

KADW200016352024



IN THE COURT OF THE I ADDL. SENIOR CIVIL
JUDGE AND ADDL. M.A.C.T., HUBBALLI.

Present:

SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Addl. Senior Civil Judge & Addl. MACT,
Hubballi.

Dated this the 13th day of August, 2026

M.V.C. No.221/2024 C/w M.V.C. No.222/2024 AND
M.V.C. No.223/2024

PARTIES IN M.V.C. No.221/2024:

PETITIONER Kiran S/o Manoharsa Jituri,
Age:42 years, Occ:Nil,
R/o.#108/6, Ramakrishna
Nilaya Toravi Hakkal,
Hubballi.

(By Sri. S.K. Patil, Advocate)

PARTIES IN M.V.C. No.222/2024:

PETITIONER : Samruddhi D/o Kiran Jituri,
Age:05 years, Occ:Student,
R/o.#108/6, Ramakrishna
Nilaya Toravi Hakkal,
Hubballi.

Represented by M/G natural
mother of petitioner Smt.
Priya W/o Kiran Jituri,



Age:29 years, Occ:Nil,
R/o.#108/6, Ramakrishna
Nilaya Toravi Hakkal,
Hubballi.

(By Sri. S.K. Patil, Advocate)

PARTIES IN M.V.C. No.223/2024:

PETITIONER : Priya W/o Kiran Jituri,
Age:29 years, Occ:Nil,
R/o.#108/6, Ramakrishna
Nilaya Toravi Hakkal,
Hubballi.

(By Sri. S.K. Patil, Advocate)

V/s

COMMON RESPONDENTS IN ALL CASES:

RESPONDENTS : 1. Premanath S/o Kasghappa
Chikkatumbal, Age:40 years,
Occ:Business, R/o.#247,
Gokul Road, Kotiling Nagar,
Hubballi.

(Owner of the Car bearing
Regn. No.KA-25-AB-3405)

2. National Insurance Co. Ltd.,
Represented by its Regional
Officer Division office 3rd
Floor, Kusugal Road,
Keshwapur, Hubballi.
(Policy



No.61010031221348765030
valid from 19.01.2023 to
18.01.2024)

(R-1 by Sri. Kulkarni S.K., Adv.,
R-2 by Sri. R.R. Nadgir, Adv.,)

COMMON JUDGMENT

The petition in MVC No.221/2024 is filed by the petitioner/Kiran U/Sec.166 of Motor Vehicles Act, claiming compensation of Rs.57,00,000/- together with costs and interest for the injuries sustained by him in the road traffic accident.

The petition in MVC No.222/2024 is filed by the petitioner/Samruddhi U/Sec.166 of Motor Vehicles Act, claiming compensation of Rs.12,00,000/- together with costs and interest for the injuries sustained by him in the road traffic accident.

The petition in MVC No.223/2024 is filed by the petitioner/Priya U/Sec.166 of Motor Vehicles Act, claiming compensation of Rs.12,00,000/- together



with costs and interest for the injuries sustained by him in the road traffic accident.

2. The brief facts of cases of petitioners in all the cases are that, on 28.11.2023, at about 19.00 to 19.25 hours, when the petitioners are proceeding in the motorcycle bearing Reg. No.KA-25-EE-2845, (the petitioner -Kiran was riding the said motorcycle and the other petitioners (Samruddhi and Priya) were the pillion riders), from Mallamma colony towards Airport, when they reached reach Gokul Road, Hubballi, at that time, the driver of the car bearing Reg. No.KA-25-AB-3405 came from Tarihal under bridge towards Hubballi, in a great speed, rash and negligent manner and dashed against the petitioners motorcycle. As a result of which, the petitioners fell down and sustained grievous injuries.

Immediately after the accident, the petitioners were shifted to Vivekanand Hospital, Hubballi,



wherein the petitioners have taken treatment and spent more than Rs.10,00,000/- towards medical expenses.

Prior to accident the petitioner/Kiran was hale and healthy and doing work in Pan shop and earning Rs.25,000/- per month and contributing entire income to the family. Due to the said accident, the Petitioner/Kiran is now unable to do any work.

Prior to accident the petitioner/Samruddhi was hale and healthy aged about 5 years. Due to the said accident, the Petitioner/Samruddhi has become dull and lost concentration over mind and has become permanent disable.

