

KARN010013922017



**THE COURT OF THE III ADDL. DISTRICT &
SESSIONS JUDGE, RAMANAGARA**

:PRESENT:

**Sri. S.A.Hidayathulla Shariff, B.A.,LL.M.,
III Addl. Dist. & Sessions Judge, Ramanagara**

Dated this the 17th day of June 2026

MVC No.513/2017

Petitioner/ Applicant : Sri. Kalegowda,
S/o Gangaiah,
Aged about 55 years,
R/at Ukkada Village,
Guddahalli Dakhale,
Madabal Hobli,
Magadi Taluk, Ramanagara District.

(Rep by Sri.J.K.R., Advocate)

Vs.

Respondents/ Opponents : 1. Smt. R.N.Kavitha,
W/o K.Nagendra,
Proprietor, SURMS Pete,
Malavalli, Mandya District.

(Exparte)

2. The Manager,
New India Insurance Co., Ltd.,
The New India Assurance Co., Ltd.,
Regional Office, No.9/2,
Mahalakshmi Chambers,
M.G. Road, Bengaluru-560 001.

(Rep by Sri.T.V.R., Advocate)

KARN010013922017



(Policy No.67100031160100004306
valid from 22.09.2016 to 21.09.2017)

JUDGMENT

The petitioner has filed this petition under Sec.166 of Motor Vehicle Act, 1988 claiming compensation of Rs.20,00,000/- for the injuries sustained by him in a Road Traffic Accident from respondent No.1 and 2, who are the insured owner and insurer of the Private Bus bearing Registration No.KA-54-6336 respectively.

2. The brief averments as made out in the petition are as under:

It is alleged that on 06.03.2017 at about 9-15 a.m., near Shankar Dhaba, B.M.Road, Ramanagara Town, when petitioner was riding his motorbike, at that moment the driver of a private bus bearing Registration No.KA-54-6336 has driven the same from the side of Ramanagara at high speed in a rash and negligent manner and dashed the bus to the motorbike of the petitioner, resulting into accident and injuries to the petitioner. As a result of accident, petitioner has sustained grievous injuries to his body. Immediately after the accident, petitioner was shifted to BGS Hospital, Ramanagara. Thereafter, he was shifted to NIMHANS, Bengaluru and from thereon, he was taken

KARN010013922017



to SSG Hospital for higher treatment. He had spent a sum of Rs.1,50,000/- for his treatment, food and other expenses.

3. It is further alleged that on the date of accident, petitioner was aged about 55 years, he was hail and healthy. He was agriculturalist by profession. He had monthly income of Rs.40,000/- from Agriculture, Sericulture and dairy farming. As a result of accident petitioner had sustained loss of income during the period of treatment and rest and also sustained permanent disability resulting into loss of earning capacity and also loss of amenities of life. It is further alleged that, accident had occurred only due to rash and negligent driving of the offending bus bearing Registration No.KA-54-6336 by its driver and the offending bus belong to the first respondent and insured with the second respondent and a valid policy was in force as on the date of accident. On these grounds, petitioner has sought for compensation of Rs.20,00,000/- from respondents contending that they are jointly and severally liable to pay the above mentioned compensation amount to him together with interest at the rate of 25% per annum.

4. A perusal of the court records disclosed that in response to the court notice only second respondent insurance company has entered its appearance before

KARN010013922017



the Tribunal and contested the petition. First respondent failed to appear before the Court and she was placed *exparte*.

5. The second respondent in its objection statement has denied the entire petition averments, except the fact that the Bus bearing registration No.KA-54-6336 belong to the first respondent was insured with and a valid policy was in force on the date of accident. The second respondent has also denied the allegations of rash and negligent driving made against the driver of the insured bus. The second respondent disputed the fact that the driver of the insured bus had valid and effective driving licence to drive the same at the material time of accident. The second respondent also disputed the age, occupation and monthly income of the petitioner and also the amount spent by the petitioner for his treatment and other expenses. The second respondent has further disputed the alleged permanent disability caused to the petitioner resulting into loss of earning capacity to the petitioner. The second respondent further contended that the amount of compensation claimed by the petitioner is excessive and exorbitant and sought for dismissal of the petition.

