



**IN THE COURT OF II ADDL. SENIOR CIVIL  
JUDGE AND ADDL. MACT., HUBBALLI**

**PRESENT:- SMT. DEEPA G. MANERKAR,**  
B. Com., LL.B., (Spl.)

II ADDL. SENIOR CIVIL JUDGE AND  
Addl. MACT., HUBBALLI

**DATED THIS 09<sup>TH</sup> DAY OF JULY 2026**

**MVC NO.184/2023 AND 185/2023**

**MVC No.184/2023**

**PETITIONERS** : 1. Shivamma W/o Devendrappa  
Metri  
Age: 52 years, Occ: Cook in Hostel,  
R/o: Budda Nagara, Near  
Maremma Temple,  
K.S. Sharma Campus,  
Gokul Road, Hubballi

**(By Sri. B.S.Malipatil, Adv.)**

**MVC No.185/2023**

**PETITIONERS** : 1. Shankrappa S/o Sheelappa  
Kadagud  
Age: 43 years, Occ: Service,  
R/o: Vidya Nagara,  
Shahapur, K.S. Sharma Campus,  
Gokul Road, Hubballi

**(By Sri. B.S.Malipatil, Adv.)**



**V/S.**

**RESPONDENTS** : 1. The Managing Director,  
North West Karnataka Road  
Transport Corporation,  
Central Office, Gokul Road,  
Hubballi

**(By Sri. A.R. Athani, Adv.)**

- |                                        |   |                                                                                    |
|----------------------------------------|---|------------------------------------------------------------------------------------|
| 1. Nature of the proceedings           | : | Grant of compensation on account of injuries caused in the Motor Vehicle accident. |
| 2. Date of institution of the petition | : | 20-03-2023                                                                         |
| 3. Date of recording of the evidence   | : | 10-06-2024                                                                         |
| 4. Date pronouncement of judgment      | : | 09-07-2026                                                                         |
| 5. Total duration:                     | : | Year/s   month/s   Day/s                                                           |
|                                        |   | 03            03            20                                                     |

**COMMON JUDGMENT**

These petitions are filed U/s.166 of I.M.V. Act seeking compensation in respect of injuries sustained in road traffic accident.



**2.** The petitions in MVC No.184/2023 and 185/2023 are filed against the respondent in said petitions seeking compensation of Rs.3,50,000/- and 5,50,000/- respectively on account of injuries sustained by the petitioners.

**3.** Vide order dated 04-04-2024 passed in M.V.C.No.185/2023, MVC No.184/2023 is clubbed with MVC No.185/2023. In both cases common evidence has been recorded. For the sake of convenience petitioner in MVC No.184/2023 by name Shivamma W/o Devendrappa Metri is referred to as petitioner No.1 and Shankrappa S/o Sheelappa Kadagud is referred to as petitioner No.2.

**4. The case of the petitioners in brief is:-**

On 11-12-2022, the petitioners were coming from Shahapur to Hubballi in Omini Car bearing Reg. No.KA-33/M-4457 and its driver drove it in moderate speed and by following traffic rules. When they reached near Doreswami Math, Bairanahalli village, Naragund Taluka at 5.00 a.m., at that time driver of bus bearing Reg No.KA-29/F-1423 drove it in rash and negligent manner so as to endanger human life and dashed against Omini bearing Reg. No.KA-33/M-4457 as a



result of which the petitioners sustained grievous injuries.

**5.** Immediately after the accident the petitioners were shifted to Government Hospital, Naragund and thereafter shifted to KIMS Hubballi. The petitioner No.2 spent more than Rs.3,50,000/- towards medical and hospital expenses. The petitioner No.2 is unable to work in the office as before and his mobility component is severely affected.

**6.** At the time of accident the petitioners No.1 was hale and healthy and was earning Rs.15,000/- per month from her work and petitioner No.2 was serviceman and was earning Rs.25,000/- per month. Due to accident their earnings are affected. The family members of petitioners are in critical condition and depressed and their life has come on cross roads.

**7.** The accident occurred due to rash and negligent act of driver of NWKRTC bus bearing Reg. No.KA-29/F-1423. Hence, respondent being the owner and insurer is liable to pay compensation to the petitioners. Hence the petitions.



