

KACN020004502020



**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:258/2020

Petitioner : Sri. V. Rajendra
W/o Late. Venkatachalachari,
Aged about 18 years,
R/at Moodala Hosahalli,
Yanaganahalli Post,
Haradanahalli Hobli,
Chamarajanagar Taluk
and District.

[By Sri. N.M.M., Advocate]

V/s

Respondents : 1. Sri. Suresh .B
S/o Bangaranayaka,
Major,
No.347, Haradanahalli Village,
Chamarajanagar Taluk
and District.
2. Cholamandalam Ms General
Insurance Company Limited,
"Dore House", 2nd floor,
NSC Bose road,

Chennai, Tamil Nadu.

Service Office:

230, 5th cross,
12th main, Saraswathipuram,
Mysore.

[R-1 by Sri. M.K.S., 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 ₹.23,70,000/- from the respondents along with interest for the injuries sustained by him in a road traffic accident.

2. Brief averments of the petition are as under:

2a. The petitioner averred that on 15.07.2020, he along with his relative namely Santhosh were proceeding on the motor cycle bearing Regn. No.KA-10-EB-9465 to service the motor cycle for the purpose of getting the vehicle serviced. After the motorcycle was serviced, he and pillion rider Santhosh were returning on the Chamarajanagar – Sathy National highway. At about 02.55 pm to 03.00 pm, while they were proceeding on the left side of the road near

Somwarapet, the rider of another motor cycle bearing Regn. No.KA-10-J-7821 came in rash and negligent manner and dashed against his motor cycle and caused the accident. Due to the accident, he sustained grievous injuries including fractures of the nasal bone, fracture of right jaw, fracture of the the right orbital region of the right eye, fracture of the the left shoulder and injuries to other parts of his body. Subsequently, he was shifted to District Hospital, Chamarajanagar and took first aid treatment. Subsequently, he was shifted to JSS hospital, Mysore for better treatment. He spent huge amount of ₹.4,00,000/- towards medical expenses.

2b. The petitioner further contended that prior to the accident, he was hale and healthy, he was aged about 18 years at the time of accident and he was pursing his I year BA at Gundlupet and working in the computer center and earning ₹.20,000/- per month. Due to the accidental injuries, he has lost his income. The accident is caused solely due to the negligence of the riding of the rider of the motorcycle bearing Regn. No. KA-10-J-7821. The Chamarajanagar Traffic PS have registered a case against the rider of the motorcycle

bearing Regn. No.KA-10-J-7821 in Crime No.46/2020. The respondent No.1 is the owner and the respondent No.2 is the insurer are jointly liable to pay the compensation to him. Hence, he prayed to allow the petition.

3. In pursuance of the notices, the respondent No.1 and 2 are appeared through their counsel and filed their objection statement.

3a. In the objection statement, the respondent No.1 denied all the averments made in the petition and contended that the respondent No.1 is the owner of the Scooter bearing Regn. No.KA-10-J-7821 and the said vehicle is having valid insurance policy at the office of the respondent No.2 in bearing policy No.3361/00706404/000/01 valid from 22.07.2019 to 21.07.2020 midnight and he is having valid driving license to drove the said vehicle. Hence, he is not liable to pay any compensation to the petitioner. The respondent No.1 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.

3b. In the objection statement, the respondent No.2 denied all the averments made in the petition and contended that the person driving the vehicle has "no relation in force" as on the date of accident to drive the vehicle. The respondent No.1 and police have not complied with statutory demand. 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.

4. 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 15.07.2020 at about from 02.55 to 03.00 p.m., near Somavarapet, Chamarajanagar – Satti N.H. road, due to the rash and negligent driving of rider of the Motor Cycle bearing Reg. No. KA-10-J-7821?
2. Whether petitioner is entitled for compensation? If so, what amount and

from whom?

3. What order or award?

5. In order to prove the case, the petitioner examined himself as PW.1 and got marked 10 documents at Ex.P1 to 10. The petitioner examined one witness as PW.2. One witness Dr. Anudeep T.C has examined as CW.1 through court commissioner and got marked one document as Ex.C1. On the other hand, the respondents have not recorded their evidence.

6. Heard the arguments and perused the records.

7. 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

8. Issue No.1: On perusal of pleadings, evidence and documents, in order to prove the petition contention, the petitioner himself examined as PW-1 by reiterating the petition averments. During his cross examination, he admitted that he sustained injuries in the accident and admitted to the hospital for a period

of 25 days and undergone surgery to the fracture injuries, he has not produced documents pertaining to his earnings. Even though the counsel for the respondent No.2 cross-examined the PW.1, nothing worthwhile elicited from the mouth of PW.1 in order to disbelieve his version.

