

KADK310020312025



Presented on : 02-09-2025
Registered on : 09-09-2025
Decided on : 04-08-2026
Duration : 00 years, 11months, 02 days

**IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE & J.M.F.C., AT PUTTUR**

: PRESENT :

**Devaraj Y.H., B.A.L., L.L.B,
I Additional Senior Civil Judge & JMFC.,
Puttur, D.K.**

DATED THIS THE 4th DAY OF AUGUST, 2026

:: M.V.C./1297/2025 ::

PETITIONER

Sri. Parameshwara,
Aged about 62 years,
S/o. Subbanna Dasayya,
R/o. Thotada Mane House,
Near Valakadama School,
Koila K. C. Farm,
Koila Village and Post,
Kadaba Taluk, D. K.

(Rep. By. Adv: Sri A.D.R.)

V/S.

RESPONDENTS

1. **Sri. Hariprasad P. K.**
Aged about 43 years,
S/o. Late Krishna,
R/o. Sampaje Village,
Madikeri Taluk,
Kodagu District,
(R.C. Owner of Ritz Car
Regn. No.KA-12-P-3759)

2. The Manager,
The United India Insurance Co.
Sri Keshetra Dharmasthala Building
Main Road, Puttur,
Policy No.04280031240160236362
Valid from 01-12-2024 to 30-11-2025
(Insurer of the Ritz Car
Regn. No.KA-12-P-3759)

(R1 Rep. By Shri. T.P.K. Adv.)
(R2 rep. by Sri. U.S.N., Adv.)

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:: JUDGMENT ::

This claim petition is filed by the petitioner U/s 166 of MV Act claiming compensation for the injuries sustained by him in the Motor Vehicle Accident.

2. Brief facts of the petitioner's case is as hereunder.,

It is stated on 09.06.2025 at about 4.00 p.m., while riding his Bajaj Pulsar motorcycle bearing No. KA-19-EH-8016 from Athoor towards Ramakunja, the driver of Maruti Ritz Car No. KA-12-P-3759 drove rashly and negligently, entered the main road, and collided with the petitioner's motorcycle near Parimala Studio, Ramakunja, causing the accident. The petitioner sustained grievous

injuries, including a comminuted intertrochanteric fracture of the left femur with subtrochanteric extension, dislocation of the left little finger, tenderness injury, and other bodily injuries. He was treated as an inpatient at Mahaveera Medical Centre, Puttur, from 09.06.2025 to 14.06.2025, underwent surgery, and claims to have incurred medical expenses exceeding Rs.2,00,000/- with future expenses of Rs. 1,00,000/-.

3. The petitioner further contends that, aged 62 years, he was employed as a school bus driver earning Rs.18,000/- per month and has suffered permanent disability affecting his earning capacity and day-to-day activities. It is stated that the accident was occurred solely due to the rash and negligent driving of the Maruti Ritz car, as such the owner and insurer, are jointly and severally liable to pay the compensation. Thus the petitioner, seeks compensation of Rs.15,00,000/- with interest at 21% per annum from the date of the accident till realization, along with costs, towards the injuries sustained and the consequent losses suffered in the

accident.

4. After institution of this petition, notices were issued notice to the respondents. In response of the notice respondent No.1 and 2 put their appearance through their respective advocates. Respondent No.1 not opted to file the written statement. Respondent no.2 filed the written statement.

5. Brief facts of the Respondent No.2's case is as hereunder.,

Respondent No.2 has denied the material averments of the petition relating to the petitioner's age, occupation, income, nature of injuries, treatment, medical expenses, disability and the quantum of compensation, putting the petitioner to strict proof thereof. Respondent No.2 has specifically denied the allegation of rash and negligent driving of the Maruti Ritz car and contended that the accident occurred solely due to the negligence of the petitioner, who is the tortfeasor.

6. It is further contended that the petitioner and the driver of the car had no valid and effective driving licence

and fitness certificate at the time of the accident.

