

KABI010020722025



**IN THE COURT OF I-ADDITIONAL DISTRICT &
SESSIONS JUDGE AT BALLARI**

DATED THIS THE 17th DAY OF AUGUST, 2026

: PRESENT :

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

M.V.C. No.414/2025

PETITIONERS/CLAIMANTS :-

1. Minor Tharun S/o. Revanna @ Ravi, Aged about 06 year, Student, since minor represented by his mother and natural guardian Smt.Lakshmi W/o. Ravanna @ Ravi, aged about 29 years, Housewife, R/o. 19th wad, Devinagar, Tekkalakote, Siruguppa Taluk, Ballari District. Now R/o. Near KSRTC Depot, Siruguppa Road, Ballari.

(Sri. K.B., Advocate)

V/s

RESPONDENTS :-

1. Kumar Gouda M S/o. Ranganna Gouda M, Aged about 60 years, Driver of the Tata Punch Car Bearing Reg.No.KA-05/NG-4544,

R/o. #77, Masidipura Village,
Gotu Post, Ballari Taluk and
District.

2. Kiran Kumar M S/o. Kumar
Gouda Manchala @ Kumar
Gouda.M, Aged about 30 years,
Owner of the Tata Punch Car
bearing Reg.No.KA-05/NG-4544,
R/o. Masidipura Village, Gotur
Post, Ballari Taluk and District.

3. The Manager,
M/s TATA AIG General Insurance
Company Limited, 3rd floor, Hall
Mark building, Desai Cross,
Sadashiva Nagar, Hubballi-
580029, (Policy No.6201171821
00 00 – valid from 18.02.2023 to
17-02-2026)

**(Respondent No.1 and 2 by Sri.BVS.,
Advocate and Respondent No.3 by
Sri.BVP., Advocate.)**

J U D G M E N T

This is a petition filed by the petitioner through his guardian/mother, under **Section 166 of M.V. Act, 1989**, seeking compensation for the injuries sustained by him, in a road traffic accident.

2. The case of the petitioner in brief is that, that on 19.05.2025, at 08.30 p.m., the petitioner was coming back from Kirani Shop after purchasing Chocolate and

while crossing the N.H.150-A Road, at Tekkalakote, the petitioner being the driver of TATA PUNCH CAR bearing Rg.No.KA-05/NG-4544 drove the vehicle in a rash and negligent manner with high speed and dashed against the petitioner and as a result of which he fell down and sustained grievous injuries. Immediately he was taken to community Health Center, Tekkalakote and after providing First Aid he was shifted to VIMS Hospital, Ballari. He was admitted as inpatient and surgery was conducted. Steel rods and plates have been inserted to the fractured wound. Even after discharge the petitioner is taking follow-up treatment, but the injury has not been completely cured and hence, he has become permanently disabled.

3. It is further stated that, the petitioner was hale and healthy and a student aged about 6 years and he was very active in sports and other activities. But due to the fractured injury he is unable to walk properly, do his day to day activities as he was proving earlier. Hence, he is entitled to claim compensation.

4. It is stated that, the respondent No.1 is the driver who is responsible for the accident. Hence, the respondent No.2 being the owner of the vehicle, is liable to pay the compensation, jointly and severally. The respondent No.3 is the insurer of the vehicle, hence it is liable to indemnify the insured. Accordingly, prayed to allow the petition.

5. In-response to summons issued, the Respondent Nos.1 and 2 have appeared through their advocate and filed common written statement. It is stated that, the petition is not maintainable and the averments made in the petition are all false and hence the petitioner is required to give strict proof of various averments. It is stated that the petitioner himself was responsible for the alleged incident, because he did not take care while crossing the road. Therefore, he is not entitled for compensation. It is stated that, the vehicle was insured with respondent No.3 and the 1st respondent was having valid and effective driving license. Hence, the liability if any

is to be fixed against the respondent No.3. Accordingly, prayed to reject the petition.

6. The respondent No.3 has also appeared through his advocate and filed his written statement. It is stated that, the petition is not maintainable. The petitioner himself was responsible for the accident. The vehicle was insured with the company, but the liability if any, is subject to the terms and conditions of the policy. Accordingly, prayed to reject the petition.

7. Upon considering the materials proposition of law and the facts pleaded, my predecessor has framed the following Issues :-

: ISSUES :	
1.	Whether the Guardian of Minor petitioner proves that, petitioner had sustained bodily injuries in road traffic accident that was occurred on 19.05.2025 at about 8:30 A.M., on N.H.150-A Road, Devinagar, Tekkalakote, due to rash and negligent driving of Tata Punch Car bearing Regn. No.KA-05/NG-4544 by the

	Respondent No.1?
2.	Whether the petitioner is entitle for compensation as prayed for? If so, from whom ?
3.	What order or an Award?

: <u>ADDITIONAL ISSUE</u> :	
1.	Whether the Respondent No.3 proves that the first respondent being the driver of offending Tata Punch Car bearing Regn. No.KA-05/NG-4544 was not holding valid and effective driving licence as on the date of accident as alleged in the written statement?