9. In order to prove his case, the petitioner examined one witness namely Sri. Ravishankar G.V, medical records technician as PW.2 and he produced 2 documents which are got marked as Ex.P9 and 10 i.e., two case sheets of petitioner. On perusal of Ex.P9 and 10 i.e., case sheets, it clearly indicate that the petitioner was admitted as an inpatient at JSS Hospital, Mysuru and underwent treatment for the injuries sustained in the said accident.

10. The petitioner produced Ex.P-1 FIR registered by Chamarajanagar Traffic PS in Cr.No.46/2020 on the basis of Ex.P2 complaint. The Ex.P-3 is the Spot Mahazar which discloses the spot and occurrence of the accident. The Ex.P-4 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 road traffic accident was occurred on 15.07.2020 at about 4.30 pm and the petitioner sustained fracture of distal 1/3rd of left clavicle, right Le fort - III fracture and left Le fort-II fracture. The Ex.P-6 is the charge sheet filed by the police against the riding of the rider of the Motor Cycle bearing Reg. No. KA-10-J-7821 for an offenses punishable U/Sec.279, 337, 338 and 304(A) of IPC.

11. On perusal of oral and documentary evidence placed on record, it shows that there is an accident in which petitioner sustained injuries. Moreover, the oral evidence of petitioner is supported by police papers and medical records in that regard. It is well settled law that, *'the road accident is not required to prove the case in Motor Accident Compensation Claims as it is required to be done in a criminal case'*. So, looking to these facts, this tribunal is of the opinion that, the accident is caused solely due to the negligence on the part of the riding of the rider of the Motor Cycle bearing Reg. No. KA-10-J-7821. Due to which, the petitioner sustained injury in road traffic accident. Hence, this tribunal answer the **Issue No.1 in the Affirmative.**

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

13. PAIN AND SUFFERINGS: The petitioner in the petition as well as in his evidence deposed that after the accident, he was shifted to District hospital, Chamarajanagar and took first aid treatment. Subsequently, he was shifted to JSS hospital, Mysore wherein he was admitted as an inpatient from 15.07.2020 to 23.07.2020 i.e., 9 days and and 30.07.2020 to 04.08.2020 i.e., 6 days i.e., 15 days and took treatment for the injuries sustained in RTA. The Ex.P-5 is the wound certificate which discloses that the road traffic accident was occurred on 15.07.2020 at about 4.30 pm and the petitioner sustained fracture of distal 1/3rd of left clavicle, right Le fort – III fracture and left Le fort-II fracture. The doctor opined that the injuries sustained by the petitioner is grievous in nature. Hence, it is clear that during the above said period, the petitioner suffered lot of pain and inconveniences. Considering all these aspects, the Tribunal grants compensation of **₹.40,000/-**.

Accordingly, the same is awarded.

14. MEDICAL EXPENSES: The petitioner produced 34 medical bills at Ex.P-7 for sum of ₹.1,13,823/-. Hence, looking to the injuries sustained and treatment taken by the petitioner, it shows that, she might have spent that much of amount. Hence, she is entitled for the medical expenses of **₹.1,13,823/-**. Accordingly, same is awarded.

15. LOSS OF INCOME DURING THE LAID UP PERIOD: The petitioner produced Ex.P9 and 10 case sheets issued by the JSS Hospital, Mysore wherein he took treatment as an inpatient for the period from 15.07.2020 to 23.07.2020 i.e., 9 days and 30.07.2020 to 04.08.2020 i.e., 6 days i.e., 15 days. It is also supported by medical records. Except that, he has not produced any other documents to show that how many days he has taken bed rest.

16. Naturally, it shows that, he might have taken at least two months rest because of the said injuries. The age and avocation of the petitioner is shown as 18 years and he was pursuing his studies and doing work in Computer center and earning income of ₹.20,000/-

per month. To prove the same, he has not produced any documents.

17. 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, considering the date of accident took place on 15.07.2020, this Tribunal assessed the income of the petitioner at ₹.12,305.80/- per month for employment in Employment not covered under any Scheduled Employments (Karnataka State Floor Level Minimum Wages) Notification No. KAE 31 LMW 2017 dated 30-12-2017, Minimum wages and VDA from 01-04-2020 to 31-03-2021. Hence, two months is to be considered as loss of income. Hence, he is entitled for **compensation**

of (₹.12,306/- x 2 month) = **₹.24,612/- under the head loss of income during the laid up period.**

18. LOSS OF FUTURE INCOME: One Dr. Anudeep T.C examined as CW.1 through court commissioner and he produced one document as per Ex.C1 i.e., out patient record. The CW.1 deposed that petitioner admitted in JSS hospital, Mysore with the alleged history of RTA occurred on 15.07.2020 and he was treated with another consultant and diagnosed for right Le fort III fracture, left Le fort II fracture and left clavicle fracture and treated with open reduction and internal fixation with plate and screws and orbital floor mesh under general Anaesthesia on 31.07.2020. Recently, the petitioner complained Asymmetry of face deviated nose, deformity of right lower eyelid and watering of eyes, restricted mouth opening and pain during eating and painful movement of left shoulder. On examination, the petitioner is found to have facial asymmetry with deviated nose, supra-orbital and sub ciliary scars with scar alopecia, right lower eyelid ectropion with epiphora and enophthalmos, palpable infraorbital plate, missing upper right canine tooth, abnormal occlusion with

restricted mouth opening and painful restriction of left shoulder movements. The CW.1 assessed the permanent physical disability of 35% attributable to facial region.

