



Presented on : 08.04.2024
Registered on : 08.04.2024
Decided on : 07.03.2026
Duration : 01 years, 10 months 29 days

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

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

Dated this the 7th day of March, 2026

M.V.C. No.188/2024

PETITIONER: Sri. S. Manjunatha,
S/o. Shankara Bhatta,
Aged about 41 years, Coolie work,
R/o. Doobla, Shanthipura,
Elemadalu Village, Koppa Taluk.

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

-Versus -

RESPONDENTS: 1. Sri. Abdul Hameed,
S/o. Late. Iddinabba,
Aged about 56 years, Driver,
R/o. Anjaneya Temple Street,
Vijayapura, Chikmagalur.

(Driver of the HGV Lorry bearing registration No.KA.18 –
A.1899)

(Driving License No.KA 19 19919000719 valid till
20.07.2027)



2. Sri. Mallikarjuna,
S/o. Nageshwara Rao,
Aged about 52 years,
R/o. "Srinidhi", Sai Madhuvana
Layout, Near I.G. Road,
Chikmagalur Taluk.

(Owner of the HGV Lorry bearing registration
No.KA.18 – A.1899)

3. The Manager,
United India Insurance Company
Limited, Crescent Court,
K.M. Road, Chikmagalur.

(Insurer of the HGV Lorry bearing registration No.KA.18
– A.1899)

(Policy No.2414003123P106841545 valid from
16.09.2023 to 15.09.2024).

**(Respondent No.1 and 2 placed ex-parte,
Respondent No.3 represented by Sri. N.D.K., Advocate.)**

: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.35,00,000/- on account of injuries sustained by him in road traffic accident occurred on 01.11.2023.



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

a). That on 01.11.2023 at about 09.30 A.M, when the petitioner was proceeding as a pillion rider in the Hero Honda bike bearing registration No.KA.18 – Q.4152 alongwith his friend Akshith B. Poojary from Srirama Estate to Shanthipura, while they were proceeding slowly, cautiously by observing traffic rules near Kallukore Basarikatte Road, the respondent No.1 being the driver of HGV Lorry bearing registration No.KA.18 – A.1899 drove the said Lorry from opposite direction in a rash and negligent manner dashed the bike. Due to said accident himself and rider of the bike fell down and sustained injuries. Further he has sustained grievous injuries as follows; (1) Comminuted displaced fracture of the proximal end of tibia involving the tibial plateau, intercondylar eminence and metaphysic and proximal shaft. (2) Displaced fracture fragments are noted in the adjacent soft tissue. (3) Mildly displaced transverse fracture of the junction of mid and distal 1/3rd shaft of the right tibia. (4) Liphemathrosis noted. (5) Myofascial oedema with air foci and overlying soft tissue surface



irregularities noted along the anteromedial aspect of right knee and proximal leg. Further he contended that after the accident he was shifted to P.H.C., Balehonnuru and after taking treatment he was refer to higher center for further treatment and he was shifted to K.M.C. Hospital, Manipal and he was admitted as inpatient from 01.11.2023 to 10.11.2023 and thereafter he was shifted Father Mullar Medical College and Hospital, Mangalore and he was taken treatment form 15.11.2023 to 27.11.223 and on 06.01.2024 to 11.01.2024 and again he was admitted in the said hospital on 20.03.2024 to 01.04.2024 and he was spent an amount of Rs.13,00,000/- for treatment, medicine etc., and he requires an amount of Rs.8,00,000/- for future treatment.

b). Prior to the accident he was hale and healthy and earning more than Rs.25,000/- per month from collie work and also working as a writer at Sriram Estate, due to said accident he was unable to do day to day work as earlier. The said accident occurred due to rash and



negligent driving of respondent No.1, the said vehicle belongs to respondent No.2 and the said vehicle insured with respondent No.3. Hence, respondents are jointly liable to pay compensation. Hence, he prays to allow the petition.

3. In response to the notice, respondent No.3 appear through his counsel and filed objection statement, the notice served to the respondent No.1 and 2, but they did not appear before the Court. Hence vide order dated 27.09.2024 the respondent No.1 and 2 are placed ex-parte.