**8.** After service of notice in both the cases the respondent has appeared through counsel and filed objections. Since objections are filed in both the case in one and the same, in order to avoid repetition the Written Statement filed in both cases is summarized as under:-

It is contended that the present petitions are false, baseless, created and concocted and vexatious and against the provisions of law as such the same is not maintainable either in law or on facts. It is contended that, vehicle bearing No. KA 29/F-1423 has been implanted by the police by colluding with petitioner in order to make unlawful gain from respondent. The present petition is bad for non-joinder and mis-joinder of necessary parties as the owner and insurance company of the vehicle bearing No.KA-33/M-4457 are not made party to this proceeding. Hence on this ground alone the petition deserves to be dismissed in limine. As appears on record that the petitioner sustained injuries due rash and negligent driving of Omni Car bearing No. KA 33 M-4457 by its driver. That without prejudice to the rights and contentions and without admitting any liability the answering



respondent further submits that if any compensation is awarded by this Court whether interim or final to the petitioners, such compensation may be directed to be deposited through the process of NEFT/RTGS directly to the bank accounts of the petitioners. It is further contended that the petitioners may be directed to furnish the details of their bank accounts, along with NEFT/RTGS details along with their Aadhaar card and PAN card details.

9. That at amount of compensation claimed by the petitioners on all heads to the extent of 3,50,000/- is highly exorbitant and without any basis and the petitioners are not at all entitled for the same. Without prejudice to the foregoing submission it is contended that in case the negligence of the accused driver is proved and the award is passed in favour of the petitioners and against answering respondent then the petitioners if found entitled for any interest, then it should be payable as per the prevailing interest rate which is payable on deposit and as per the provisions of section 4 of CPC and section 147 of MV Act or in case there is some local amendment to rules in regard to interest it should be inserted here suitably. That the



petitioners are not entitled to any compensation or interest whatsoever, however without prejudice to the foregoing submissions. That the petitioners are not entitled to payment of any interest whatsoever for the period of delay caused by the petitioners in furnishing the medical documents or disability certificate or any other documents. Further, period of any delay which was not caused by respondent or was beyond the control of respondent must be excluded from payment/levy of interest.

10. As per section 158(6) of M.V Act, it is mandatory duty of the concerned police station to forward all the relevant documents to the concerned within 30 days from the date of the information. But jurisdictional Police station has failed to forward the document till this date and not complied with the statutory demand and as such the claim may kindly be dismissed. Without prejudice to the above contention and without admitting liability the petitioners are not entitled to claim any interest, if any, on non-pecuniary damages as per observations of the judgment of the Hon'ble Apex Court. Hence prayed for dismissal of the petitions.



**11.** On the basis of the above pleadings, the following issues have been framed:-

**ISSUES**

**ISSUES IN MVC NO.184/2023**

**1.** Whether the petitioners prove that on 11-12-2022, around 5.00 a.m., the petitioner and Shankrappa S/o Shivappa Kadagud, Chandrashekar Naikal, Devamma Chikkahesarura, Mallikarjuna Bhandari were coming from Shahapur to Hubballi for the purpose of President of Karnataka State Labour daily wages Mahamandali in the Dr. K.S. Sharma's Campus, that the Shankrappa Kadagoda was driving the Omini Car, and he was driving his vehicle on left side of the road, abiding all the traffic rules, when he came near Doreswami Math Bairanahalli village of Naragund, at that time NWKRTC Bus bearing No.KA-29/F-1423, was driven by its driver in rash and negligent manner, endangering to human body and coming opposite of the petitioner vehicle and hit to the petitioner's Maruti Omini bearing No.KA-33/M-4457 and thereby accident occurred? If so, whether the petitioners prove that they sustained grievous injuries due to alleged accident?



2. Whether the petitioners prove that they are entitled for compensation? If so, how much and from whom?
3. What order or award?

