



**BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL
& Vth ADDL. SMALL CAUSES JUDGE Court of Small
Causes, Mayo Hall Unit Bangalore (SCCH-20)**

Present:- Sri.B.CHENNAPPA B.COM., LL.B., (SPL)

Vth Addl. Small Causes Judge,& XXIV A.C.J.M.

Dated this the 3rd day of July 2026

MVC No.3648/2025

Petitioner/ Claimant	Sri.Patil Mahendra Reddy, 20 years S/o Patil Kurma Reddy R/at No.1-237, Rayadurgam, OC. Colony, VTC Veerapuram, Aanthapur, Andhra Pradesh - 515865 (By Sri.B.Y.Ravi, Advocate)
	V/s
Respondents:	1. Sri.V.Gavin Felix S/o Vasanthi Santhosh R/at No.53, Shankara Matta, 4 th Cross, Ner Gopalaswamy Temple Horamavu, Kalkare, Bengaluru-560043 (Owner of the motorcycle KA-03-KW-8327) 2. M/s United India Insurance Co.Ltd., TP Hub, 5 th & 6 th Floor, Krushi Bhavan Hudson Circle, Nrupathunga Road, Bengaluru-01 (Policy No.0402013124P100411831 Valid up to 05.04.2024 to 04.04.2029) (R1-Exparte, R-2-Sri.Ganapathi.S.Shastri, Advocate)

**(B.CHENNAPPA),
Vth Addl. S.C.Judge & XXIVth ACJM
SCCH-20, Mayohall Unit, Bangalore.**

**J U D G M E N T**

1. This is a claim petition filed by the claimant against the respondents U/Sec.166 of M.V.Act., 1988, seeking compensation of Rs.20,00,000/-, in respect of the injuries sustained by him in the road traffic accident occurred on 17.03.2025.

2. **Petition averments are as follows:**

It is stated in the petition that, on 17.03.2025 at about 7.30 pm, claimant was proceeding on YULU scooter on the outer ring road, near B.Narayapura, Bengaluru slowly and cautiously. At that time, rider of the motorcycle bearing No.KA-03-KW-8327 came on the said road by riding his motorcycle in rash and negligent manner at high speed. Thereby, dashed against the scooter of claimant. Due to which, claimant fell down and sustained right closed mid shaft both bone leg fracture. Thereafter, claimant was shifted to Government Hospital, KR Puram, Bengaluru. After giving first aid treatment in the said hospital, claimant was shifted to Bowring and lady Curzon hospital, Bengaluru. In the said hospital, claimant underwent surgery and CRIF with ILN tibia was done on 19.03.2025. Claimant had spent Rs.2,00,000/- for his treatment. In respect of the above said accident, a case was registered against rider of motorcycle bearing No.KA-03-KW-8327 in Mahadevapura Traffic police station in Crime



No.50/2025 for the offences punishable U/Sec.281, 125(a) of BNS. Prior to the accident, claimant was hale and healthy. As on the date of accident, he was aged about 20 years. He was working as delivery body in Big Basket, Bengaluru and was earning Rs.40,000/-per month. Due to the injuries sustained by the claimant in the accident, now he is not in a position to continue his said avocation. Thereby, he has become permanently disabled. The accident took due to rash and negligent riding of the rider of the motorcycle bearing registration No.KA-03-KW-8327 by it's rider. The respondent No.1 is the owner and respondent No.2 is the insurer of said motorcycle. Therefore, respondents are jointly and severally liable to pay the compensation to the claimant. Accordingly, it is prayed to allow the claim petition.

3. Despite service of the notice on the respondent No.2, he remained absent. Hence, he was placed ex-parte. Respondent No.1 appeared through it's counsel and filed it's statement of objections, inter-alia, denying the averments made in the claim petition. Furthermore, it is contended that, as on the date of the accident, the rider of motorcycle of respondent No.1 had no DL. In the alleged accident, two vehicles are involved. Therefore, it is a case of contributory negligence of riders of both the vehicles. As such, owner and insurer of another motorcycle are



necessary and proper parties. Among other grounds, it is prayed for dismissal of the claim petition.

