

KARN020007812024



Presented on : 01-06-2024
Registered on : 04-06-2024
Decided on : 31-07-2026
Duration : 02 years, 01 months, 30 days

**BEFORE THE ADDITIONAL MOTOR ACCIDENTS CLAIMS
TRIBUNAL AND 1st ADDL. SENIOR CIVIL JUDGE & JMFC.,
AT RAMANAGARA.**

:PRESENT:

**Sri.Niveditha.T.M ., B.A.L., LL.B.,
1st Addl. Senior Civil Judge & JMFC.,
Ramanagara.**

M.V.C. No.:162/2024

DATED : THIS THE 31st OF JULY 2026

Petitioner : Hiteshgowda.S,
S/o. Sampathkumar,
Aged about 10 years,
Minor Rep by his father Sampathkumar,
S/o. Shivanna,

R/at Yarehalli Village,
Kutagal Hobli,
Ramanagara Taluk,
Ramanagara District.



(Rep by Sri.SYS., Advocate)

- V/s -

Respondents : 1. Sri.Nandish.H,
S/o. Honnaiah,
R/at: No 31, Kumbapura Village,
Ijoor Post, Kylanchara Hobli,
Ramanagara Taluk,
Ramanagara District.

(Owner of Motor Cycle bearing Reg.No.KA-42-EF-5198)

2. The Manager,
M/s. Chola General Insurance Ltd.,
Unit-4, 9th Floor,
Golden Heights Complex,
59th C Cross, 4th M Block,
Industrial Suburb,
Bangalore-10.

(Policy No.3397/04505744/000/00 Valid
from 31.07.2023 to 30.07.2028)

(R-1 : Exparte)

(R-2 : Rep by Sri.SYS., Advocate)

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JUDGMENT

(Delivered on 31/07/2025)

This is a petition filed by the minor petitioner through natural guardian U/s.166 of IMV Act seeking grant of compensation of Rs.20,00,000/- with interest at the rate of 18% per annum for the injuries suffered by motor vehicle accident.

2. The brief fact of the petitioner case is as under;

That, on 19.05.2024 at about 3:00 pm, while he was travelling in a two wheeler bearing Reg.No.KA-42-EF-5198 as a pillion rider and when the rider of said vehicle reached Yarehalli-Kootagal near Konada, at that time the rider of the two wheeler rode the same in a very rash and negligent manner in turn applied sudden brake, as a result the



petitioner fell down from the two wheeler and sustained grievous injuries.

3. Immediately, the petitioner was shifted to Narayana Hospital, Ramanagara for treatment. The petitioner has spent more than Rs.2,00,000/- towards medicine, hospital charges, nourishment food and traveling expenses. The petitioner was very hale and healthy prior to the accident he was studied well and participated in sports activities and after the accident she cannot participate any activities. Due to the said accident, the petitioner is unable to concentrate on his studies and unable to participate in cultural, sports and other activities and parents of the petitioner is suffering mental agony.

4. The accident was caused due to rash and negligent riding of the two wheeler bearing Reg.No.KA-42-EF-5198 by



it's rider. The Rural Police, Ramanagara have registered the case against the driver of the said vehicle.

5. That the respondent No.1 is the owner, the respondent No.2 is the insurer of the said vehicle and they are jointly and severally liable to pay the compensation to the petitioner. Hence, the petition.

6. After service of notice, the respondent No.1 did not appear before the Tribunal and placed exparte. The respondent No.2 appeared before the Tribunal through their counsel and filed written statement.

The respondent No.2 in his written statement denied the entire petition averments and contended, the two wheeler bearing Reg.No.KA-42-EF-5198 was covered with the insurance subject to terms, conditions of the policy.



According to the respondent No.2, the alleged accident was not due to the rash and negligent act rider of the offending vehicle. Apart from that, the alleged accident occurred due to the sole negligence of the injured negligent manner contributed for the accident.. There is inordinate delay in lodging the false complaint. The petitioner and respondent No.1 colluded with each other falsely implicated and filed false complaint against the insured vehicle. The rider of the offending vehicle at the time of the accident did not have possess valid and effective license to rode the same. Therefore, the respondent No.2 by denying the case of the petitioner prayed for dismissal of the petition with exemplary cost.