Prior to accident the petitioner/Priya was hale and healthy and working as Tailor and earning Rs.20,000/- per month and contributing entire income to the family. Due to the said accident, the Petitioner/Priya is now unable to do any work.



The accident was occurred due to rash and negligent driving of car bearing Reg. No.KA-25-AB-3405. The Respondent No.1 is the owner of the said car and he has insured his vehicle with Respondent No.2 and as on the date of accident, the policy is in force. Hence, they are held liable to pay the compensation to the Petitioners.

After the accident the PSI Hubballi North police, has registered the criminal case in Crime No.120/2023 against unknown person for the offences U/s.279 and 338 of IPC, and Sections 134 (a & b) and 187 of IMV Act, thereafter after the investigation, Investigating Officer has filed charge sheet against the driver of the car i.e., Abdulrazak Ajamathkhan S/o Kashimsaab @ Kashimkhan for the alleged offences punishable under Sections 279 and 338 of IPC and Sections 134(A & B) and 187 of IMV Act. Hence, the petitioners have filed these



petitions claiming compensation.

3. After service of notice, the respondent Nos.1 and 2 have appeared through their respective Counsels and filed their respective objections.

3.01. The respondent No.1 in his objection has clearly admitted that he is the owner of the car bearing Reg. No. KA-25-AB-3405 and contended that the accident was not occurred due to rash and negligent act of driver of the said car. The accident was occurred due to rash and negligent riding of the petitioners. Further contended that as on the date of accident, the petitioners are proceeding in the said motorcycle in triple riding and violated the traffic rules. Further denied the age and income of the petitioners. Further contended that as on the date of accident, the driver is having valid and effective driving license and contended that he has insured his



said vehicle with respondent No.2 and as on the date of accident policy is in force. If the Court comes to the conclusion that the petitioners are entitle for any compensation, the same may be fasten against the respondent No.2 and prays to dismiss the petitions against respondent No.1.

3.02. The respondent No.2 in his objections has denied the entire Plaint averments and admitted that the respondent No.1 is the owner of the said car and he has insured his vehicle with respondent No.2 and as on the date of accident policy is in force. Further contended that as on the date of accident the driver of the said car was not having valid and effective driving license to drive the said car. Knowing fully well that the said driver was not having valid and effective driving license, the respondent No.1 has handed over the said vehicle to the driver and violated the terms and conditions of the policy.



Hence, respondent No.2 is not liable to pay the compensation to the petitioners. The accident was occurred due to rash and negligent act of petitioners since they are moving in triple riding. Even the rider of the motorcycle is also not having valid and effective driving licenses. Further denied the age and income of the petitioners. Further contended that the compensation claimed by the Petitioners are highly exorbitant, without any basis. Hence, prays to dismiss the Petition.

4. On the basis of the above pleadings of the parties this court has framed the following:-

ISSUES in MVC No.221/2024

1) Whether the Petitioner proves that he had sustained Injuries in a Road Traffic Accident which occurred on 28.11.2023 at 19.25 hours at Gokul Road, Opp Airport, Hubballi, by the rash and negligent riding of the rider of the motorcycle bearing Reg. No.KA-25/EE-2845 ?



2) *Whether the Petitioner is entitled for the compensation as prayed for ? If yes, what is the quantum and who is liable to pay ?*

3) *What Order or Award ?*

ISSUES in MVC No.222/2024

1) *Whether the Petitioner proves that she had sustained Injuries in a Road Traffic Accident which occurred on 28.11.2023 at 19.25 hours at Gokul Road, Opp Airport, Hubballi, by the rash and negligent riding of the rider of the motorcycle bearing Reg. No.KA-25/EE-2845 ?*

2) *Whether the Petitioner is entitled for the compensation as prayed for ? If yes, what is the quantum and who is liable to pay ?*

3) *What Order or Award ?*

ISSUES in MVC No.223/2024

1) *Whether the Petitioner proves that she had sustained Injuries in a Road Traffic Accident which occurred on*



28.11.2023 at 19.25 hours at Gokul Road, Opp Airport, Hubballi, by the rash and negligent riding of the rider of the motorcycle bearing Reg. No.KA-25/EE-2845 ?

