

KABG010131772019



**IN THE COURT OF HON'BLE VIII ADDL. DISTRICT & SESSIONS
JUDGE & M.A.C.T., AT BELAGAVI**

Present

Sri. R.P.GOWDA, M.Com. L.L.B.,
C/C VIII Addl District and Sessions Judge, Belagavi

Dated : This the 22nd day of July, 2026

M.V.C.2405/2019

BETWEEN:

1. Shri: Manjunath S/o. Basappa Angadi
Age: 22 years, Occ: Driver (Now Nil)
R/o: Banchanaki, Tal: Mundgod,
Dist: Uttar Kannada, State: Karnataka-581349
Now residing at: Narvekar Galli, Belagavi.

PETITIONER

(By Sri M V Angadi, Advocate)

AND:

1. Shri: Khajamainuddin S/o. Abdulgani Panwale
Age: Major, Occ: Transport Business,
R/o. Altaf Nagar, 1st Cross, Islampur,
Old Hubli, Hubli, State: Karnataka-580024
(Owner cum Driver of the Truck No. KA-42/0393)

2 The Manager Legal
The HDFC ERGO General Ins. Co. Ltd.,
1st Floor, Virupakshakrupa, Opp KIMS Main Gate
P.B.Road, Vidyanagar, Hubli-580021
(Insurance Policy No. 2317202570462800000
Valid from 27-12-2018 to 26-12-2019
Insurer of the Truck No. KA-42/0393)

3. Lalita Basavaraj Kambar
Age: Major, Occ: Household work,

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R/o. #15, Gouli Galli, Old Hubli,
Hubli, State: Karnataka-580024
(Owner of Tavera No.KA-35/M-6324)

4. The Manager Legal
DHFL General Insurance Co. Ltd.
Ground Floor, Smr House, No.11,
Convent Road Richmond Town, Bengaluru-560038
Through it's Branch Office
3 Rd Floor, Nasco Ishaanya Building,
Above Airtel And Bata Showroom,
Opp. Tata Gold Plus, Goaves, Khanapur Road,
Tilakwadi, Belagavi, Karnataka
(Policy No.20900036979/00/000000/0
Valid From 10-05-2019 to 11-05-2020
Insurer of Tavera No.KA-35/M-6324)

...RESPONDENTS

**(R1, 3 Exparte,
R2 by Sri G V Joshi, Adv.,
R4 by Sri S P Chaugule, Adv.)**

JUDGMENT

This is a petition filed by the petitioner seeking the compensation in respect of the accidental injuries sustained by him in a road traffic accident and he sought a compensation of ₹40,00,000/- together with interest at the rate of 12% per annum from the date of the petition, till its realization along with costs.

2. The brief facts of the case of the petitioner are as under.

That, on 09-09-2019 at about 12:30 a.m. the petitioner was proceeding as a driver by driving Tavera Car No. KA-35/M-6324 along with the Respondent No.3's relatives. After taking Dev Darshan at Munirabad, the petitioner and

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his Employer's relatives are returning back to Hubballi, at that time, when the said Tavera Car came on Hubballi-Gadag Road, Near Ingalahalli Cross, Shiraguppi Village, Dharwad, one driver of the Truck No.KA-42/0393 parked the Truck on the middle of the road, without any parking lights, signals, indicator, proper caution and not even driver nor cleaner nor an attender has stood near their parked truck to give signal to the user of the said road to slow down the vehicles. Due to the wrong parking of the said Truck, the petitioner could not see the Truck which was parked by its driver in the middle of the road that too in the foggy night hours and thereby the petitioner dashed the Tavera Car No. KA-35/M-6324 to the said Truck No.KA-42/0393 from rear side. Due to the said impact, the petitioner sustained the grievous injuries as mentioned in column No.11 of the petition. Immediately after the accident, the petitioner was taken to K.I.M.S. Hospital, Hubballi, there he was an inpatient for two months. and there he was operated 4 times in the said hospital and he has spent Rs.80,000/- towards the Hospital bills and medical bills and other expenses.

