

KACN300002262024



Presented on : 28-06-2024
Registered on : 01-07-2024
Decided on : 10-07-2026
Duration : Years Months Days
02 00 09

**IN THE COURT OF THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT CHAMARAJANAGAR (SITTING AT
KOLLEGAL) AND M.A.C.T**

DATED THIS THE 10th DAY OF JULY, 2026

PRESENT:

Sri. T.C. SRIKANTH, B.Com, LL.B.,
I Addl. District & Sessions Judge,
Chamarajanagara [Sitting at Kollegala].

MVC. No.229/2024

Petitioner : Srinivasa Naidu K,
S/o Krishna Naidu,
Aged about 44 years,
R/at Rangaswamynaidu Beedi,
Hanuru Town & Taluk,
Chamarajanagar District.

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

V/s.

Respondents : 1. Lokesh S,
S/o Shivanna
Aged about 22 years,
R/at Mariyapura Village,

Palya Hobli, Chikkalluru,
Kollegala Taluk,
Chamarajanagara District.

2. Divisional Manager
Universal Sompo General Insurance
Co. Ltd.,
363, 2nd Floor,
Gurukar Devanna Beedi,
Port Mohalla,
Mysuru – 570006.

[Policy No.2369/73164589/00/000]

[R1 By Sri. N.R., Advocate]

[R2 By Sri.G.K.P., Advocate]

J U D G M E N T

This is a petition filed by petitioner under Section 166 of Motor Vehicles Act, 1988 ('Act' for short) seeking compensation from the respondents regarding the injuries sustained by him in a Motor Vehicle Accident that took place on 3-4-2024 at about 5.15 p.m., near Kanaka Bhavan, Hanur Town on Hanuru – Kollegala main road.

2. The facts in nutshell as per the petition is that, on 3.4.2024 at about 5.15 p.m., while the petitioner was crossing the road near Kanaka Samudaya Bhavana towards Petrol Bunk on Kollegala-Hanur main road,

near the divider, the rider of Motorcycle bearing No.KA-10/EF-9967 came from Kollegala side in a high speed and negligent manner so as to endanger human life and dashed against the petitioner, as a result of which the petitioner sustained grievous injuries to his right hand, left leg and rear portion of the head. Immediately after the accident, the petitioner was taken to Kamagere Holy Cross Hospital, where the doctor has conducted surgery to his right hand fracture by inserting rod and plate by admitting as an in-patient and the petitioner has spent Rs.2,00,000/- for his treatment.

Further submitted that, prior to the accident, the petitioner was hale and healthy and working in hotel and had a income of Rs.30,000/- per month. Due to the said accident, the petitioner is unable to do his previous work, as he has suffered permanent disability. The said accident solely due to the rash and negligent driving of the rider of Motorcycle bearing No.KA-10/EF-9967. Hence, prays to award compensation of Rs.20,50,000/- with interest of 18% per annum from the date of filing of the petition.

3. After presentation of the petition, the same was registered and notices were issued to the

respondents, which were also duly served on the respondents. The respondents have appeared through their respective counsel and filed their objections.

The 1st respondent has filed his objection denying all the averments made in the petition. He has contended that at the time of alleged accident the Motorcycle had effective insurance policy and he had valid driving license to drive the said motorcycle. He has produced R.C. Book, Driving License, Insurance policy.

The 2nd respondent/insurance company has filed its objection denying all the averments made in the petition. It is contended that the offending Motorcycle is not at all insured with the respondent NO.2 as on the date of accident. Further submitted that, the owner of the vehicle violated the terms and condition of the insurance policy. Hence, prays for dismissal of the petition.

4. Upon considering the rival contentions raised by the parties, the following issues have been framed:
 - 1) Whether the petitioner proves that, the accident caused by the driver of the Motorcycle bearing No.KA-10/EF-9967, who driven it in a rash and negligent manner on Kollegala to Hanur road at

Hanur Town, near Kanaka Community Hall, while the petitioner was crossing the road at the same place?

- 2) Whether the petitioner is entitled for compensation? If so, to what amount? From whom?
 - 3) Whether the respondents prove that they are not liable to pay compensation as pleaded in their objection?
 - 4) To what order or award?
5. To substantiate his contention, the petitioner got himself examined as PW1 and got marked documents as Ex.P1 to Ex.P29. The petitioner got examined Dr.Sunil Kumar K, in support of his case and got marked X-ray along with report as Ex.P30. The respondents did not lead any evidence in support of their case.
6. Heard the arguments canvassed by both sides and perused the material documents.
7. My findings on above issues are as follows for the reasons stated herein below:

Issue No.1: In the affirmative.

Issue No.2: Partly in the affirmative and as per the final order.

Issue No.3: In the negative.

Issue No.4: As per final order.

REASONS

8. **Issue No.1:** The petitioner filed this petition for seeking compensation amount for Rs.20,50,000/- together with interest at the rate of 18% per annum from the date of petition till the date of realization regarding the fact that, he has sustained injury in the alleged motor vehicle accident that took place on 3-4-2024 at about 5.15 p.m., due to the rash and negligent driving of rider of Motorcycle bearing No. KA-10/EF-9967 near Kanaka Samudaya Bhavan towards Petrol Bunk, Hanur Town on Kollegala-Hanur main road. The 1st respondent is the owner-cum-rider and the 2nd respondent is the insurer of said offending motorcycle.
9. To prove his case, the petitioner himself examined as PW1. Ex.P1 is the FIR. Ex.P2 is the complaint. Ex.P3 is the Mahazar. Ex.P6 is the charge sheet. After completion of the investigation the police have filed the charge sheet against the rider of the motorcycle stating that he drove the motorcycle in a rash and negligent manner and dashed to the