2) Whether the Petitioner is entitled for the compensation as prayed for ? If yes, what is the quantum and who is liable to pay ?

3) What Order or Award ?

5. In order to prove the case, the Petitioner/Kiran has been examined as PW1, and got marked documents at Ex.P.1 to P10 and Ex.P16 to 19 and closed his side evidence. On behalf of Petitioner/Samruddhi, her mother Priya got examined herself as PW2, and got marked documents at Ex.P11 and Ex.P12 and closed her side evidence. The petitioner/Priya got examined herself as PW3 and got marked documents at Ex.P13 to Ex.P15 and closed her side evidence. Dr.Madhuchandra who examined petitioner/Priya has been examined as PW4;



Dr.Virendra.K who examined petitioner/Kiran has been examined as PW5.

6. Heard the arguments, perused the material on record, on that basis my findings on the above issues in all the cases are as under:-

IN MVC No.221/2024

- Issue No.1 : In the negative.*
Issue No.2 : Partly in the Affirmative.
Issue No.3 : As per final order,
for the following:

IN MVC No.222/2024

- Issue No.1 : In the negative.*
Issue No.2 : Partly in the Affirmative.
Issue No.3 : As per final order,
for the following:

IN MVC No.223/2024

- Issue No.1 : In the negative.*
Issue No.2 : Partly in the Affirmative.
Issue No.3 : As per final order,
for the following:



REASONS

7. **Issue No.1 in MVC No.221/2024 to 223/2024:-** *The 1st issue is regarding the proving of the occurrence of accident as claimed in the petition whether due to rash and negligent act of rider of the motorcycle bearing Reg. No.KA-25-EE-2845 or due to rash and negligent act of driver of the car bearing Reg. No.KA-25-AB-3405.*

8. *The case of petitioners is that :*

a) *on 28.11.2023, at about 19.00 to 19.25 hours, when the petitioners are proceeding in the motorcycle bearing Reg. No.KA-25-EE-2845, (the petitioner -Kiran was riding the said motorcycle and the other petitioners (Samruddhi and Priya) were the pillion riders), from Mallamma colony towards Airport, when they reached reach Gokul Road, Hubballi, at that time, the driver of the car bearing Reg. No.KA-25-AB-3405 came from Tarihal under*



bridge towards Hubballi, in a great speed, rash and negligent manner and dashed against the petitioners motorcycle. As a result of which, the petitioners fell down and sustained grievous injuries.

b) Immediately after the accident, the petitioners were shifted to Vivekanand Hospital, Hubballi, wherein the petitioners have taken treatment and spent more than Rs.10,00,000/- towards medical expenses.

c) The accident was occurred due to rash and negligent driving of car bearing Reg. No.KA-25-AB-3405.

9. On the other hand, the respondent No.1 has contended that he is the owner of the car bearing Reg. No.KA-25-AB-3405 and the accident was not occurred due to rash and negligent act of driver of the said car. The accident was occurred due to rash and negligent riding of the petitioners and the petitioners



are proceeding in the said motorcycle in triple riding and violated the traffic rules. Further denied the age and income of the petitioners. Further contended that as on the date of accident, the driver is having valid and effective driving license and contended that he has insured his said vehicle with respondent No.2 and as on the date of accident policy is in force. If the Court comes to the conclusion that the petitioners are entitle for any compensation, the same may be fasten against the respondent No.2 and prays to dismiss the petitions against respondent No.1.

On the other hand, the respondent No.2 has admitted that the respondent No.1 is the owner of the said car and he has insured his vehicle with respondent No.2 and as on the date of accident policy is in force. Further contended that as on the date of accident the driver of the said car was not having valid and effective driving license to drive the said



car. Knowing fully well that the said driver was not having valid and effective driving license, the respondent No.1 has handed over the said vehicle to the driver and violated the terms and conditions of the policy. Hence, respondent No.2 is not liable to pay the compensation to the petitioners. The accident was occurred due to rash and negligent act of petitioners since they are moving in triple riding. Even the rider of the motorcycle is also not having valid and effective driving licenses. Further denied the age and income of the petitioners. Further contended that the compensation claimed by the Petitioners are highly exorbitant, without any basis.

