

KADK400003182024



Presented on : 04.06.2024
Registered on : 05.06.2024
Decided on : 20.07.2026
Duration : 02y/01m/15days

IN THE COURT OF SENIOR CIVIL JUDGE & M.A.C.T
AT : SULLIA, D.K.DISTRICT

PRESENT : TATTANDA DAMAYANTI SOMAYYA,
B.A.,LL.B.,

Senior Civil Judge & M.A.C.T
Sullia, D.K.

Dated on this 20th day of July 2026

M.V.C.No.900/2024

PETITIONER

: Ananda Rao
S/o. Chennoji Rao
Aged 57 years,
South Beeramangala
Sullia Kasaba Village,
Sullia Taluk, D.K.

-V/s-

RESPONDENT

: 1. C.M. Keerthiprasad,
S/o. C.M. Muthanna,
Chikka Thaloor House,
Thaloor Shettali Post,
Somwarpet, Kodagu.

2. United India Insurance
Company Ltd., Puttur Branch,
Prabhu Building,
Opp: Aruna Kalamandira
Puttur D.K. District.

Policy No.0729023123P103652142

3. Vaniprasad,
S/o. Vasudeva
Deraje House,
Aranthodu Village & Post
Sullia Taluk, D.K. District.

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Petitioner Rep. By : Sri. Prakash K.P., Advocate,
Resp.No.1 Rep. By : Smt. Pallavi M.A., Advocate,
Resp.No.2 Rep. By : Sri. S.Praveen Kumar, Advocate,
Resp.No.3 Rep. By : Sri. Sudhakar Nettare, Advocate.
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J U D G M E N T
[DELIVERED ON 20.07.2026]

The petitioner has filed this petition U/Sec. 166 of Motor Vehicles Act claiming compensation of Rs.20,00,000/- with interest at the rate of 12% p.a., from the date of accident till realization from the respondents for the injuries sustained by him in a RTA.

2. Brief facts of petitioner case is that, on 29.08.2023 at about 6.30 p.m., he was proceeding towards Sullia from Paichar on Mani-Mysore national highway as a pillion rider on a motor cycle bearing No.KA.12.K.4042. When the motor cycle reached near Santhrupthi Hotel, old gate, Sullia main road, the respondent No.1

being the rider of the motor cycle suddenly took a turn towards Hotel Santhrupthi in a rash and negligent manner without giving any signals and as a result, the motor cycle bearing No.KA.21.Y.1565 which came from opposite direction, hit to their motor cycle. Due to the accident, he suffered fracture of 2nd, 3rd and 4th metatarsal left side fingers and partial tear of left tendoachillis. Immediately, he was taken to Govt. Hospital, Sullia. Later, on the same day he was shifted to K.V.G Medical College at Sullia for better treatment, where he was treated as inpatient from 29.08.2023 to 04.09.2023. He has undergone surgery. 3K-wires fixation was done to his 2nd, 3rd and 4th metatarsal bones with tendon repair on 30.08.2023. The doctors discharged him with an advice to visit for follow up treatment once in 7 days. He has spent Rs.2,00,000/- for medical treatment, Rs.20,000/- towards conveyance charges, Rs.10,000/- towards attendant charges and Rs.10,000/- towards food and nourishment charges. Prior to the accident, he was hale and healthy, working as building labour and he was earning Rs.20,000/- per month. Due to the accident, he is

not able to do his work as he was doing earlier. At present, he has no avocation to lead his life. Due to the accident, he suffered permanent physical disability. He has suffered loss of income. The said accident was solely occurred due to the rash and negligent riding of the motor cycle bearing No.KA.12.K.4042 by its rider. In the present case, the owner of KA.21.Y.1565 motor cycle is also made as respondent. He is also responsible for the said accident. Accordingly, all the respondents are jointly and severally liable to pay compensation to him. Hence, he prayed the court to allow this petition.

3. After filling of this petition by the petitioner, this court issued notices to the respondents. In response to the service of notices the respondents appeared through their counsels and filed their written objections to main petition.