Prior to the accident, the Petitioner was hale and healthy and aged 22 years and the petitioner was doing

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Driving work under the Respondent No.3 from the last 1 year prior to the accident and thereby the petitioner was getting salary of Rs.14,000/- per month and Bhatta of Rs.300/- per day and thereby maintaining the family. Due to the said accidental injuries, the petitioner has become physically and permanently disabled to the extent of 100% and also the petitioner has lost his earning and working capacity to the extent of 100%. Due to the said accidental injuries, the petitioner is not in a capacity to sit, stand, walk, run and he is not able to bend his left leg and left hand properly. Hence, he is unable to drive any vehicle or any other work as prior to the accident, if he does he will get very much pain in his left leg, left hand and severe pain in his head. Hence, the petitioner has left the driving job due to the said accidental injuries. Apart from this, the petitioner is a Bachelor, due to the said accidental injuries his future marriage prospects have been vanished. Therefore, the petitioner and the family members have been put to great and irreparable loss and put into starvation.

If the petitioner would not have met with accidental injuries, he would have earned more income like Rs.30,000/- per month in future than these days income

and this will be most loss of future M.V.C.2405/2019 income to the petitioner and to his family.

The above said accident happened entirely due to wrong parking of the Truck No.KA-42/0393 on the middle of the road. There is no rash and negligent driving of the petitioner. The Police authority falsely registered complaint and F.I.R. against the petitioner. Therefore, the Respondent No.3 & 4 are made as formal parties to avoid the future complications for non joinder of the owner of Tavera Car and its insurance company. Hence, there is no claim against the Respondent No.3 & 4. Hence, only the Respondent No. 1 & 2 are jointly and severally liable to pay the compensation to the Petitioner. The petitioner has not at all filed any another claim petition other than this under this Act or E.C. Act. With these averments, the petitioner prayed to allow the petition.

3. After registering the case, the court had issued the notices to the respondents. Among the respondents, the respondent no. 1 and 3 did not appear and by the order of the court they were placed ex-parte.

4. The respondent no. 2 and 4 have entered their appearance through their respective counsels and have filed their

respective statement of objections

5. The objections of respondent No.2 are hereunder:

It is submitted that the petition filed by the petitioner for the compensation against this respondent is false, frivolous, vexatious and the entire averments are denied by this respondent. The averments related to the age, income of the petitioner as well as the place, date and time of the accident, nature of injuries sustained by the petitioner in the accident are also specifically denied. The alleged treatment in the hospital and expenses incurred and registration number and type of vehicle involved in the accident are all specifically denied. The claim of Rs.40,00,000/- made by the petitioner including claimed interest on it, under different heads are not only exorbitant but excessive, baseless and imaginary and this respondent is not liable for any compensation. The allegations made in the petition in respect of the manner of the accident, the alleged negligence resulted in the said accident are all specifically denied. The allegations that prior to the accident, this petitioner was hale and healthy and aged 22 years and he was doing driving work under the respondent no. 3 from the last 1 year prior to the accident and there by the petitioner was getting salary of Rs. 14,000/- per month and Bhatta of Rs. 300/- per day and other allegations that

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due to the said accidental injuries, the petitioner has become physically and permanently disabled to the extent of 100% and also the petitioner has lost his earning and working capacity to the extent of 100% and due to the said accidental injuries and that he is not in a capacity to sit, stand, walk, run and he is not able to do the physical activities are specifically denied.

Further the allegations that said accident happened entirely due to wrong parking of the truck no. KA-42/0393 on the middle of the road and there is no rashly and negligent driving of the petitioner and the police authority falsely filed complaint and FIR against the petitioner. It is further submitted that the petition filed by the petitioner in the present form is not maintainable by stating owner and insurer of the Tavera Car as formal party. It is further submitted that if any employer and employee relationship with the said respondent no. 3, the petitioner's remedy is under the Employees Compensation Act and not before the MACT, hence on this count itself the petition filed by the petitioner deserves to be dismissed as not maintainable. It is submitted that no accident took place as alleged and one stated in the petition are all only self serving statement and hence petition filed by the petitioner deserves to be dismissed on this count

alone.

