



Presented on : 08.04.2025  
Registered on : 08.04.2025  
Decided on : 25.03.2026  
Duration : 00 years, 11 months 17 days

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

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

**Dated this the 25<sup>th</sup> day of March, 2026**

**M.V.C. No.137/2025**

**PETITIONER:**

Sri. Vijay Kumara N.,  
S/o. Nagappa Gowda,  
Aged about 57 years,  
Occupation Business and agriculture,  
R/o. Salur, Honnekodige Post,  
N.R. Pura Taluk.

**(By Sri. V.G., Advocate)**

**-Versus -**

**RESPONDENTS:**

1. Sri. Ravichandra N.S.,  
S/o. Shammayya Gowda,  
Aged about 61 years,  
R/o. Depo Road, N.R.Pura.

(Driver of the Maruthi Alto Car bearing No.KA.03 –  
MK.5103)

2. Sri. Rahul N.R.,  
S/o. Ravichandra,  
Aged about 28 years,  
R/o. Depo Road, N.R.Pura.

(Owner of the Maruthi Alto Car bearing No.KA.03 –  
MK.5103)



3. Branch Manager,  
Oriental Insurance Company,  
Laxmi Shopping Complex,  
Subhash Road, Koppa,  
Koppa Taluk, Chikmagalur.

(Policy No.424291/31/2024/17 valid from  
14.10.2023 to 13.10.2024)

**(Respondent No.1 and 2 represented by Sri. K.P.S.,  
Advocate, Respondent No.3 represented by Sri. S.R.S.,  
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.30,00,000/- with interest at the rate of 12% per annum on account of injuries sustained by him in road traffic accident occurred on 24.10.2023.

#### **2. Brief facts of the petitioner case as under:**

a). That on 24.10.2023 at about 3-30 P.M. when the petitioner was going to his farm house in his Motorcycle bearing registration No.KA.18 – S.3257 slowly, cautiously by observing all the traffic rules, when he reached in front of Hanthuvani Dayananda Farm House in Shanthibhavan to Saluru Road the



respondent No.1 being the driver of Maruthi Car bearing registration No.KA.03 – MK.5103 from opposite direction in rash and negligent manner dashed against the petitioner. Due to impact petitioner fell down sustained injuries to his right hand and left leg. After the accident he was shifted to Government Hospital, N.R.Pura. Thereafter he was shifted to Nanjappa Healthcare, Shivamogga as an inpatient for a period of more than Four days and he was spent an amount of Rs.5,00,000/- towards medicine and his treatment and he requires an amount of Rs.2,00,000/- for future medical expenses.

b). Prior to the accident he was hale and healthy person and he was running a Hotel in the name of Gagan Resturant at Balehonnuru and also doing the Parle distribution business in the name of Gagan Agencies and earning more than Rs.30,00,000/- per annum. 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.2 and the said vehicle is insured with respondent No.3. 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 and 2 is as under:**

In the objection statement the respondent No.1 and 2 are denied the entire contents of the petition averments. Further they are contended that at the time of accident the respondent No.3 issued an insurance policy same was in force and they are not liable to pay compensation to the petitioner. Hence, they prays to dismiss the said petition against them.

**5. The Contents of objections of the respondent No.3 is as under;**

Respondent No.3 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 he admitted the issuance of policy the vehicle belongs to respondent No.2 at the time of



accident. Further he contended that, the petitioner and respondent No.1 is not holding valid driving licence to drove the motorcycle. Further he contended that respondent No.2 has not intimated/reported the accident to be respondent No.3 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 accident occurred on 24.10.2023 at about 3-30 p.m. when the petitioner was proceeding his motor cycle bearing registration No.KA.18 – S.3257, when he reached in front of Hanthuvane Dayananda from house in Shanthibhavana to Saalur road. At the time the respondent No.1 being the driver of Maruthi Alto Car bearing registration



No.KA.03 – MK.5103 in rash and negligent manner dashed against himself and met with accident?

2. Whether petitioner is entitled for the compensation as prayed in the claim petition? If so, what is the quantum of compensation 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 98 documents as Ex. P1 to P98 and he examined the doctor as a Court Commissioner in CW1 and marked 4 documents as Ex. C1 to C4. Per contra with the consent of petitioner counsel 4 documents were marked as Ex. R1 to R4.