4. Based on the above said pleadings, the following points are arises for my consideration:

:: ISSUES ::

1. Whether the petitioner proves that on 13.03.2025 at about 7.30 pm, he was a riding YULU scooter, in outer ring road, near Nrayanapura, Wherein the driver of the motorcycle bearing Reg No.KA-03-KW-8327, drove it with high speed and rash and negligent manner and dashed against the YULU scooter and caused the accident, in the accident petitioner sustained grievous injuries as alleged in the petition.?
- 2 Whether respondent No.2 proves that insured has violated the policy conditions and accident occurred due to the negligent act of the petitioner as contended in the written statement.?
3. Whether the petitioner is entitled for compensation? If so, to what amount and from whom?
4. What order or award?
5. In order to prove the averments made in the claim petition, claimant examined himself as PW-1 and also



examined Dr.Nagaraj.B.N, an Orthopedic Surgeon, as PW-2. Claimant produced the documents as per Ex.P-1 to 17. Ex.P-1 is FIR, Ex.P-2 is complaint, Ex.P-3 & 4 are police intimations, Ex.P-5 is mahazar, Ex.P.6 is sketch map, Ex.P.7 is IMV report, Ex.P-8 is wound certificate, Ex.P-9 is charge sheet, Ex.P-10 & 11 are the notice issued U/s 133 of MV Act and it's replay, Ex.P-12 is statement of witness, Ex.P.13 is discharge summary, Ex.P-14 is Medical bills, Ex.P-15 is Adhaar card of claimant, Ex.P-16 is clinical notes and Ex.P-17 is X-ray film.

6. I have heard the arguments for claimant and perused the material on record. My findings on the above points are as follows:

Issue No.1 : In the affirmative.

Issue No.2 : In the negative.

Issue No.3 : Yes. Rs.4,77,952/-.

From the respondent No.2

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

:: R E A S O N S ::

7. **Issue No.1 and 2:-** To avoid repetition of facts and evidence, these issues are taken together for common discussion.

In order to prove that the accident occurred due to rash and negligent riding of the motorcycle bearing registration No.KA-03-KW-8327 by it's rider, claimant himself has examined as PW-1. During his examination-in-



chief, he has reiterated the averments made in the claim petition. During his cross-examination, he has deposed that the rider of the offending motorcycle came from his back side and caused the accident. He has specifically denied that accident occurred due to his fault. He has denied that since the accident occurred due to his fault, therefore after waiting 2 days, he had lodged the complaint belatedly. He has denied that, in order to gain wrongful, he has filed false complaint.

8. Apart from the above said oral evidence, claimant has also produced the documents as per Ex.P.1 to 17. Among those documents, Ex.P.1 to 12 are the material documents to decide the issue No.1 and 2. On perusal of oral evidence of PW-1, coupled with Ex.P-1 and 2, FIR and Complaint registered in Mahadevapura Traffic police station Crime No.50/2025, it reveals that, on the basis of first information statement lodged by the claimant on 19.03.2025, a case was registered against the rider of the motorcycle bearing No.KA-03-KW-8327 for the offences punishable U/Sec.281, 125(A) of BNS Act. On perusal of Ex.P.3, MLC intimation, it reveals that, soon after the accident, claimant was taken to the Govt. Hospital, KR Puram with history of RTA and the doctor of said hospital had intimated the concerned police regarding the injuries sustained by the claimant in RTA. Thereafter, claimant was shifted to Bowring hospital. In the said hospital, concerned doctor issued intimation to the police as per Ex.P.4. In the said intimation, the history of injuries sustained by the claimant is mentioned as RTA



while traveling on a two wheeler another two wheeler dashed on 17.03.2025 at about 06.30 PM. On perusal of Ex.5 & 6, spot panchanama and sketch map, it reveals that soon after the registration of the crime, concerned police proceeded to the accident spot and drew the mahazar. The accident spot is shown on the extreme left side of the road proceeding from Tin Factory. The motorcycle of claimant was proceeding on the extreme left side and motorcycle of the respondent No.2 came on the wrong side and caused the accident. On perusal of Ex.P-7, motor vehicle inspection report, it reveals that, soon after seizure of the offending motorcycle, it was inspected by the concerned RTO and found the damages on it. On perusal of Ex.P-8, wound certificate of claimant, it reveals that, in the accident claimant sustained grievous injuries. On perusal of Ex.P-9 charge sheet, it reveals that, the concerned police, after investigation, filed the charge sheet against the rider of motorcycle bearing No.KA-03-KW-8327. In the charge sheet it is specifically stated that rider of the motorcycle bearing No.KA-03-KW-8327 by riding his motorcycle in rash and negligent manner came from Doddanakundi side so as to proceeded towards KR Puram railway station and dashed against the motorcycle of claimant which was proceeding in front of the offending motorcycle. Therefore, considering the above said oral and documentary evidence, I am of the view that the rider of offending motorcycle is responsible for the occurrence of said accident. To prove that accident occurred due to fault of claimant and the rider of the motorcycle of



respondent No.1 had no DL, respondent No.2 has not produced any material. **Accordingly, I answer issue No.1 in the affirmative and issue No.2 in the negative.**