It is further submitted that there is no negligence on the part of the driver of the truck no. KA-42/0393, further petitioner had ample road space to pass his vehicle, hence petition filed by the petitioner deserves to be dismissed on this count also. It is submitted that there is a complaint and FIR as against the petitioner and he himself tortfeasor and hence petitioner is not entitled for any sort of compensation. A defence that the driver of the vehicle no. KA-42/0393 was not having license to drive the same and no permit for the said vehicle to ply on the road have been taken and contended that there is a violation of the policy terms and conditions and hence on this count also prayed for dismissal of the petition.

6. The objections of respondent No.4 are hereunder:

This Respondent also denied the entire averments made in the petition in toto and also denies the age, occupation & income shown by the Petitioner. It has also denied the entire averments related to the alleged manner of the accident and that of the entire averments related to the income and avocation of the petitioner prior to the accident and that of the alleged disability suffered by him due to the

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alleged injuries sustained by him in the said accident.

It is admitted that the accident was occurred entirely due to wrong parking of the Truck NO.KA-42/0393 on the middle of the road. It has been admitted that there is no rash and negligent driving of the Petitioner. By admitting that there is no claim against the Respondent NO.3&4 and affirming the contention that the Respondent NO.1 & 2 are jointly, severally liable to pay the compensation to the Petitioner.

It is submitted that on the alleged date of the accident, the Petitioner was driving the Tavera Car bearing Regn.NO.KA-35/M-3624 and as such the said Petitioner driver was driving the same in a very slow manner and by following the Traffic Rules and Regulations and when he was moving and at that time, the driver of the Truck bearing Regn.NO.KA-42/0393 had parked his Truck in the center portion of the road without putting on any indicators or parking lights, signals and as such the driver of the said Truck had parked the said Truck without following the Traffic Rules and regulations and as such the Petitioner driver could not see the said Truck and further the weather was smoky and also there was a fog and as such the Truck in question was not visible and accordingly

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due to the negligent act on the part of the driver of the Truck in question parking the said Truck in the middle portion of the road and accordingly the accident in question has taken place. The accident in question has taken place due to sole negligent act on the part of the driver of the Truck in question and absolutely there is no fault or negligent act on the part of the Petitioner driver in causing the accident. It is respectfully submitted that the Hubli Rural Police have filed the Charge Sheet against the driver of the Truck bearing Regn.NO.KA-42/0393 and accordingly the Respondent NO.1&2 are solely liable and responsible to pay compensation to the Petitioner and hence the Claim Petition filed by the Petitioner is liable to be rejected against the Respondent NO.4 Insurance Company.

Further, as the Hubli Rural Police have also filed the Charge Sheet against the Petitioner driver under Hubli Rural P.S.Crime NO.143/2019 and as such the Petitioner driver also being charge sheeted and as such the Petitioner himself being a tortfeasor and as such he is not entitled for any relief from the hands of this Hon'ble Court. Hence, the claim petition is not at all maintainable nor tenable in the eyes of Law and prayed for the dismissal of the petition with costs.

7. After completion of the pleadings the following issues have been framed by my learned predecessor of this court.

1. Whether the petitioner proves that in Road Traffic Accident occurred on 9.9.2019 at about 12.30 hours., on Hubballi-Gadag Road, Near Ingalahalli cross, at Shiraguppi village, Dharwad, within the limits of Hubli Rural P.S., he sustained injuries on account of wrong parking of Truck bearing No.KA-42/0393 on the middle of the road?

2. Whether the petitioner is entitled for compensation? If so, what is the quantum?

3. What order or award?

8. After completion of the hearings when the case was posted for evidence , the petitioner himself examined as PW1 and during the course of his evidence, he has marked the documents as Ex.P1 to Ex.P28. After his evidence, he examined Dr. Satish Devagouda Patil as PW2, who did not produce any documents.