4. The respondent No.1 in his objection statement has denied the petition averments. He contends that, the compensation claimed by the petitioner is very high and exorbitant. The rate of interest claimed by the petitioner is also very high. His Motor

cycle bearing No. KA.12.K.4042 was duly insured with respondent No.2 vide policy No.0729023123P103655552142 and it was valid till 05.07.2024. At the time of accident, he was holding valid driving licence, which was valid up to 23.06.2033. If the petitioner is entitled for any compensation, then the respondent No.2 is liable to pay the same. Accordingly, he prayed the court to dismiss the claim against him.

5. The respondent No.2 filed his objection statement, wherein he denied the petition averments. He denied that, the petitioner suffered grievous injuries and he was treated as inpatient at K.V.G. Medical College & Hospital at Sullia from 29.08.2023 to 04.09.2023. He denied that, the petitioner has undergone surgery. There is no nexus between the injuries and the alleged accident. Motor cycle bearing No. KA.12.K.4042 stands in the name of respondent No.1 and it is duly insured with it. If the rider of the motor cycle had no valid and effective driving licence at the time of accident, the insurance company is not liable to indemnify the owner. The petitioner has also contributed a lot of negligence in

the instance case. The compensation and interest thereon claimed by the petitioner is very high and excessive. Accordingly, the respondent No.2 prayed this court to dismiss the petition.

6. The respondent No.3 filed his objection statement and denied the petition averments. The rider of the motor cycle bearing No.KA.12.K.4042 lost his control, came across the road and by seeing him and his vehicle, he stopped at the extreme left side of the road. The rider of KA.12.K.4042 lost his control and as a result, the bike was toppled. He is not a necessary party to this claim petition. He himself had taken the petitioner to the hospital and arranged for his treatment on humanitarian grounds. The accident was occurred solely due to the rash and negligent riding of the motor cycle by respondent No.1. The respondent No.1 and 2 are liable to pay compensation to the petitioner. He is not liable to pay any compensation to the petitioner. Accordingly, he prayed the tribunal to dismiss the claim against him.

7. On the basis of the pleadings of both the parties, this tribunal has framed the following:

ISSUES

1. Whether the petitioner proves that, he met with a road Traffic Accident on 29.08.2023 at 6.30p.m., near Santhrupthi hotel, old gate, Sullia, when he was proceeding towards Sullia from Paichar as a pillion rider on a bike bearing No. KA.12.K.4042, when the respondent No.1 being the rider took sudden turn negligently without giving any signals and as a result another bike bearing No.KA.21.Y.1565 which came from opposite direction in a rash and negligent manner hit to their bike and as a result, he sustained grievous injuries?
2. Whether the Respondent No.2 proves that, the petitioner is liable for contributory negligence?
3. Whether the petitioner is entitled for compensation? If so how much? And from whom?
4. Whether the petitioner is entitled for the interest? If so how much?
5. What Order or Award?

8. In order to prove his case, the petitioner got examined himself as PW.1 and got marked Ex.P.1 to 24 documents. Further, he got examined Dr.Bharath Shetty as PW.2, who in turn got marked Ex.P.25 and Ex.P.26 documents. On the other hand, the respondents have not led their evidence. The respondent No.2 got marked Ex.R.1.

9. I have heard the arguments of the counsels appearing for the petitioner and respondents. Sri.SP.K Advocate filed notes of arguments.

10. On the basis of the pleadings, oral and documentary evidence placed before the tribunal, my findings to the above issues are as under:

Issue No.1 : In partly affirmative

Issue No.2 : In negative

Issue No.3 : In affirmative

Issue No.4 : Yes, at the rate of 6% p.a.

Issue No.5 : As per final orders for the following:

REASONS

ISSUE No.1:

11. The burden is casted on the petitioner to prove that, he met with a road Traffic Accident on 29.08.2023 at 6.30p.m., near Santhrupthi hotel, old gate, Sullia, when he was proceeding towards Sullia from Paichar as a pillion rider on a bike bearing No. KA.12.K.4042, when the respondent No.1 being the rider took sudden turn negligently without giving any signals and as a result another bike bearing No.KA.21.Y.1565 which came from opposite direction in a rash and negligent manner hit to their bike and as a result, he sustained grievous injuries.