8. Heard the arguments on both side 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 24.10.2023 at about 3-30 P.M. when the petitioner was going to his farm house in his Motorcycle bearing registration No.KA.18 – S.3257 slowly, cautiously by observing all the traffic rules, when he reached in front of Hanthuvani Dayananda Farm House in Shanthibhavan to Saluru Road the respondent No.1 being the driver of Maruthi Car bearing registration No.KA.03 – MK.5103 from opposite direction in rash and negligent manner dashed against the petitioner. Due to impact petitioner fell down sustained injuries to his right hand and left leg. After the accident he was shifted to Government Hospital, N.R.Pura. Thereafter he was shifted to Nanjappa Healthcare, Shivamogga as an inpatient for a period of more than Four days and he was spent an amount of Rs.5,00,000/- towards medicine and his treatment and he requires an amount of Rs.2,00,000/- 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 P98 documents. Ex. P1 is the certified copy of the F.I.R., Ex. P2 is the certified copy of the complaint, Ex. P3 is the certified copy of the final report, Ex. P4 is the certified copy of the crime detail form, Ex. P5 is the certified copy of the wound certificate, Ex. P6 is the certified copy of the I.M.V. report, Ex. P7 is the certified copy of the insurance policy, Ex. P8 is the accident information report, Ex. P9 is the certified copy of the order sheet in C.C. No.589/2023, Ex. P10 to P13 are the Record of Rights, Ex. P14 and P15 are the Two discharge summaries, Ex. P16 is the disability certificate, Ex. P17 is the notarized copy of the Aadhaar card of petitioner, Ex. P18 to P75 are the 58 medical bills, Ex. P76 to P96 are the 21 prescriptions, Ex. P97 is the trade license, Ex. P98 is the license certificate.

12. On careful perusal of Ex. P2 on 01.11.2023 the petitioner lodge a complaint alleging that the driver of the Maruthi Alto car bearing Reg. No.KA.03 – MK.5103 drove the same in rash and negligent manner and dashed against his motorcycle, due to said



accident petitioner has sustained grievous injuries. Further after investigation as per Ex. P3 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. P5 i.e., wound certificate. As per this document it is crystal clear that, the petitioner sustained following injuries.

**(1) 4 c.m. cut lacerated wound over lateral aspect of left leg at distal 1/3<sup>rd</sup> level.**

**(2) 3 c.m. cut lacerated wound over 4<sup>th</sup> webspace of left hand.**

**(3) Swelling and deformity over right elbow.**

The above said injuries i.e., injury No.1 and 2 are in simple in nature and injury No.3 is grievous in nature. Thus it is clear from the wound certificate that petitioner has sustained grievous injuries.



14. The respondent No.3 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. Further as per Ex. P9 it clearly discloses that the respondent No.1 admitted the accident by paying fine amount by pleaded guilty. 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.30,00,000/- on account of grievous injuries sustained by him in the road traffic accident occurred on 24.10.2023. 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 24.10.2023, he has sustained grievous injuries and he took treatment as



an inpatient in Nanjappa Life care Hospital, Shivamogga and he took follow up treatment and petitioner suffered pain due to accidental injuries.

17. As per Ex. P14 and P15 inpatient bill it is clear that, after the accident petitioner was admitted in Nanjappa Life care Hospital, Shivamogga on 25.10.2023 and he was discharged on 29.10.2023 and again he was admitted on 11.11.2024 and discharged on 11.11.2024. Thus it is clear that he took treatment in the said hospital as indoor patient for a period of 6 days. Further it is clear from the Ex. P5 wound certificate that petitioner sustained **(1) 4 c.m. cut lacerated wound over lateral aspect of left leg at distal 1/3<sup>rd</sup> level. (2) 3 c.m. cut lacerated wound over 4<sup>th</sup> webspace of left hand. (3) Swelling and deformity over right elbow.** Further PW1 deposed that now also he is suffering from pain and he is facing difficulty to work.

18. Further petitioner has examined Dr. Vincent Mohan as CW.1, he deposed that when he examined the petitioner and conducted the surgery on 26.10.2023 by inserting the plate and screw in the right elbow. 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.1,00,000/- towards medical expenses. To prove that he has incurred medical expenses for his treatment, petitioner has produced 58 medical and hospital bills collectively as per Ex. P18 to P75 and 21 medical prescriptions as Ex. P76 and P96. Further as per above said document the petitioner incurred medical bills an amount of Rs.96,194/- but the said bills includes the advance payment receipt as per Ex. P24, P26, P27 and P73. As per above said document the petitioner paid advance payment an amount of Rs.23,602/- which includes the total medical bills an amount of Rs.96,194/- and the said advance bill is deducted it will comes Rs.72,592/- as a medical bills. Further petitioner sought future medical expenses of



Rs.2,00,000/- . On perusal of evidence of doctor i.e., CW1 he has not stated for future medical expenses. Hence, it is just and proper to award an amount of **Rs.72,592/- 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 6 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 Shanthibhavana to Saluru Road, N.R.Pura Taluk and thereafter he might have shifted to Nanjappa Life Care Hospital, Shivamogga 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 has running a Hotel in the name of Gagana Restaurant at Balehonnuru and he doing the Parle Distribution business and also agricultural work and earning an amount of Rs.30,00,000/- per annum. As per discharge summary, it reveals that he took treatment as inpatient for a period of 6 days and he has sustained grievous injuries, he might not be in a position to attend his work at least for a period of 2 months. Hence it is clear that he lost his 2 months income due to injuries sustained by him in the accident. To prove his income, petitioner has produce his trade license and registration certificate as per Ex. P97 and P98. On perusal of the above said document the petitioner obtain the license for running the Provision Store in the year 2015 to 2016 and same was renewal in the year 2016 to 2017, but the petitioner has not produce any document to show that at the time of accident he was running the business as stated in the petition. Further as per Ex. P10 to P13 the record of rights discloses that the petitioner owned the landed properties, but he has not produce any cogent material before the court to prove his actual income. 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 2 months income to the petitioner towards loss of income during laid up period. Hence, petitioner is entitled to get an amount of **Rs.32,000/- 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 running a Hotel in the name of Gagana Restaurant at Balehonnuru and he doing the Parle Distribution business and also agricultural 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. P5 i.e., wound certificate it is clear that, the petitioner sustained injuries to **(1) 4 c.m. cut lacerated wound over lateral aspect of left leg at distal 1/3<sup>rd</sup> level. (2) 3 c.m. cut lacerated wound over 4<sup>th</sup> webspace of left hand. (3) Swelling and deformity over right elbow.** To prove that he has



