

KACN020003382020



**IN THE COURT OF THE I ADDL. SENIOR CIVIL JUDGE
AND MACT., AT CHAMARAJANAGARA**

Dated this the 1st day of July, 2026

Present: Sri. Sunil.R, B.Com., LL.B.,
I ADDL. SENIOR CIVIL JUDGE & MACT.,
CHAMARAJANAGARA.

M.V.C.No:182/2020

Petitioner : Sri. Umesha
S/o Late. T.S. Nagarajappa,
Aged about 45 years,
R/at Tagadur Village,
Nanjangud Taluk,
Mysore District.

Now R/at:
C/o Madegowda,
Santemaralli Village,
Chamarajanagar Taluk and
District.

[By Sri. M.K.S., Advocate]

V/s

Respondents : 1. Swaraj Sathyanarayan
T. Sathyanarayan,
#299, Vinaya Marga,
Siddartha Nagara,
Mysore.

[Owner of the Maruthi Bus bearing
No.KA-09-D-3366]

2. The Branch Manager
IFFCO TOKIO General Insurance
Company Limited,
NO.846, New Kantharaj road,
Above Krishna bakery,
Near Akshya Bhandar,
Kuvempu Nagar,
Mysore.

[Policy No.1-11J9YTJ7]

[Valid from:21.02.2019 to 20.02.2020]

[Insurer of the Maruthi Bus bearing
No.KA-09-D-3366]

[R-1 by Sri. K.B., Advocate]

[R-2 by Sri. J.S., Advocate]

J U D G M E N T

The present petition is filed by the petitioner U/sec.166 of Motor Vehicles Act, 1989 claiming compensation of ₹.15,00,000/- from the respondents along with interest for the injuries sustained by him in a road traffic accident.

2. Brief averments of the petitioner are as under:

That on 26.12.2019 at about 5.50 pm, he was travelling in a Maruthi bus bearing Regn. No.KA-09-D-3366 as a bus conductor along with passengers from Santhemarahalli towards T.Narasipura. The said bus

was driven by its driver. When the bus reached near Kamaravadi gate on the Santhemarahalli – T.Narasipura main road, the driver of the Maruthi bus drove the same in rash and negligent manner. As a result of which, the driver of the bus lost control over the bus and turtle towards the left side of the road and thereby caused the accident. Due to the accident, he sustained grievous injuries to his head, left shoulder, forehead and other parts of the body. Immediately, after the accident, he was shifted to T. Narasipura Government Hospital wherein he was taken first aid treatment. Subsequently, he was shifted to JSS Hospital, Mysore for better treatment. During the course of treatment, he spent a sum of ₹.25,000/- towards medical expenses and ₹.10,000/- towards food, attendant charges, transportation and other incidental expenses.

3. It is further contended that prior to the accident, he was aged about 45 years and working as conductor in Maruthi bus and also doing agricultural work for his livelihood. He used to earn ₹.10,000/- per month and ₹.150/- bata per day and maintaining his family. Due to the injuries sustained in RTA, he suffered permanent physical disability to his left shoulder and

other injuries. In respect of the said accident, the Santhemarahalli PS have registered a criminal case in Crime No.77/2019 against the driver of the Maruthi bus bearing Regn. No.KA-09-D-3366 for an offenses punishable under Sec.279, 337, 338 of IPC r/w Sec.187 of IMV Act. Hence, the respondent No.1 and 2 being the owner and insurer of the offending vehicle are liable to pay compensation to him. On these grounds, he prays to allow the petition.

4. In pursuance of the notices, the respondent No.1 and 2 are appeared through their counsels but, only the respondent No.2 filed objection statement.

4a. In the objection statement, the respondent No.2 denied all the averments made in the petition. The respondent No.2 admitted that one Swaraj Sathyanarayana is the insured of the bus bearing Regn. No.KA-09-D-3366 and covered at the material time under the policy No.M6179329. The driver of the alleged bus was not holding valid driving license at the time of accident. It is alleged by the petitioner that the accident was occurred due to the rash and negligent driving of the driver of the respondent No.1. But, the petitioner has not made the driver of the alleged bus as

party to the petition. The accident was not occurred due to the rash and negligent driving of the driver of the Maruthi bus bearing Regn. No.KA-09-D-3366. The petitioner has filed the present petition for obtaining more compensation. The respondent No.2 has denied the age, occupation and income of the petitioner. The compensation and interest claimed by the petitioner are highly exaggerated and exorbitant. Hence, the respondent No.2 sought for dismissal of petition against them.