9. On the other hand , though sufficient time has been granted, the respondents have not opted to lead evidence before the court. However, with the consent of both the parties, Ex.R1 was marked on behalf of the respondent side. Hence, the case was posted for arguments.

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10. Heard the arguments.

11. My findings to the above said Issues are hereunder.

Issue No.1: In the affirmative.

Issue No.2: Partly in the Affirmative

Issue No.3: As per final order for the

following:

REASONS

12. **ISSUE NO.1:** It is the specific contention of the petitioner that on 09.09.2019 at about 12.30 a.m. when he was proceeding as a driver by driving a Tavera car bearing registration No.KA 35/M6324 along with the relatives of the respondent no.3, he met with an accident near Ingalahalli cross Shiraguppi Village, Dharwad, due to the rash and negligent parking of the truck bearing number KA42/0393 by its driver and as it was parked in the middle of the road without any parking lights, signals, indicator and proper caution, he could not see the truck due to foggy night hours and thereby he dashed the car to the said truck from rear side. Due to the said impact , he sustained the grievous injuries as alleged in the present petition. However, this aspect has been specifically denied by the respondent no. 2 and 4 specifically. In view of this , the initial onus is upon the petitioner to prove his contention.

13. In order to discharge his burden , the petitioner himself examined as PW1 and reiterated all the petition averments. During

the course of his evidence, he marked the documents as Ex.P1 to Ex.P28.

14. During the course of cross examination, it is admitted by PW1 that in respect of the alleged accident the police have also charge sheeted him. However, he denied the suggestion that he himself had driven his vehicle in a rash and negligent manner. He denied the suggestion that the truck was parked by the side of the road with indicators. He admits that there was no fog on the said day of the accident. He also admits that he did not challenge the charge sheet filed against him. In order to show the nature of the injuries as well as the disability suffered by him, he examined PW2 Dr. Satish Patil. The said evidence of the doctor is restricted to the disability certificate issued by him and that of the nature of injuries sustained by the petitioner in the said accident.

15. It is to be noted that except the production and marking of Ex.R1, no witnesses are examined on behalf of respondent no. 2 and 4.

16. In the light of the said evidence on petitioner side, if we go through the documentary evidence placed on record, Ex.P1 is the first information report, which is registered in Crime No. 143/2019 of Hubli Rural Police Station which was on the basis of the complaint lodged by one Santhosh S/o. Rajappa Nittur. The said complainant is brother of one of the co-passengers by name Sham

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alias Shanu, son of Rajappa Nittur in the car driven by PW1 petitioner at the time of the accident. The said complaint would show that the petitioner himself had driven his car in a rash and negligent manner and at that time, the truck which was parked in the road without having any indicators has dashed against the said truck from rear side and thereby the petitioner and passengers were injured. The Ex.P3 is the panchanama drawn on the spot. Ex.P4 is the motor vehicle accident report which shows the damages occurred to both the vehicles involved in the accident. The Ex.P5 is the charge sheet submitted by the police which would show that the present petitioner is shown as the accused no. 1 and the driver of the truck bearing registration No.KA-42/0393 as the accused No.2. In the said accident, the co-passenger in the car by name Sham alias Shanu, son of Rajappa Nittur was died in the spot and another passenger by name Nagaraj son of Sadashiv Hosakote has died during his treatment at Hubli KIMS Hospital and thereby the offences alleged against him were under Section 279, 337, 338 and 304A of IPC. The driver of the truck has been charge sheeted with Section 283 of IPC only. The wound certificate marked as per Ex.P6 would show that the petitioner had the fracture of lower end right radius and fracture of upper end of right femur and both injuries were grievous injuries. Ex.P7 to 22 are the medical records of the petitioner herein. Ex.P23 is the school leaving certificate and

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Ex.P24 is the B register extract pertaining to the vehicle of the respondent no. 1. Ex.P25 is the copy of the driving licence of the driver of the vehicle of the respondent no.1. Ex.P26 is the B register extract pertaining to KA35 /M6324. Ex.P27 is the certified copy of the driving licence of the PW1. Ex.P28 is the Copy of the judgment passed in CC No. 180 /2020. It is important thing to note that except the production and marking of the Ex.R1 policy , the respondents have not opted to lead any evidence before the court.