### **ISSUES IN MVC NO.185/2023**

1. Whether the petitioners prove that on 11-12-2022, around 5.00 a.m., while the petitioner and Shivamma Metri, Chandrashekar Naikal, Devamma Chikkaheesarura, Mallikarjuna Bhandari were coming from Shahapur to Hubballi for the purpose of President of Karnataka State Labour daily wages Mahamandali in the Dr. K.S. Sharma's Meeting, the petitioner was the driver of the Omini Car and he was going left side of the road and abiding all traffic rules in between near Doreswami Math Bairanahalli village of Naragund, at that time NWKRTC Bus bearing No.KA-29/F-1423, was driven by its driver in rash and negligent manner, endangering to human body and coming opposite of the petitioner vehicle and hit to the petitioner's Maruti Omini bearing No.KA-33/M-4457 and thereby accident occurred? If so, whether the petitioners prove that they sustained grievous injuries due to alleged accident?



2. Whether the petitioners prove that they are entitled for compensation? If so, how much and from whom?
3. What order or award?

**12.** To prove the case of the petitioners, the petitioner in MVC No.185/2023 examined as PW-1 and got marked Ex.P.1 to 30 documents, the petitioner in MVC No.184/2023 is examined as PW-2 and got marked Ex.P.31 to 50 documents. The driver of the bus bearing Reg. No.KA-29/F-1423 got examined as RW-1 and R.W.2 in both the cases and got marked Ex.R.1.

**13.** Heard arguments from both side Counsels and perused the records.

**14.** My findings on the issues is as under:

**MVC NO.184/2023 and 185/2023**

Issue No.1 : In the affirmative.

Issue No.2 : Partly in the Affirmative

Issue No.3 : As per the final

order, for the following :-



**~:: R E A S O N S ::~**

**15. ISSUE NO.1 IN M.V.C.NO.184/2023 and 185/2023:-** Since these issues are interlinked, they are taken up together for common discussion to avoid repetition of facts and reasoning.

It is specific case of the petitioners that on 11-12-2022, the petitioners were coming from Shahapur to Hubballi in Omini Car bearing Reg. No.KA-33/M-4457 and its driver drove it in moderate speed and by following traffic rules. When they reached near Doreswami Math, Bairanahalli village, Naragund Taluka at 5.00 a.m., at that time driver of bus bearing Reg No.KA-29/F-1423 drove it in rash and negligent manner so as to endanger human life and dashed against Omini bearing Reg. No.KA-33/M-4457 as a result of which the petitioners sustained grievous injuries.

**16.** The respondent in his objections has contended that vehicle bearing No. KA 29/F-1423 has been implanted by the police by colluding with petitioner in order to make unlawful gain from respondent.



**17.** To prove the case of the petitioners, the petitioner No.1 examined as PW-2 and petitioner No.2 is examined as P.W.1, in the affidavit filed in lieu examination-in-chief they have reiterated petition averments. As regard this issue is concerned in support of oral testimony of petitioners herein have produced Ex.P-1 to 8 documents. Ex.P.1 is certified copy of FIR in crime No.184/2022 of Navalgund P.S. as per which case has been registered against the driver of NWKRTC bus bearing Reg. No.KA-29/F-1423 by name Mallappa Shivappa Gurikar for the offences punishable under Sec.279, 337 and 338 of IPC. Ex.P-2 is the certified copy of complaint as per which one Vijayamant S/o Gurupad Angadi has lodged complaint alleging that on 11-12-2022, at about 5.00 am., complainant along with others were coming from Shahapur to Hubballi in Omini Car bearing Reg. No.KA-33/M-4457 and its driver drove when they reached near Doreswami Math, Bairanahalli village, Naragund Taluka at 5.00 a.m., at that time one bus came from Bagalkot, the driver of bus drove it in rash and negligent manner so as to endanger human life and dashed against Omini as a result of which the



petitioner No.1 sustained grievous injuries on his right cheek, right eye, eyebrow and neck and shoulder. Whereas petitioner No.2 sustained injuries on her forehead, left knee and other inmate by name Chandrashekhar had also sustained injuries. The bus which caused accident is bearing No.KA-29/F-1423, the accident occurred during rash and negligent driving of bus bearing No.KA-29/F-1423 by its driver.