7. Respondent No.2 has also contended that the accident was not reported to it in compliance with Sections 134(c) and 158(6) of the Motor Vehicles Act, that its liability, if any, is subject to the terms and conditions of the policy, and that interest, if awarded, should not exceed 6% per annum or be payable for delayed proceedings or future loss. Accordingly, it has sought dismissal of the claim petition with costs.

8. Perused the petition and the written statement as well the documents. Below mentioned issues have been framed by this Tribunal.,

ISSUES

1. Whether the petitioner proves that on 09-06-2025 at about 4.00 pm., when he was proceeding in a Motor Bike bearing Reg. No.KA-19-EH-8016 by riding the same from Athooru towards Ramakunja side, near Parimala Studio, Ramakunja Village on Athooru-Ramakunja Road, a Car bearing Reg. No.KA-12-P-3759 came from near Panchayath office driven by its driver

in a rash and negligent manner and dashed against the bike rode by the petitioner, due to the impact of the said accident petitioner sustained multiple injuries all over his body as mentioned in the petition ?

2. Whether the Respondent no.2 proves that the petitioner and driver of the Car bearing Reg. No. KA-12-P-3759 did not possessed valid and effective driving license & fitness as on the date of the accident?
3. Whether the petitioner is entitled for the compensation? If so what amount?
4. What Order or Award?

9. In order to prove his case, petitioner examined himself as PW.1 and produced 13 documents which were marked as Ex.P1 to 13. Petitioner in support of his case examined Dr. M.B. Ajay through the Court Commissioner as Cw-1.

10. Respondent No.2 have not adduced any evidence. Counsel for the respondent no.2 produced copy of the

insurance policy of the offended vehicle bearing registration no: KA-12-P-3759 which was marked as Ex.R1 with the consent of counsel for the petitioner.

11. Heard counsel for both parties and merits. Perused the pleadings, oral and documentary evidence adduced by the parties. My findings to the above issues is as hereunder.,

Issue No.1 : In the Affirmative

Issue No.2 : In the Negative

Issue No.3 : In partly Affirmative

Issue No.4 : As per final order
for the following ;

REASONS

12. **Issue No.1:** The specific case of the petitioner is that on 09.06.2025 at about 4.00 p.m., while he was riding his Bajaj Pulsar Motorcycle bearing Registration No. KA-19-EH-8016 from Athoor towards Ramakunja, the driver of the offending Maruti Ritz Car bearing Registration No. KA-12-P-3759 drove the vehicle in a rash and negligent manner, entered the main road without

observing traffic regulations and dashed against the petitioner's motorcycle near Parimala Studio, Ramakunja. As a result of the said accident, the petitioner sustained grievous injuries, including a comminuted intertrochanteric fracture of the left femur with subtrochanteric extension, dislocation and tendon injury of the left little finger and other bodily injuries.

13. On the other hand, respondent No.2 has denied the manner of the accident, the negligence attributed to the driver of the offending car, the injuries sustained by the petitioner and the treatment undergone by him, and has put the petitioner to strict proof of the same.

14. The burden squarely lies upon the petitioner to establish that the accident occurred due to the rash and negligent driving of the offending car and that he sustained injuries in the said accident. In order to discharge the said burden, the petitioner examined himself as PW-1 and produced Exs.P1 to P13. PW-1 has reiterated the averments made in the claim petition and has consistently deposed regarding the manner in which the

accident occurred, the injuries sustained by him and the treatment undergone.

15. A perusal of the documentary evidence reveals that Ex.P1 is the true copy of the FIR, Ex.P2 is the true copy of the complaint, Ex.P3 is the true copy of the Spot Mahazar, Ex.P4 is the true copy of the Rough Sketch, Ex.P5 is the true copy of the IMV Report, Ex.P6 is the Wound Certificate, Ex.P7 is the true copy of the Charge Sheet, Ex.P8 comprises the medical bills, Ex.P9 consists of prescriptions, Ex.P10 is the Discharge Summary, Ex.P11 is the Disability Certificate, Ex.P12 is the notarized copy of the Driving License belonged to the petitioner and Ex.P13 consists of three X-ray films.