12. In order to prove his case, the petitioner got examined himself as PW.1 and got marked true copy of complaint as Ex.P.1, true copy of FIR as Ex.P.2, true copy of spot mahazar as Ex.P.3, true copy of sketch as Ex.P.4, true copy of wound certificate as Ex.P.5, true copy of notice issued U/Sec.133 of M.V Act as Ex.P.6, true copy of reply to the said notice as Ex.P.7, true copy of MVA report as Ex.P.8, true copy of charge sheet as Ex.P.9, true copy of requisition given by the SHO as Ex.P.10, certified copy of order

sheet in CC No.159/2024 on the file of this court as Ex.P.11, OPD cards as Ex.P.12 to 14, revisit card as Ex.P.15, discharge summary as Ex.P.16, disability certificate as Ex.P.17, X-rays 5 in numbers as Ex.P.18 to 22, beneficiary identity card as Ex.P.23 and medical bills 45 in numbers as Ex.P.24. Further, he got examined Dr. Bharath Shetty as PW.2 who in turn marked copy of case sheet as Ex.P.25 and X-ray as Ex.P.26.

13. The chief examination of PW.1 is nothing but the reiteration of petition averments. The PW1 contends that, he met with a road traffic accident on 28.08.2023 at 6.30 p.m., near Santrupthi Hotel, old gate, Sullia main road, when he was proceeding towards Sullia as a pillion rider on a motorcycle bearing No. KA.12.K.4042, when the respondent No.1 being the rider took sudden turn negligently towards the hotel without giving any signals and at that time, another bike bearing No.KA.21.Y.1565 which came from opposite direction hit to their motorcycle and as a result he sustained injuries. The PW1 in his petition and in his evidence has stated that, he has suffered fracture of left 2nd , 3rd and 4th

metatarsal bones of his left leg and partial tear of left tendo Achillies.

14. Ex.P.1 is the true copy of the complaint filed by PW.1 before this court against the respondent No. 3. The PW.1 filed that complaint alleging that, the said accident was occurred due to the rash and negligent driving of KA.21.Y.1565 motorcycle by respondent No.3. That complaint was referred to the SHO of Sullia police Station. In turn, the Sullia police have registered Crime No. 12/2024 against the respondent No.3. Ex.P.2 is the true copy of the FIR, which was registered against respondent No.3 for the O/P/U/Sec.279, 337, 338 of IPC.

15. After the investigation, the I.O submitted Ex.P.9 charge sheet against the respondent No.1, the rider of KA.12.K.4042 in which the PW.1 was traveling as a pillion rider as on the date of accident. Nowhere, in Ex.P.9 it is alleged that, the respondent No.3 contributed negligence for the accident. After taking cognizance of the offences, this court registered the case as CC No.159/2024. In that case, the respondent No.1 herein appeared on 13.07.2024,

pleaded guilty of the offences and paid fine as imposed by the court.

16. Ex.P4 is the true copy of rough sketch. By perusing the same, it appears that, the respondent No.1 being the rider of KA.12.K.4042 motor cycle went extreme right side, took sudden turn and as a result KA.21.Y.1565 motorcycle hit to his motorcycle and in that accident, the petitioner being a pillion rider sustained injuries. Ex.P8 is the true copy of IMV report. By perusing the same, it appears that the left side sariguard and rear tail lamp cover of KA.12.K.4042 was bent and no damages were noticed on the motorcycle bearing No.KA.21.Y.1565 at the time of examination by the RTO.