7. The following Issues were framed by my consideration:



1. Whether the petitioner proves that on 19.05.2024 at about 3:00 pm, while he was travelling in a two wheeler bearing Reg.No.KA-42-EF-5198 as a pillion rider and when the rider of said vehicle reached Yarehalli-Kootagal near Konada, at that time the rider of the two wheeler rode the same in a very rash and negligent manner in turn applied sudden brake, as a result the petitioner fell down from the two wheeler and sustained grievous injuries?
 2. Whether the respondent No.2 proves that, the rider of the offending vehicle on the date of the accident did not have valid and effective driving license?
 3. Whether the petitioner is entitled for compensation? If so from whom?
 4. What Order or Award?
-
8. The minor petitioner to substantiate his contention, guardian of the petitioner has examined himself as Pw-1 and relied upon the documentary evidence as ExP-1 to ExP-9 and



got examined doctor as Pw-2 and got marked ExP-10 to ExP-15 documents. The respondents have not led any evidence.

9. Heard and perused materials available on record.

10. My answer to the above said Issues is as follows:

- 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

11. **Issue No.1:** The admitted fact is that, two wheeler bearing Reg.No.KA-42-EF-5198 i.e., the offending vehicle was covered by insurance policy of 2nd respondent company during the period of accident.

The petitioner to prove that the accident had taken place due to the negligent riding of the offending vehicle by it's



rider, the petitioner has examined her natural guardian as Pw-1. He has filed an affidavit in lieu of his examination-in-chief, wherein, he has reiterated the petition averments and also has deposed that, after the accident the minor petitioner became permanently disabled and suffering from constant pain and discomforts through petitioner life and petitioner life has become miserable and dark due to this accident. He has filed an affidavit in lieu of his examination-in-chief, wherein, he has reiterated the petition averments and Pw-1 has produced ExP.1- True Copy of FIR, ExP.2- True Copy of Complaint, ExP.3- True Copy Charge Sheet, ExP.4- True Copy of Spot Mahazar, ExP.5- True Copy of Wound Certificate, ExP.6-True Copy of of IMV Report and ExP.7- Discharge Summary.



12. As per the documents, the petitioner met with an accident and sustained grievous injuries in the said accident due to the rash and negligent riding of the offending vehicle by its rider. The respondent No.1 is the owner of the offending vehicle and did not appear before the Tribunal and there was a default judgment placed *ex parte*. Furthermore, the respondent No.2 has denied the case of the petitioner and according to the respondent No.2, the alleged accident was not due to the rash and negligent act of the rider of the offending vehicle. Apart from that, the alleged accident occurred due to the sole negligence of the injured party in the said accident. The respondent No.2 could not elicit anything favorable to its case in the cross-examination of Pw-1.

13. The respondent No.2 has attributed negligence to the petitioner in the occurrence of the accident. But, the said



contention of the respondent No.2 is not proved. Because, the documents produced by the Pw-1 support the version of the petitioner. Such being the case, this Tribunal is of the view that, the alleged accident had taken place due to the negligent riding of the offending vehicle by it's rider. Hence, I answer **Issue No.1 in the Affirmative.**

14. **Issue No.2:-** The respondent No.2 had taken up the defence that, the driver of the two wheeler bearing Reg.No.KA-42-EF-5198 had no valid driving license. However, the respondent No.3 has not adduced any evidence to establish it's contention. Hence, the respondent No.3 has failed to establish it's defense that, the driver of the two wheeler bearing Reg.No.KA-42-EF-5198 had no valid DL to drove the same vehicle at the time of accident. Even the IO at the time



of filing charge sheet had not mentioned anything about the possession of the DL by the rider. There is no specific section regarding non-possession of DL. Hence, **Issue No.2 is answered in the Negative.**

15. **Issue No.3**: In view of the findings given in Issue No.1, it is clear that the petitioner sustained injuries due to the rash and negligent act by the rider of the two wheeler bearing Reg.No.KA-42-EF-5198.

