

KABG300000452024



**IN TE COURT OF SENIOR CIVIL JUDGE & ADDL.
MACT, BAILHONGAL, AT: BAILHONGAL**

Dated this the 16th Day of June 2026

PRESENT

Shri. Ravi Babu Chawan,
B.A.LL.B.,
Senior Civil Judge and Addl. MACT.,
Bailhongal.

M.V.C. No.66/2024

Shri. Sameer Dilavarsab Pattan,
Age: 19 years, Occ: Agriculture (now Nil)
R/o: Dupadal, now at Nanagundikoppa,
Tq: Bailhongal, Dist: Belagavi-591104.

..... Petitioner

(By Shri. I.D.W., Advocate)

-Vs-

1) Shri. Maddeppa Parappa Asundi,
Age: 40 years, Occ: Business.,
R/o: A/p: Nanagundikoppa,
Tq: Bailhongal, Dist: Belagavi-591104.

(Owner of motorcycle bearing No.KA.24/Q-6653)

2) The Branch Manager,
The Oriental Insurance Company Limited,
Sogalad Building, Hosur Road,
Bailhongal-591102.

(Insurer of motorcycle bearing No.KA.24/Q-6653,
Policy No.472203/31/2023/4018, validity from 10-11-
2022 to 09-11-2023)

.....Respondents

(R1-Ex-parte)

(By Shri. B.G.P., Advocate for R2)

JUDGMENT

This petition is filed by the petitioner under Section 166 (4) of the Motor Vehicles Act, seeking compensation amount of Rs.15,00,000/- along with interest at the rate of 18% p.a., from the date of accident till its realization for the injuries sustained by him in a road traffic accident occurred on 7-4-2023.

2. The brief facts of the case are that;

On 7-4-2023 at about 9.10 am, the petitioner was proceeding on motorcycle bearing No.KA-24/Q-6653 towards Uppinbetageri from Nanagundikoppa, as pillion rider. When the petitioner reached near the spot of accident i.e., within the limits of Uppinbetageri village, near Shivanand Hatti Field on Uppinbetageri-Bailhongal Road, at that time the rider of said motorcycle was riding his motorcycle in high speed, rash and negligent manner, endangering to human life and without observing on coming motorcycle bearing No.KA-25/HE-3340 from Virakatimath Goushala side, suddenly lost

control over his motorcycle and dashed to the said motorcycle and caused the accident. Due to the said impact, petitioner has sustained grievous injuries in the accident. It is further averred that, immediately after the accident the petitioner was shifted to Govt. Hospital, Belawadi, for first aid treatment and then he was referred for higher treatment to Govt. Hospital, Bailhongal, wherein he was admitted as inpatient from 07-04-2023 to 11-04-2023. Thereafter, the petitioner was shifted to Malaprabha Multi Speciality Hospital, Bailhongal, for the treatment for the said grievous injuries. He has spent an amount of Rs.50,000/- towards medical expenses, conveyance charges etc. It is further urged that, at the time of accident he was hale, healthy and active and was aged about 19 years. He was doing agriculture and vegetable vendor and earning Rs.25,000/- per month and maintaining the family. It is specifically urged that, due to the injuries sustained by him in the said accident he lost his earning capacity and become permanently disabled. It is further urged that, the accident was happened due to rash and negligent riding of the motorcycle bearing No.KA-24/Q-6653 by its rider. He also averred that, respondent No.1 being the owner and respondent No.2 being the insurer of said motorcycle are jointly and severally liable to pay the compensation to him. Hence the petition.

3. In response to the notice, respondent No.1 has remained absent inspite of due service of notice. Hence he has been placed ex-parte. The respondent No.2 has appeared through his counsel and filed his written statement of objections to the claim petition.

4. Respondent No.2 in its objection has contended that, the petition filed by the petitioner is false, and frivolous. The amount of compensation claimed by the petitioner is exorbitant, baseless and imaginary one. He denied the age, income and occupation of the petitioner and also injuries sustained, treatment taken, medical expenses and the manner of accident. According to this respondent, the petition is bad for non-joinder of owner and insurer of motorcycle bearing No.KA-25/HE-3340 and they are necessary parties to the petition. He further contended that there is delay in filing the petition, the alleged accident was taken place on 07-04-2023 and the petition has been filed in the month of January-2024. The petitioner has not explained the said delay.