KARN010013922017



6. Based on the above pleadings of the parties and documents produced on record, this tribunal has framed the following;

ISSUES

1) Whether the petitioner proves that on 06.03.2017 at about 9-45 a.m., when petitioner was coming to Ramanagara from his village to RTO office when he reached near U turn, Shankar Nati Koli Dhaba, B.M. Road, Ramanagara Town at the same time the driver of the Udayaranga Bus bearing Reg. No. KA-54-6336 coming towards Ramanagara-Bangalore, driven by its driver drove the bus in rash and negligent manner and dashed to the petitioner. As a result of which the petitioner suffered grievous injuries as alleged?

2. Whether the Respondent No.2 proves that driver of the Udayaranga Bus bearing Reg. No.KA-54-6336 had no valid driving license at the time of accident?

3. Whether the petitioner is entitled for compensation? If so, how much and from whom?

4. What Order or Award?

7. Parties have entered into trial. In proof of his case, petitioner got himself examined as PW1 and tendered Exs.P1 to P14 documents in evidence. Petitioner has got examined the Orthopedic Surgeon

KARN010013922017



of SSG Hospital, who treated the petitioner as PW2 and Ex.P14 document was tendered in his evidence. The F.D.A., of RTA Office, Mandya was examined as RW1 and Ex.R1 to R8 documents were tendered in his evidence.

8. Heard arguments, perused the material placed on record.

9. My findings on the above framed issues are as follows:-

- Issue No.1 : In the Affirmative.
- Issue No.2 : In the Negative.
- Issue No.3 : Partly in the Affirmative.
- Issue No.4 : As per final order
for the following:

REASONS

10. **Issue No.1:-** In proof of his case, the petitioner has filed his affidavit by way of his evidence and got himself examined as PW1. PW1 in his evidence has deposed that on on 06.03.2017 at about 9-15 a.m., near Shankar Dhaba, B.M.Road, Ramanagara Town, when he was riding his motorbike, at that moment the driver of the private bus bearing Registration No.KA-54-6336 has driven the same from the side of Ramanagara at high speed in a rash and negligent manner and dashed

KARN010013922017



the bus to the motorbike of the petitioner, resulting into accident and injuries to the petitioner. As a result of accident, he has sustained grievous injuries to his body. Immediately after the accident, he was shifted to BGS Hospital, Ramanagara. Thereafter, he was shifted to NIMHANS, Bengaluru and from thereon, he was taken to SSG Hospital for higher treatment.

11. To prove the rash and negligent driving of the offending Bus bearing registration No.KA-54-6336 by its driver resulting into accident and injuries to him, petitioner in his evidence has produced Ex.P1 to P5 documents. Ex.P1 is the true copy of the first information statement. Ex.P2 is the true copy of the FIR. Ex.P3 is the true copy of the charge sheet. Ex.P4 is the true copy of the wound certificate. Ex.P5 is the true copy of the IMV report.

12. A perusal of contents of Ex.P1 true copy of the first information statement discloses that first informant Jayaramaiah, the son of the injured petitioner has lodged the same alleging that his father riding the motor bike has sustained injuries due to rash and negligent driving of the driver of private Bus bearing registration No.KA-54-6336 on 06.03.2017 at about 9-45 p.m., near Shankar Dhaba, Ramanagara. Based on the contents of Ex.P1- first information statement,

KARN010013922017



the Ramanagara Traffic Police have registered a case against the driver of the bus bearing registration No.KA-54-6336 in Crime No.31/2017 for the offences punishable under Section 279 and 337 of IPC. The contents of Ex.P4- Wound Certificate of the petitioner issued by BGS Global Hospital, Ramanagara, discloses that as a result of RTA petitioner has sustained grievous injuries. Ex.P5- true copy of IMV report discloses that the accident in dispute has not occurred due to mechanical defect of the bus and the motor bike involved in the accident. Ex.P3- true copy of charge sheet discloses that Ramanagara Traffic Police after completion of the investigation have charge sheeted one Ningaraju the driver of the offending bus bearing registration No.KA-54-6336 for the offences punishable under Section 279 and 338 of IPC.

