

KABI010017842025



**IN THE COURT OF 1st ADDITIONAL DISTRICT JUDGE
AT BALLARI**

DATED THIS THE 2ND DAY OF JULY, 2026

: PRESENT :

SRI. H.A. MOHAN., B.A.L., LL.B.
1st Addl. District & Sessions Judge
and
Member, M.A.C.T-II, Ballari.

M.V.C. No.302/2025

CLAIMANT :-

Chand Basha
S/o Ramjan Sab,
Aged about 31 Years,
Occ: Ex-Labourer,
R/o H.No.374, Near bus stand,
Buggappa Thatha road,
Haraginadoni village,
Ballari Taluk and District.

(Sri Chandi Mahabsha., Advocate)

V/s

RESPONDENTS :-

1. G. Manjunatha
S/o Palappa G,
Aged about 34 Years,
Occ: Owner cum driver of the

Lorry bearing Reg. No.KA-35/D-6652,
R/o G. Nagalapura village,
Hosapete taluk, Vijayanagar
district.

2. The Branch Manager,
M/s National Insurance Co. Ltd.,
Opp. Petrol bunk, GSR Tower,
Parvathi Nagar main road,
Ballari.

(R-1 by Sri Mallappa Aral., Advocate)
(R-2 by Sri. H.S. Sharana Basavana Goud,
Advocate)

J U D G M E N T

This is a petition filed by the petitioner under **Section 166 of M.V. Act, 1988**, seeking compensation for the injuries sustained by him, in a road traffic accident.

2. Case of petitioner in brief is that, on 21.2.2025, he was riding his motor cycle bearing Regn. No.KA-34/EP-8204 from Haraginadoni village, towards Kampli slowly and by following traffic rules at about 12:30 P.M. and when he reached bridge, the Lorry bearing Regn. No.KA-35/D-6652 being driven by respondent No.1 came from opposite direction in a rash and negligent manner and with high speed and dashed to the motor cycle, as a result of which,

he fell down from the motor cycle and sustained grievous injuries. There were fractures.

3. It is further stated that, immediately after the accident, the petitioner was shifted to PMSSY Super Speciality Trauma Block, VIMS Hospital, Ballari and on the same day, he was shifted to Mother's hospital, Ballari and admitted as inpatient from 21.2.2025 to 26.2.2025, wherein the Doctor have conducted operation and he took treatment with other private Doctors. He has incurred an expenses of Rs.3,00,000 towards treatment and medical expenses. Till date, he has been taking treatment with private Doctors.

4. It is further stated that, prior to accident, the petitioner was hale and healthy and aged about 29 years, doing labour work and earning Rs.1,000/- Per day and used to contribute all his earning towards maintenance of the family, but due to the accidental injuries, he is unable to sit, stand, squat properly and climb stairs and also not in a position to stand for a long time. He cannot lift and carry weight and he is not in a position to chew hard food.

Therefore, he cannot do his work as he was doing earlier. Hence, there is future loss of income. His life has become miserable since he is facing lot of physical disability.

5. It is further stated that, the accident was occurred only due to negligence of respondent No.1 and hence, the respondent No.1 being driver cum owner of the vehicle and the respondent No.2 being the insurer, both are jointly and severally liable to pay compensation to the petitioner. Accordingly, prayed to allow the petition.

6. In-response to notice issued, the Respondent Nos.1 and 2 have appeared through Advocates and filed written statements.

7. The respondent No.1 in his objection/written statement has stated that, he is not responsible for the alleged accident. However, it is true that the case has been registered against him.

8. It is further stated that, the vehicle was insured with second respondent. Therefore, the liability if any is to be fixed against the respondent No.2.

9. The Respondent No.2 in the objection/written statement has stated that, the vehicle was insured with the company, but the liability, if any, is subject to terms and conditions of the policy. It is further stated that, the averments made in the petition are required to be proved by the petitioner in accordance with law. It is a false claim petition filed just to claim compensation. Therefore, the petition is liable to be dismissed. Accordingly, prayed to reject the petition.

10. Upon considering the materials proposition of law and the facts averred by both the parties, my learned predecessor has framed the following Issues :-

: <u>ISSUES</u> :	
1.	Whether the petitioner proves that, he has sustained bodily injuries in road traffic accident that was occurred on 21.02.2025 at about 12:30 P.M., Haraginadoni village road, near under bridge, Hosapete-Ballari NH road, Kudathini village, due to rash and negligent driving of Lorry bearing Regn. No.KA-35/D-6652 by the

	Respondent No.2.
2.	Whether the Respondent No.2 proves that driver of offending vehicle was not holding effective driving license as on the date of the accident and the respondent No.1 has violated the policy conditions as alleged in written statement?
3.	Whether the petitioner is entitle for compensation as prayed for? If so, from whom?
4.	What order or an Award?

