



Presented on : 08.01.2024
Registered on : 08.01.2024
Decided on : 07.03.2026
Duration : 02 years, 01 months 29 days

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
M.A.C.T. AT. N.R.PURA, ITINERATE AT KOPPA**

Present: Sri. Raghunatha Gowda K.T., B.Com., L.L.B.,
Senior Civil Judge & M.A.C.T. At.N.R.Pura, Itinerate at Koppa

Dated this the 7th day of March, 2026

M.V.C. No.15/2024

PETITIONER:

Sri. Mahammad Fazil,
S/o. Musthafa,
Aged about 18 years,
Coolie work,
R/o. Raghavendra Nagara,
Harandur Village, Koppa Taluk.

(By Sri. B.C.V.S., Advocate)

-Versus -

RESPONDENTS:

1. Sri. Shankarappa H.R.,
S/o. Rangappa Gowda,
Aged about 73 years,
Agriculturist,
R/o. Doragallu Village,
Koppa Taluk.

(Driver / Owner of the Maruthi Alto Car bearing
registration No.KA.18 – N.6562)

2. The Manager,
The Oriental Insurance Company
Limited., Branch Office,



Lakshmi Shopping Complex,
Subhash Road, Koppa-577 126.

(Insurer of the Maruthi Alto Car bearing registration No.KA.18 –
N.6562)

(Policy No.473101/31/2023/1769 valid from
17.08.2022 to 16.08.2023)

**(Respondent No.1 represented by Sri. M.H.S.K.,
Advocate, Respondent No.2 represented by Smt. S.M.,
Advocate)**

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:J U D G M E N T:

This claim petition is filed by the petitioner under Section 166 of Motor Vehicles Act 1988, seeking compensation of Rs.13,00,000/- with interest at the rate of 18% per annum on account of injuries sustained by him in road traffic accident occurred on 03.06.2023.

2. Brief facts of the petitioner case as under:

a). That on 03.06.2023 at about 6-00 P.M. when the petitioner was proceeding as a pillion rider in the Yamaha Fascion Motorcycle bearing registration No.KA.18 – ED.9072 driven by his father Sri. Musthafa from Koppa Town to Jogisara, while they were



proceeding slowly, cautiously by observing all the traffic rules near Breeze Hotel, Balagadi Road, Koppa Town the respondent No.1 being the driver of Maruthi Alto Car bearing registration No.KA.18 – N.6562, drove the same in rash and negligent manner suddenly entered into the main road and dashed to their vehicle. Due to impact himself and rider of the scooter fell down and sustained injuries. Further he contended that he has sustained injuries as per (a) swelling deformity was present involving the distal part of right fore arm and wrist, with associated pain and tenderness, (b) Selling deformity was present involving the mid part of left thigh, with associated pain and tenderness, with underlying fracture of femur bone. After the accident he was shifted to Government Hospital, Koppa. Thereafter he was shifted to K.M.C. Hospital, Manipal and he was admitted in the said hospital from 04.06.2023 to 08.06.2023 and he underwent intramedullary interlocking nailing of left femur, open reduction and internal fixation of right radius and he was spent an amount of Rs.6,00,000/- towards medicine and his treatment and he requires



an amount of Rs.3,00,000/- for future medical expenses.

b). Prior to the accident he was hale and healthy person and he was coolie work and earning more than Rs.25,000/- per month. Due to said accident he was unable to work as earlier. The said accident was occurred due to rash and negligent driving of respondent No.1, the said vehicle is owned by respondent No.1 and the said vehicle is insured with respondent No.2. Hence, the respondents are jointly liable to pay compensation. Hence, he prays to allow the petition.

3. In response to the notice the respondents are appear through their respective counsel and filed separate objection statement.

4. The Contents of objections of the respondent No.1 is as under:

In the objection statement the respondent No.1 has denied the entire contents of the petition averments. Further he contended that there is no rash and negligent and excessive speed on the part of respondent No.1 and the accident occurred due to rash



and negligent driving of petitioner. Further he contended that without prejudice to the above said contention he contended that the respondent No.1 is holding valid driving licence and the said vehicle is insured with respondent No.2. Hence, he prays to dismiss the said petition against him.