5. On the basis of above pleadings, this court has framed the following issues:

ISSUES

1. Whether the petitioner proves that he has sustained injuries due to RTA alleged to have been occurred on 26.12.2019 at about from 5.50 p.m., near Kamaravadi gate on Santemarahalli – T. Narasipura main road, due to the rash and negligent driving of driver of Maruthi Bus bearing Regn. No.KA-09-D-3366?
2. Whether petitioner is entitled for compensation? If so, what amount and from whom?
3. What order or award?

6. In order to prove the case, the petitioner examined himself as PW.1 and got marked 8 documents at Ex.P1 to 8. The CW.1 was examined through court commissioner and he produced 4 documents as per Ex.C1 to 4. On the other hand, the respondent No.2 has not adduced their evidence.

7. Heard the arguments and perused the records.

8. My findings on the above issues are as under:-

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

Issue No.2 : **In the Partly Affirmative,**

Issue No.3 : **As per final order,**

for the following:

REASONS

9. Issue No.1: On perusal of pleadings, evidence and documents, in order to prove the petition contention, the petitioner examined himself as PW-1 by reiterating the petition averments. During his cross-examination, PW.1 admitted that he has not produced any identity card or license to prove that he was working as a bus conductor, the accident occurred near Kamarawadi gate and after the accident, he was conscious and received treatment at the Government

Hospital, T. Narasipura, wherein he informed the doctor about his injuries. He further admitted that he sustained a fracture of the left shoulder bone and head injury and later took further treatment at JSS Hospital, Mysuru. He further admitted that he has not produced the discharge certificate and any written medical advice directing him to take six months' rest or any outpatient treatment records. He also admitted that apart from the medical bills marked as Ex.P-8, he does not possess any other medical bills. He stated that he was treated as an inpatient for one day and no surgery was performed on him and he has not produced any X-ray to establish the alleged fracture.

10. The petitioner produced the Ex.P-1 FIR registered by Santhemarahalli PS in Cr.No.77/2019 on the basis of Ex.P2 complaint. The Ex.P3 is the Spot Mahazar which discloses the spot and occurrence of the accident. The Ex.P4 is the IMV report which discloses that the accident was not occurred due to the mechanical defects of the vehicle involved in the accident. The Ex.P-5 is the wound certificate which discloses that the accident was occurred on 26.12.2019 at about 6.00 pm, at Kamaravadi Village and the

petitioner sustained abrasion on the forehead, tenderness present on the left arm and fracture of neck. The Ex.P6 is the charge sheet filed by the police against the driver of the Maruthi bus bearing Regn. No.KA-09D-3366 for an offenses punishable U/Sec.279, 337, 338 of IPC r/w Sec.187 of IMV Act.

11. Though the respondent No.2 has contested the claim petition, they have neither examined any witness nor produced any documentary evidence to substantiate their defence or to rebut the evidence adduced by the petitioner. There is no material placed on record to discredit the police records or to establish that the accident occurred due to any reason other than the negligence of the bus driver.

12. Therefore, upon appreciation of the oral and documentary evidence available on record, this Tribunal is of the considered opinion that the petitioner has successfully established that the accident occurred due to the rash and negligent driving of the driver of the Maruthi Bus bearing Registration No.KA-09-D-3366 and he sustained injuries in the said accident. Accordingly, this Tribunal answer the **Issue No.1 in the Affirmative.**

13. Issue No.2: The petitioner produced wound certificate and medical records etc., On that basis, he is entitled for compensation on the following heads:

14. PAIN AND SUFFERINGS: The petitioner in the petition as well as in his evidence deposed that after the accident, he was shifted to T. Narasipura Government Hospital wherein he was taken first aid treatment. Subsequently, he was shifted to JSS Hospital, Mysore for better treatment and admitted as an inpatient. The Ex.P-5 is the wound certificate which discloses that the accident was occurred on 26.12.2019 at about 6.00 pm, at Kamaravadi Village and the petitioner sustained abrasion present on the forehead, tenderness present on the left arm and fracture of neck. The doctor opined that the injuries sustained by the petitioner are simple and grievous in nature. Hence, it is clear that during the above said period, the petitioner suffered pain and inconveniences. Considering all these aspects, the Tribunal grants compensation of **₹.10,000/-**. Accordingly, the same is awarded.