9. **Point No.3:-** Claimant has specifically stated that, in the accident, he sustained right closed mid shaft both bone leg fracture and other injuries. Soon after the accident, he was taken to Government hospital, KR Puram and thereafter to Bowring and Lady Curzon Hospital. He underwent surgery in Bowring hospital. He had spent Rs.2,00,000/- for his treatment. He was working as delivery boy and was earning Rs.40,000/- per month. Due to the injuries sustained by him in the accident, now he is not in a position to continue his said avocation. Thereby, he has become permanently disabled. The respondent No.2 has denied the above said averments.

10. In order to prove the averments made in the claim petition, claimant has examined himself as PW-1. During his examination-in-chief, he has reiterated the averments made in the claim petition. During his cross examination, except bare suggestions that in the accident, he sustained simple injuries; he neither underwent any surgery nor spent any amount for his treatment, nothing worthy is elicited.

11. To prove the disability, claimant has examined Dr.Nagaraj.B.N, an Orthopedic Surgeon of Bengaluru, as PW-2. During examination-in-chief of PW-2, he has



deposed that, as per the records, claimant sustained right closed mid shaft both bone leg fracture in RTA on 17.03.2025. Claimant was admitted in Bowring and Lady Curzon hospital on 17.03.2025 and was discharged on 21.03.2025. In the said hospital, claimant underwent surgery and CRIF with ILN tibia was done on 19.03.2025. On examination of claimant, the claimant has mild limping gait, restricted right knee and ankle movements with wasting of the thigh muscles. Right leg fractured bone is united. Therefore, claimant has 42% disability towards his left lower limb, which is 14% physical disability to his whole body. During his cross-examination, he has admitted that he did not treat the claimant. After one year of accident, claimant came from examination. He has denied that, in respect of the injuries sustained by the claimant as mentioned in the wound certificate, claimant has no any disability. He has denied that in order to help the claimant he has falsely assessed the disability of claimant.

12. On perusal of Ex.P-14 medical bills, it reveals that, claimant had spent Rs.9,152/- for his treatment. Therefore, claimant is entitled for reimbursement of said bill. Considering the evidence of PW-1 and 2, coupled with Ex.P-8 wound certificate, Ex.P-16 clinical notes and Ex.P-17 X-ray, the functional disability of claimant is taken into consideration at 10% to the whole body.



13. In order to prove the age of the claimant, he has produced his Adhaar card at Ex.P-15. In the said document, date of birth of claimant is mentioned as 19.08.2004. The accident occurred on 17.03.2025. Therefore, as on the date of accident, age of claimant was 20 years. In order to prove the income of the claimant, he has not produced any concrete evidence. Therefore, it is incumbent on this tribunal to ascertain the income of the claimant as on the date of accident notionally. To assess the notional income of claimant, the chart prepared by the Hon'ble Karnataka State Legal Service Authority is to be taken into consideration. Said chart was relied by the **Hon'ble Division Bench of High Court of Karnataka reported in 2017 ACJ 243 in the case of Krishabai and others V/s Fedex Transport and Supplies General Service India Private Ltd and others**, wherein at Para No.6, it is held that, when there is no material to substantiate the income of the victim of RTA, the notional income to be decided based on the notional income prepared by Lok-Adalath. Said proposition has also been reiterated in the decision of Hon'ble High Court of Karnataka reported **in 2018 SCC Online 2862 in the case of Legal Manager, IFFCO TOKIO GIC Limited Vs. Srinivas and others**, another judgment of **Hon'ble High court of Karnataka in MFA No.10307/2017, dated 13.07.2023 in the case of Umalu S/o Laskareppa Lamani @ Nayak and another V/s M/w Delhi Gujrat (DB)**. The accident in question took