5. Respondent No.2 further contended that there is no negligence on the part of the rider of motorcycle No.KA-24/Q-6653, the petitioner has fell down from the motorcycle due to his negligent act and sustained injuries. The petitioner has filed this petition only to

grab the compensation from this tribunal. The liability of this respondent is subject to the validity, legality, terms and conditions of the insurance policy, driving license, R.C. permit, provisions of M.V. Act and Rules and the policy issued to the owner of vehicle and subject to compliance of Section 64 V.B. of the Insurance Act, 1938. The future interest claimed by the petitioner at the rate of 18% p.a., is too excessive and exorbitant. Hence prayed for dismissal of the claim petition.

6. Based on the pleadings of both the parties, this tribunal has framed the following issues for consideration:

ISSUES

- 1) Whether the petitioner proves that he has sustained grievous injuries in the alleged road traffic accident occurred on 07-04-2023 at about 09.10 am, on Uppinbetageri-Bailhongal Road, near Shivanand Hatti field, within the limits of Garag PS, on account of actionable negligence of the rider of motor cycle No.KA-24/Q-6653 ?
- 2) Whether the petitioner proves his age, income and occupation as alleged in the petition?

3) Whether the respondent No.2 proves that he is not liable to pay the compensation as contended in his written objection ?

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

5) What Order or award ?

7. In order to prove his case, the petitioner examined himself as PW.1 and got marked 15 documents at Ex.P1 to P15. Per contra, the respondent No.2 has not let any evidence, but got marked copy of insurance policy at Ex.R1.

8. Heard the arguments advanced by the learned counsel for petitioner and the learned counsel for respondent No.2.

9. This tribunal has carefully perused the pleadings, oral and documentary evidence placed on record.

10. Upon hearing the arguments and on appreciation of the pleadings, evidence and entire case records, my findings on the above issues are as follows:

Issue No.1	In the Affirmative
Issue No.2	Partly in the Affirmative
Issue No.3	In the Negative
Issue No.4	Partly in the Affirmative

Issue No.5	As per final order for the following:
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REASONS

11. **Issue No.1:-** In order to explain the actionable negligence of the rider of offending motorcycle bearing No.KA-24/Q-6653, the petitioner has filed his affidavit evidence explaining the vivid picture of the accident occurred on 7-4-2023 at about 9.10 am. According to the PW.1, on the above said date and time he was proceeding on motorcycle bearing No.KA-24/Q-6653 towards Uppinbetageri from Nanagundikoppa, as pillion rider, when he reached near the spot of accident i.e., within the limits of Uppinbetageri village, near Shivanand Hatti Field on Uppinbetageri-Bailhongal Road, at that time the rider of said motorcycle was riding his motorcycle in high speed, rash and negligent manner, endangering to human life and without observing on coming motorcycle bearing No.KA-25/HE-3340 from Virakatimath Goushala side, suddenly lost control over his motorcycle and dashed to the said motorcycle and caused the accident. Due to the said impact, the petitioner has sustained grievous injuries in the accident. In support of his oral evidence, he has relied upon Ex.P1 to P8 namely, certified copies of FIR, complaint, statement, crime details form, vehicle

seizure panchanama, MVI report, wound certificate and charge sheet.

12. Ex.P1 is the certified copy of FIR filed by the Garag Police Station. Ex.P2 is the certified copy of complaint. Ex.P3 is the certified copy of statement of petitioner. Ex.P4 is the true copy of crime details form. Ex.P5 is the certified copy of vehicle seizure panchanama. Ex.P6 is the certified copy of MVI report shows the damages caused to the Hero motorcycle bearing No.KA-25/HE-3340 and Hero motorcycle bearing No.KA.-24/Q-6653 and the IMV inspector opined that the accident was not due to any mechanical defects of the motor vehicle. Ex.P7 is the certified copy of wound certificate of the petitioner issued by General Hospital, Bailhongal. Ex.P8 is the certified copy of charge sheet filed in Crime No.59/2023 by Garag P.S.

13. Ex.P2 is the certified copy of complaint which shows that, the complainant Mahantesh Yallappa Dodawad, the rider of another motorcycle bearing No.KA-25/HE-3340 has filed the complaint at Garag police alleging about the accident that took place on 7-4-2023 at about 9.10 am. The complaint is lodged on 7-4-2023 at about 8.00 pm. Ex.P1, the FIR shows that, on the basis of the complaint the Garag Police have

registered the case under Crime No.59/2023 against Mr. Maddeppa Parappa Asundi, the rider of offending motorcycle No.KA-24/Q-6653 for the offences punishable under Section 279, 337 and 338 of IPC.

14. Ex.P6 is the certified copy of charge sheet which shows that after the investigation police have filed charge sheet against Mr. Maddeppa Parappa Asundi, the rider of motorcycle bearing No.KA-24/Q-6653 for the offences punishable under Section 279, 337, 338 and 304(A) of I.P.C.