13. A perusal of the oral and documentary evidence produced on record by the petitioner discloses that the same fully supports the case of petitioner with regard to rash and negligent driving of the offending bus bearing registration No.KA-54-6336 by its driver, resulting into accident and injuries to the petitioner. Further, a perusal of cross-examination of the petitioner discloses that in his cross-examination no materials were elicited to disbelieve his evidence.

KARN010013922017



14. In the present case, the first respondent being the owner of the offending bus has not contested the claim petition by disputing the allegations of rash and negligent driving of the bus made against the driver of the bus belong to him. Even the Second respondent insurer of the offending bus also not laid any evidence to disprove the allegations of rash and negligent driving made against the driver of the offending insured bus.

15. In a decision reported between **Bimala Devi and others Vs. Himachal Road Transport Corporation reported in AIR 2009 SC 2819**, the Hon'ble Supreme Court has held that in a road accident claim the strict principles of proof in a criminal case are not attracted. It was further held that the petitioner is required only to establish his case on the touch stone of preponderance of probabilities and standard of proof beyond reasonable doubt cannot be applied in a road accident claim case.

16. By perusing the evidence placed on record and keeping in view of the ratio of the above cited decision, I hold that the petitioner has proved that accident in dispute had occurred only due to rash and negligent driving of the offending bus bearing registration No.KA-54-6336 by its driver resulting into accident and

KARN010013922017



injuries to him. With these observations, I answer Issue No.1 in the Affirmative.

17. **Issue No.2:-** The second respondent insurer of the offending Bus bearing registration No.KA-54-6336 has taken a specific defence that the driver of the insured bus had no valid and effective driving licence to drive the same at the material time of accident.

18. In the present case, the second respondent has not led any evidence to prove that the driver of the insured bus had no valid and effective driving licence to drive the same at the material time of accident. Apart from that, a perusal of the contents of Ex.P3 the true copy of the charge sheet discloses that the jurisdictional police have not charge sheeted the driver of the offending insured Bus for the offence punishable under Section 181 of IMV Act, which probabalizes that he had valid and effective driving licence to drive the bus at the material time of accident. By perusing the materials placed on record, I hold that the second respondent has failed to prove that the driver of the insured bus had no valid and effective driving licence to drive the same at the material time of accident. With these observations, I answer issue No.2 in the **Negative**.

19. **Issue No.3:-** Since the petitioner has proved actionable negligence against the respondents, he is

KARN010013922017



entitle for compensation for the injuries sustained by him. This tribunal has to assess just compensation based on the material placed on record.

20. A perusal of the contents of Ex.P4, the wound certificate of the petitioner and the evidence of PW2, Dr. Babu Prasad, Orthopedic surgeon who treated the petitioner, discloses that as a result of accident petitioner has sustained following injuries;

1. Injury to chest with fracture of 8th and 9th rib right side.
2. Superior and inferior Pubic Rami fracture on left side along with head injury.

Considering the injuries sustained by the petitioner, I hold that he is entitle for compensation of **Rs.40,000/-** towards pain and suffering.

21. With regard to medical expenses are concerned, petitioner in his evidence has produced Ex.P6- six medical bills and Ex.P10- six medical prescriptions.

A perusal of the medical bills produced by the petitioner discloses that he had spent a sum of Rs.20,000/- towards his treatment. By perusing the medical bills produced on record, I hold that the petitioner is entitle for compensation of **Rs.20,000/-** towards medical expenses.