16. Particular significance attaches to Ex.P7, namely the Charge Sheet, which discloses that after completion of investigation, the Investigating Officer has laid the charge sheet against the driver of the offending car for the offences punishable under Sections 281 and 125(b) of the Bharatiya Nyaya Sanhita, 2023, alleging that the accident occurred due to his rash and negligent driving. Though a

charge sheet is not conclusive proof of negligence, it is a relevant piece of evidence and, in the absence of rebuttal evidence, can be taken into consideration while deciding a claim under Section 166 of the Motor Vehicles Act.

17. The medical records, namely Ex.P6, Ex.P10, Ex.P11 and Ex.P13, clearly establish that the petitioner sustained grievous injuries in the said accident and underwent inpatient treatment at Mahaveer Medical Centre, Puttur, from 09.06.2025 to 14.06.2025.

18. The Hon'ble Supreme Court in *Bimla Devi & Others v. Himachal Road Transport Corporation & Others*, (2009) 13 SCC 530, has held that proceedings before the Motor Accident Claims Tribunal are summary in nature and negligence is required to be established on the touchstone of preponderance of probabilities and not beyond reasonable doubt. Similarly, in *Mangla Ram v. Oriental Insurance Co. Ltd.*, (2018) 5 SCC 656, the Hon'ble Supreme Court reiterated that where the claimant's version is supported by the FIR, charge sheet and other

contemporaneous records, and there is no rebuttal evidence from the insurer or owner, the Tribunal can safely record a finding of negligence on the basis of such material.

19. In the present case, except filing the written statement, respondent No.2 has neither entered the witness box nor produced any oral or documentary evidence to rebut the evidence adduced by the petitioner. No material has been placed on record to show that the police papers have been challenged before any competent forum or that the investigation culminated in a closure report. Nothing worthwhile has been elicited in the cross-examination of PW-1 to discredit his testimony regarding the manner of the accident.

20. Therefore, on an overall appreciation of the oral and documentary evidence and applying the principles laid down by the Hon'ble Supreme Court in *Bimla Devi and Mangla Ram*, this Tribunal is satisfied that the petitioner has established, on the touchstone of preponderance of

probabilities, that the accident occurred solely due to the rash and negligent driving of the driver of the offending Car bearing Registration No. KA-12-P-3759 and that the petitioner sustained the grievous injuries mentioned in Ex.P6 and underwent treatment as evidenced by Ex.P10. Accordingly, Issue No.1 is answered in the Affirmative.

21. **Issue No.2 :-** Respondent No.2 has specifically pleaded that the driver of the offending car bearing Registration No. KA-12-P-3759 did not possess a valid and effective driving licence and that the vehicle did not have a valid fitness certificate as on the date of the accident. The burden of proving the said defence squarely rests upon the insurer.

22. It is well settled by the Hon'ble Supreme Court in National Insurance Co. Ltd. v. Swaran Singh & Others, (2004) 3 SCC 297, that the insurer cannot avoid its statutory liability merely by taking a plea of breach of policy conditions. The insurer is required to establish, by cogent and convincing evidence, that there was a breach of

the terms and conditions of the policy and that such breach falls within the statutory defences available under Section 149(2) of the Motor Vehicles Act.

23. In the present case, except taking the plea in the written statement, respondent No.2 has neither adduced any oral evidence nor produced any documentary evidence to establish that the driver of the offending vehicle did not possess a valid and effective driving licence or that the vehicle did not have a valid fitness certificate on the date of the accident. In the absence of any acceptable evidence, the plea raised by respondent No.2 remains a mere assertion and cannot be accepted. Accordingly, this Tribunal holds that respondent No.2 has failed to prove the alleged breach of the policy conditions. Consequently, the defence raised by respondent No.2 is liable to be rejected. Hence, Issue No.2 is answered in the Negative.