**18.** Ex.P-3 is certified copy of spot panchanama, Ex.P.4 is certified copy of spot map, Ex.P5 is the certified copy of vehicle seizer report, Ex.P.6 is certified copy of IMV Report, Ex.P-7 is the certified copy of charge sheet as per which the driver of bus bearing Reg.No.KA-29/F-1423 by name Malappa S/o Shivappa Gurikar has been charge sheeted for the offence under Sec.279, 337, 338 of IPC.

**19.** In the cross examination of P.W.1 he admits that foglamp is seen as per photo taken at the time of panchanama, however he denied that on 11-12-2022 there was a rain as such he was driving in motorcycle in high speed. He admits that there were humps near the spot of accident but he stated that in Ex.P.4 it can



be seen that the bus was coming from Bagalkot on its right side. He denied the suggestion that he tried to overtake cruiser vehicle and he himself dashed the bus on its right side. The said witness further stated that bus itself has dashed against right side of his vehicle. On perusal of IMV report at Ex.P.6 the damages caused to Maruti Omni bearing Reg. No.KA-33/M-4457 is on front right side bumper and head light glass, front door were damaged. Front right side bumper head light indicator of bus bearing Reg. No.KA-29/F-1423 was damaged. In this regard the bus driver of respondent is examined as R.W.1 and 2 in both the cases. In the cross examination of R.W.2 he admitted that he himself was driving the bus though he denied the suggestion that due to accident occurred due to his rash and negligent driving, admittedly Ex.P.6 charge-sheet has been filed.

**20.** It is settled law that in a claim petition, the claimant need not prove the happening of events beyond reasonable doubt and the rule of preponderance of probability would apply in such cases. **In the decision reported in AIR-2009-SC-2819 13-SCC Transport Corporation and others.)** “it



has been observed that in a road accident, the strict principles of proof as in a criminal case are not attracted. Relevant portion of the said decision is reproduced as follows: “In a situation of this nature, the tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus, in a particular manner, may not be possible to be done by the claimants. The claimants were merely to establish their case on the basis of touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied. For the said purpose, the High Court should have taken into consideration the respective stories set forth by both the parties”.

**21.** The Hon'ble Supreme Court in the decision in **AIR-1980- SC-1354 (NKV Brothers (P). Ltd.V/s M.Karumai Ammal and others)** has observed that court/ Tribunal tribunal should not succumb to niceties technicalities and mystic. Special care must be taken to see that innocent victims do not suffer and drivers and owners do not escape liability merely because of some doubt here or obscurity, there.



Except in some cases, culpability must be inferred from circumstances where it is reasonable. It is pertinent to make note that the degree of proof required for proving negligence on the part of the driver in the present proceeding is not similar as that of accused in criminal trial. The intent of present legislation is benevolent and the entire purpose of the legislation is likely to be defeated if in each case the petitioner is asked to prove beyond reasonable doubt the involvement and negligence on the part of driver.

**22.** In the present case also by applying the said principles it can be safely held that the accident occurred due to rash and negligent driving of driver of bus bearing Reg No.KA-29/F-1423. As the petitioners in above cases proved the above issues, same are answered in the **affirmative**.

**23. ISSUE NO.2 IN MVC NO.184/2023 and 185/2023:** The petitioner No.1 and 2 have claimed total compensation of Rs.3,50,000 and 5,50,000/- respectively under different heads.

Now the question is to see the just and reasonable compensation to which the petitioners are entitled. In this



regard it is necessary to refer to the decision of Hon'ble Apex court reported **in 2011(1) SCC 343 (Rajkumar Vs.Ajay Kumar)**, The Hon'ble Apex Court has mentioned the following heads under which the compensation is to be awarded in personal injury cases.

24. In this regard it is necessary to refer to the decision of Hon'ble Apex court reported **in 2011(1) SCC 343 (Rajkumar Vs.Ajay Kumar)**, The Hon'ble Apex Court has mentioned the following heads under which the compensation is to be awarded in personal injury cases.

**A. Pecuniary damages(Special damages)**

- I. Expenses relating to treatment, hospitalization, medicines, transportation, nourishing, food and miscellaneous expenditure.
- II. Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:
  - a) Loss of earnings during the period of treatment;
  - b) Loss of future earnings on account of permanent disability.
- III. Future medical expenses.

