



**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 1st day of July 2026

MVC No.5805/2025

Petitioner/ Claimant	Sri.Kishore Ram , 45 years S/o Fuddi Ram R/at Chhattarpatti, Muzaffarpur, Bihar - 843128 (By Sri.B.Y.Ravi, Advocate)
	V/s
Respondents:	1. Smt.Kavitha Albert R/at No.190, 4 th Cross, Muniswaiappa Compund, Chikka Banasawadi, Bengaluru-560043 (Owner of the motorcycle KA-03-KK-4313) 2. M/s Liberty GIC Ltd., 4 th floor, No.21/25, Mahatma Gandhi Road Near Trinity Metro Station, Bengaluru-01 (Policy No.2012-500201-7049063-00-001 Valid up to 24.03.2022 to 23.03.2027) (R1-Sri.HCS, Advocate, R2-Sri.MK, 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 18.05.2025.

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

It is stated in the petition that, on 18.05.2025 at about 9.30 pm, while claimant was crossing the Whitefield main road, Bengaluru, cautiously by observing the traffic rules, at that time, the rider of the motorcycle bearing No.KA-03-KK-4313 came on the said road by riding the said motorcycle in rash and negligent manner and dashed against the claimant. Due to which, claimant fell down and sustained grievous injuries. Thereafter, claimant was shifted to Vydehi Hospital, Bengaluru. After first aid treatment in the said hospital, claimant was shifted to Sri.Lakshmi Hospital, Bengaluru. In the said hospital, claimant took treatment as an inpatient from 19.05.2025 to 21.05.2025. Claimant underwent surgery in the said hospital. Claimant spent Rs.2,00,000/- towards his treatment. In respect of the above said accident is concerned, a case was registered against rider of



said motorcycle in Mahadevapura Traffic police station in Crime No.0090/2025 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 45 years. Claimant was a cook by profession and was earning Rs.25,000/-per month. Due to 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-KK-4313 by the respondent No.1. The respondent No.1 is the owner of said vehicle and insured with the respondent No.2. Therefore, they are jointly and severally liable to pay the compensation to the claimant. Accordingly, it is prayed to allow the claim petition.

3. In response to the process, respondents appeared through their distinct counsel. The respondent No.1 filed his statement of objections, inter-alia, denying the averments made in the claim petition. Furthermore, it is contended that accident occurred while claimant was crossing the road by consuming alcohol. Claimant all of a sudden jumped into the middle of the road. There



is no zebra crossing on the said road. Therefore, accident occurred due to fault of claimant. If this tribunal comes to conclusion that claimant is entitled for any compensation, under such circumstances, respondent No.2 being insurer is liable to pay the same.

4. Respondent No.2 filed it's statement of objections, inter-alia, denying the averments made in the claim petition. Furthermore, it is contended that the rider of the motorcycle was not possessing valid DL as on the date of the accident. Thereby, respondent No.1 violated the terms and conditions of the policy. The vehicle of respondent No.1 not involved in the accident. The claimant, in collusion with the jurisdictional police, has created a false story of accident by the motorcycle of respondent No.1 to gain wrongfully. The injuries sustained by the claimant were caused by an unknown vehicle while he was crossing the road. Among other grounds, it is prayed for dismissal of the claim petition.

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

ISSUES

1. Whether the petitioner proves that on 18.05.2025 at about 9.30 pm, he was crossing Whitefield main road, near petrol bunk, wherein



the rider of the motorcycle bearing Reg No.KA-03-KK-4313, drove it with high speed and rash and negligent manner and dashed against the petitioner and caused the accident. In the accident, petitioner sustained grievous injuries as alleged in the petition.?

2. Whether Respondent No.1 proves that 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?

Additional issue framed on 31.01.2026:

1. Whether respondent No.2 proves that insured has violated the policy conditions and accident occurred due to the negligence act of the petitioner and he has falsely implanted the vehicle belongs to respondent No.1 as contended in the written statement?