4. **The objection statement of respondent No.3 is as under:**

a). Respondent No.3 filed objection statement wherein contended that all the material allegations made in the above petition are false and the petition is not maintainable either in law or facts against this respondent. Further he contended that the alleged accident occurred due to negligence of rider of the motor cycle bearing registration No.KA.18 0 Q.4152. Further he admitted the issuance of policy the vehicle belongs to respondent No.2.



b) Further he contended that after the accident the respondent No.2 has not intimated to the said accident to the insurance company and respondent No.2 has violated the statutory provision under Section 158(6) of Motor vehicle Act. Further he seeking protection under Section 147 and 149 of Motor Vehicle Act. Further he contended that the claim made by the petitioner is excessive and exorbitant and interest claimed by the petitioner is excessive. Hence he prays to dismiss the petition against respondent No.3.

5. On the basis of above pleading, I have framed the following issues;

1. Whether the petitioner proves that he sustained injury in the accident occurred on 01.11.2023 at about 9-30 a.m. when petitioner was proceeding as a pillion rider in Hero Honda bike bearing registration No.KA.18 - Q.4152 along with his friend Akshith Poojary from Sriram Estate to Shanthipura, near Kallukore, the respondent No.1 being the driver of Lorry bearing registration No.KA.18 - A.1899 drove the same in rash and negligent manner dashed against the petitioner?

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?

6. Thereafter, in order to prove his case, petitioner examined himself as PW1 and got marked 251 documents as Ex. P1 to P251 and he examine the doctor as Court Commissioner as CW1 and marked Ex. C1 and close his side. Further in spite of sufficient opportunity given the respondent No.3 has not lead evidence and he filed memo with true copy of the insurance policy.

7. Heard the arguments on both side. Petitioner counsel filed notes of arguments and filed memo with decisions.

8. My findings on the above Issues 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:

9. **ISSUE No.1:** It is the case of the petitioner that on 01.11.2023 at about 09.30 A.M, when the petitioner was proceeding as a pillion rider in Hero Honda bike bearing registration No.KA.18 – Q.4152 alongwith his friend Akshith B. Poojary from Srirama Estate to Shanthipura, while they were proceeding slowly, cautiously by observing traffic rules near Kallukore Basarikatte Road, the respondent No.1 being the driver of HGV Lorry bearing registration No.KA.18 – A.1899 drove the said Lorry from opposite direction in a rash and negligent manner dashed the bike. Due to said accident himself and rider of the bike fell down and sustained injuries. Further he has sustained grievous injuries as follows; (1) Comminuted displaced fracture of the proximal end of tibia involving the tibial plateau, intercondylar eminence and metaphysic and proximal shaft. (2) Displaced fracture fragments are noted in the adjacent soft tissue. (3) Mildly displaced transverse fracture of the junction of mid and distal 1/3rd shaft of the right tibia. (4) Liphemathrosis noted. (5) Myofascial



oedema with air foci and overlying soft tissue surface irregularities noted along the anteromedial aspect of right knee and proximal leg. Further he contended that after the accident he was shifted to P.H.C., Balehonnuru and after taking treatment he was refer to higher center for further treatment and he was shifted to K.M.C. Hospital, Manipal and he was admitted as inpatient from 01.11.2023 to 10.11.2023 and thereafter he was shifted Father Mullar Medical College and Hospital, Mangalore and he was taken treatment form 15.11.2023 to 27.11.223 and on 06.01.2024 to 11.01.2024 and again he was admitted in the said hospital on 20.03.2024 to 01.04.2024 and he was spent an amount of Rs.13,00,000/- for treatment, medicine etc., and he requires an amount of Rs.8,00,000/- for future treatment.