**B. Non-pecuniary damages(General damages)**

- IV. Damages for pain, suffering and trauma as a consequence of the injuries.



V. Loss of amenities (and/or loss of prospects of marriage)

VI. Loss of expectation of life (shortening of normal longevity).

Now it is necessary to examine under which heads the petitioner is entitled for compensation.

**25. THE HEAD OF EXPENSES RELATING TO TREATMENT, HOSPITALIZATION, MEDICINES, TRANSPORTATION, NOURISHING FOOD AND MISCELLANEOUS EXPENDITURE.**

As per the petitioners, soon after the accident they were shifted to Government Hospital for first Aid and shifted to KIMS Hospital, Hubballi wherein the petitioner No.1 was treated as indoor patient for one week and the petitioner No.2 was shifted to KIMS Hospital, Hubballi wherein she was treated as indoor patient for two weeks and still under treatment.

In this regard petitioner No.2 who is examined as P.W.1 has produced Ex.P.9 to 28 medical bills, prescriptions, X-ray, lab report and petitioner No.1 has produced Ex.P.32 to 50 medical bills, prescriptions, X-ray and lab report. However, Ex.P.23 to 25 are vehicle repair bills. There is nothing in petition about the said amount and present petition is filed seeking compensation on account of injuries sustained by petitioners and not in



respect of vehicle damages. Since Ex.P.23 to 25 are vehicle repair bills the petitioner No.2 is not entitled for amount mentioned in Ex.P.23 to 25. However, the total amount mentioned in the Ex.P.11, 12, 13, 14, 15, 22 medical bills is Rs.**10,096/-**. Hence, the petitioner No.2 is entitled for Rs.**10,096/- under this head.**

26. The petitioner No.1 who is examined as P.W.2 has produced Ex.P.33 to 50 medical bills, X-ray and prescriptions. However, on perusal of Ex.P.38 to 42, 43, 44, 45, 46 they are the documents issued by one Chatriki Clinic and Kalyan Clinic the said bills are hand written bills and there is no any case-sheet produced by petitioner No.1 to show that on 20-12-2022, 16-12-2022, 13-12-2022, 05-01-2023, 30-12-2023, 10-01-2023, 25-12-2023, 16-01-2023 the petitioner No.1 was in daycare in said clinics and towards consultation, day care and nursing fees he paid the amount mentioned in above bills. The petitioner No.1 has not examined any doctor to establish treatment taken by him in above said clinics and on account of the same he incurred expenses mentioned in Ex.P.38 to 46. There is also no any pleading in petition that petitioner No.1 was under treatment in above clinic. In the absence of same the petitioner No.1 is not entitled for amount mentioned in



Ex.P.39 to 46. Hence the petitioner No.1 is entitled for Rs.**4,616/-** under this head.

27. Relating to hospitalization and transportation and nourishment food and other miscellaneous expenditure are concerned the petitioners have not produced the discharge card to show that they were hospitalized for treatment and they have spend some amount for hospitalization, food and nourishment etc.,. Therefore, the petitioners are not entitled for any amount under this head.

28. **THE HEAD OF LOSS OF EARNINGS DURING THE PERIOD OF TREATMENT AND LAID UP PERIOD:-**

Though averred in the petition that after the accident were shifted to Government Hospital, Naragund and thereafter shifted to KIMS Hubballi, however, the petitioners have not produced any discharge summary or other documents to prove that for how many days they were admitted in said hospitals. Hence the petitioners are not entitled for any amount under this head.



29. **THE HEAD OF LOSS FUTURE EARNINGS ON ACCOUNT OF PERMANENT DISABILITY; THE HEAD OF FUTURE MEDICAL EXPENSES ;**

The next question is what is the percentage of permanent physical disability caused to the petitioners due to the accident. However, the petitioners have not produced any documents to prove that due to accident they are permanently disabled. Hence the petitioners are not entitled for any amount under this head.

