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13/2021
ಬಿಬಿ (ಸಂಖ್ಯೆ)

M.V.C. No. 275/2021

IN THE COURT OF THE HON'BLE SENIOR CIVIL JUDGE AT HUNGUND.

1. Venkanagouda Naganagouda GoudarPetitioner

V/s

1. Tippanagouda Venkanagouda Goudar
and othersRespondents.

OBJECTIONS TO THE MAIN PETITION

Herein the respondent No.1 submits his objections to the main petition as under;

1) The claim set out by the petitioner as against this respondent is totally false, vexatious and same is not tenable under the law. Hence the respondent No.1 specifically repudiates the same.

2) The averments set out in the brief facts of the petitioner's case are false and fabricated. The allegations made out at para 1 in brief facts of the petitioner's case are all false. It is false to say that petitioner and villager were gone to Karadi village for marketing in motor cycle, KA-29,/EA-6601. It is further false to say that when they were returning to their village after marketing, another villager Bhimanagouda Goudar asked to come with petitioner in his motor cycle. It is further false to say that Guruprasad Halmath was riding motor cycle slowly and cautiously. Again it is false denied by this respondent that, when petitioner coming near Dasbal village near land Timmanagouda Patil at about 17:30, one Tractor bearing No. KA-29/TB-7355, attached Agriculture iron equipment was coming great speed, rash and negligent manner. Petitioner has to prove the same. Again it is false denied by this respondent that tractor driver lost his control over it and dashed to motor cycle. It is also false to say that agriculture equipment touched to petitioner and others, felled and sustained injuries.

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Petitioner is bound to strict proof of the same. It is totally false that, petitioner sustained grievous injuries as shown in column No. 11 of the petition. It is false to say that immediately they were taken to Katti hospital Bagalkot and undergone various tests and operation as indoor patient for more than one month. It is false to say that right leg of petitioner was amputation up to knee. It is false to say that petitioner incurred medical expenses more than 3,00,000/- and further made Rs. 2,00,000/-. It is totally false and frivolous that due to sudden and untimely caused this accident due to negligent act of above said vehicle driver. Petitioner is put strict proof of the same.

3) The averments set out at para 2 and 3 of page No.4 of the petition are all false. This respondent categorically denies the alleged accident as it is falsely implicated. It is the petitioner to prove alleged accident is happened due to rash and negligent act of the tractor driver. The petitioner has not produced any cogent evidence to prove that the accident caused by the driver of the tractor shown in the petition.

4) It is most respectfully submitted that the alleged accident was occurred solely due to rash and negligent riding by the petitioner himself who was riding the motor cycle without holding valid and effective driving license on the date of accident. Petitioner, at the time of accident, was minor and he was not capable to ride motor cycle.

5) It is also submitted that the complainant by name Guruprasad S/o Siddalingeswar Halamth filed a complaint in respect of alleged accident. Said complaint is registered in Ilkal Rural P. S. Cri. No. 40/2019. In the said complaint and FIR, he alleged that the accident caused due to rash and negligent driving by driver of Massie Fergusson Tractor No. KA-29/TA-6662. Same tractor is shown in column No. 9 of Crime Details

[Handwritten signature]



Form furnished along with final report submitted by the police in C. C. No. 43/2021. Further it can be seen the said tractor KA-29/TA-6662, in column No.5 of Motor Vehicles Accident Report furnished along with final report in C. C. No. 43/2021. Registered owner of the said tractor, which is alleged to have involved in accident is **Ramanagouda Kanakanagouda Goudar**.

6) It is submitted that the complainant, petitioner and his another companion Bhimanagouda were gone to Karadi village in triple riding in motor cycle. After their work, again they were returning in triple riding in motor cycle with some luggage and water filled can, about 20 liter, which was kept on petrol tank. Near Dasbal village, there is bridge, and at the end of the said bridge, there is shrub bent towards road. Petitioner, complainant and another one were coming in their motor cycle near said bridge with rash and negligent manner in triple riding with some luggage and water filled can, about 20 ltrs, in motor cycle. Bike rider sudden taken his bike towards right side to avoid the shrub, then water can kept on petrol tank fallen on the handle which has locked bike handle. At the same time, opposite one Massie Fergusson Tractor bearing registration No. KA-29/TA-6662 was coming in slow manner as agriculture sowing equipment was attached to it. When bike rider suddenly taken right he dashed to the said sowing equipment attached to the tractor by losing control over the bike as handle locked because of water can. Therefore the accident caused due to rash and negligent of the bike rider himself. Hence the petition filed by the petitioner is not maintainable and liable to be dismissed.