24. **Issue no.3:** The petitioner filed this petition and prays to grant Rs.15,00,000/- with interest at the rate of 21% p.a. as compensation with respect of the injuries caused to him in the road traffic accident from the

respondents. It has been contended that the respondents are jointly and severally liable to pay the compensation to the petitioner.

25. Petitioner has produced cogent and convincing evidence to show that, he has suffered grievous injuries in the Road Traffic Accident which was occurred on 09-06-2025 as contended by him in the petition.

26. Now, it is necessary to find out whether the quantum of compensation claimed by the claimant is just and fair and if not, then what is the just and fair compensation payable to him.

27. PW1/claimant has stated that, in the accident he sustained Grievous injuries, as such he was taken the treatment in the Mahaveer Medical Centre, Puttur, as inpatient for about 06 day from 9-06-2025 to 14-06-2025 and spent more than Rs.2,50,000/- towards medicines, nutriment, transport and attendant charges. The claimant/PW1 has further stated that, he is still taking follow up treatment to the injuries caused to him in the accident. Further stated that he was hale and healthy

before the accident and used to work as a Driver in School Bus at Ramakunja English Medium School & used to earn Rs.18,000/- per month. Further stated that due the accident, he is not able to do his driving work, as such he lost his income and future income.

28. In order to prove the injuries suffered by him in the accident and regarding taking of medical treatment, claimant has, in addition to his oral evidence, produced documentary evidence in the form of Wound Certificate, Discharge summary, Disability Certificate, X-rays, medical bills and prescriptions.

29. As per the Wound Certificate at Ex.P-6, the claimant has suffered 1) Tenderness, Swelling (L) hip joint, External rotation deformity present, Shortening of (L) leg present, 2) Tenderness, swelling 5th PIP joint (L) deformity present and 3) Lacerated wound over (L) 5th finger measuring 1cm x 1cm x 0.5cm.

30. Further, the claimant has also got examined the doctor who has issued him the Disability Certificate, by name Dr. M.B. Ajay, as CW.1.

31. Cw-1 the Orthopaedic Surgeon attached to Mahaveer Medical Centre and Government Hospital, Puttur, deposed that he treated the petitioner following the road traffic accident dated 09.06.2025. The petitioner sustained grievous injuries, namely a comminuted intertrochanteric fracture of the left femur with subtrochanteric extension and dislocation with tendon injury of the left little finger. He underwent surgery comprising CRIF with long PFN for the left femur fracture and tendon repair with K-wire fixation of the left little finger and was treated as an inpatient from 09.06.2025 to 14.06.2025. On reassessment on 16.01.2026, PW-2 found restriction of movements of the left hip, shortening of the left lower limb, muscle wasting, limping gait, stiffness and deformity of the left little finger, with implants remaining in situ. He assessed the petitioner to have 32% permanent disability of the left lower limb and 4% permanent disability of the left hand, opining that the petitioner would have difficulty in driving, lifting weights, squatting, sitting cross-legged, and performing hard physical work,

and would require a further surgery for implant removal. He identified the disability certificate marked as Ex.P11.

32. In cross-examination, Cw-1 denied all the suggestions that he had not treated the petitioner, that Ex.P11 was issued without clinical and radiological examination or on the petitioner's request, or that the disability was exaggerated to help the petitioner claim higher compensation. He admitted that stiffness of limb movements may occur naturally due to old age, but denied that the petitioner's disability or restriction of movements was attributable to age rather than the injuries sustained in the accident. He further asserted that he was competent to assess the disability and that Ex.P11 was issued after duly considering the relevant clinical findings.

33. From the perusal of the cross-examination, it is evident that the counsel for the respondent No.2 unable to extract anything contrary to the contents of the petition & Ex.P-6 and Ex.P-11.