5. The Contents of objections of the respondent No.2 is as under;

Respondent No.2 filed the objection statement wherein, contended that all the material allegations made in the above petition are false and the petition is not maintainable either on facts or in law against this respondent. Further she admitted the issuance of policy the vehicle belongs to respondent No.1 at the time of accident. Further he contended that, the petitioner is not holding valid driving licence to drive the motorcycle. Further she contended that respondent No.1 is not intimated/reported the accident to be respondent No.2 and he failed to comply the provision of Motor Vehicle Act. Further the accident occurred due to fault of petitioner and there is no negligence on the part of respondent No.1. Further he seeking protection under Section 147 and 149 of



Motor Vehicle Act. Further contended that, the petitioner claimed interest @ 12% p.a. which is highly excessive. On these grounds he seeking dismissal of the claim petition.

6. On perusal of the record the following issues would arise for my consideration;

1. Whether petitioner proves that, he sustained grievous injuries in the motor vehicle accident that occurred on 03.06.2023 at about 6-00 p.m. near Breeze Hotel, Balagadi Road due to rash and negligent driving of Maruthi Alto Car bearing registration No.KA.18 – N.6562 driven by the 1st respondent while he was pillion rider moving in his motorcycle bearing Reg.No.KA.18 – ED.9072?

2. Whether the petitioner is entitled for compensation? If so, for what amount and from whom?

3. What order or award?

7. Thereafter, in order to prove his case, the petitioner examined himself as PW1 and got marked 20 documents as Ex. P1 to P20 and he examined the doctor as a Court Commissioner in CW1 and marked 7 documents as Ex. C1 to C7. Per contra with the



consent of petitioner counsel 3 documents were marked as Ex. R1 to R3.

8. Heard the arguments on both the counsel, Respondent No.2 counsel filed notes arguments and perused the materials placed on record.

9. My answer to above Points are as under;

Issue No.1: **In the Affirmative.**

Issue No.2: **Partly in the Affirmative.**

Issue No.3: As per final order for the following.....

:REASONS:

10. **ISSUE NO.1:** It is the case of the petitioner that on 03.06.2023 at about 6-00 P.M. when the petitioner was proceeding as a pillion rider in the Yamaha Fascion Motorcycle bearing registration No.KA.18 – ED.9072 driven by his father Sri. Musthafa from Koppa Town to Jogisara, while they were proceeding slowly, cautiously by observing all the traffic rules near Breeze Hotel, Balagadi Road, Koppa Town the respondent No.1 being the driver of Maruthi Alto Car bearing registration No.KA.18 – N.6562, drove



the same in rash and negligent manner suddenly entered into the main road and dashed to their vehicle. Due to impact himself and rider of the scooter fell down and sustained injuries. Further he contended that he has sustained injuries as per (a) swelling deformity was present involving the distal part of right fore arm and wrist, with associated pain and tenderness, (b) Selling deformity was present involving the mid part of left thigh, with associated pain and tenderness, with underlying fracture of femur bone. After the accident he was shifted to Government Hospital, Koppa. Thereafter he was shifted to K.M.C. Hospital, Manipal and he was admitted in the said hospital from 04.06.2023 to 08.06.2023 and he underwent intramedullary interlocking nailing of left femur, open reduction and internal fixation of right radius and he was spent an amount of Rs.6,00,000/- towards medicine and his treatment and he requires an amount of Rs.3,00,000/- for future medical expenses.

11. In order to prove the case, the petitioner got examined himself as PW1 and he filed his affidavit in lieu of his examination-in-chief and he has reiterated



the contents of petition averments in his examination in chief. In support of his oral evidence to prove the issue No.1, he relied on Ex.P1 to P20 documents. Ex.P1 is the accident information report, Ex. P2 is the certified copy of the F.I.R., Ex. P3 is the certified copy of the complaint, Ex. P4 is the certified copy of the crime detail form, Ex. P5 is the certified copy of the I.M.V. report, Ex. P6 is the certified copy of the wound certificate, Ex. P7 is the certified copy of the final report, Ex. P8 to P18 are the medical bills and Ex. P19 and P20 are medical prescriptions.

12. On careful perusal of Ex. P3 on 14.06.2023 the petitioner lodge a complaint alleging that the driver of the Maruthi Alto car bearing Reg. No.KA.18 – N.6562 drove the same in rash and negligent manner and dashed against their motorcycle, due to said accident petitioner has sustained grievous injuries. Further after investigation as per Ex. P7 the Investigation Officer filed the final report against the respondent No.1 for the offence punishable under Section 279 and 338 of I.P.C.