15. It is not dispute that the FIR was registered in respect of the accident dated 7-4-2023. On perusal of Ex.P1/FIR and Ex.P8/Charge sheet, it is seen that after investigation, the police have filed charge sheet against the rider of motorcycle bearing Reg. No.KA-24/Q-6653. Thus, the prima facie material discloses involvement of offending vehicle in the accident in question. However, it is well settled that, filing of charge sheet is not conclusive proof of negligence. The tribunal is required to independently assess negligence on the basis of evidence on record. Strict rules of evidence are not applicable in claim proceedings under the Motor Vehicles Act.

16. The evidence on record disclose that, there was an accident took place by the rash and negligent riding of the rider of offending motorcycle. The respondent No.2/ Insurance company alleges that the accident in question has taken place is not due to rash and negligence of the riding of motorcycle bearing No.KA.24/Q-6653. Further alleged that the rider of motorcycle was not holding driving license. Further the respondent No.2/insurance company alleged that the petitioner due to his negligent act fell down from the motorcycle only to grab the compensation from this respondent.

17. The allegations against the rider of motorcycle bearing No.KA-24/Q-6653 is that, he drove his motorcycle in high speed, in rash and negligent manner and dashed to oncoming motorcycle bearing No.KA-25/HE-3340 and caused the accident. It is true that the FIR and charge sheet have been filed against the rider of offending motorcycle. However, it is well settled that mere filing of charge sheet is not conclusive proof of negligence. The tribunal is required to independently appreciate the documentary and oral evidence. From the material available on record it is clear that in order to establish actionable negligence, the petitioner has relied on both oral and documentary evidence. The petitioner, who has been examined as PW.1, has

categorically deposed that the accident occurred solely due to the rash and negligent riding of the offending motorcycle bearing Reg.No.KA-24/Q-6653 by its rider. PW.1 has stated that the rider drove the said motorcycle at high speed, without observing the traffic rules and without exercising due care and caution, thereby endangering human life and causing the accident.

18. The petitioner has produced certified copies of the police records, namely, FIR, complaint, statement, crime details form, vehicle seizure panchanama, MVI report, wound certificate and charge sheet. The contents of the FIR and complaint disclose that immediately after the accident within a 24 hours, a case was registered against the rider of offending motorcycle for the offences punishable under the relevant provisions of the Indian Penal Code. The spot mahazar and sketch indicate that the point of impact and support the version of the petitioner regarding the manner in which the accident occurred. The IMV report does not disclose any mechanical defect in the vehicle, thereby ruling out the possibility of the accident having occurred due to mechanical failure. Further, the charge sheet filed by the jurisdictional police, after due investigation, specifically attributes the rash and negligent riding of the rider of offending motorcycle bearing No. KA-24/Q-6653.

19. The documentary evidence placed on record corroborates the oral testimony of the petitioner in material particulars. Nothing substantial has been elicited in the cross-examination of PW.1 to discredit his version of the accident. It is well settled that, though the police papers are not conclusive proof of the negligence, they constitute strong corroborative evidence in motor vehicle claim cases. In the absence of any contra material, this tribunal safely rely upon the same. Accordingly, on appreciation of the oral and documentary evidence on record, this tribunal hold that the accident occurred due to the rash and negligent riding of the offending motorcycle bearing Reg.No.KA-24/Q-6653 by its rider. Accordingly, Issue No.1 is answered in the ***Affirmative.***

20. **Issue No.2 to 4:-** The petitioner Sameer Dilavarsab Pattan/ PW.1 has deposed that he has sustained grievous injuries in the accident. Petitioner has also got marked the wound certificate as Ex.P7. As per Ex.P7 wound certificate petitioner had sustained swelling at right wrist, abrasion over left knee, abrasion at left heel and tenderness at left shoulder. The Doctor has opined that the above said injuries are simple in nature.

21. Further, the petitioner has produced inpatient

record of General Hospital, Bailhongal, which shows that the petitioner was admitted as inpatient from 7-4-2023 to 11-4-2023 in the hospital for sustaining swelling at right wrist, abrasion over left knee, abrasion at left heel and tenderness at left shoulder.

22. Except his oral evidence petitioner has not examined the treated doctor so as to he has sustained grievous injuries as alleged in the petition. Hence there is no medical evidence on record to support the assertion of the petitioner that he has sustained permanent physical disability. The wound certificate produced by the petitioner at Ex.P7 goes to show that petitioner has sustained only simple injuries in the road traffic accident which had taken place from 7-4-2023. There is no evidence to hold that there was loss of earning capacity or earnings. There is no disability sustained. In the absence of any documentary evidence, keeping in mind the nature of injuries suffered and line of treatment, it appears to me that it is just and proper to award global compensation of Rs.20,000/- to petitioner.