19. The learned counsel for the respondent No.2 cross-examined the CW.1. During the cross-examination, CW.1 admitted that he treated the petitioner as an outpatient and he has not performed surgery to the petitioner. At the time of inpatient at JSS hospital, Mysore, the petitioner was undergone surgery. Upon perusal of cross-examination of CW.1, this Tribunal noticed that CW.1 admitted that he did not treat the petitioner when he was admitted as an inpatient at the JSS hospital for the injuries sustained in the RTA. Further, the CW.1 does not referred the petitioner to a duly constituted Medical Board for a proper evaluation of the disability which is the prescribed and reliable method for assessing permanent disability. Considering the evidence of CW.1, this Tribunal is of the opinion that the assessment of 35% disability to the whole body of the petitioner provided by the CW.1 cannot be accepted.

20. In the judgment reported in ***Raj Kumar v. Ajay Kumar (2011) 1 SCC 343***, the Hon'ble Supreme Court has clearly held that *'the percentage of permanent physical disability assessed by the doctor cannot be mechanically treated as the percentage of loss of earning capacity. The Tribunal is required to assess the functional disability having regard to the nature of injuries, the occupation of the claimant and the impact of the disability on his earning capacity'*. Applying the principles laid down by the Hon'ble Supreme Court, this Tribunal proceeds to assess the functional disability on the basis of the available medical evidence and surrounding circumstances and accordingly assesses the permanent disability to an extent of 12% (1/3 of 35% disability), it would meet the ends of justice.

21. The age of the petitioner as per the petition is 18 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 07.11.2001. The accident was occurred on 15.07.2020 Hence, the age of the petitioner is considered as 19 years and appropriate multiplier applicable is '18'. Hence,

₹.12,306/- x 12 x 18 x 12% = **₹.3,18,972/-**. The petitioner entitled the same under this head.

22.FOOD, NOURISHMENT, TRANSPORTATION AND ATTENDANT CHARGES: As the petitioner was treated as an inpatient for about 15 days and he sustained fracture injuries. Hence, looking to the injuries sustained and the period of treatment taken, he is entitled for compensation of **₹.15,000/-** under the head of food, nourishment, transportation and attendant charges. Accordingly, same is awarded.

23. LOSS OF FUTURE AMENITIES AND HAPPINESS: The petitioner was aged 19 years at the time of accident. He sustained fracture injuries. It shows that, he finds difficulty in doing day-to-day activities as he might have suffered lot of pain, loss of amenities and comforts in life. Therefore, considering the age, nature of injuries and percentage of disability **₹.30,000/-** is awarded under this head.

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

1.	Pain and sufferings	:	₹. 40,000/-
2.	Medical expenses	:	₹. 1,13,823/-
3.	Loss of income during laid up period	:	₹. 24,612/-
4.	Loss of future income	:	₹. 3,18,972/-
5.	Towards food, nourishment, conveyance and attendant charges	:	₹. 15,000/-
6.	Loss of future amenities and happiness	:	₹. 30,000/-
TOTAL		:	₹.5,42,407-

Hence, the petitioner is entitled to compensation of ₹.5,42,407/-.

25. LIABILITY: This Tribunal opined that, the accident took place due to the negligence of the riding of rider of the Motor cycle bearing Reg. No.KA-10-J-7821. 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.**

26. 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 Partly allowed with cost.

The petitioner is entitled for compensation of **₹.5,42,407/-** 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**]*

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

ANNEXURE

1. List of witnesses examined behalf of the petitioner:

PW-1	: Sri. V. Rajendra
PW-2	: Sri. Ravishankar G.V
CW-1	: Dr. Anudeep T.C

2. List of documents exhibited for the petitioner:

Ex.P-1	: True copy of FIR
Ex.P-2	: Certified copy of complaint
Ex.P-3	: Certified copy of mahazar
Ex.P-4	: Certified copy of IMV report
Ex.P-5	: True copy of wound certificate
Ex.P-6	: True copy of charge sheet
Ex.P-7	: 34 Medical bills
Ex.P-8	: Notarized copy of Aadhaar card
Ex.P-9 & 10	: Case sheets

Ex.C-1 : Outpatient 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.**