30. **THE HEAD OF PAIN AND SUFFERINGS:**

Ex.P.8 is the certified copy of wound certificate of the petitioner No.1 and Ex.P.32 is certified copy of wound petitioner No.2. As per Ex.P.32 the petitioner No.1 sustained CLW of size 5 X 2 X 1 c.m., over forehead, restriction of movement of left knee joint. Therefore, the petitioner No.1 must have suffered pain, suffering as a consequence of the injuries and it needs to be compensated. The petitioner No.1 is entitled for **Rs.10,000/-** under this head.

As per Ex.P.8 the petitioner No.2 has sustained CLW of size 4 X 1 X 1 c.m., over right supra orbital region, CLW



of size 4 x 1 x 1 cm., over right cheek region, Tenderness and swelling and abnormal mobility muted over distal. 1/3rd of forearm (left). Therefore, the petitioner No.2 must have suffered pain, suffering as a consequence of the injuries and it needs to be compensated. The petitioner No.2 is entitled for **Rs.15,000/-** under this head.

31. **HEAD OF LOSS OF AMENITIES:**

There is nothing on record placed by the petitioners to show that due to the accident the petitioners have lost amenities in life. Therefore, in the absence of any evidence on record they are not entitled for any amount under this head.

32. **HEAD LOSS OF EXPECTATION OF LIFE (SHORTENING OF NORMAL LONGEVITY).**

The medical records do not disclose that the injuries which are sustained by the petitioner No.1 and 2 have shortened the normal longevity of them. Therefore, in the absence of any evidence on record they are not entitled for any amount under this head.



33. As already discussed above, the petitioner is entitled for compensation under following heads:-

|    |                                                                                                                                              |                                            |
|----|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. | Expenses relating to medical treatment, hospitalization, transporting.<br>Petitioner No.1 in MVC 184/2023<br>Petitioner No.2 in MVC 185/2023 | Rs.4,616/-<br>Rs.10,096/-                  |
| 2  | Loss of earning during the period treatment and laid up period                                                                               | --                                         |
| 3  | Loss of future income                                                                                                                        | --                                         |
| 4  | The head of pain and sufferings:<br>Petitioner No.1 in MVC 184/2023<br>Petitioner No.2 in MVC 185/2023                                       | Rs.10,000/-<br>Rs.15,000/-                 |
| 5  | Head of loss of amenities                                                                                                                    | --                                         |
|    | Total<br>Petitioner No.1 in MVC 184/2023<br>Petitioner No.2 in MVC 185/2023                                                                  | <b>Rs. 14,616/-</b><br><b>Rs. 25,096/-</b> |

34. Pertaining to interest on the award amount, in the decision between **Vijay Ishwar Jadhav and others V/s Ulrich Belchior Fernandes and another in MFA No.100090/2014 dated: 07-03-2018**, the Hon'ble High



Court of Karnataka, Dharwad Bench has held that “ In the absence of any other law relating to interest on judgments, the MACT has to follow the provisions of Sec.34 of CPC. Thus, in the given circumstances of the case, interest at the rate of more than 6% could not have been awarded”. Thus it is clear that interest at the rate of 6% can only be awarded on the compensation amount as per the above ruling.

35. **LIABILITY TO PAY COMPENSATION:**

The counsel for the respondent argued that the accident has taken place at Naragund Taluk, the address of the petitioners are shown as Shahapur, the bus in question pertains to Bijapur depot, they have not produced any documents they are residing at Hubballi. Hence, this court has no jurisdiction to try the petitions. In support of his arguments he relied upon decision reported in **MFA No.103027/2016 dt:14-11-2025 in between Mallappa S/o Bhimappa Harijan and another Vs. Nagesh S/o Kuberappa Hesrambi and another.**



36. On the contrary the counsel for petitioners argued that as per Sec.166 (3) of MV Act the petitioners can file petition in any of the three places. Since the respondent is carrying on business in Hubballi and also Managing Director is made party this court has jurisdiction to try the petition. I have gone through above decision relied upon by the counsel for respondent in the present case as per petition averments the accident took place Bhairanahalli village, Naragund Taluk. Though petitioners have mentioned their address in the cause title of the petition as K.S. Sharma Campus, Gokul road, Hubballi they have not produced any documents. However, as rightly argued by the counsel for respondent, the depot manager is not made as party and on the other hand, the managing director of NWKRTC is made as party. It is undisputed fact that the said NWKRTC is carrying on its business at Hubballi. Therefore, in view of **Sec.166(3)** of MV Act this tribunal is having jurisdiction to try the petition. Since in the decision



relied upon by counsel for the respondent, the petitioners were not residing at Hubballi and the respondent No.2 was not having branch in Hubballi the Hon'ble High Court has held that said claim petition is not maintainable. As in the present case the respondent is carrying on business at Hubballi this tribunal has jurisdiction to try the present petition.