10. In order prove the case of the petitioners in all the cases, the Petitioner/Kiran examined himself as P.W.1 by filing evidence affidavit wherein he stated in consonance with petition case and also got marked documents at Ex.P-1 to P10. The PW-1 has



produced Ex.P-1 certified copy of the FIR, wherein it can be seen that Hubballi North PS has filed a case at Crime No.120/2023 against the unknown person; Ex.P2 is the Complaint, Ex.P3 is the crime details form, Ex.P4 is the seizure panchanama; Ex.P5 is the IMV Report, wherein it can be seen that the accident was not occurred due to mechanical defect of the vehicles, Ex.P6 is the wound certificate of the petitioner/Kiran wherein it can be seen that the petitioner has suffered (i) left comm. M/ 3 shaft femur; (ii) left femur fracture proximal ulna and femur; (iii) popliteal artery; (iv) CLW of 5 cms x 4 cms lateral over thigh. And the Doctor has opened that the injury Nos.1 to 3 are grievous in nature and injury No.4 is simple in nature. Ex.P7 is the charge sheet, wherein it can be seen that after the investigation, the Investigating Officer has filed charge sheet against the driver of the car (Abdul Razak Ajmatkhan) for the



offences punishable under Sections 279 and 338 IPC and Sections 134(A & B) and 187 of IMV Act. Ex.P8 is the order sheet in CC No.69/2024, wherein it can be seen that the driver of the car has pleaded guilty before the Court and paid fine of Rs.12,500/-; Ex.P9 and Ex.p10 are the discharge summaries.

*On careful perusal of the documents more specifically Ex.P1 to Ex.P8, wherein it can be clearly goes to show that the accident was occurred due to rash and negligent act of driver of the car. Further the Chargesheet/Ex.P7 and order sheet/Ex.P8, clearly goes to show that the accident was occurred due to rash and negligent act of driver of the car and not on the part of rider of the motorcycle bearing Reg. No.KA-25-EE-2845. On the other hand, the Respondents have not challenged the police papers. **Hence, I answer issue No.1 in all the cases in “Negative”.***



11. Issue No.2 in MVC No.221/2024: *This issue is regarding petitioner's entitlement for compensation as claimed in the petition. In the petition the age of the petitioner is mentioned as 42 years. But to prove the same, the Petitioner has not produced any document before the Court. Hence, the age mentioned in the wound certificate/Ex.P6 is taken into consideration. The age mentioned in the said document is 42 years. As the Respondents have not denied the age of the Petitioner, the same is taken into consideration for the purpose to ascertaining the compensation.*

12. *Further it is the specific case of the Petitioner that after the accident, he has sustained Grievous Injuries (i) left comm. M/3 shaft femur; (ii) left femur fracture proximal ulna and femur; (iii) popliteal artery; (iv) CLW of 5 cms x 4 cms lateral over thigh. And the Doctor has opened that the injury Nos.1 to 3 are*



grievous in nature and injury No.4 is simple in nature.

*Further in this case the petitioner stated in his petition that prior to the accident he was hale and healthy and was working in Pan shop and earning Rs.25,000/- per month. But to prove the same, the petitioner has not produced any document before the Court. Hence, in the absence of such material, the income of the petitioner is to be fixed notionally. It is pertinent to state here that, the Hon'ble Karnataka State Legal Service Authority prepared chart of notional income. At this juncture, it is profitable to refer Division Bench decision of Hon'ble High Court of Karnataka reported in **2017 ACJ 2436, (Krishnabai and others Vs Fedex Express Transportation and supply chain services (India) Pvt., Ltd., and another**, wherein at paragraphs No.11 it is held as under:*



“Repeatedly it has come to the notice of this court that, while this court has framed a chart or taking the notional income of the injured/deceased, the said chart is not been followed by the learned Tribunal. As mentioned in the case of Iqbalahamed Vs Vice Chairman, M/S Patel integrated Logistics Ltd., and another (MFA No.101018/2015 decided on 06.01.2017), the consequences of not following the chart by the learned Tribunal is that in variably the claimants approach this court with the plea that the income of the injured/deceased has not been assessed properly by the learned Tribunal. Considering the fact that, the chart prepared by this court has been followed by this court in its judgment, considering the fact that, a judgment of this court is binding on the learned tribunals, the learned tribunals are also duty bound to follow the chart prepared by this court.