petitioner while he was crossing the road. As per the contents of the charge sheet, the rider of the motorcycle drove the same in high speed in negligent manner endangering to human life and dashed to the petitioner, who was crossing the road. However, the 1st respondent has contended that the petitioner himself dashed to the divider. The respondent did not appear before the court and did not explain how the accident had happened. The respondents have also not challenged the contents of the charge sheet. They have not examined any of the witnesses in support of their contention. The burden of proving the accident on the petitioner is only preponderance of probabilities. In order to discharge the burden, the petitioner has mainly relied on the investigation papers. As per the investigation of the police, the accident was due to rash and negligent driving of the rider of the motorcycle. Contrary to this, no evidence is adduced by the respondents. Hence, this court can safely come to the conclusion that the petitioner has proved that the accident had occurred due to rash and negligent driving of the motorcycle by its driver. Hence, I answer issue No.1 in the affirmative.

10. **Issue Nos.2 & 3:** As per the discussion and reason stated in issue No.1, the alleged accident occurred due to the rash and negligent act of the rider of the motorcycle. Respondent No.1 is the owner of the motorcycle. The 2nd respondent is the insurer of the offending motorcycle bearing No.KA-10/EF-9967 and in the said accident, the petitioner had sustained injuries. Ex.P4 is the Wound Certificate. As per Ex.P4, the petitioner has sustained injury to his right forearm due to the accident. Petitioner has also produced hospital records.
11. As per the petition, the petitioner/injured was working in hotel and had a monthly income of Rs.30,000/-. Due to the injury sustained in the Motor Vehicle Accident, he has suffered from permanent disability and unable to do his normal work as earlier. The petitioner has not produced any documents to prove the loss of income due to the accident.
12. The petitioner has stated that he was doing hotel work. In order to substantiate the income of the petitioner, he has not produced any documents. Further, the petitioner has not produced any evidence to prove his income before the accident.

13. As per the wound certificate, the age of the petitioner is shown as 40 years. As per the evidence of the Doctor, there is no disability to the petitioner.
14. Petitioner has produced medical bills. The total amount of medical bills is Rs.75,955/-. There is no dispute in respect of the medical bills. Hence, petitioner is entitled for **Rs.75,955/-** under the **head of medical expenses**.
15. In view of the nature of the injuries sustained by the petitioner, Rs.**50,000/-** can be awarded under the **head of pain and suffering**.

Hence, petitioner is entitled for the global compensation as follows:

1.	<i>Towards medical expenditure [as per medical bills]</i>	Rs. 75,955.00
2.	<i>Towards pain, suffering and mental agony</i>	Rs. 50,000.00
Total		Rs.1,25,955.00

16. Further, as per the discussion and reason stated in issue No.1, the alleged accident occurred due to the rash and negligent act of the rider of the offending motorcycle bearing No.KA-10-EF-9967. The 1st respondent is the owner and 2nd respondent is the insurer of said offending vehicle. Learned counsel for the 1st respondent has produced the Insurance policy.

As on the date of accident, the vehicle was having valid insurance. Considering the said facts with interest of justice and equity, the respondent No.2 is liable to pay awarded amount to the petitioner as awarded supra.

17. The petitioner has claimed interest at 18% per annum from the date of petition till the date of realization, but it is not commercial transaction. Considering the rate of interest prevailing in nationalized bank at present, the Tribunal is of the view that interest at 6% per annum from the date of petition till the date of realization is just and reasonable. Hence, the respondent No.2 is liable to pay above said awarded compensation amount to the petitioner. Hence, issue No.2 partly in the affirmative and issue No.3 in the negative.

18. **Issue No.4:** For the forgoing reasons and in view of the above discussion, I proceed to pass the following order:

ORDER

The petition filed by the petitioner under Section 166 of Motor Vehicle Act, is hereby partly allowed with cost.

The petitioner is entitled for global compensation of **Rs.1,25,955/-** (Rupees One Lakh Twenty Five Thousand Nine Hundred and Fifty Five only) with interest at **6% p.a.** from the date of petition i.e., 28.6.2024 till the date of realization.

The respondent No.2 who is the insurer of the offending vehicle is liable to pay compensation amount within 30 days from the date of this judgment.

The cost of the petition is fixed Rs.1,500/-.

[Dictated to the Stenographer directly on the computer, typed by him and matter revised, corrected and then pronounced by me in the open Court on this the 10th day of July, 2026].

[T.C. Srikanth]

I Addl. District and Sessions Judge,
Chamarajanagara [Sitting at Kollegala].
Member, MACT.

ANNEXURE

Witnesses examined for petitioner:

PW1 : Srinivasa Naidu
PW2 : Dr.Sunil Kumar K.

Documents exhibited for petitioner:

Ex.P1 : Certified copy of FIR
Ex.P2 : Certified copy of complaint
Ex.P3 : Certified copy of Mahazar
Ex.P4 : Certified copy of Wound Certificate.
Ex.P5 : Certified copy of IMV Report.
Ex.P6 : Certified copy of Charge Sheet.

Ex.P7 : True copy of L.L.
Ex.P8 : True copy of R.C.
Ex.P9 : True copy of Insurance Policy.
Ex.P10 : True copy of Road Tax receipt.
Ex.P11 : Aadhaar copy.
Ex.P12-29: Medical bills
Ex.P30 : X-ray along with report.

Witnesses examined for respondent/s:

N I L

Documents exhibited for respondent/s:

Ex.R1 : Insurance policy

Witnesses examined through Court Commissioner:

N I L

Documents marked through Commissioner:

N I L

I Addl. District and Sessions Judge,
Chamarajanagara [Sitting at Kollegala].
Member, MACT.