17. During the course of cross examination, the PW.1 stated that, ಕೀರ್ತಿಪ್ರಸಾದ್ ರವರು ಹೋಟೇಲ್‌ಗೆ ಹೋಗುವ ಸಲುವಾಗಿ ತಿರುಗಿಸಿದಾಗ ಎದುರುಗಡೆಯಿಂದ ಮತ್ತೊಂದು ಬೈಕ್ ಬಂದು ಕೀರ್ತಿಪ್ರಸಾದ್ ರವರ ಬೈಕಿಗೆ ಡಿಕ್ಕಿ ಮಾಡಿರುತ್ತದೆ. ಕೀರ್ತಿಪ್ರಸಾದ್ ರವರು ತಮ್ಮ ಬೈಕಿಗೆ ಇಂಡಿಕೇಟರ್ ಹಾಕಿ ನಿಧಾನವಾಗಿ ತಿರುಗಿಸಿರುತ್ತಾರೆ ಎಂದರೆ ಸರಿ. On the basis of this stray sentence, the respondent No.2 argued that, the insurance company is not liable

to indemnify the insured as there was no negligence on the part of respondent No.1.

18. If we read the oral evidence of PW.1 in comparison with documentary evidence, then it appears that, the respondent No.1 being the rider of KA.12.K.4042 could have avoided the accident, if he was diligent while taking turn in front of Santrupthi hotel by giving signals to other vehicles, which were moving on that road. There was no negligence on the part of respondent No.3, whose motorcycle hit to the motorcycle of respondent No.1, when the respondent No.1 took a sudden turn without giving any signals. Hence, actionable negligence can be attributed only against respondent No.1, who was riding KA.12.K.4042 motorcycle.

19. Ex.P.5 is the true copy of wound certificate. Ex.P.16 is the discharge summary issued by KVG hospital, Sullia. By perusing these documents, it appears that, the PW.1 was treated as inpatient from 29.08.2023 to 04.09.2023 with the history of RTA. On examination the doctor noticed fracture of 2nd, 3rd, and 4th

metatarsal shaft with partial tear of left tendo Achillies. The doctor opined that, the said injury was grievous in nature.

20. As the PW.1 had sustained fracture to his 2nd, 3rd and 4th metatarsal shaft of left leg with partial tear of tendo Achillies, he was operated on 30.08.2023 and 3K wire's fixation was done to his fractured metatarsal bones. From the documents, it is clear that the injuries mentioned in Ex.P.5 wound certificate and Ex.P.16 discharge summary are as a result of RTA.

21. Ex.P.25 is the true copy of entire case sheet maintained by KVG Medical College and Hospital Sullia. From the contents of these medical records, it is clear that the PW.1 took treatment as inpatient from 29.08.2023 to 04.09.2023 with a history of RTA. The documents produced before this tribunal substantiate the fact that, the PW.1 sustained injuries in RTA, due to negligent riding of motor cycle by respondent No.1, on which he was travelling as pillion rider. However, there are no materials on record to hold that, the respondent No.3 contributed negligence for the mishap.

Ex.P.18 to 22 x-rays clearly show that, the PW.1 had suffered fracture to his 2nd, 3rd and 4th metatarsal bones of his left leg.

22. In such circumstances, it can be safely held that, the accident was occurred due to the rash and negligent riding of the motorcycle by respondent No. 1 and in that accident, the PW.1 being the pillion rider sustained grievous injuries. No actionable negligence can be attributed against respondent No.3. Accordingly, I answer issue No.1 in partly affirmative.

ISSUE No.2:

23. The respondent No. 2 in his objection statement has taken a contention that, the petitioner has contributed negligence for the accident. It is pertinent to note here that, the petitioner was not riding KA.12.K.4042 motorcycle at the time of accident. On the other hand, he was a pillion rider. There is no materials on record to hold that, the respondent No.1 took sudden turn without giving any signals to other vehicles, in front of Santrupthi Hotel due to the negligence of PW.1 himself. When the PW.1 was travelling as a pillion rider at the time of accident, no negligence can be

attributed against him. Accordingly, I answered issue No.2 in Negative.

ISSUE No. 3 & 4:

24. In this case, the petitioner has claimed compensation of Rs.20,00,000/- with interest at the rate of 12% p.a., from the date of accident till realization. In the present case, the PW.1 has not produced any age proof documents. In the absence of age proof documents, the tribunal has to rely on medical records and police records to know the age of the petitioner.