34. Cw-1 has assessed the permanent disability at 32% of the left lower limb and 4% of the left hand,

aggregating to 38% disability of the affected limbs as per Ex.P11. However, the said disability relates only to the particular limbs and cannot be mechanically taken as the whole-body disability.

35. In view of the principles laid down by the Hon'ble Supreme Court in *Raj Kumar v. Ajay Kumar & Another*, (2011) 1 SCC 343, the Tribunal is required to assess the functional disability having regard to its impact on the earning capacity of the claimant. Considering the nature of the injuries, medical evidence and the occupation of the petitioner, this Court is of the opinion that one-third of the limb disability would reasonably represent the permanent disability to the whole body. Accordingly, the whole-body disability is assessed at 12.67%, which is rounded off to 13% for the purpose of computing compensation.

36. From the cross-examination of PW-1, nothing worthwhile has been elicited to discredit his testimony or to contradict the material averments made in the claim petition. As this Tribunal has already held that the accident occurred solely due to the rash and negligent

driving of the offending car, the petitioner is entitled to just and reasonable compensation in accordance with law.

37. The petitioner has stated that he was aged 62 years as on the date of the accident. Ex.P12 discloses his date of birth as 01.05.1963. Accordingly, the age of the petitioner is taken as 62 years as on the date of the accident for the purpose of computation of compensation.

38. The compensation payable to the petitioner comprises pecuniary damages, such as medical expenses, attendant charges, conveyance, loss of income during treatment and future loss of earning capacity, and non-pecuniary damages, including pain and suffering, mental and physical shock, and loss of amenities. Accordingly, the petitioner is entitled to compensation under the following heads:

39. **Loss of Future Income:** It is well settled that compensation for personal injuries comprises both pecuniary and non-pecuniary damages. Pecuniary damages include medical expenses, attendant and conveyance charges, loss of income during treatment and

future loss of earning capacity, whereas non-pecuniary damages include pain and suffering, mental and physical shock, and loss of amenities.

40. In the present case, the petitioner has contended that he was working as a school bus driver at Ramakunja English Medium School and earning Rs.18,000/- per month, and that due to the injuries sustained in the accident he has lost his earning capacity. However, no documentary evidence or evidence of the officials of the said school has been produced to prove his employment or income. Nevertheless, Ex.P12 discloses that the petitioner possessed a valid transport driving license, which establishes that he was qualified to drive transport vehicles and supports his assertion that he was engaged in the occupation of a driver. Since the petitioner not produced any documents in order to prove his income and driving work at Ramakunja English Medium School, hence his income has to be assessed as per the provisions of the Minimum Wages Act under the head of Employment in Public Motor Transport Establishments.

41. In view of the law laid down by the Hon'ble High Court of Karnataka in Smt. Mariyamma & Others v. Sri. Suyambulingam V. & Another, MFA No.7404/2014 (MV-D), decided on 06.12.2022, where the actual income is not satisfactorily proved, the minimum wages prescribed under the Minimum Wages Act serve as a guiding factor for assessing notional income. Since the petitioner was working as a driver, which is a skilled employment, his income is liable to be assessed with reference to the minimum wages applicable to a skilled worker, subject to the facts and circumstances of the case.

42. The accident occurred on 09.06.2025. As discussed above, the petitioner has failed to produce satisfactory evidence regarding his monthly income. Hence, following the principles laid down by the Hon'ble High Court of Karnataka in Smt. Mariyamma & Others v. Sri. Suyambulingam V. & Another, MFA No.7404/2014 (MV-D), decided on 06.12.2022, the minimum wages notified for Employment in Public Motor Transport Establishments are taken as the guiding factor. The

applicable minimum wages, including VDA, for the period 01.04.2025 to 31.03.2026 are Rs.15,302/- per month, and accordingly the monthly income of the petitioner is assessed at Rs.15,302/-.