10. In order to prove the case, 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 avernments in his examination in chief. In support of his oral evidence to prove the issue



No.1, he relied on Ex.P1 to P251 documents. Ex. P1 is the certified copy of the complaint, Ex. P2 is the certified copy of the F.I.R., Ex. P3 is the certified crime detail form, Ex. P4 is the certified copy of the I.M.V. report, Ex. P5 is the certified copy of the wound certificate, Ex. P6 is the certified copy of the final report, Ex. P7 is the discharge summary, Ex. P8 to P81 are the medical bills, Ex. P82 to P86 are the prescriptions, Ex. P87 and P88 are travel bills, Ex. P89 to P120 are the medical bills, Ex. P121 to P131 are the photos and compact disk, Ex. P132 is the discharge summary, Ex. P133 to P175 are the medical bills, Ex. P176 and 177 are the scan report, Ex. P178 is the letter issued by the Harshalakshmi Hospital, Ex. P179 discharge summary, Ex. P180 to P223 are the medical bills, Ex. P224 is the medical prescription, Ex. P225 to P250 are the medical bills and Ex. P251 is the auto bill.

11. On careful perusal of Ex. P1 on 01.11.2023 One Akshith Poojary (rider of bike bearing registration No.KA.18 – Q.4152) lodge a complaint against the driver of the Lorry bearing Registration No.KA.18 – A.1899



drove the said Lorry in rash and negligent manner and dashed against their bike from opposite direction, due to said accident the petitioner has sustained grievous injuries and he has also sustained grievous injuries. On perusal of the Ex. P1, it clearly establish that due to rash and negligent driving of respondent No.1 the said accident was occurred. Further as per Ex. P6 after the investigation the investigation officer filed the final report against respondent No.1 for offence punishable under Section 279 and 338 of I.P.C. Further after the accident the petitioner has taken treatment at P.H.C. Hospital, Balehonnuru. Thereafter he taken treatment at K.M.C. Hospital, Manipal, Father Mullar Hospital, Mangalore and Harshalakshmi Hospital, Koppa and the Government Hospital, Balehonnuru issued wound certificate as per Ex. P5. Further as per Ex. P5 it discloses that the petitioner has sustained grievous injuries.

12. On perusal of the cross-examination of PW1, he has consistently deposed before the court for the alleged accident occurred due to rash and negligent driving of



respondent No.1. Further the respondent No.3 taken contention that the accident occurred due to rash and negligence of rider of the bike bearing registration No.KA.18 - Q.4152, but he has not produce any document to show that due to negligence of the rider of the bike the accident was occurred.

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, petitioner relied on Ex. P5 i.e., wound certificate as per Ex. P5 the petitioner has sustained following injuries.

(1) Lacerated wound over the right leg 8 x 4 x 1 c.m. reddish deformative positive.

(2) Lacerated wound over the right middle leg 3 x 1c.m. x 1c.m. of tibia and fibula.

Thus it is clear from the discharge summary and wound certificate that the petitioner has sustained grievous injuries.



14. The respondent No.3 insurance company filed objection and disputed the case of the petitioner. The learned counsel for respondent No.3 cross examined PW1 and during the course of cross-examination he denied the suggestion that there is rash and negligence on the part of rider of the bike the accident was occurred. On perusal of the record the accident occurred due to rash and negligent driving of respondent No.1, the said fact clearly establish by the petitioner by producing the cogent documentary as well as oral evidence. Hence for the above said reason my findings to **issue No.1 in the affirmative.**

15. **ISSUE No.2:** Petitioner filed this claim petition seeking compensation of Rs.35,00,000/- on account of grievous injuries sustained by him in the road traffic accident occurred on 01.11.2023. As discussed in issue No.1, it is clear that petitioner has sustained grievous injuries. 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 01.11.2023, he has sustained grievous injuries and he took treatment at P.H.C. Hospital, Balehonnuru and subsequently he admitted K.M.C. Hospital, Manipal, Father Mullar Medical College and Hospital, Mangalore and Harshalakshmi Hospital, Koppa as an inpatient and he took follow up treatment and petitioner suffered pain due to accidental injuries.

17. Further petitioner has examined Dr. Chirag, Orthopedic surgeon, as CW1, he deposed that, when he examined the petitioner on 10.02.2025 and on 12.05.2025 the petitioner under went implants removal + major debridement + stimulan application was done under SA. So that reason due to the disability the petitioner is unable to walk, stand and to do his day to day work and he use the wheel chair to move on and it is difficulty for the petitioner to stand and walk without the assistance.