KARN010013922017



22. A perusal of contents of inpatient bill of the petitioner discloses that he took treatment as inpatient at SSG Hospital, Bengaluru, for a period of 3 days from 07.03.2017 to 09.03.2017. Considering the fact that petitioner took treatment as inpatient totally for a period of 3 days, I hold that he is entitle for compensation of **Rs.3,000/-** towards food, attendant and conveyance charges.

23. With regard to loss of income during the period of treatment and rest is concerned, petitioner has produced Ex.P8 copy of payment register pertaining to supply of milk to Karalamangala Milk Co-operative Society and also produced Ex.P13 RTC extracts with respect to land bearing Survey No.73, 74 and 75 to show that he owned some agricultural lands. The above mentioned documents produced by the petitioner are not sufficient to come to the conclusion that he had monthly income of Rs.40,000/- as claimed by him in his petition. In absence of production of documentary evidence in proof of alleged monthly income, notional income of the petitioner required to be taken into consideration. Considering the fact that accident had occurred in the year 2017, on the basis of the guidelines given in the revised chart of Karnataka Legal Services Authority for compromise of MVC cases before Lok-Adalath, notional income of the petitioner required to be considered at

KARN010013922017



Rs.11,000/- per month. Considering the nature of the injuries and treatment undergone by the petitioner, I hold that he is entitle for compensation of Rs.22,000/- for loss of income during the period of treatment and rest at the rate of Rs.11,000/- per month for a period of 2 months.

24. With regard to permanent disability sustained by him, petitioner has got examined PW2- Dr.Babu Prasad, the Orthopedic surgeon of SSG Hospital, Bengaluru, who has treated the petitioner. PW2 Orthopedic surgeon in his evidence has deposed that he has examined and treated the petitioner on 07.03.2027 at SSG Hospital. Petitioner had sustained injuries in a RTA. Petitioner had sustained injury to his chest, fracture of 8th and 9th ribs, fracture of Pubic Rami of left side. Petitioner was treated conservatively. PW2 in his evidence has assessed disability of 26% to left lower limb of the petitioner. PW2 in his evidence has produced Ex.P14- two X-ray films.

25. PW2- Orthopedic Surgeon in his evidence has assessed disability of 26% to the left lower limb of the petitioner. 1/3rd of the said disability would be considered as disability to the whole body. Hence, disability to the whole body would be 9%. The income loss proportionate to 9% disability would be Rs.990/-.

KARN010013922017



26. The petitioner in his cross-examination has admitted the fact that his date of birth was in the year 1951. Hence, on the date of accident petitioner was aged about 68 years. The appropriate multiplier would be '5'. Hence, loss of earning capacity due to permanent disability is **Rs.59,400/- which is rounded off Rs.60,000/-**.

27. Considering the fact that petitioner had sustained disability of 26% to his left lower limb, I hold that he is entitle for compensation of **Rs.20,000/- towards loss of amenities of life and future discomforts.**

28. By perusing the oral and documentary evidence produced on record, I hold that petitioner is entitle for total compensation of Rs.1,65,000/- together with interest at the rate of 6% per annum.

TABLED FORM OF COMPENSATION AWARDED

1.	Towards pain and sufferings	Rs.40,000-00
2.	Medical Expenses	Rs.20,000-00
3.	Food, Attendant and Conveyance Charges.	Rs.03,000-00
4.	Loss of income during the period of treatment and rest	Rs.22,000-00
5.	Loss of earning capacity due to permanent disability.	Rs.60,000-00
6.	Loss of amenities of life and for future discomforts.	Rs.20,000-00

KARN010013922017



	Total Compensation	Rs. 1,65,000-00
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29. With regard to the aspect of liability is concerned, The 2nd respondent has got examined RW1, the FDA of the RTA Office, Mandya, who was authorized to give evidence on behalf of the RTA, Mandya. RW1 in his evidence has produced Ex.R8- permit with respect to the insured vehicle. A perusal of Ex.R8- permit and the evidence of RW1 discloses that the insured vehicle had no permit to ply from Ramanagara to Bengaluru in the main road.