43. The petitioner was aged 62 years as on the date of the accident. In terms of the law laid down by the Hon'ble Supreme Court in *Sarla Verma (Smt.) & Others v. Delhi Transport Corporation & Another*, (2009) 6 SCC 121, the appropriate multiplier applicable to the age group of 61–65 years is '7'.

44. Further, as held by the Hon'ble Supreme Court in *Raj Kumar v. Ajay Kumar & Another*, (2011) 1 SCC 343, compensation towards loss of future earning capacity has to be computed on the basis of the functional disability affecting the whole body and not merely the percentage of disability of a particular limb. As already held, the whole-body permanent disability of the petitioner is assessed at 13%. Accordingly, the monthly loss of earning capacity works out to Rs.1,989/- (13% of Rs.15,302/-). Applying the multiplier of 7, the petitioner is entitled to

Rs.1,67,076/- (Rs.1,989 × 12 × 7) towards loss of future income.

45. **Pain and suffering** :- As per the Wound Certificate (Ex.P6), the petitioner sustained grievous injuries, namely: (i) tenderness, swelling, external rotation deformity and shortening of the left lower limb due to fracture of the left hip, (ii) tenderness, swelling and deformity of the left 5th PIP joint, and (iii) a lacerated wound over the left 5th finger with tendon injury. The petitioner underwent inpatient treatment at Mahaveer Medical Centre, Puttur, from 09.06.2025 to 14.06.2025, including surgical intervention. Nothing worthwhile has been elicited in the cross-examination of PW-1 to discredit his evidence regarding the injuries and treatment. Having regard to the nature of the grievous injuries, the surgery undergone, the period of hospitalization and the pain and trauma endured by the petitioner, this Tribunal deems it just and reasonable to award a sum of ₹15,000/- under the head "Pain and Suffering."

46. **Towards attendant charges, transportation and miscellaneous expenses:** A perusal of the discharge summary (Ex.P10) reveals that the petitioner was treated as an inpatient at Mahaveer Medical Centre, Puttur, from 09.06.2025 to 14.06.2025. During the period of hospitalization, the petitioner would have necessarily incurred expenses towards an attendant, nourishment, conveyance and other incidental charges. Further, the petitioner was shifted from the place of accident to the hospital for treatment, thereby incurring transportation expenses. Having regard to the nature of the injuries and the period of hospitalization, this Tribunal considers it just and reasonable to award Rs.6,000/- towards attendant and incidental expenses and Rs.2,000/- towards transportation charges, in all Rs.8,000/- under this head.

47. **Loss of amenities and nutritional food:** The petitioner has sustained grievous injuries, which have affected his day-to-day activities and enjoyment of life during the period of treatment and recovery. Considering the nature of the injuries, the period of treatment and the

need for nutritious food during convalescence, this Tribunal deems it just and reasonable to award a sum of Rs.10,000/- towards loss of amenities and nutritional food.

48. **Medical expenses** :- The petitioner has produced medical bills amounting to Rs.1,39,158.95/-, which are marked as Ex.P8. Though PW-1 was cross-examined at length, nothing has been elicited to show that the said medical bills are fabricated or not genuine. In the absence of any rebuttal evidence from the respondents, the medical bills deserve acceptance. Accordingly, the petitioner is entitled to Rs.1,39,158.95/-, which is rounded off to Rs.1,39,159/- towards medical expenses.

49. **Loss of income during the treatment period** :

Considering that the petitioner sustained three grievous injuries, underwent surgery and inpatient treatment, and was working as a driver by profession, it is evident that he would have been unable to attend his avocation during the period of treatment and recuperation. Having regard to the nature of the injuries and treatment,

this Tribunal is of the opinion that the petitioner would have required two months' rest for recovery. Accordingly, taking the monthly income at Rs.15,302/-, the petitioner is entitled to Rs.30,604/- ($\text{Rs.15,302} \times 2$) towards loss of income during the treatment period.