18. Further as per Ex. P5 wound certificate it is clear that, after the accident the petitioner was admitted in P.H.C. Hospital, Balehonnur and as per Ex. P7 inpatient from 15.11.2023 to 27.11.2023. Further as per Ex. P15 the petitioner taken treatment at K.M.C. Hospital, Manipal from 01.11.2023 to 10.11.2023 and again he was admitted in Father Mullar Hospital, Mangalore on 06.01.2024 to 11.01.2024 as per Ex. P81 he was taken treatment on 20.03.2024 to 02.04.2024. Further as per Ex. P132 and P179 he took treatment at Harshalakshmi Hospital, Koppa as an indoor patient from 10.02.2025 to 14.02.2025 and 15.06.2025 to 21.06.2025. Thus it is clear that, he took treatment in the said hospital as indoor patient for a period of 55 days. Further it is clear from the Ex. P5 wound certificate that, petitioner sustained **(1) Lacerated wound over the right leg 8 x 4 x 1 c.m. reddish deformative positive. (2) Lacerated wound over the right middle leg 3 x 1c.m. x 1c.m. of tibia and fibula.** Further PW1 deposed that now also he is suffering from pain and he is facing difficulty to work. Hence, it is clear



from oral and documentary evidence of PW-1, it clearly establish that due to accidental injuries petitioner has sustained pain. Hence, by considering the nature of injuries sustained by his and treatment taken by his this tribunal is of the opinion that it is just and proper to award an amount of **Rs.1,00,000/-** on the head of pain and suffering.

19. **Medical bills, Hospital expenses and future Medical expenses:** PW1 deposed that he has incurred more than Rs.13,00,000/- towards medical expenses. To prove that he has incurred medical expenses for his treatment, petitioner has produced Ex. P8 to 81, Ex. P89 to P120, Ex. P133 to P175, Ex. P180 to P223 and Ex. P225 to P250 are medical bills and 6 medical prescriptions as Ex. P82 to P86 and Ex. P224. Further as per above said documents the petitioner incurred medical bills an amount of Rs.7,82,187/- these documents are not disputed by respondent No.3. Further the petitioner sought future medical expenses of Rs.8,00,000/-. On perusal of evidence of CW1, he deposed that the patient has to under go surgeries to his



right leg and approximate cost for surgery Rs.2,50,000/- to 3,00,000/-. The said fact has not disputed by respondent No.3. Hence, it is just and proper to award an amount of Rs.2,75,000/- on the head of future medical expenses. Hence it is just and proper to award an amount of **Rs.10,57,187/-** under 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, the petitioner has sustained grievous injuries and petitioner took treatment inpatient for a period of 55 days. 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 near Kallukore, Basrikatte Road, Koppa Taluk and thereafter he might have shifted to K.M.C. Hospital, Manipal, Father Mullar Hospital Medical College and Hospital, Mangalore and Harshalakshmi Hospital, Koppa. Further as per Ex. P87, P88 and P251 the petitioner spent an amount of Rs.23,000/- for convenience charges. 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.1,23,000/-** 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 also working as a writer at Srirama Estate and earning monthly income of Rs.25,000/-. As per Ex. P7, P15, P81, P132 and P179, it reveals that, he took treatment as inpatient for a period of 55 days and he has sustained injuries, he might not be in a position to attend his work at least for a period of 12 months. Hence, it is clear that he has lost his 12 months income due to injuries sustained by him in the accident. To prove his income the petitioner has not produced any document. In the absence of any cogent document the income of the petitioner to taken as per chart prepared by the Karnataka State Legal Service Committee. The accident occurred in the year 2023. Hence the income of the petitioner taken Rs.16,000/- per month. Hence, by taking into consideration of the



income of the petitioner, it is just and proper to award 12 months' income to the petitioner towards loss of income during laid up period. Hence, petitioner is entitled to get compensation an amount of **Rs.1,92,000/-** 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 as well as writer at Srirama Estate and due to injuries he was unable to attend his work. Hence he lost of his income due to accidental injuries. On the other hand the learned counsel for respondent No.3 is argued that the injuries sustained by the petitioner are already healed and he is not sustaining any pain. Thus he argued that petitioner is not entitled to get any compensation on the head of loss of future income.