in the year 2025. As per chart prepared by the Karnataka Legal Service Authority notified on 30.06.2026, the notional income for the year 2025 is shown as Rs.18,000/-. Accordingly, income of claimant for a year comes to Rs.18,000/-. As per the law laid-down by the **Hon'ble Apex Court in the decision report in (2009) 6 SCC 121 in the case of Sarala Verma and others Vs. Delhi Transport Corporation and others**, which is approved in the decision of Constitution Bench reported in (2017) 16 SCC 680 in the case of National **Insurance Company Vs. Pranay Sethi and others**, the multiplier applicable to the age of claimant is 18. Thus, claimant is entitled for loss of future income of Rs.3,88,800/- ($\text{Rs.18,000/-} \times 12 \times 18 \times 10/100$). Considering the nature of injuries sustained by the claimant, I am of the view that the claimant is entitled for Rs.20,000/- under the head of pain and sufferings. Besides, claimant is entitled for Rs.20,000/- under the head of loss of amenities and nutrition food. Further, I deem it fit and proper to award Rs.20,000/- under the head of attendant and conveyance. Besides, claimant is entitled Rs.20,000/- towards laid up period.



S1 No.	Particulars	Amount
1	Medical expenses	Rs. 9,152/-
2	Loss of income on account of permanent disability	Rs. 3,88,800/-
3	Loss of income during laid up period	Rs. 20,000/-
4	Attendant and conveyance	Rs. 20,000/-
5	Pain & sufferings	Rs. 20,000/-
6	loss of amenities & Nutrition food	Rs. 20,000/-
	TOTAL	Rs.4,77,952/-

In view of the above said heads, the claimant is entitled for the compensation amount of **Rs.4,77,952/-**. Said amount carries interest @ 6% per annum from the date of petition till the date of actual realization.

14. **Liability clause**: While answering Issue No.1 to 3, it is held that, the accident had occurred due to rash and negligent riding of the motorcycle bearing registration No.KA-03-KW-8327 by it's rider. The respondent No.1 is the owner of said vehicle and respondent No.2 is it's insurer. At the time of accident, policy was in force. Therefore, respondent Nos.1 and 2 are jointly and severally liable to pay the compensation as determined above to the claimant. **Accordingly, I have answered point No.3.**

15. **Issue No.4**: In view of the foregoing reasons and my findings given on Issue Nos.1 to 3 and additional issue No.1, I proceed to pass the following:

**:: O R D E R ::**

The claim petition filed by the claimant is allowed in part, with costs as under:

The claimant is entitled for compensation of Rs.4,77,952/- (Rupees Four Lakhs Seventy Seven Thousand Nine Hundred and Fifty Two Only) along with interest at the rate of 6% per annum, from the date of petition till it's deposit.

The respondent No.2 is directed to deposit the compensation amount within the time stipulated U/Sec.168(3) of M V Act.

Soon after deposit made by the respondent No.2, entire amount shall be released in favour of claimant.

Advocate fee of Rs.1000/- is fixed.

All the interim applications pending, if any stand disposed of.

Draw award accordingly.

(Dictated to the Stenographer directly on computer then corrected by me and pronounced in open court on this the 3rd day of July 2026)

**(B.CHENNAPPA)
Vth Addl. Judge & XXIVth ACJM
SCCH-20, Mayohall Unit, Bangalore**

**:A N N E X U R E:****List of witnesses examined for petitioner:**

PW.1 : Sri.Patil Mahendra Reddy
PW.2 : Dr.Nagaraj.B.N

List of documents marked for petitioner:

Ex.P-1 : Copy of F.I.R.
Ex.P-2 : Copy of Complaint.
Ex.P-3 & 4 : Police intimation.
Ex.P-5 : Spot Mahazar.
Ex.P-6 : Spot sketch.
Ex.P-7 : IMV report.
Ex.P-8 : Wound certificate.
Ex.P-9 : Final Report.
Ex.P-10 & 11 : Notice & reply notice
Ex.P-12 : Statement of witness
Ex.P-13 : Discharge summary
Ex.P-14 : Medical bills 9 in nos.
Ex.P-15 : Notarized copy of Adhar card.
Ex.P-16 : Clinical notes
Ex.P-17 : X-ray.

List of witnesses examined and documents marked for respondents: NIL

(B.CHENNAPPA)
Vth Addl. Judge & XXIVth ACJM
SCCH-20, Mayohall Unit, Bangalore.