50. **Disappointment, Discomfort and Frustration** :

The petitioner was aged 62 years at the time of the accident and sustained grievous injuries, which have undoubtedly caused physical discomfort, inconvenience and a reduction in the enjoyment of the normal amenities of life. Having regard to the age of the petitioner, the nature of the injuries and the resultant discomfort and inconvenience, this Tribunal considers it just and reasonable to award a sum of Rs.10,000/- towards loss of amenities.

51. **Future Medical Expenses** :- The petitioner has claimed a sum of Rs.1,00,000/- towards future medical expenses. A careful perusal of the disability certificate (Ex.P11) reveals that the implants inserted during the surgery are still in situ and that the petitioner would

require a further surgical procedure for their removal. PW-2, the treating Orthopedic Surgeon, has categorically deposed that the petitioner would require another surgery for removal of the implants and has reiterated the same during the course of his evidence. Nothing worthwhile has been elicited in the cross-examination of PW-2 to discredit his opinion regarding the necessity of future treatment.

52. The Hon'ble Supreme Court in *Raj Kumar v. Ajay Kumar & Another*, (2011) 1 SCC 343, has held that where the medical evidence establishes the necessity of future treatment, surgery or continued medical care arising out of the injuries sustained in the accident, the Tribunal is duty-bound to award reasonable compensation towards future medical expenses as a distinct head of compensation.

53. In the present case, although the petitioner has claimed Rs.1,00,000/- towards future medical expenses, no estimate or documentary evidence regarding the probable cost of the proposed surgery has been produced. Nevertheless, the uncontroverted medical evidence clearly

establishes that a future surgical procedure for removal of the implants is necessary. Therefore, having regard to the nature of the injuries, the treatment already undergone, the opinion of Cw-1, and the overall facts and circumstances of the case, this Tribunal is of the considered view that awarding a sum of Rs.50,000/- towards future medical expenses would be just, fair and reasonable.

54. In view of above discussion, the petitioner in total is entitled for compensation under following heads:

Head of compensation	Amount
1. Loss of future Income:	Rs.1,67,076/-
2. Pain and sufferings	Rs.15,000/-
3.Attendants charges, transportation, miscellaneous expenses.	Rs.8,000/-
4. Amenities and Nutritional Food:	Rs.10,000/-
5. Medical expenses:	Rs.1,39,159/-
6. Loss of income during treatment period:	Rs.30,604/-
7.Disappointment,	Rs.10,000/-

Discomfort and Frustration:	
8. Future Medical Expenses	Rs.50,000/-
Grand Total	Rs.4,29,839/- (Rupees Four Lakh Twenty Nine Thousand Eight Hundred Thirty Nine only)

55. **Liability** : Having held that the petitioner is entitled to compensation, the next question that arises for consideration is with regard to the liability to satisfy the award. The learned counsel for respondent No.2 has fairly submitted that the offending vehicle was covered by a valid policy of insurance issued by respondent No.2 and that the policy was in force as on the date of the accident.

56. Though respondent No.2 has taken various defences in its written statement, no cogent or convincing evidence has been placed on record to establish any breach or violation of the terms and conditions of the insurance policy so as to avoid its statutory liability under the Motor Vehicles Act. Consequently, this Tribunal holds that the offending vehicle was duly insured with

respondent No.2 on the date of the accident and that the policy covered the risk in question.

57. Accordingly, respondent No.1, being the registered owner of the offending vehicle, and respondent No.2, being its insurer, are jointly and severally liable to pay the compensation awarded herein. However, in view of the subsisting policy of insurance, the primary liability to satisfy the award shall be that of respondent No.2. Hence, respondent No.2 is directed to deposit and pay a sum of Rs.4,29,839/- (Rupees Four Lakh Twenty Nine Thousand Eight Hundred Thirty Nine only), together with interest as awarded, to the petitioner within the time stipulated by this Tribunal.

58. Rate of Interest: The petitioner has claimed interest at the rate of 21% per annum on the compensation amount from the date of the accident till its realization. The award of interest is discretionary and has to be determined keeping in view the prevailing bank rates and the facts and circumstances of each case.