13. Further it is the case of the petitioner that in the said accident he has sustained grievous injuries.



To prove that he has sustained grievous injuries in the said accident, the petitioner relied on Ex. P6 i.e., wound certificate. As per this document it is crystal clear that, the injury mentioned in Ex. P6 are in grievous in nature. Further as per Ex. P6 the petitioner sustained following injuries.

(1) Swelling deformity was present involving the distal part of right forearm and wrist, with associated pain and tenderness with underlying fracture of bones.

(2) Swelling deformity was present involving the mid part of left thigh, with associated pain and tenderness, with underlying fracture of femur bone.

The above said injuries are in grievous in nature. Thus it is clear from the wound certificate that petitioner has sustained grievous injuries.

14. The respondent No.2 insurance company appear through his counsel and he cross-examine the said witness, but nothing is elicited in the mouth of this witness to disprove the case of petitioner. On perusal of the record the accident occurred due to rash



and negligent driving of respondent No.1, the said fact establish by the petitioner by producing the cogent documentary as well as oral evidence. Hence for the above said reason my answer to **Issue No.1 in the affirmative.**

15. **ISSUE No.2:** The petitioner filed this claim petition seeking compensation of Rs.13,00,000/- on account of grievous injuries sustained by him in the road traffic accident occurred on 03.06.2023. As discussed in issue No.1, it is clear that the petitioner has sustained grievous injuries in the said accident. Thus, he is entitled to get compensation on the following heads.

16. **Pain and suffering:** PW1 deposed that in the road traffic accident occurred on 03.06.2023, he has sustained grievous injuries and he took treatment as an inpatient in K.M.C. Hospital, Manipal and he took follow up treatment and petitioner suffered pain due to accidental injuries.

17. As per Ex. P18 inpatient bill it is clear that, after the accident petitioner was admitted in K.M.C. Hospital, Manipal on 04.06.2023 and he was



discharged on 08.06.2023. Thus it is clear that he took treatment in the said hospital as indoor patient for a period of 5 days. Further it is clear from the Ex. P6 wound certificate that petitioner sustained **(1) Swelling deformity was present involving the distal part of right forearm and wrist, with associated pain and tenderness with underlying fracture of bones. (2) Swelling deformity was present involving the mid part of left thigh, with associated pain and tenderness, with underlying fracture of femur bone.** Further PW1 deposed that now also he is suffering from pain and he is facing difficulty to work.

18. Further petitioner has examined Dr. Kumar Amerendra Singh as CW.1, he deposed that when he examined the petitioner on 03.06.2023 he found that petitioner has sustained with **(1) Closed fracture of the right radius (2) Closed fracture of the left femur** and to conducted the surgery on 04.06.2023 by intramedullary interlocking nailing fo the left femur. So that reason petitioner was unable to work as earlier. Hence, it is clear from oral and documentary evidence that due to accidental injuries petitioner has



sustained pain. Hence, by considering the nature of injuries sustained by him and treatment taken by him this tribunal is of the opinion that it is just and proper to award an amount of **Rs.40,000/- on the head of pain and suffering.**

19. **Medical bills, Hospital expenses and future Medical expenses:** PW1 deposed that he incurred more than Rs.6,00,000/- towards medical expenses. To prove that he has incurred medical expenses for his treatment, petitioner has produced 11 medical and hospital bills collectively as per Ex.P8 to P18 and 2 medical prescriptions as Ex. P19 and P20. Further as per above said document the petitioner incurred medical bills an amount of Rs.1,21,453/-. Further petitioner sought future medical expenses of Rs.3,00,000/-. On perusal of evidence of doctor i.e., CW1 he has stated that for removal of implants from right radius and left femur the approximate cost of surgery may Rs.80,000/-. Hence, it is just and proper to award an amount of **Rs.2,01,453/- on the head of medical bills, hospital expenses and future medical expenses.**



20. **Attendant charges, special food, nourishment and conveyance charges etc:** As discussed in issue No.1 and above said heads it is clear that petitioner has sustained grievous injuries and petitioner took treatment for a period of 5 days as inpatient. Thus it reveals that he was on special diet and he was attended by his attendant. Further it is clear that the said accident was occurred on near Breeza Hotel, Balagadi Road, Koppa Town and thereafter he might have shifted to K.M.C. Hospital, Manipal and might have been taken rest. Thus by considering nature of injuries and treatment taken by the petitioner this court is of the opinion that it is just and proper to award an amount of **Rs.30,000/- on the head of attendant charges, special diet, and nourishment.**