7) That the Massie Fergusson Tractor bearing registration No. KA-29/TA-6662 was duly insured with on the date of accident. similarly driver of the said tractor was holding valid driving

Goudar



license on the date of the alleged accident. Therefore
respondent is not liable to pay any compensation as claimed
by the petitioner. In case, the Hon'ble Tribunal comes to the
conclusion that, petitioner is entitle to any compensation, then
same may be saddle on the owner and driver of the tractor KA-
29/TA-6662 and on its insurer.

8) The amount of compensation claimed by the petitioner on
all the counts is very much exorbitant and same is without
any basis. The amount of compensation, claimed by the
petitioner, does not tally with the alleged medical bills.

9) The averments in the petition which are not specifically
denied and which are contrary to the averments set out herein
above shall not considered as admitted by this respondent.
The respondents also seek the leave of the Hon'ble Tribunal to
file additional objections whenever necessary.

Therefore it is prayed that the petition filed by the
petitioner as against this respondent may kindly be dismissed
in the interest of justice and equity.

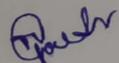
Place: Hungund
Date: 11 /03/2022


Respondent No.1

VERIFICATION

Herein I Tippanagouda S/o Vebkanagouda Goudar, the
respondent No.1 do hereby stated and verify that the
averments and contents of the above objections are read over
and explained to me in my vernacular and the same are true
and correct to the best of my knowledge, belief and
information.

Place: Hungund
Date: 11 /03/2022


Respondent No.1


(R. H. Kokati)
Advocate for respondent No.1

M.V.C. No. 275/2021

IN THE COURT OF THE HON'BLE SENIOR CIVIL JUDGE AT
HUNGUND.

1. Venkanagouda Naganagouda GoudarPetitioner

V/s

1. Tippanagouda Venkanagouda Goudar
and othersRespondents.

AFFIDAVIT

Herein I Tippanagouda S/o Venkanagouda Goudar Age
major Occ: Agril R/o: Dasbal Tq: Hungund Dt: Bagalkot do
hereby solemnly affirm and state on oath as under;

That I am applicant herein and respondent No.1 in the
above said case. I am fully conversant with the facts of the
case.

Contents of my written statement are written as per my
instruction, they are true to the best of my knowledge belief
and information.

Place: Hungund
Date: 11/03/2022

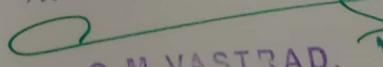

Deponent.

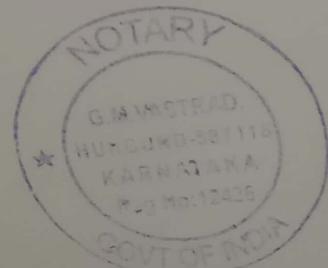
I know the deponent.

No. Of Corrections 


Notary

SWORN TO BEFORE ME


G.M.VASTRAD.
M.A.L.L.B (Spl)
Advocate & Notary
HUNGUND-587118



M.V.C. No. 275/2021

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1. Venkanagouda Naganagouda Goudar

....Petitioner

V/s

1. Tippanagouda Venkanagouda Goudar
and others

....Respondents.

MEMO

Herein the Advocate for the respondents respectfully submits as follows;

That the respondent No.1 has filed written statement to the petition. The respondent No.2 also has same defense. Therefore petitioner No.2 is going to adopt the written statement of respondent No.1.

Hence the Hon'ble court be pleased to consider the written statement of respondent No.1 as written statement of respondent No.2 to avoid repetition of facts in the interest of justice and equity.

Hence this memo.

Place: Hungund
Date: 11/03/2022

Advocate for respondents 