15. MEDICAL EXPENSES: The petitioner produced medical bills at Ex.P-8 for sum of ₹.10,530/-.

Hence, looking to the injuries sustained and treatment taken by the petitioner, it shows that, he might have spent that much of amount. Hence, he is entitled for the medical expenses of **₹.10,530/-**. Accordingly, same is awarded.

16. LOSS OF INCOME DURING THE LAID UP

PERIOD: The petitioner produced Ex.C1 to 4 i.e., MLC extract, X-rays, outpatient record etc., wherein it is noticed that the petitioner took treatment in JSS Hospital, Mysore. But, in order to prove that he admitted as an inpatient in JSS Hospital, Mysore, he has not produced case sheet, discharge summary etc., Except the said documents, he has not produced any other documents to show that how many days he has taken bed rest.

17. Naturally, it shows that, he might have taken at least one month rest because of the said injuries. The age and avocation of the petitioner is shown as 45 years and he was working as a bus conductor and doing agricultural work and earning a sum of ₹.10,000/- per month and bata of Rs.150/- per day. To prove the same, he has not produced any documents.

18. So, in the absence of documents, the question arise that as to whether the guidelines issued by the Karnataka State Legal Service Authority can be adopted or whether the Tribunals have to adopt upon the Minimum Wages Act. The Hon'ble High Court of Karnataka passed judgment in **MFA No.7404 of 2014 in between Smt. Mariyamma and others Vs. Sri. Suyambulingam .V and another** wherein it is held that *'the guidelines issued by the Karnataka State Legal Service Authority cannot taken the place of a statutory guidelines.'* Therefore, this Tribunal rely upon the wages fixed under the Minimum Wages Act. So, the accident was took place on 26.12.2019. Hence, this Tribunal assessed the income of the deceased at ₹.8,780.80/- per month for employment in Agricultural and Related Works as per Notification No.KAE 30 LMW 2012 dated:14-05-2013 in respect of Minimum wages and VDA from 01.04.2019 to 31.03.2020. So, considering the accident took place in the December' 2019, this Tribunal assessed the income of the petitioner for one month at **₹.8,781/-**.

19. LOSS OF FUTURE INCOME: The petitioner examined Dr. Santhosh, Orthopedician, JSS Hospital,

Mysore and he has produced Ex.C-1 to 4 i.e., MLC extract, X-rays and outpatient slip. The CW-1 in his evidence deposed that the petitioner sustained injuries in the accident occurred on 26.12.2019 and after the accident, he was shifted to Government hospital, T.Narasipura and took first aid treatment. Subsequently, he was shifted to JSS Hospital, Mysore and took further treatment. The petitioner sustained abrasion on the forehead, tenderness present on the left arm and fracture of neck. POP was applied to the petitioner's bone and he was advised to take follow up treatment. The petitioner recently visited the hospital on 22.01.2025 and he complained pain in left shoulder, lifting hands and lifting heavy articles and doing his daily activities. He assessed disability of 32% to left shoulder and left upper limb.

20. The learned counsel for the respondent No.2 cross-examined the CW.1. During the cross-examination, CW.1 admitted that he was not performed surgery to the fractured bone. He was not referred the petitioner for Medical board to assess the disability.

21. On careful study of assessment assessed by the CW.1, it is noticed that assessment of disability

assessed by the CW.1 appears to have been made long after the accident and it is based substantially on the subjective complaints of the petitioner. Therefore, the disability assessed by CW.1 cannot be accepted in its entirety and requires cautious consideration. Having regard to the nature of injuries, the treatment records, the period of treatment and the evidence of CW.1 and PW.1, this Tribunal is of the opinion that the disability assessed at 28% to the left shoulder joint and 4% to the pain and total 32% disability to the left upper limb is on the higher side. Nevertheless, it cannot be denied that the petitioner has suffered some residual functional disability on account of the fracture. As such, considering the injuries sustained by the petitioner as well as treatment taken by him and also the evidence of the doctor and PW.1, it is appropriate and just to consider the disability to an extent of 10% (1/3 of 32%) to the whole body, it would meet the ends of justice.