**37.** The next question is who has to pay compensation to the petitioners. As discussed above. The accident is caused due to rash and negligent driving of driver of NWKRTC bus bearing Reg. No.KA-29/F-1423 by its driver belonging to respondent. The respondent being the owner is liable to pay compensation to the petitioners. In view of the above discussion, it is concluded that the petitioner No.1 (petitioner in MVC 184/2023) is entitled to amount of **Rs.14,616/-** and petitioner No.2 (petitioner in MVC No.185/2023) is entitled for **Rs. 25,096/-** with interest of 6% from the date of petition till realization. Accordingly



issue No.2 is answered **partly in the affirmative.**

38. **ISSUE NO.3**:- In view of findings on issue No.1 and 2, this court proceeds to pass the following:

**~:: ORDER ::~**

The petition filed by the petitioner U/Sec. 166 of M.V. Act claiming the compensation is hereby partly allowed with costs.

The petitioner No.1 ( petitioner in MVC No.184/2023) is entitled to the compensation of **Rs.14,616/-** and petitioner No.2 ( petitioner in MVC No.185/2023) is entitled to the compensation of Rs. **25,096/-** with future interest at the rate of 6% p.a., from the date of petition till realization.

The respondent is directed to deposit the award amount before this Tribunal within 3 months.

Since the amount awarded is very



meager, on deposit being made entire amount is ordered to be released in favour of the petitioners after proper identification.

Advocate fee is fixed at Rs.500/-.

Draw award accordingly.

Keep the original copy of this judgment in MVC No.185/2023 and copies of the said judgment in MVC No.184/2023.

(Dictated to the Stenographer directly on computer and typed by her, corrected by me and then pronounced in the open court on this the 09<sup>th</sup> day of July 2026.)

**Sd/-**

**(Smt. Deepa G. Manerkar)**  
**II Addl. Senior Civil Judge &**  
**Addl. MACT, Hubballi.**

**~:: ANNEXURE ::~**

**I. Witnesses examined for the Petitioner:**

PW.1 : Shankrappa S. Kadagud  
PW.2 : Shivamma D. Metri

**II. Documents exhibited by the Petitioners :**

Ex.P1 : C.C. of F.I.R.



Ex.P2 : C.C. of Complaint  
Ex.P3 : C.C. of Spot panchanama  
Ex.P4 : C.C. of Hand sketch map  
Ex.P5 : C.C. of Vehicle seizer panchanama  
Ex.P.6 : C.C. of IMV Report  
Ex.P.7 : C.C. of charge sheet  
Ex.P8 : C.C. of Wound certificate  
Ex.P9 and 10: Medical Prescriptions  
Ex.P11 to 22: Medical bills  
Ex.P23 to 25: Vehicle repair bills  
Ex.P26 : Lab report  
Ex.P27 7 28: X-ray films  
Ex.P29 : C.C. of Driving license  
Ex.P30 : C.C. of R.C.  
Ex.P31 : C.C. of ER Record  
Ex.P32 : C.C. of Wound certificate  
Ex.P33 to 45: Medical bills  
Ex.P46 to 49: Medical Prescriptions  
Ex.P50 : X-ray films

### **III. Witnesses examined for the Respondents :**

RW.1 : Mallappa S. Gurikar  
(MVC No.185/2023)



RW.2 : Mallappa S. Gurikar  
(MVC No.184/2023)

**IV. Documents exhibited by the Respondents :**

Ex.R.1 & 2: Authorization letter

**Sd/-  
(Smt. Deepa G. Manerkar)  
II Addl. Senior Civil Judge &  
Addl. MACT, Hubballi.**