30. The learned counsel for the petitioner has relied on the decision reported between **Amreen Paul Singh and another Vs. Tata AIG General Insurance Co., Ltd., and others reported in AIR 2018 Supreme Court 2662**, wherein the Apex Court has held that, in case of use of vehicle in public place without permit, the principle of pay and recovery is applicable and insurer is liable to pay the compensation to claimants but entitle to recover the same from the owner and driver of the vehicle.

31. In view of ratio of the above cited decision, I hold that the respondent No.1 and 2, being the insured owner and insurer of the offending Private Bus are jointly and severally liable to pay the above mentioned compensation amount to the petitioner. The primary

KARN010013922017



liability of deposit of the compensation amount is fixed on the 2nd respondent- Insurance Company. The 2nd respondent Insurance Company is directed to pay the entire compensation amount to the petitioner with interest and the 2nd respondent is entitle to recover the compensation amount from the 1st respondent the insured owner of the Bus and also from the driver of the offending Private Bus. With these observations, I answer Issue No. 3 partly in the Affirmative.

31. **Issue No. 4:-** In view of my findings on Issue No. 1 to 3 and the reasons assigned thereon, I proceed to pass the following;

:ORDER:

The petition filed by the petitioner U/Sec.166 of Motor Vehicle Act is allowed in part with cost against both the respondents.

The Petitioner is entitle for total compensation of Rs.1,65,000/- together with interest at the rate of 6% p.a., from the date of filing the petition till the date of deposit of the compensation amount before the Tribunal.

KARN010013922017



The respondents No.1 and 2 are jointly and severally liable to pay the above mentioned compensation amount together with interest to the petitioner.

The 2nd respondent is directed to deposit entire compensation amount with interest before this Tribunal within stipulated period mentioned under Section 168(3) of Motor Vehicle Act.

After deposit of compensation amount the second respondent is entitle to recover the compensation amount from the first respondent owner of the insured bus and also from the driver of the insured bus.

After deposit of the compensation amount, entire amount is ordered to be released to the petitioner.

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

Draw award accordingly.

(Dictated to the Stenographer Grade I, transcribed by her, corrected by me and then pronounced in the open Court on this the 17th day of June, 2026.)

(S.A.Hidayathulla Shariff)

III Addl. District & Sessions Judge,
Ramanagara.

KARN010013922017

**ANNEXURE****1. List of witnesses examined on behalf of the petitioner:**

PW1 : Sri.Kalegowda @ Gundappa,
PW2 : Sri.Dr.Babu Prasad.

2. List of documents marked on behalf of the petitioner:

Ex.P1 : Certified copy of Complaint
Ex.P2 : Certified copy of FIR
Ex.P3 : Certified copy of Charge Sheet
Ex.P4 : Wound Certificate of Kalegowda
Ex.P5 : Motor Vehicle Accident report
Ex.P6 : Learner's Licence
Ex.P7 : Certified Copy of Form-4 document
Ex.P8 : 28 pages of Document
(Milk production Sanga)
Ex.P9 : Medical Bills (6)
Ex.P10 : Prescriptions (6)
Ex.P11 : X-ray Photos (2)
Ex.P12 : Discharge summary
Ex.P13 : RTCs in Sy.No.73, 74 & 75.
Ex.P14 : X-ray Films (2)

3. List of witnesses examined on behalf of the respondents:

RW1 : H.C. Channakeshava.

4. List of documents marked on behalf of the respondents:

Ex.R1 : Power of Attorney Holder.
Ex.R2 : Copy of 'B' Register.
Ex.R3 & 4 : Two vehicles replacement endorsement.
Ex.R5 : Transfer of licence.
Ex.R6 : Endorsement.
Ex.R7 : Licence.
Ex.R8 : Vehicles timings list.
Ex.R9 : Endorsement (Timings Change for vehicle)

(S.A.Hidayathulla Shariff)
III Addl. District & Sessions Judge,
Ramanagara.

KARN010013922017