17. On going through the entire materials placed on record, it is very clear that the petitioner has met with an accident on 09.09.2019 at about 12.30 hours on Hubli -Gadag Road near Ingalahalli cross at Shiraguppi Village, Dharwad due to the wrong parking of truck bearing registration No.KA 42 /0393 on the middle of the road. But it is also to be noted that the petitioner herein being the driver of the car bearing registration No.KA35/M6324 had driven the said car in a rash and negligent manner and dashed against the truck which was parked in the road without showing any indicators. In view of this, the rash and negligent act of the petitioner herein is clearly established and at the same time the negligence on the part of the truck driver is also established. It is also established that the petitioner sustained the grievous injuries in the said accident. Hence, I answer this issue in the Affirmative.

18. **ISSUE No. 2.** It is to be noted that the petitioner herein has claimed the compensation in respect of the accidental injuries sustained by him in the above said accident. This Court has already held that the alleged accident was taken place due to the negligent parking of the truck bearing Reg. No. .KA 42 /0393 by its driver which belongs to the respondent no. 1. It is also established that the petitioner herein is also cause for the said accident. In view of this , the petitioner who is injured is entitled for the compensation as claimed in the present petition.

19. Coming to the quantum of compensation, it is very clear that the court is required to consider the age, income and avocation of the petitioner herein to arrive at a proper conclusion. In this regard , it is relevant thing to note that the age of the petitioner is shown as 22 years in the examination -in -chief and also in the petition. In this regard , he produced the Ex.P.23, the school transfer certificate, which discloses that the date of birth of this petitioner was on 27.07.1997. His copy of the driving license marked as Ex.P.27 also depicts the same date of birth. In view of this, as on the date of the accident, the petitioner is aged about 22 years as contended in the petition. The said age is to be considered by the court since they are the authorized identification records of the petitioner. Under these circumstances , the petitioner was aged about 22 years at the time of the accident and the proper multiplier

to his age is as per Sarala Verma's case is '18'.

20. Coming to the avocation as well as the income of the petitioner, it is very clear that in the present petition, the petitioner has taken a specific contention that he was a driver by profession and doing the driver work under the respondent No.3. His monthly income is said to be Rs.14,000/- and daily he is getting Bhatta of Rs.300/- and later on in his examination in chief, he deposed that he was getting monthly Rs.18,000/- However, in his examination in chief, he once again deposed that he was getting Rs.14,000/- P.M and Rs.300/- Per day as a Bhatta. Admittedly, except oral statement, no other documentary evidence is placed on record by this petitioner. Since it is to be noted that the petitioner was hale and healthy before the alleged accident, definitely he would have earned not less than Rs. 15,000/- per month. Hence, his monthly earnings are taken at the rate of Rs.15,000/- P.M.

21. It is to be noted that the medical records of this petitioner more particularly, the wound certificate as well as the discharge summaries, marked as per Ex.P.6 to 26 would show that this petitioner suffered fracture of upper end of right femur and fracture of lower end of right radius, which are grievous in nature. These things made him to suffer a lot. In this regard, this petitioner is entitle for the compensation under the head **"pain and sufferings"**. In this regard, if an amount of Rs.50,000/- is awarded

under the said head, it would meet the ends of justice.