6. In order to prove the averments made in the claim petition, claimant examined himself as PW-1 and also got 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.6 is IMV report, Ex.P-8 is wound certificate, Ex.P-9 is charge sheet, Ex.P-10 & 11 are the notice and reply notice U/s 133 of NI Act, Ex.P-12 discharge summary, Ex.P-13 is Medical bills,



Ex.P-14 is Lab reports, Ex.P-15 is Adhaar card of the claimant, Ex.P-16 is clinical reports and Ex.P-17 is X-ray film.

7. 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.

Addl Issue No.1: In the negative.

Issue No.3 : Yes. Rs.3,91,186/-.

From the respondent No.2

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

:: R E A S O N S ::

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

It is the specific case of the claimant that, on 18.05.2025 at about 9.30 pm, he was crossing Whitefield main road, Bengaluru cautiously by observing traffic rules. At that time, rider of the motorcycle bearing No.KA-03-KK-4313 came on the said road in a rash and negligent manner and dashed against the claimant. Due to which, claimant fell down and sustained grievous injuries. Therefore, accident occurred to to fault of motorcycle rider. On the contrary, respondents have contended that, the accident occurred due to fault of claimant, who suddenly came on the road,



where there is no zebra cross. The vehicle of the respondent No.1 is falsely implicated.

9. In order to prove that the accident occurred due to negligence of motorcycle rider of respondent No.1, 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 there was no zebra crossing; himself suddenly had come on the wrong side and therefore he was responsible for the accident, nothing worthy is elicited. Respondents not led rebuttal evidence.

10. Besides, claimant has also produced the documentary evidence as per Ex.P-1 to 15. Among those documents, Ex.P-1 to 11 are the material documents to decide these issues. On perusal of oral evidence of PW-1, coupled with Ex.P-1 to 4 i.e., FIR, Complaint registered in Mahadevapura Traffic police station Crime No.90/2025, MLC intimation issued by Sri Lakshmi Hopital and Vydehi hospital, it reveals that, soon after the accident, claimant was admitted in the above said hospitals. Accordingly, MLC intimation was given to the concerned police regarding the accident. However, on the basis of



said intimation, no case was registered. After discharge from the hospital, claimant had been to the police station and lodged the complaint. Thereafter, a case was registered against the rider of the motorcycle bearing registration No.KA-03-KK-4313 for the offences punishable U/Sec.125(a), 281 of BNS R/w 187 of IMV Act. On perusal of the Ex.P.5 spot mahazar, it reveals that, soon after registration of the crime, concerned police had been to the incident spot and drew the mahazar. In the said mahazar, it is stated that the road situated on the accident spot is a straight way has width of 30 feet on both the sides having street lights. Therefore, one can see the pedestrian crossing the road. On perusal of Ex.P-6 sketch map, it reveals that near accident spot, there is a divider, where the claimant was crossing the road. Since the road is a straight way, therefore rider of the motorcycle had an occasion to see the claimant crossing the road. Therefore, it appears that rider of the motorcycle was at fault. On perusal of Ex.P-7 IMV report, it reveals that soon after seizure of vehicle involved in the accident, it was inspected by the concerned RTO and found several damages on it. On perusal of Ex.P.8 wound certificate, it reveals that in the accident claimant sustained grievous injuries. On



perusal of the Ex.P-9 Charge sheet, it reveals that, the concerned police after investigation filed charge sheet against the rider of the motorcycle. Considering the said material, evidence of PW-1 has been duly corroborated by the above said documentary evidence. To prove that claimant had contributed to the accident and the vehicle of respondent No.1 is implicated in the case, the respondents have not produced any cogent evidence. **Accordingly, I answer Issue No.1 in the affirmative, issue No.2 and additional issue No.1 in the negative.**

11. **Point No.3:-** Claimant has specifically stated that, in the accident, he sustained grievous injuries. He was a cook by profession. Thereby, he was earning Rs.25,000/- per moth from said avocations. He had spent Rs.2,00,000/- towards his treatment. 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.

12. 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, nothing worthy is elicited except bare suggestions.