The next question would be what is the reasonable and just compensation to which the petitioner is entitled. Heard the arguments. Admittedly, at the time of accident the petitioner was aged 10 years. Hence, this Court would like to rely on decision of ***Hon'ble Apex Court in 2013 ACJ 2445 (DB) Mallikarjun -V/s- Divisional Manager, National Insurance Co. Ltd., and others.*** In the said case, it has been observed that,



“where the injured boy was aged 14 months and suffered disability of 34% for right lower limb and 18% to the whole body. The Apex Court allowed Rs.3,00,000/- towards pain and suffering and Mental and physical shock and hardship, discomfort, loss of amenities in life due to permanent disability. Rs.25,000/- was awarded for loss of income to the parents and inconvenience caused to the parents, Rs.25,000/- for medical and incidental expenses and Rs.25,000/- for future medical expenses. The Apex Court also observed if the disability is above 10% and upto 30% to the whole body then, compensation of Rs.3,00,000/- and upto 60% compensation of Rs.4,00,000/- upto 90% compensation of Rs.5,00,000/- and above 90% it should be Rs.6,00,000/- as compensation in the case of children suffering disability. For permanent disability upto 7% it should be Rs.1,00,000/-.”



16. Keeping in view the law declared in the above mentioned decision, I have carefully perused the entire record. So far as, expenses relating to treatment, hospitalization, medicines are concerned. The petitioner has produced 21 Medical Prescription together marked as ExP-8 and 24 Medical Bills together marked as ExP-9. Pw-1 has been cross-examined by respondent No.2 with regard to the said documents, nothing was elicited. Hence, there is nothing on record to disbelieve the medical bills produced by the petitioner. On perusal of the medical bills, the petitioner has incurred **Rs.82,909/-** towards the expenses relating to treatment, hospitalization and medicines. Hence, he is entitled to such amount under the head expenses relating to treatment, hospitalization and medicines.



17. So far as, disability of the petitioner is concerned, they have examined the Dr.Venkataramkumar as Pw-2. In the chief examination, Pw-2 has deposed that, petitioner was treated in Narayana Hospital, Ramanagara with a history of RTA and on examination the petitioner was found having the injuries of Swelling and tenderness over Right thigh. Painful and restricted movements. Further on 20.05.2024 underwent surgery (ORIF with LCP and screws right Femur) was done and later discharged on 24.05.2025 with appropriate advice.

18. So far as loss of future earnings on account of permanent disability is concerned, it is necessary to rely upon the evidence of the Pw-2 Dr.Venkatram Kumar.K. As per the affidavit of the Pw-2, on 23.02.2026, he examined the petitioner for disability assessment and the following observation was made, pain and stiffness of right hip and



knee. Recent X-ray showed fracture united and he suffers 14% disability to whole body. In the cross-examination he denied the suggestion that, he given more percent of whole body disability to the petitioner. On perusal of the medical record and the evidence of Pw-2 this Tribunal views that, there is nothing on record to disbelieve that, the evidence of Pw-2 who is expert in the field of Orthopedic Surgeon. Based on the evidence of Pw-2 this Tribunal views that, the minor petitioner suffered whole body disability to the extent of **14%**.

19. Based on the decision cited above, the petitioner having suffered permanent physical disability to the whole body to an extent of 14% this Tribunal views that, petitioner is entitled for **Rs.3,00,000/-** as compensation towards permanent physical disability.