22. The age of the petitioner as per the petition is 45 years. To prove the age of the petitioner, he has produced Ex.P8 Notarized Aadhaar card. As per the Ex.P8, his date of birth is mentioned as 01.06.1971.

The accident was occurred on 26.12.2019. Hence, the age of the petitioner is considered as 48 years and appropriate multiplier applicable is '13'. Hence, ₹.8,781/- x 12 x 13 x 10%= **₹.1,36,984/-**. The petitioner entitled the same under this head.

23.FOOD, NOURISHMENT, TRANSPORTATION AND ATTENDANT CHARGES: The petitioner was sustained injuries in the RTA and treated as an outpatient as per records. Hence, looking to the injuries sustained and the period of treatment taken in the hospital, he is not entitled for compensation under this head.

24. LOSS OF FUTURE AMENITIES AND HAPPINESS: The petitioner was aged about 48 years at the time of accident and sustained grievous injuries. It shows that, he finds difficulty in doing day-to-day activities as he might have suffered loss of pain, loss of amenities and comforts in life. Therefore, considering the age, nature of injuries and percentage of disability **₹.5,000/-** is awarded under this head.

25. Thus, the petitioner is entitled for compensation under the following heads:

1.	Pain and sufferings	:	₹. 10,000/-
2.	Medical expenses	:	₹. 10,530/-
3.	Loss of income during laid up period	:	₹. 8,781/-
4.	Loss of future income	:	₹. 1,36,984/-
5.	Towards food, nourishment, conveyance and attendant charges	:	-
6.	Loss of future amenities and happiness	:	₹. 5,000/-
TOTAL		:	₹.1,71,295/-

Hence, the petitioner is entitled for compensation of ₹.1,71,295/- which can be rounded off **₹.1,71,300/-**.

26. LIABILITY: This Tribunal opined that, the accident took place due to the negligence of the driving of the driver of the Maruthi bus bearing Regn. No.KA-09-D-3366. Hence, the respondent No.1 and 2 being the owner and insurer of the offending vehicle are jointly and severally liable to pay compensation to the petitioner. However, the respondent No.2 being insurer is liable to indemnify respondent No.1/owner. This court has gone through the decision laid down by the **Hon'ble High Court of Karnataka in MFA No.103557/2016 (MV)**. In the said judgment the

Hon'ble High Court of Karnataka observed that the rate of interest is to be 6% p.a., keeping in line with statutory ceiling limit. Accordingly, this Tribunal answer the **Issue No.2 in the Partly Affirmative.**

27. Issue No.3: In view of above findings, tribunal proceeds to pass the following:

ORDER

The petition filed under Sec.166 of the M.V. Act, 1989 is hereby Partly allowed with cost.

The petitioner is entitled for compensation of **₹.1,71,300/-** with interest at the rate of 6% per annum from the date of petition till realization from Respondents.

The respondent No.2 is liable to pay the compensation to the petitioner and shall deposit the said amount within 30 days from the date of this order.

Since the amount awarded is meager one, entire amount shall be released in favour of the petitioner through e-payment on proper identification.

Fee of counsel for Petitioner is fixed at
₹.1,000/-.

Draw an award accordingly.

[Typed to my dictation by the Stenographer directly on the Computer, corrected and then pronounced by me in the open Court on this 1st day of July, 2026]

**[Sri. Sunil. R]
I Addl. Sr. Civil Judge & MACT.,
Chamarajanagara.**

A N N E X U R E

1. List of witnesses examined behalf of the petitioner:

PW-1 : Sri. Umesh
CW-1 : Dr. Santhosh

2. List of documents exhibited for the petitioner:

Ex.P-1 : True copy of FIR
Ex.P-2 : True copy of complaint
Ex.P-3 : True copy of spot mahazar
Ex.P-4 : True copy of IMV report
Ex.P-5 : True copy of wound certificate
Ex.P-6 : True copy of charge sheet
Ex.P-7 : Notarized copy of Aadhaar card
Ex.P-8 : Medical bills
Ex.C-1 : MLC extract
Ex.C-2 & 3 : X-rays

Ex.C-4 : OPD slip

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

- Nil -

4. List of documents exhibited for the respondents:

- Nil -

**I Addl. Sr. Civil Judge & MACT.,
Chamarajanagara.**

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