sustained permanent disability, petitioner examined Dr: Vincent Mohan as CW1, he deposed that he is working as an Orthopedician Surgen, Nanjappa Life Care Hospital, Shivamogga and he examined the petitioner on 26.10.2023 and on 05.10.2023 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. P16, he found that the petitioner has sustained 15% disability to the 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. P16. On perusal of Ex. P16 disability certificate it is clear that he opined that petitioner sustained 15% disability for right upper limb in the road traffic accident occurred on 24.10.2023. Respondent No.3 counsel cross-examined the CW1.

24. It is clear from the evidence of CW1 that he has treated the petitioner and he examined petitioner



on 05.10.2025, verified the earlier records and he opined that petitioner has sustained 15% disability for right upper limb. As per the evidence of PW1 and CW1 it is clear that petitioner sustained the injury. Admittedly the petitioner is Agricultural work and he is unable to work as earlier. CW1 opined that petitioner has sustained 15% disability to right upper limb. 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 5%.

25. Further PW1 has failure to prove his occupation and the Record of Rights discloses that the petitioner owned the landed properties. Hence 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 57 years. In order to prove the same, petitioner has relied on Ex. P17. On perusal of this document it discloses that the date of birth of the petitioner has mentioned as 10.06.1966 and the accident occurred on 24.10.2023 as on date of accident he was aged about 59 years. Hence, it is just and proper to take his age as 59 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 9. 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 8% (disability) x 9 (multiplier)/100 = **Rs.1,38,240/-**).

Thus, petitioner is entitled to get compensation as under,



|  |                      |
|--|----------------------|
| <b>1) Towards pain and suffering-</b>  | <b>Rs. 40,000/-</b>  |
| <b>2) Towards Medical bills, hospital expenses and future medical expense</b>            | <b>Rs.72,592/-</b>   |
| <b>3) Towards attendant charges, special food and nourishment and conveyance charges</b> | <b>Rs. 30,000/-</b>  |
| <b>4) Towards future loss of income-</b>   | <b>Rs.1,38,240/-</b> |
| <b>5) Loss of income during laid up period-</b>  | <b>Rs. 32,000/-</b>  |
| <b>Total</b>   | <b>Rs.3,12,832/-</b> |

27. **Liability:** There is no dispute that the respondent No.2 vehicle is duly insured with respondent No.3. Further respondent No.3 has not disputed the issuance of policy the vehicle belongs to respondent No.2 as per Ex. R1. Further as per Ex. R2 the respondent No-1 is holding effective driving licence at the time of accident. Thus liability is fixed on respondent No.3. Hence, respondent No.3 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-3



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.3,12,832/-** with interest at the rate of 8% p.a from the date of petition till its realization.*

*The respondent No.3 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.*



*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 25<sup>th</sup> day of March, 2026)

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

### **ANNEXURE**

#### **Witnesses examined for the petitioner:**

PW.1 : Sri. Vijayakumar N.S.,

#### **Documents marked on behalf of petitioner:**

Ex.P1 : Certified copy of the F.I.R.,  
Ex.P2 : Certified copy of the complaint.  
Ex.P3 : Certified copy of the final report.  
Ex.P4 : Certified copy of the crime detail form.  
Ex.P5 : Certified copy of the wound certificate.  
Ex.P6 : Certified copy of the I.M.V. report.  
Ex.P7 : Certified copy of the insurance policy.  
Ex.P8 : Copy of the accident information report.  
Ex.P9 : Certified copy of the order sheet in C.C.  
No.589/2023.  
Ex.P10-13: Record of Rights.  
Ex.P14-15: Two discharge summaries.



- Ex.P16 : Disability certificate.  
Ex.P17 : Notarized copy of the Aadhaar card of petitioner.  
Ex.P18-75: 58 medical bills.  
Ex.P76-96: 21 prescriptions.  
Ex.P97 : Trade license.  
Ex.P98 : license certificate.

**Witnesses examined on behalf of respondents:**

– NIL –

**Documents marked on behalf of respondents:**

- Ex.R1 : Insurance policy.  
Ex.R2 : Driving Licence.  
Ex.R3 : Registration certificate.  
Ex.R4 : Notarized copy of the aadhaar card of respondent No.1.

**Witnesses examined for the court commissioner:**

- CW.1 : Dr: Vincent Mohan.

**Documents marked for the court commissioner:**

- Ex.C1 : I.P. Sheet – 164 pages.  
Ex.C2-4 : X-Rays (3 in Nos.).

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