23. As per Ex. P5 i.e., wound certificate it is clear that petitioner sustained injury **(1) Lacerated wound over the right leg 8 x 4 x 1 c.m. reddish deformative positive. (2) Lacerated wound over the right middle**



leg 3 x 1c.m. x 1c.m. of tibia and fibula. To prove that, he has sustained permanent disability, petitioner examined Dr: Chirag, as CW1. He deposed in his oral evidence that he is working as an Orthopedic Surgeon at Harshalakshmi Hospital, Koppa and he examined the petitioner on 11.02.2025 and on 12.05.2025 he 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 60% disability for right lower limb. As per his opinion the petitioner sustained 60% disability for right lower limb. Further he 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 60% permanent disability for right lower limb to the whole body due to injury sustained by him in the road traffic accident occurred on 01.11.2023. Respondent No.3



counsel cross-examined the CW1, he has denied that there is no disability to the petitioner and the petitioner is heal and health. It was suggested that the injury is simple in nature the said suggestion was denied by the CW1.

24. It is clear from the evidence of CW1 that he has treated to the petitioner and he examined petitioner on 12.05.2025 verified the earlier records and he opined that the petitioner has sustained 60% disability for right lower limb to the whole body. The respondent No.3 counsel argued that the injuries cannot be taken into consideration to assess the permanent disability. But to substantiate the same the respondent No.3 has not produced any evidence and nothing has been elicited in the cross-examination of CW1 to disprove the disability assessed by CW1.

25. As per the evidence of PW1 and CW1 it is clear that due to the permanent disability to the right lower limb the petitioner is not to do any work without the assistance and the CW1 categorically stated that he was unable to walk, stand and to do his day to day work and



he use the wheel chair to move on and it is difficulty for the petitioner to stand and walk without the assistance. Admittedly, the petitioner is doing coolie work and he was unable to stand for long time and work as earlier. CW1 opined that petitioner has sustained 60% permanent disability to right lower limb and he was unable to walk, stand and to do his day to day work and he use the wheel chair to move on and it is difficulty for the petitioner to stand and walk without the assistance.

26. Further the learned counsel for petitioner argued that the petitioner has sustained disability to the 60% and he loss of earning and the disability to be taken 100% and to award future prospect of 40%. In support of his argument he relied upon the judgment reported in **2025 AIAR(Civil) 228 in between Jakaria Mondal @ Jaki @ Jikai V/s. The National Insurance Company**. I have gone through the above said judgment the Hon'ble Apex Court held that the loss of earning and disability at 80% and the effect of said injury has had on the daily life of the claimant without support unable to work the Court should consider the disability to the 100%. In the



present case the petitioner doing coolie work and he is suffering from disability to extent of 60% to the right lower limb and he was unable to work as earlier and the photos i.e., Ex. P128 to P131 clearly establish the nature of the injury sustained by the petitioner due to the accident.

27. Further the learned counsel for petitioner relied on the judgment reported in **2025 AIAR (Civil) 732 in between Suresh Jatav V/s. Sukendar Singh and others**. In the said judgment the Hon'ble Apex Court held that the disability is concern the doctor has assessed it at 35% and the tribunal reduced it to 25% on mere conjectures. The Hon'ble Apex Court held that their should be valid reasoning to go behind the opinion of expert, especially in the matter of assessment of disability.

28. Further the learned counsel for petitioner relied on the decision reported in **2025 AIAR (Civil) 166 in between Atul Tiwari V/s. Regional Manager, Oriental Insurance Company**. I have gone through the above



said judgment the Hon'ble Apex Court held that the claim may be made for partial loss of earning, each case has to be considered in the right of its own facts and at the end one must ask whether the sum awarded is a fair and reasonable sum.

29. Further the learned counsel for petitioner relied on the decision reported in **2025(4) KCCR 3933 (SC) in between Hanumantha Raju B. (dead) by Lrs. V/s. M. Akram Pasha and another.** I have gone through the above said judgment the Hon'ble Apex Court held that the assessment of disability by Medical Board and Commissioner appointed by the Tribunal the Hon'ble Apex Court accepted the disability by the commissioner subsequently assessment made by. Further in the said judgment the Hon'ble Apex Court calculated the loss of earning capacity. With great respect to the above said judgment while considering the grant of compensation in accidental cases the Court should consider the nature of avocation and injuries sustained by the claimant to be taken into consideration while deciding the loss of future income.