25. In Ex.P.5/wound certificate, the age of the petitioner is mentioned as 56 years. In Ex.P.9/charge sheet, his age is mentioned as 56 years. In Ex.P.16/discharge summary also his age is mentioned as 56 years. In Ex.P.3, his date of birth is mentioned as 06.07.1967. Hence, it is clear that, the PW.1 was aged 56 years as on the date of accident. The PW.1 In his petition has stated that, he was working as building laborer and getting monthly income of Rs.20,000/-. But, he has not produced any documents before the court to show that, he was earning Rs.20,000/-p.m., as wages. In

the absence of documents, the court has to consider the notional income of Rs.16,250/- per month as his income.

26. In the present case PW.1 got examined by Dr. Bharat Shetty as PW.2, who is the person who has issued Ex.P.17 disability certificate. He is not a treated doctor. The PW.2 has assessed the permanent physical disability of the petitioner at 15.06% for his left lower limb. But, he has not assessed permanent physical disability of the petitioner to his whole body. During the course of cross-examination, the PW.2 stated that, Dr. Ranganath, Orthopedic surgeon has treated the petitioner at KVG Hospital.

27. The PW.2 in his chief examination has stated that, the PW.1 came to him for obtaining disability certificate. On the basis of disability certificate issued by a non-treated doctor, the petitioner cannot claim huge compensation. The PW.2 did not say how, fractured metatarsal bones negatively affect PW.1 in doing his day today works. By considering the nature of injuries sustained by the petitioner, it is just and proper to hold that, the petitioner has sustained permanent physical disability to an extent of 5% only.

28. The PW.1 has produced 45 medical bills worth Rs.9,444.95/- which is rounded off to Rs.9,445/-, which are collectively marked as Ex.P.24. He is entitled to the amount covered under those bills. By considering all these aspects, the compensation is assessed under the following heads:

[A]. Pain and sufferings: The petitioner has sustained fracture of left 2nd, 3rd and 4th metatarsal shaft with partial tear of left tendo Achillies. He was treated as inpatient from 29.08.2023 to 04.09.2023 at KVG Medical College and Hospital, Sullia. He was operated for the fractures. By considering all these aspects, it is just and proper to award **Rs.20,000/-** under this head.

[B]. Loss of amenities: The petitioner was treated as inpatient for 7 days. He was depending on his family members during the period of hospitalization and treatment. There was no communication with outside world. Therefore, a sum of **Rs.7,000/-** is awarded to him under this head.

[C]. Loss of future income: The petitioner has suffered permanent physical disability to an extent of 5% only. He was

aged 56 years at the time of accident. The tribunal has taken notional income of Rs.16,250/- per month as his monthly income. As per the reported decision of 2009 [6] SCC 121 -**Sarala Verma & others Vs. Delhi Corporation and another**, the proper multiplier applicable to the petitioner is 9. Hence, the petitioner is entitled for $\text{Rs.16,250} \times 12 \times 9 \times 5 / 100 = \text{Rs.87,750/-}$ under this head.

[D]. Medical expenses: As discussed above, the petitioner has produced medical bills worth **Rs.9,445/-**, which are collectively marked as Ex.P.24. The petitioner is entitled to that amount under this head.

[E]. Loss of Income during lead of period: The petitioner was treated as inpatient for 7 days. He was operated for his fractures with K-wire fixation. He was advised to take rest. By considering the nature of injuries sustained by the petitioner, it can be safely said that, he was unable to attend to his daily work at least for a period of 2 months. Under these circumstances, it would be just and proper to award a sum of $\text{Rs.16,250} \times 2 = \text{32,500/-}$ under this head.

[F].Attendant charges & Miscellaneous expenses: The petitioner was treated as inpatient at KVG hospital, Sullia. Thereafter, he was discharged. But, the disability continued. Now the petitioner is not confined to bed. He can attend to his personal chores. Therefore, it cannot be said that, he needs attendant continuously. Under these circumstances, it would be just and proper to award a sum of **Rs.10,000/-** under this head.