59. The Hon'ble High Court of Karnataka in The Manager, Reliance General Insurance Co. Ltd. v. Smt. Vanajakshi, MFA No.4103/2017, decided on 18.03.2020, has held that interest at the rate of 6% per annum from the date of filing of the claim petition till deposit would meet the ends of justice.

60. Following the aforesaid principles, this Tribunal is of the considered view that interest at the rate of 6% per annum, instead of 21% per annum as claimed by the petitioner, would be just and reasonable. Accordingly, the petitioner is entitled to a total compensation of Rs.4,29,839/- (Rupees Four Lakh Twenty Nine Thousand Eight Hundred Thirty Nine only) together with interest at the rate of 6% per annum from the date of filing of the claim petition till realization, excluding the amount awarded towards future medical expenses, if any, in accordance with law. Consequently, Issue No.3 is answered Partly in the Affirmative.

61. **Issue No.4**:- Having answered Issues No.1 to 3, I proceed to pass the following;;

ORDERS

The petition filed by the petitioner, under Section 166 of the Motor Vehicles Act is allowed in part with costs.

The petitioner is entitled to compensation of Rs.4,29,839/- (Rupees Four Lakh Twenty Nine Thousand Eight Hundred Thirty Nine only) along with interest at the rate of 6% p.a. (excluding future medical expenses) from the date of petition, till the date of realization.

The respondent No.1 and 2 are jointly and severally liable to pay above compensation amount to the petitioner. However in view of the policy is in force, being insurer Respondent No.2 Insurance company is directed to deposit the above said compensation amount in this tribunal within one Month from the date of this order.

After deposit of the compensation amount by the Respondent No.2, 50% of it shall be deposited in the fixed deposit in the name of petitioner in any of the nationalized bank of his choice for a period of 03 years with a liberty to withdraw the interest periodically.

The Bank shall not grant any loan over the fixed deposit. It shall release the entire amount along with interest if any after maturity taking original bond and on proper identification, without insisting for further order from the court.

The remaining 50% of the compensation amount shall be released in favour of claimant to his account details directly through e-payment on proper identification, without seeking further order.

The advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to the stenographer directly on computer, typed by her and the same is corrected and then pronounced by me in the open court on this 4th day of August, 2026)

[Devaraj Y.H.]
I ADDL. SR. CIVIL JUDGE & JMFC.,
PUTTUR

: ANNEXURE :

LIST OF WITNESSES EXAMINED FOR THE PETITIONER:

PW1 : Parameshwara

LIST OF DOCUMENTS EXHIBITED FOR THE PETITIONER:

Ex.P.1	:	True copy of the FIR
Ex.P.2	:	True copy of the Complaint
Ex.P.3	:	True copy of the Mahazar
Ex.P.4	:	True copy of the Rough sketch
Ex.P.5	:	True copy of the IMV Report
Ex.P.6	:	True copy of the Wound certificate
Ex.P.7	:	True copy of the Charge sheet
Ex.P.8	:	Medical bills (12 in numbers)
Ex.P.9	:	Prescriptions (19 in numbers)
Ex.P.10	:	Discharge summary
Ex.P.11	:	Disability certificate
Ex.P.12	:	Notarized DL
Ex.P.13	:	X-rays (3 in numbers)

LIST OF WITNESSES EXAMINED THROUGH COURT COMMISSIONER:

Cw-1 : Dr. M.B. Ajay

**LIST OF DOCUMENTS PRODUCED THROUGH COURT
COMMISSIONER:**

-Nil-

LIST OF WITNESSES EXAMINED FOR THE RESPONDENTS:

NIL

LIST OF DOCUMENTS EXHIBITED FOR THE RESPONDENTS:

Ex.R1 : Copy of the insurance
police pertaining to vehicle
Registration No. KA-12-P-
3759

[Devaraj Y.H.]
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