22. It is also to be noted that as per the Ex.P.7, he was admitted in the hospital for a period from 9.09.2019 to 26.10.2019 i.e., 17 days and further as per the Ex.P.9, he was admitted in the hospital on 28.10.2020 and discharged on 3.11.2020 and he was inpatient for a period of 6 days. Further as per EX.P.11, , he was admitted on 29.12.2020 and discharged on 7.01.2021, i.e., he was admitted as an inpatient for a period of 9 days. Further, as per the Ex.P.13, he was admitted in the hospital on 2.02.2021 and discharged on 12.02.2021 i.e., he was in patient for a period of 10 days. Further, as per Ex.P.16, he was admitted in the hospital on 30.06.2021 and discharged on 20.08.2021 i.e., he was in patient for a period of 50 days. In total he was an inpatient for a period of 92 days. Hence, he would have bed ridden for a period of more than 4 months. Since, the notional income of the petitioner is estimated at Rs.15,000/- P.M, at that rate, the petitioner is entitle for the compensation under the head **"Loss of earning during the period of treatment" , i.e., "Loss during the laid up period"** to the tune of Rs.60,000/-.

23. During the period of treatment, definitely, the petitioner would have spent towards the Food, nourishment, transportation and attendant charges. In this regard, if an amount of Rs.20,000/- is awarded under the head **" Food, nourishment,**

transportation and attendant charges”, it would meet the ends of justice.

24. The compensation under the head “ Loss of amenities” refers to the deprivation of the normal enjoyments and pleasures of life, such as the ability to walk, run, or participate in activities, due to the injuries sustained in the accident. In this regard, the Court is required to consider the claimant’s age, marital status and the unusual deprivation suffered, including the effect on his future life and prospects. In this regard, if an amount of Rs.30,000/- is awarded under the head” **Loss of amenities”** , it would meet the ends of justice.

25. On going through the medical records, it is clear that the petitioner had spent Rs. 26,276/- towards medical expenses, which would reveal from Ex.P.22, which are the 34 medical bills inpatient bills and the medical bills. Since, the respondent did not object and as no contrary evidence is placed on record, I am of the opinion that it would be accepted as it is. Hence, this petitioner is entitle for the compensation under the head “ **Medical Bills**” to the tune of Rs.26,276/-.

26. Coming to the compensation under the head “**loss of earnings**’, the court is required to consider the income of the petitioner and that of the percentage of disability suffered by him due to the accidental injuries sustained by him. In this regard, as

already observed by this court regarding the monthly income of the petitioner to the tune of Rs.15,000/- per month, the court is also consider that the petitioner is entitled for enhanced income as he is entitled for loss of future prospects. In this regard, if 40% of the monthly income of the petitioner is taken into consideration, it would meet the ends of justice. Hence, monthly income of the petitioner for the purpose of ascertaining the compensation under the head **loss of earnings**, is as under:

$$\text{Rs.15,000/-} + 40\% (\text{Rs.6,000/-}) = \text{Rs.21,000/-} .$$

27. While assessing the **loss of earnings**, the court is required to consider the evidence of PW2, who is the Doctor who issued the Ex.P21 , the disability certificate wherein he opined that the petitioner is having 48% of disability towards his left lower limb . On going through the said Ex.P21 and that of evidence of PW2, it is very clear that the said PW2 did not adhere to the recent guidelines issued by the Central Government in respect of assessing the disability , wherein the mobility and stability components need to be assessed by assigning the scores as mentioned in the schedule. In view of this, said assessment cannot be relied upon. Since there are fracture injuries suffered by the injured and keeping in view of the fact that not more than 35% disability can be given in respect of the knee joint, I am of the opinion that the disability could not be more than 8% in respect of whole body of this

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petitioner. By taking into consideration the loss of future earning capacity is assessed as under:

$\text{Rs.}21,000/- \times 12 \times 18 \times 8\% = \text{Rs.}3,62,880/-$. Hence, the petitioner is entitled for the **loss of future earning capacity** to the tune of Rs.3,62,880/- .

28. So , in view of this the petitioner is entitled for the compensation under the following heads:

Sl. No.	Heads	Compensation amount in Rs.
1	Pain and sufferings	50,000/-
2	Loss of earning during the period of treatment	60,000/-
3	Food, nourishment, transportation and attendant charges	20,000/-
4	Loss of amenities	30,000/-
5	Medical bills	26,276/-
6	loss of future earning capacity	3,62,880/-
	Total	Rs. 5,19,156/-

29. **Interest:** The petitioner has claimed the interest on the compensation amount to the tune of 12% per annum from the date of petition till its realization along with costs.