30. The evidence of CW1 with regard to disability pertaining to the particular part of 60% is higher side. However, it is clear that petitioner has sustaining injury is taken into consideration of the injuries and avocation of petitioner the disability to the whole body it would comes to 40%. 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 40%.

31. PW1 deposed that he was doing coolie work and earning monthly income of Rs.25,000/- and he lost his financial capacity. To prove his exact income and occupation he has not produced the documents. As per chart prepared by the Karnataka State Legal Service Committee the accident occurred in the year 2023. Hence the income of the petitioner taken into consideration of Rs.16,000/-. Further as per Judgment of the Apex court in **Pranya sethi (2017(16) SCC 680)** the future prospect to be considered 25% above the age of 40 to 50 years. In the present case the petitioner is



aged about at the time of accident is 41 years. Hence the 25% future prospects to be considered/included of his income it will comes Rs.16,000 x 25% / 100 it will comes Rs.4,000/- is future prospect in total 16,000 + 4,000/- it will comes 20,000/- the monthly income of the petitioner.

32. PW1 deposed that at the time of accident he was aged about 41 years. He relied on the discharge summary the age of the petitioner is mentioned 41 years. Hence, as on date of accident the petitioner aged about 41 years. 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 14. 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.20,000/-(income) x 12 (months) x 40% (disability) x 14 (multiplier)/100 =

Rs.13,44,000/-.)



Thus, petitioner is entitled to get compensation as under,

| | |
|--|------------------------|
| 1) Towards pain and suffering | Rs. 1,00,000/- |
| 2) Towards Medical bills, hospital expenses and future medical expense | Rs. 10,57,187/- |
| 3) Towards attendant charges, special food and nourishment and conveyance charges | Rs. 1,23,000/- |
| 4) Towards future loss of income | Rs. 13,44,000/- |
| 5) Loss of income during laid up period | Rs. 1,92,000/- |
| Total- | Rs.28,16,187/- |

33. **Liability:** There is no dispute that the respondent No.2 vehicle is duly insured with respondent No.3. The said fact has admitted by respondent No.3 in his objection statement. The respondent No.3 produce the notarized copy of the insurance policy it discloses that at the time of accident the respondent No.3 issued a insurance policy to the vehicle belongs to respondent No.2 and the said valid insurance policy was in force at



the time accident. Thus the liability is fixed on respondent No.3. Hence, respondent No.3 is liable to pay the 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 **issue No.2 partly in the affirmative.**

34. **ISSUE 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.28,16,187/-** 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.

Out of compensation 75% amount to be released in favour of petitioner and remaining 25% amount shall be kept in Fixed Deposit in the name of petitioner for a period of three 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:

PW1 : Sri. S. Manjunatha,

Documents marked on behalf of the petitioner:

Ex.P1 : Certified copy of the complaint.
Ex.P2 : Certified copy of the F.I.R.,
Ex.P3 : Certified crime detail form.
Ex.P4 : Certified copy of the I.M.V. report.
Ex.P5 : Certified copy of the wound certificate.
Ex.P6 : Certified copy of the final report.
Ex.P7 : Discharge summary.
Ex.P8-81 : Medical bills.
Ex.P82-86 : Prescriptions.
Ex.P87&88: Travel bills.
Ex.P89-120: Medical bills.
Ex.P121-131: Photos and compact disk.
Ex.P132 : Discharge summary.
Ex.P133-P175: Medical bills.
Ex.P176-177: Scan report.
Ex.P178 : Letter.
Ex.P179 : Discharge summary.
Ex.P180-P223: Medical bills.
Ex.P224 : Medical prescription.
Ex.P225-P250: Medical bills.
Ex.P251 : Auto bill.

Witnesses examined on behalf of Respondents:

-- Nil --



Documents marked on behalf of Respondents:

-- Nil --

Witnesses examined on behalf of Court commissioner:

CW1 : Dr. Chirag.

Documents marked on behalf of Court commissioner:

Ex. C1 : Disability certificate.

Sd/-

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