13. 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, on 18.02.2026 claimant came to his hospital seeking assessment of disability in respect of injuries sustained by him in the accident. On perusal of previous medical records of claimant, it reveals that claimant had sustained injuries in RTA occurred on 18.05.2025. In the said accident, claimant sustained left lateral and clavicle. Initially, he was treated in Vydehi hospital. As per discharge summary issued by Lakshmi hospital, claimant was admitted in the said hospital on 19.05.2025 and was discharged on 22.05.2025. In the said hospital, claimant underwent ORIF with lateral wound debridement. On examination, there is restricted left shoulder movement with wasting of the left deltoid muscles. In the recent X-ray of left shoulder, fracture is united with implant-in-situ. Claimant has disability towards his left upper limb to an extent of 30%, which is 10% physical disability to whole body. Claimant needs Rs.60,000/- for removal of implants. During his cross examination, he has



admitted that fractured bone has reunited. He has deposed that, claimant is able to do his work with difficulty. He has denied that clavicle fracture does not contribute any disability.

14. On perusal of Ex.P-13 bill issued by Sri.Lakshmi Hospital, Bengaluru and medicines bills, it reveals that, claimant had spent Rs.95,546/- for his treatment. Claimant has also produced the lab reports at Ex.P-14 and X-ray films at Ex.P-17. Therefore, considering the nature of the injuries sustained by the claimant; treatment taken by him for said injuries and the amount spent for said treatment, claimant is entitled for reimbursement of above said hospital, medicine bills of Rs.94,546/-. On perusal of the evidence of PW-2, coupled with Ex.P-16 and 17, clinical examination reports with X-ray, it reveals that PW-2 has assessed the disability of claimant to an extent of 30% towards left upper limb and 10% to whole body. As per evidence of PW-2, fractured bone is reunited. Therefore, disability of claimant is taken into consideration to an extent of 7% to whole body, which is just, proper and feasible.

15. 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 01.01.1979. The accident occurred on 18.05.2025. Therefore, as on the date of accident, age of claimant was 46 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 the 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. Chart is prepared by the Karnataka Legal Service Authority, by showing the notional income up to the year 2022. Therefore, to ascertain the notional income for the year 2025, this tribunal considers it just and proper to add Rs.500/- per year to the notional income prepared by Karnataka Legal Service Authority for the year 2022. Notional income for the year 2022 is shown as Rs.15,500/-. Therefore, notional income for the year 2025 comes to Rs.17,000/-. Accordingly, the income of deceased for a year comes to Rs.17,000/-. 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 13. Thus, claimant is entitled for loss of future income of Rs.1,85,640/- (Rs.17,000/- x 12 x 13 x 7/100). Considering the treatment taken and the nature of injuries suffered by the claimant, I am of the view that the claimant is entitled for Rs.20,000/- under the head of pain



and suffering. 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. Claimant is entitled to Rs.30,000/- towards expenses of removal of implants and future treatment. Besides, claimant is entitled Rs.20,000/- towards laid up period. Accordingly, claimant is entitled for compensation amount as calculated below:-

Sl No.	Particulars	Amount
1	Medical expenses	Rs. 95,546/-
2	Loss of income on account of permanent disability	Rs.1,85,640/-
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/-
7	Towards expenses of removal of implants and future treatment.	Rs. 30,000/-
	TOTAL	Rs.3,91,186/-

In view of the above said heads, the claimant is entitled for the compensation amount of **Rs.3,91,186/-**. Said amount carries interest @ 6% per annum from the date of petition till the date of actual realization.

16. **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-KK-4313 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, s 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.**

17. **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:

:: ORDER ::

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

The claimant is entitled for compensation of Rs.3,91,186/- (Rupees Three Lakhs Ninety One Thousand One Hundred and Eighty Six 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 1st 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.Kishore Ram
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 : Discharge summaries 3 in nos.
Ex.P-13 : Medical bills 11 in nos.
Ex.P-14 : Lab reports 5 in nos.
Ex.P-15 : Notarized copy of Adhar card.
Ex.P-16 : Clinical report.
Ex.P-17 : X-ray.

List of witnesses examined and documents marked for respondent: NIL

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