30. As per the various dictums , the Hon'ble High Courts and the Hon'ble Apex Court have held that in the present scenario ,

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considering the facts and circumstances as well as the present economic conditions, the rate of interest on the compensation to be awarded in the motor vehicle claims, would be not more than 6% per annum. In view of this, in the case on hand, the petitioner is also entitled for an interest at the rate of 6% per annum on the compensation, from the date of filing of the petition, till the realization of the compensation amount.

31. **Fastening the liability**, In the case on hand, the petitioner has taken a specific contention that the offended vehicle is the cause for the said accident and hence, the liability need to be fastened against the Respondent No. 1 and 2. However, it is to be noted that the charge sheet submitted by alleging the negligent and rash driving on the part of this petitioner and also it is a fact that the truck belongs to the respondent No.1 was parked negligently in the middle of the road and hence, the driver of the said truck was also charge sheeted by the police. Under these circumstances, it is a clear case of contributory negligence on the part of the petitioner himself. Admittedly, no violation of the policy conditions are proved as against the respondent No.1 and 3. In view of this, the liability need to be apportioned between the two vehicles to the tune of 50:50 each. In view of this, both the Respondent No.2 and 4 being the insurance companies, which insured the both vehicles are required to satisfy the above said

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claim at 50:50 each. Hence, the respondent No.2 and 4 are jointly and severally liable to pay the compensation to the petitioner equally . Accordingly , I answer this Issue partly in the affirmative.

32. **ISSUE No.3:** As per the discussion made on Issue number 1, this Court has come to the conclusion that the respondent no. 2 has made out grounds to allow the application . Accordingly, I proceed to pass the following :

ORDER

Petition filed by the petitioner U/Sec. 166 of IMV Act is hereby allowed.

Petitioner is entitled for compensation of **Rs. 5,19,156/-** (Rupees Five Lakhs, Nineteen Thousands, One Hundred and Fifty Six only) along with interest at the rate of 6% p.a. from the date of petition till realization.

Since the respondents Nos.2 and 4 are liable to indemnify the respondent No.1 and 3 respectively, the said respondent No. 2 and 4 are jointly and severally liable to pay the compensation along with interest in the ratio of 50:50, within 3 months from the date of award.

Upon deposit of compensation , release 50% in favour of the petitioner and remaining 50% be

kept in FD in any nationalized bank or scheduled M.V.C.2405/2019

bank of his choice, for a period of 3 years.

Advocate fee is fixed at ₹1,000/-.

Draw award accordingly.

(Dictated to Stenographer Gr-I, typed by him, Script thereof is corrected and then , pronounced by me in the open court on this the 22nd day of July, 2026)

**(GOWDA R.P.),
C/C VIII ADDL. DIST. & SESSIONS JUDGE,
BELAGAVI**

: ANNEXURE :

Witnesses for the petitioner :

PW1-Shri: Manjunath S/o. Basappa Angadi

PW2-Dr. Satish Patil, Orthopedic Surgeon

Documents for the petitioner:

Ex.P1 first information report in Crime No. 143/2019

Ex.P2 complaint

Ex.P3 panchanama drawn on the spot

Ex.P4 motor vehicle accident report

Ex.P5 charge sheet submitted by the police

Ex.P6 wound certificate

Ex.P7 to 22 medical records of the petitioner

Ex.P23 school leaving certificate

Ex.P24 B register extract pertaining to the vehicle of the

respondent no. 1

Ex.P25 copy of the driving licence of the driver of the vehicle of the M.V.C.2405/2019
respondent no.1

Ex.P26 B register extract pertaining to KA35 /M6324

Ex.P27 certified copy of the driving licence of the PW1

Ex.P28 Copy of the judgment passed in CC No. 180 /2020

Witnesses for the Respondents:

-NIL-

Documents for the respondents:

Ex.R1-Policy

(GOWDA R.P.),
C/C VIII ADDL. DIST. & SESSIONS JUDGE,
BELAGAVI