act 1988 is partly allowed with costs.

The petitioner is entitled for compensation of Rs.4,16,464/- (Rupees Four Lakhs Sixteen Thousand Four Hundred and Sixty Four Only) with interest at the rate of 7% per annum from the date of claim petition till date of payment.

The respondent No.1 being the owner of the offending vehicle is liable to pay the

compensation and shall deposit the compensation amount within 60 days from the date of this order.

Out of the amount deposited by the respondent an amount of Rs.61,464/- incurred towards medical expenses shall be released in favour of guardian of the minor petitioner and remaining amount is ordered to be deposited in the name of minor petitioner in any Nationalized Bank till he attains majority.

Advocate fee is fixed at Rs.1000/-

Draw award accordingly.

(Dictated to the Stenographer directly on computer, typed by her, signed and then pronounced by me in the open court dated this the 3rd day of August 2026)

(RAJESH M. KAMATE)

VI Addl.District & Sessions Judge,
& MACT, D.K., Mangaluru.

ANNEXURES

Witnesses examined on behalf of the petitioner:

P.W.1 : Shashikumar @ Shashikumar R

P.W.2 : Dr. Mayur Kamath

Documents marked on behalf of the petitioner:

<i>Ex.P.1</i>	<i>True Copy of Complaint</i>
<i>Ex.P.2</i>	<i>True Copy of FIR</i>
<i>Ex.P.3</i>	<i>Further statement of complainant</i>
<i>Ex.P.4</i>	<i>Further statement of PW.1</i>
<i>Ex.P.5</i>	<i>Statement of Petitioner</i>
<i>Ex.P.6</i>	<i>True Copy of Spot Mahazar</i>
<i>Ex.P.7</i>	<i>True Copy of Spot Sketch</i>
<i>Ex.P.8</i>	<i>True Copy of Wound Certificate</i>
<i>Ex.P.9</i>	<i>True Copy of IMV report</i>
<i>Ex.P.10</i>	<i>True Copy of 133 notice</i>
<i>Ex.P.11</i>	<i>True Copy of Seizure mahazar</i>
<i>Ex.P.12</i>	<i>True Copy of Charge Sheet</i>
<i>Ex.P13</i>	<i>Out patient Card</i>
<i>Ex.P.14</i>	<i>Discharge Summary</i>
<i>Ex.P15</i>	<i>Disability Certificate</i>
<i>Ex.P16</i>	<i>Lab Report</i>
<i>Ex.P17</i>	<i>CT Scan Report</i>
<i>Ex.P18</i>	<i>5-Photos</i>
<i>Ex.P19</i>	<i>CD related to P18</i>
<i>Ex.P20</i>	<i>Medical Bills-22</i>
<i>Ex.P21</i>	<i>Copy of Fitness Certificate</i>
<i>Ex.P22</i>	<i>Copy of Permit</i>
<i>Ex.P23</i>	<i>Aadhaar Card of the minor petitioner</i>
<i>Ex.P24</i>	<i>Aadhaar Card of the PW1</i>

Witnesses examined on behalf of the Respondents:

RW.1 : Mr. G.L. Santosh Kumar

Documents marked on behalf of the Respondents:

Ex.R.1 Authorization Letter

Ex.R.2 Insurance Policy

(RAJESH M. KAMATE)

*VI Addl.District & Sessions Judge,
& MACT, D.K., Mangaluru.*