20. Further, by relying on the principle laid down by the Apex Court cited above, the petitioner is entitled for **Rs.2,50,000/-** as compensation towards pain and suffering, mental and physical shock, inconvenience, loss of amenities in life due to permanent disability, **Rs.20,000/-** towards discomfort, inconvenience and loss of income to the parents. Therefore, the petitioner is entitled for compensation under the following conventional heads:

1.	<i>Expenses towards treatment, hospitalization, medicines</i>	<i>Rs.82,909 -00</i>
2.	<i>Compensation towards permanent physical disability.</i>	<i>Rs.3,00,000-00</i>
3.	<i>Expenses towards pain and suffering, mental and physical shock, hardship, discomfort and loss of amenities in life due to permanent disability.</i>	<i>Rs.3,00,000-00</i>
4.	<i>Inconvenience, discomfort and</i>	<i>Rs.25,000-00</i>



	<i>loss of income to parents.</i>	
	Total	Rs.7,07,909-00

21. Therefore, the petitioner is entitled for compensation of **Rs.7,07,909** /-, which is rounded off to **Rs.7,08,000/- (Rupees Seven Lakh Eight Thousand Only)** for the injuries sustained by her in a road traffic accident. In my opinion, above said compensation awarded to petitioner is just fair and proper under the facts and circumstances of the case. Looking to the facts and circumstances of the case, it is just and proper to award interest at the rate of 6% p.a., on the above said compensation amount awarded in this case from the date of petition till the date of deposit or realization.

22. As regards liability to pay compensation to the petitioner is concerned, the respondent No.1 is the owner and the



respondent No.2 is the insurer of the offending vehicle. The respondent No.2 has admitted issuance of policy to the vehicle of respondent No.1. Hence, this Tribunal is of the view that, the respondent No.1 the owner of the offending vehicle and respondent No.2 the insurer of the offending vehicle are jointly and severally liable to pay compensation to the petitioner. However, the respondent No.2 has to indemnify the respondent No.1 and the respondent No.2 is directed to pay the entire compensation together with 6% interest per annum and costs to the petitioner. With this observation, **Point No.4 is answered Partly in the Affirmative.**

23. **Issue No.4:** Based on the above said reasoning, I proceed to pass the following:



ORDER

The petition filed by the minor petitioner U/s.166 of Motor Vehicle Act is allowed in part with costs.

The minor petitioner is awarded compensation amount of **Rs.7,08,000/- (Rupees Seven Lakh Eight Thousand Only)** together with interest thereon at the rate of 6% per annum from the date of petition till the date of realization.

The respondent No.2 being the insurer is directed to deposit the said compensation amount in this case in the Tribunal within 90 days from the date of this order.

After such deposit, the guardian of the minor petitioner is entitled for release of Rs.3,00,000/- and the remaining amount



shall be kept in F.D. in the name of the minor petitioner in any nationalized bank till she attains the age of majority with liberty to withdraw interest once in 3 months.

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

Draw award accordingly.

(Dictated to the Stenographer in part and dictated directly on the computer and computerized by him, corrected, signed and then pronounced by me in the Open Court on this the 31st day of July 2026)

(Smt.Niveditha.T.M)
1st Addl. Senior Civil Judge & JMFC.,
Member, Additional M.A.C.T.,
Ramanagara.

ANNEXURE

1. List of witnesses examined on behalf of the petitioner:

Pw-1 : Sri.Sampath Kumar;
Pw-2 : Dr.Madhusudan.S.N.

2. List of documents marked on behalf of the petitioner:

ExP-1 : True Copy of FIR;
ExP-2 : True Copy of Complaint;
ExP-3 : True Copy of Charge Sheet;
ExP-4 : True Copy of Spot Mahazar;
ExP-5 : True Copy of Wound Certificate;



ExP-6 : True Copy of IMV Report;
ExP-7 : Discharge Summary;
ExP-8 : 21 Nos Doctor Prescriptions;
ExP-9 : 24 Nos Medical Bills;
ExP-10 : In-patient Case Sheet;
ExP-11 to 15: X-rays.

3. List of witnesses examined on behalf of the respondents:

-Nil-

4. List of documents marked on behalf of the respondents:

-Nil-

(Smt.Niveditha.T.M)
1st Addl. Senior Civil Judge & JMFC.,
Member, Additional M.A.C.T.
Ramanagara.