23. Thus, the petitioner is entitled for compensation of **Rs.20,000/- (Rupees Twenty thousand only).**

24. So far as interest is concerned, the petitioner

has claimed 18% interest. But having regard facts and circumstance of the case and following the decision render by the Hon'ble High court of Karnataka in the case of **Chetana v. Babuji M** reported in **2021 ACJ 1146**, I am of opinion that it is just and proper to award interest at 6% p.a. on the compensation amount from the date of petition till its realization.

25. **Liability:-** Regarding fixation of liability is concerned this court has observed that, the respondent No.1 is the owner of motorcycle bearing No.KA.24/Q-6653 and respondent No.2 is the insurer of said vehicle.

26. The charge sheet is filed in this case as against Mr. Maddeppa Parappa Asundi, the rider of motorcycle bearing No.KA-24/Q-6653 alleging the offences under Section 279, 337, 338 and 304(A) of IPC. There is no offences alleged under section 3 read with section 181 and section 146 r/w sec. 196 of MV Act. Therefore it is deemed that the rider of the offending motorcycle was possessed a valid and effective driving license and valid insurance policy to drove the offending motorcycle.

27. The learned counsel for respondent No.2 has produced copy of insurance policy of motorcycle bearing No.KA.24/Q-6653 which is standing in the name

of respondent No.1- Mr. Maddeppa P. Asundi and it is valid from 10-11-2022 to 09-11-2023. It is a two wheelers package policy - Zone B. The accident is occurred 7-4-2023. Thus, it is crystal clear that as on the date of accident the insurance policy of the offending motorcycle was in force. Therefore, the respondent Nos.1 and 2 being the owner and insurer of offending motorcycle are jointly and severally liable to pay the compensation to petitioner. Hence, I answer Issue No.2 and 4 partly in the **Affirmative** and Issue No.3 in the **Negative**.

28. **Issue No.5:-** In view of my findings on issue Nos.1 to 4, I proceed to pass the following:

ORDER

The petition filed by the petitioner, Under Section 166 of the Motor Vehicles Act, is allowed in part with costs.

Petitioner is entitled for compensation of Rs.20,000/- (Rupees twenty thousand only) together with interest at 6% per annum from the date of petition till its realization.

Respondent Nos.1 and 2 are jointly and severally held liable to pay the compensation. However, the respondent No.2 insurer shall indemnify the insured respondent No.1/owner of the offending vehicle and deposit the compensation amount with accrued interest within 60 days from the date of this order.

Respondent No.2 shall deposit entire amount to the bank account of the petitioner directly by NEFT or RTGS mode if the details are furnished or otherwise it shall be deposited to the account of the claims tribunal.

Advocate's fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to the stenographer directly on computer system and corrected by me then pronounced in the open court on this the 16th Day of June 2026)

(Ravi Babu Chawan)
Senior Civil Judge and Addl.
MACT, Bailhongal.

ANNEXURE

I) LIST OF WITNESSES EXAMINED BY THE PETITIONER:

PW.1: Sri. Sameer Dilavarsab Pattan

II) LIST OF DOCUMENTS MARKED BY THE PETITIONER

- Ex.P1: C.C. of FIR
- Ex.P2: C.C.of complaint
- Ex.P3: C.C. of statement of petitioner
- Ex.P4: C.C. of crime details form
- Ex.P5: C.C. of vehicle seizure panchanama
- Ex.P6: C.C. of MVI report
- Ex.P7: C.C. of wound certificate
- Ex.P8: C.C. of charge sheet
- Ex.P9: Copy of driving license of respondent No.1
- Ex.P10: Copy of insurance policy
- Ex.P11: Copy of driving license of respondent No.1
- Ex.P12: True copy of inpatient record of General Hospital,
Bailhongal
- Ex.P13: True copy of out patient records of General
Hospital, Bailhongal
- Ex.P14: True copy of Referral letter issued by CHC,
Belawadi
- Ex.P15: Copy of MLC register extract.

IV) LIST OF WITNESSES EXAMINED BY THE RESPONDENTS:

- Nil -

IV) LIST OF DOCUMENTS MARKED BY THE RESPONDENTS:

- Ex.R1: Copy of Insurance policy

(Ravi Babu Chawan)
Senior Civil Judge and Addl.
MACT, Bailhongal.