21. **Loss of income during laid up period:** PW1 deposed that he is doing Coolie work and earning an amount of Rs.25,000/- per month. As per inpatient bill, it reveals that he took treatment as inpatient for a period of 5 days and he has sustained grievous injuries, he might not be in a position to attend his



work at least for a period of 3 months. Hence it is clear that he lost his 3 months income due to injuries sustained by him in the accident. To prove his income, petitioner has not produced any cogent material before the court. However as per the chart prepared by Karnataka State Legal Service Committee notional income for in the year 2023 is an amount of Rs.16,000/- per month. Hence by taking into consideration of notional income of the petitioner it is just and proper to award 3 months income to the petitioner towards loss of income during laid up period. Hence, petitioner is entitled to get an amount of **Rs.48,000/- on the head of loss of income during the laid up period.**

22. **Towards Future loss of income:** The learned counsel for petitioner has vehemently argued that petitioner is doing coolie work and due to injuries he was not able to attend his work as earlier. Hence he lost of his income due to accidental injuries.

23. As per Ex. P6 i.e., wound certificate it is clear that, the petitioner sustained injuries to **(1) Swelling deformity was present involving the distal**



part of right forearm and wrist, with associated pain and tenderness with underlying fracture of bones. (2) Swelling deformity was present involving the mid part of left thigh, with associated pain and tenderness, with underlying fracture of femur bone.

To prove that he has sustained permanent disability, petitioner examined Dr: Kumar Amerendra Singh as CW1, he deposed that he is working as an Orthopedic, K.M.C. Hospital, Manipal and he examined the petitioner on 04.06.2023 and on 04.02.2025 he examined the petitioner and issued a disability certificate. Further he deposed that when he examined the said patient for taking follow up treatment and he issued a disability certificate as per Ex. C1, he found that the petitioner has sustained 4% disability for right lower limb shortening, 3% disability in his left lower limb locomotor function and 4% disability in his right lower limb and 7% disability is right upper limb. As per his opinion the petitioner sustained above disability as stated. He further deposed that he issued disability certificate as per the guidelines and gazette notification issued by ministry of social justice and empowerment, Government of India. He further deposed that he



issued disability certificate as per Ex. C1. On perusal of Ex. C1 disability certificate it is clear that he opined that petitioner sustained 4% disability for right lower limb shortening, 3% disability in his left lower limb locomotor function and 4% disability in his right lower limb and 7% disability in right upper limb by him in the road traffic accident occurred on 03.06.2023. Respondent No.2 counsel cross-examined the CW1. Further the learned counsel contended that the CW1 deposed that the petitioner is completely recovered and he does not have any permanent disability same was mentioned by the Court Commissioner at point No.27. The contention of the respondent No.2 counsel cannot be accepted because the whole evidence of CW1 taken into consideration while assess the petitioner has sustaining the disability or not. At point No.23 the doctor categorically deposed that it is not due to true implant has to be remove one fracture is united. Further the CW1 denied the suggestion that for the purpose of help to the petitioner to issue a disability certificate. On considering the injuries and mere one stray sentence cannot be considered that the petitioner has not suffering from any disability.



24. It is clear from the evidence of CW1 that he has treated the petitioner and he examined petitioner on 04.02.2025, verified the earlier records and he opined that petitioner has sustained 4% disability for right lower limb shortening, 3% disability in his left lower limb locomotor function and 4% disability in his right lower limb and 7% disability in right upper limb. As per the evidence of PW1 and CW1 it is clear that petitioner sustained the injury. Admittedly the petitioner is coolie work and he is unable to work as earlier. CW1 opined that petitioner has sustained 18% disability. The evidence of CW1 with regard to disability to the whole body is higher side. Hence, by considering the said aspect and the injuries sustained by the petitioner this tribunal is of the opinion that it is just and proper to take into consideration of percentage of the disability to the whole body at 6%.

25. PW1 deposed that he is coolie work and getting monthly income of Rs.25,000/-and he lost his financial capacity. To prove his exact income and occupation, he has not produced any documents before the court. Thus in the absence of specific evidence it is just and proper to taken into



consideration of his income as notional income as per the chart prepared by Karnataka State Legal Service Committee. As per the said chart the notional income for the said period I.e, in the year 2023 is Rs.16,000/- per month. Hence, the income of petitioner is taken at Rs.16,000/- p.m.