29. By considering all these aspects, the petitioner is awarded a sum of **Rs.1,66,695/-** under the following heads.

A.	Pain and sufferings	Rs.20,000/-
B.	Loss of amenities	Rs.7,000/-
C.	Loss of future income	Rs.87,750/-
D.	Medical expenses	Rs.9,445/-
E.	Loss during laid off period	Rs.32,500/-
F.	Attendant & Misc. Expenses	Rs.10,000/-
TOTAL		Rs.1,66,695/-

Though the petitioner has claimed interest on the compensation amount at the rate of 12% p.a. from the respondents from the date of accident till its realization, there is no basis to claim such a huge rate of interest. Therefore, as per the prevailing rate of interest and as per the decisions rendered by the Hon'ble Apex Court and the Hon'ble High Court of Karnataka, it is just and proper to award interest at the rate of 6% p.a. from the date of petition till its realization.

30. The respondent No.2 has produced insurance policy, which is marked as Ex.R1. As per that document, the respondent No.1 is the registered owner of KA.12.K.4042 motorcycle and it was insured with respondent No.2 vide policy No.0729023123P103652142 and policy was valid from 16.07.2023 to 05.07.2024. The accident was occurred on 29.08.2023. Thus it is clear that, policy was in force as on the date of the accident.

31. In this case, the tribunal has already held that, the actionable negligence can be attributed only against the respondent No.1, the rider of KA.12.K.4042 motor cycle. Therefore, the claim against,

respondent No.3 required to be dismissed. The respondent No.2 being the insurer of KA.12.K.4042 motor cycle has to indemnify the insured and pay compensation to the petitioner. By considering all these aspects, I answer issue No.3 and 4 in affirmative holding that, the petitioner is entitled to interest from the date of accident till realization.

ISSUE No.5 : For the aforesaid reasons, I proceed to pass the following:

ORDER

Claim petition filed by the petitioner U/Sec.166 of MV Act is partly allowed with costs.

The petitioner is entitled for a compensation of **Rs. 1,66,695/-** with interest at the rate of **6% p.a.** from the date of petition till realization.

The respondent No.1 and 2 are jointly, severally liable to pay compensation to the petitioner. The respondent No.2 being the insurer has to indemnify the insured and deposit the compensation amount within 3

months from the date of passing of the award.

After the deposit of compensation amount by the respondent No.2, entire amount shall be released in favour of the petitioner immediately.

Advocate's fee is fixed at Rs.2,500/-.

Draw the award accordingly.

20.07.2026

[TATTANDA DAMAYANTI SOMAYYA]
SENIOR CIVIL JUDGE & MACT
SULLIA, D.K. DISTRICT

ANNEXURE**WITNESSES EXAMINED FOR THE PETITIONER:**

PW.1 : Anand Rao
PW.2 : Dr. Bharath Shetty

EXHIBITS MARKED FOR THE PETITIONERS:

Ex.P.1 : True copy of complaint
Ex.P.2 : True copy of FIR
Ex.P.3 : True copy of spot mahazar
Ex.P.4 : True copy of rough sketch
Ex.P.5 : True copy of wound certificate
Ex.P.6 : True copy of notice U/Sec.133 of M.V.Act
Ex.P.7 : True copy of reply given by Resp.No.1
Ex.P.8 : True copy of MVA report
Ex.P.9 : True copy of charge sheet
Ex.P.10 : True copy of requisition
Ex.P.11 : Certified copy of order sheet in CC No.159/2024
Ex.P.12- 14: OPD cards
Ex.P.15 : Revisit card
Ex.P.16 : Discharge summary
Ex.P.17 : Disability certificate
Ex.P.17[a] : Signature of PW.2
Ex.P.18 -22: X-ray 5 in numbers
Ex.P.23 : Beneficiary Identity card
Ex.P.24 : Medical bills 45 in numbers

Ex.P.25 : True copy of Case sheet

Ex.P.26 : X-ray

WITNESSES EXAMINED FOR THE RESPONDENTS:

Nil

EXHIBITS MARKED FOR THE RESPONDENTS:

Ex.R.1 : Copy of Insurance policy

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Dictated on : 18.07.2026

Transcribed on : 20.07.2026

checked on : 20.07.2026

Signed on : 20.07.2026

[TATTANDA DAMAYANTI SOMAYYA]
SENIOR CIVIL JUDGE & MACT
SULLIA, D.K. DISTRICT

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