8. In order to prove the above Issues, the guardian of the petitioner has filed her affidavit in-lieu of evidence as P.W.1 and got marked documents as Exs.P.1 to P.26. She has examined Dr.Syed Sadath Hussain as PW.2 and closed her side of evidence.

9. On behalf of the respondents, oral evidence is not adduced. Policy is admitted.

10. Heard the learned counsel for petitioner and respondents.

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

Issue No.1	: In the Affirmative.
Issue No.2	: Partly in the Affirmative.
Addl.Issue No.1	: In the Negative.
Issue No.3	: As per final order, for the following :

REASONS

12. **POINT No.1** :- In order to prove this issue, the petitioner is relying upon the certified copy of F.I.R., spot panchanama, vehicle seizure panchanama, spot sketch, wound certificate, Final report and statements of witnesses.

13. A perusal of the these documents, they clearly disclose that, on 19.05.2025 as accident was taken place as alleged in the petition. Immediately, complaint was lodged against the respondent No.1. The case has been registered and the vehicle was seized by the police. Spot panchanama as per Ex.P.5 discloses that the accident was

occurred on the left side of the road. Contrary evidence is not placed to show that, the petitioner has contributed his negligence. That apart as per Ex.P.16 the respondent No.1 has admitted his guilt before the learned JMFC and accordingly, the learned JMFC has imposed fine on him. Hence, without much discussion, I hold that the petitioner has proved this point. Accordingly, I answer point No.1 in the **Affirmative.**

14. **ISSUE No.2 AND ADDL.ISSUE NO.1** :- These two Issues are interlinked to each other and as such, they are taken up together for discussion, to avoid repetition of facts.

15. As per the medical documents there was a fracture of left leg. As per the evidence of Doctor only left bone has been fractured. He admitted that since, the petitioner is at a young age, there are chances of proper reunion of the fractured bone. He admitted that only Fibula bone was fractured and that shows that, the main bone has not been fractured, only supporting bone has

been fractured. Therefore, it is very difficult to assess the loss of future income.

16. Since the petitioner is at a young and there are chances of reunion, if global compensation of Rs.1,00,000/- towards fracture is awarded, that would meet the ends of justice. Accordingly, I award the same towards permanent disability.

17. Rs.60,000/- is awarded towards pain and suffering. Rs.50,000/- is awarded towards transportation and attendant charges. Rs.50,000/- is awarded towards food and nourishment. Rs.25,000/- is awarded towards future treatment expenses. Two bills as per Ex.P.23 are produced. The amount was spent towards treatment as per these two bills is Rs.3,818/-. Hence, the same is awarded towards treatment expenses. In all, the petitioner is entitled to get of Rs.2,88,818/- with interest at the rate of 6% per annum from the respondents.

18. During the course of arguments, it was submitted that, the respondent No.1 was holding valid and

effective driving license. The policy was in force. Hence, Respondents No.1 and 2 are jointly and severally liable to pay the compensation and Respondent No.3 being the insurer is liable to indemnify the insured. Accordingly, the respondent No.3 is directed to deposit the amount within two months. Accordingly, I answer **Issue No.2 in the Partly in the Affirmative and Addl.Issue No.1 in the Negative.**

19. **POINT No.3** :- In the result, I proceed to pass the following :-

ORDER

The claim petition filed **U/Section 166 of the Motor Vehicles Act, 1989 by the petitioners** is hereby partly allowed with costs.

The petitioner is entitled to get total compensation amount of **Rs.2,88,818/- (Rupees Two Lakhs, Eighty Eight Thousand and Eight Hundred Eighteen Only)** with interest @ **6% P.A.**, from the date of petition, till its realization from the respondents.

The Respondent Nos.1 to 3 are jointly and severally liable to pay the compensation to the petitioners.

The respondent No.3 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 petitioners are at liberty to recover the same in accordance with law.

After deposit, 80% of the amount shall be kept in deposit in the name of the petitioner in any Nationalized Bank under the guardianship till he attains the age of majority. However, the guardian is at liberty to withdraw periodical interest and 20% shall be released in favor of the petitioner, who is the guardian of minor petitioner on proper identification.

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

Draw award accordingly.

(Dictated to the Stenographer Grade-III, transcribed and computerized by him, corrected and then pronounced by me in the open Court on this 17th day of August, 2026)

(H.A. MOHAN)

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

ANNEXURE**LIST OF WITNESSES EXAMINED ON BEHALF OF CLAIMANTS :-**

- P.W.1. Smt.Lakshmi
P.W.2. Dr.Syed Sadath Hussain

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 copies of Photos
Ex.P.5. Certified copy of Spot sketch
Exs.P.6 Statements of witnesses
to 12.
Ex.P.13. Certified copy of Charge sheet
Ex.P.14. Certified copy of Wound certificate
Ex.P.15. Certified copy of IMV report
Ex.P.16. Certified copy of order sheet
Ex.P.17. Certified copy of U/sec.251 of Cr.P.C of the
charge.
Exs.P.18 Certified copy of the Discharge summary
& 19.
Ex.P.20. Disability certificate
Ex.P.21. Lab reports
Ex.P.22. Referral Slip
Ex.P.23. Medical bills
Ex.P.24. Two photographs
Ex.P.25. X-ray.

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

// NIL //

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

// NIL //

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