11. In order to prove the Issues, the petitioner has filed his affidavit in-lieu of evidence as P.W.1 and got marked documents as Exs.P.1 to P.22. He has examined the Dr. Syed Sadath Hussain as P.W.2 to prove Ex.P.20 and closed his side evidence.

12. On the other hand, the respondents have not adduced oral evidence. However, the respondent No.2 got marked the policy as Ex.R.1 with consent.

13. Heard the learned counsels for parties.

14. My answer to the above Issues are as under :-

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

15. **Issue No.1** :- To substantiate his contention, the petitioner has relied upon the certified copy of F.I.R., complaint, spot panchanama, vehicle seizure panchanama, spot sketch, I.M.V. Report, final report and also wound certificate.

16. A perusal of all these documents coupled with oral evidence of petitioner, they disclose that, the accident was taken place on 21.2.2025 as alleged in the petition and in that accident, the petitioner had sustained injuries. The police have investigated the matter and submitted charge sheet against the respondent No.1. The respondents have not placed the contrary evidence to disprove the documentary evidenced placed by the petitioner. Moreover, as per Ex.P.13, the respondent No.1 has admitted his guilt

before the learned JMFC and accordingly, the learned JMFC has imposed fine on him. So, these materials is sufficient to come to a conclusion that the petitioner has proved his case. Accordingly, I answer Issue No.1 in the Affirmative.

17. **ISSUE Nos.2 and 3** :- These Issues are interrelated to each other, as such they are taken up together for discussion, to avoid repetition of facts and discussion.

18. As per Ex.P.8, the petitioner has sustained the following injuries :-

1. Swelling of 5X5 cm over right side of forehead.
2. Swelling over bridge of nose T abrasion of 1X1 cm.
3. Bleeding from nose.
4. Tenderness over right shoulder.
5. Tenderness over Left hip.

X-Ray was done and noticed that there were fractures. The injury Nos.1 to 3 and 5 are in simple in nature and the injury No.4 is grievous injury.

19. As per Ex.P.14, he took treatment as in-patient at Mother's hospital from 21.2.2025 to 26.2.2025. As per Ex.P.16, there was fracture in the end portion of clavicle bone. There was fracture injury on the right shoulder. He also took follow up treatment as per other documents and spent sum of Rs.61,337/- towards treatment expenses. He has produced receipts, X-Rays and other documents to show that he has taken treatment as alleged in the petition.

20. With regard to disability, he has examined P.W.2. In his evidence, the P.W.2 has stated that as per his examination there was pain in the right shoulder with swelling tenderness movement present, difficulty in holding objects, weight, unable to rise right upper limb and doing normal activities. According to him, there is Partial permanent disability to an extent of 30% to the whole body. He also opined that another surgery is required for removal of implant.

21. In the cross-examination, he admitted that he has been working as Medical Officer at VIMS for the last 20

years and also working as Assistant Professor. He admitted that all the facilities are available at VIMS hospital and the treatment was provided under PMSSY scheme, but he has denied the suggestion that even without conducting surgery, could have been provided. He has also denied the suggestion that he has submitted a false Disability certificate as per Ex.P.20, just to help him to get compensation.

22. So, as per the evidence of this Doctor, there was fracture only in right shoulder, but he has not assessed the disability as per medical guidelines. According to him, it is only a Partial permanent disability and not permanent disability. Having regard to the age of the petitioner that can be cured by passage of time.

23. Having regard to the above said evidence, the disability at 20% may be taken to the whole body.

24. The petitioner has produced the medical documents. He has not produced any documents to show that he was earning Rs.1000 per day by doing coolie work.

Hence, notional income is required to be taken. As per New KSLSA Guidelines dated 30.6.2026, for the year 2025, Rs.17,250 per month, notional income is required to be taken. 20% of that amount comes to Rs.3,450. The petitioner was aged about 30 years as on the date of accident. Therefore, the multiplier 17 is applicable to that age as per the decision in Sarla Verma's case. Annual future loss of income comes to Rs.41,400/- ($\text{Rs.3,450} \times 12$). If the multiplier 17 is applied, the future loss of income come to Rs.7,03,800 ($\text{Rs.41,400} \times 17$). This is the amount to be awarded towards future loss of income.