26. PW1 deposed that at the time of accident he was aged about 17 years. In order to prove the same, petitioner has relied on Ex. P6. On perusal of this document it discloses that the age of the petitioner mentioned as 17 years. Hence, it is just and proper to take his age as 17 years at the time of accident. As per the decision of the Hon'ble Apex Court reported in **2009 ACJ 1298 between Sarala Verma -v/s- Delhi Transport Corporation**, the relevant multiplier applicable to the age group of the petitioner is 18. Hence, to assess the compensation the relevant multiplier is taken into consideration as thus the petitioner is entitled for compensation on the head of future loss of income as under:

(Rs.16,000/-(income) x 12 (months) x 6% (disability) x 18 (multiplier)/100 = **Rs.2,07,360/-**).



Thus, petitioner is entitled to get compensation as under,

1) Towards pain and suffering-	Rs. 40,000/-
2) Towards Medical bills, hospital expenses and future medical expense	Rs.2,01,453/-
3) Towards attendant charges, special food and nourishment and conveyance charges	Rs. 30,000/-
4) Towards future loss of income-	Rs.2,07,360/-
5) Loss of income during laid up period-	Rs. 48,000/-
Total	Rs.5,26,813/-

27. **Liability:** There is no dispute that the respondent No.1 vehicle is duly insured with respondent No.2. Further respondent No.2 has not disputed the issuance of policy the vehicle belongs to respondent No.1 as per Ex.R3. Further as per Ex.R1 the respondent No-1 is holding effective driving licence at the time of accident. Thus liability is fixed on respondent No.2. Hence, respondent No.2 is liable to pay said compensation amount with interest @ 8% p.a., to the petitioner from the date of this petition till



its realization. Further directed the petitioner to furnish his account particulars to the respondent No-2 to deposit the compensation amount. Thus I answer **point No.2 partly in the affirmative.**

28. **POINT No.3:** In view of the above reasons, I proceed to pass the following:

ORDER

The claim petition filed by the petitioner under Section 166 of M.V. Act, is hereby partly allowed with cost.

*The petitioner is entitled for compensation of **Rs.5,26,813** /- with interest at the rate of 8% p.a from the date of petition till its realization.*

The respondent No.2 is directed to deposit the entire compensation amount with interest within a period of 30 days from the date of this order to the petitioner account



directly and submit a compliance report to this court.

Out of the compensation 50% amount to be released in favour of petitioner and remaining 50% amount shall be kept in Fixed Deposit in the name of petitioner for a period of 3 years in any nationalized bank.

The Advocate fee is fixed at Rs.1000/-.

Draw award accordingly.

(Dictated to the Stenographer transcribed and typed by him corrected by me and then pronounced in the open court on this the 7th day of March, 2026)

Sd/-

(Raghunatha Gowda K.T.)

Senior Civil Judge and M.A.C.T.,
N.R.Pura, Itinerate at Koppa.

ANNEXURE

Witnesses examined for the petitioner:

PW.1 : Sri. Mahammad Fazil.

**Documents marked on behalf of petitioner:**

- Ex.P1 : Copy of the accident information report
Ex.P2 : Certified copy of the F.I.R.,
Ex.P3 : Certified copy of the complaint.
Ex.P4 : Certified copy of the crime detail form.
Ex.P5 : Certified copy of the I.M.V. report.
Ex.P6 : Certified copy of the wound certificate.
Ex.P7 : Certified copy of the final report.
Ex.P8-18 : Medical bills.
Ex.P19-20: Medical prescriptions.

Witnesses examined on behalf of respondents:

– NIL –

Documents marked on behalf of respondents:

- Ex.R1 : Driving Licence.
Ex.R2 : Registration certificate.
Ex.R3 : Insurance policy.

Witnesses examined for the court commissioner:

- CW.1 : Dr: Kumar Amerendra Singh

Documents marked for the court commissioner:

- Ex.C1 : Disability certificate.
Ex.C2 : Out patient records.
Ex.C3 : In patient records.
Ex.C4-7 : X-Rays.

Sd/-

(Raghunatha Gowda K.T.)
Senior Civil Judge and M.A.C.T.,
N.R.Pura, Itinerate at Koppa.