25. A sum of Rs.50,000 is required to be awarded towards Pain and Sufferings. Rs.61,337/- is awarded towards medical expenses. 03 Months period is taken as treatment and bed rest. Hence, Rs.51,750/- ($\text{Rs.17,250} \times 3$) for loss of income during that period is awarded. Rs.20,000 is awarded towards transportation and attendant charges. Rs.25,000 is awarded towards food and nourishment. Rs.20,000 is awarded towards future treatment expenses including removal of implants, since no

document is produced in that regard. So, in all, the petitioner is entitle to get compensation of Rs.9,31,887/- with future interest @ 6% P.A., from the date of petition till the payment of said amount.

26. Admittedly, the respondent No.1 is the owner cum driver of the vehicle and the vehicle was insured with second respondent as per Ex.R.1. No specific document is produced to show that there was violation of the policy conditions. Therefore, the respondent No.1 being driver cum owner is responsible to pay the compensation to the petitioner. The respondent No.2 being insurer is liable to indemnify the insured. Accordingly, I answer **Issue No.2 in the Negative and Issue No.3 Partly in the Affirmative.**

27. **ISSUE No.4** :- In the result, I proceed to pass the following :-

ORDER

The claim petition filed by the petitioner
**U/Section 166 of the Motor Vehicles Act,
1988** is hereby partly allowed with costs.

The petitioner is entitle to get total compensation amount of **Rs.9,31,887=00 (Rupees Nine lakhs, thirty-one thousand, eight hundred eighty-seven Only)** with interest @ **6% P.A.**, from the date of petition till its realization from the respondents.

The Respondent Nos.1 and 2 are liable to pay the compensation to the petitioners.

The respondent No.2 being the insurer is directed to deposit the entire compensation amount along with interest @ 6% P.A., before the Tribunal from the date of petition till the date of payment, **within 2 months** from the date of award, failing which the petitioner is at liberty to recover the same in accordance with law.

After deposit, 60% shall be released in favour of petitioner on proper identification and remaining 40% shall be kept in Fixed Deposit in the name of petitioner No.1 in any Nationalized bank of his choice, for a period of three years.

Advocate fee is fixed at Rs.2,000/-.

Draw award accordingly.

(Dictated to the Stenographer Grade-I, transcribed and computerized by him, corrected and then pronounced by me in the open Court on this **2nd day of July, 2026**)

(H.A. MOHAN)

1st Addl. District & Sessions Judge &
Member, M.A.C.T-II, Ballari.

A N N E X U R E

LIST OF WITNESSES EXAMINED ON BEHALF OF CLAIMANTS :-

- P.W.1. Chand Basha.
P.W.2. Dr. Syed Sadath Hussain, Orthopedic Surgeon,
Ballari.

LIST OF EXHIBITS MARKED ON BEHALF OF CLAIMANTS :-

- Ex.P.1. Certified copy of F.I.R.
Ex.P.2. Certified copy of Complaint.
Ex.P.3. Certified copy of spot panchanama.
Ex.P.4. Certified copy of vehicle seizure panchanama.
Ex.P.5. Certified copy of Rough sketch.
Ex.P.6. Certified copy of I.M.V. Report.
Ex.P.7. Certified copy of Petitioner.
Ex.P.8. Certified copy of wound certificate.

- Ex.P.9. Certified copy of Final report/Charge sheet.
- Exs.P.10 Certified copy of Statement of Eye witnesses.
to P.12.
- Ex.P.13. Certified copy of order sheet in C.C.
No.3073/2025.
- Ex.P.14. Out Patient Records.
- Exs.P.15 Discharge summaries.
& P.16.
- Ex.P.17. O.P.D. Cards.
- Ex.P.18. 04 Lab Reports.
- Ex.P.19. 27 Medical bills.
- Ex.P.20. Disability certificate.
- Ex.P.21. 05 X-Rays.
- Ex.P.22. Medical records issued by Mather's hospital.

**LIST OF WITNESSES EXAMINED ON BEHALF OF
RESPONDENTS :-**

NIL

**LIST OF EXHIBITS MARKED ON BEHALF OF
RESPONDENTS :-**

- Ex.R.1. Policy copy.

1st Addl. District & Sessions Judge &
Member, M.A.C.T-II, Ballari.