*13. The said preposition of law has also been reiterated by Hon’ble High Court of Karnataka in another decision reported in **2018 SCC ONLINE KAR 2862, (LEGAL MANAGER IFFCO TOKIO GIC LTD., VS SRINIVASA AND OTHERS)**. Wherein at paragraph 6 it is held as under;*



“6. However, the court cannot ignore the notional income chart of the lok-adalath when there is no material evidence to prove the actual income. Going by the said chart for the accident year 2012, the notional income of the deceased ought to have been taken at Rs.7,000/-. Therefore, the notional monthly income stands upwardly altered from Rs.5,000 to Rs.7,000/-.

14. In this case also, on perusal of the record it shows that the injured was aged about 42 years and the accident was taken place in the year 2023. Hence, by considering the fact that there is no proof of income, by relying upon the guidelines issued by the Hon’ble KSLSA, this Tribunal is of the opinion that notional income of the injured could be assessed at Rs.16,250/- per month. In view of the above, this Tribunal is of the view that the petitioner who sustained the injuries is entitled for compensation under the following heads:

15. Loss of Future Income on account of



permanent Disability:- The doctor by name Dr. Virendra Kbhasme who has issued disability certificate/Ex.P23 to the petitioner has been examined as PW5. The doctor deposed in his evidence that, he has attended the petitioner when the petitioner was admitted as indoor patient in Vivekanand General Hospital, Hubballi. He has examined the petitioner and issued disability certificate. The petitioner was diagnosed to have Type III Fracture Zest Open fracture, femur fracture proximal leg bones fracture – vascular injury and doubtful viability. He was operated the petitioner on 29.11.2023 and debridement and CRIF and left femur I/L nail and proximal tibia plate popliteal artery report. Amputation below knee was done. He is of the opinion that the petitioner is suffering from 75% disability to left lower limb and it is permanent in nature.



During the course of cross-examination, said Doctor has stated that at the time of discharge, the petitioner was fit and he was recovered and femur fracture is not yet united. Further admitted that the disability is given only to part of particular body. As the Doctor has not assessed the disability to whole body of the petitioner, if 1/3rd of the above calculation is calculated, it would come to the whole body and it is just and proper to assess. Hence, if 1/3rd of disability is calculated, it comes to '25'.

*16. Further in this case the petitioner is aged about 42 years and the multiplier applicable to the petitioner as per decision laid down by Hon'ble Apex Court in **Sarala Verma's** case is at 14. The income taken as Rs.16,250/- x 12 x 14 x 25/100= Rs.6,82,500/-. Hence, the petitioner is entitled for compensation of Rs.6,82,500/ towards loss of Future Income.*



17. **Pain and suffering:-** The petitioner has sustained the grievous injuries in the accident. In the wound certificate also it clearly mentioned that the petitioner sustained grievous injuries and he has taken treatment as in patient in the Vivekananda Hospital, Hubballi. Having regard to the nature of injuries and also by considering the age of the petitioner it is just and proper to award Rs.5,000/- towards pain and suffering.

18. **Loss of income during laid up period:-** The petitioner has stated in his petition that prior to the accident he was hale and healthy and he was earning of Rs.25,000/- in Pan shop and due to accident he was unable to work and he requires follow up treatment. Hence, prays to award compensation for the said period. On perusal of documents, it shows that he is taking follow up treatment. Hence, by considering the nature of the



injuries sustained by the petitioner it is just and proper to award Rs.5,000/- towards loss of income during laid up period.

19. **Loss of amenities:-** *It is stated in the petition that the petitioner was aged about 42 years and due to the injuries the petitioner is not able to do his day today work. By considering the nature of injuries sustained by the petitioner it would be proper to award compensation of Rs.5,000/- towards loss of amenities.*

20. **Attendant charges, diet, nourishment and conveyance etc.:-** *In this case on perusal of the entire record and medical documents, it shows that petitioner was taken treatment as in patient in the hospital and at that time there must be one person to look after him and the petitioner might have spent the money for his extra diet and conveyance. By*



considering the facts and circumstances of the case, it is proper to award compensation of Rs.5,000/- towards attendant charges and extra diet and nourishment.

21. **Medical Expenses:-** *The petitioner has produced 82 computerized medical bills to the tune of **Rs.9,03,157/-** as per Ex.P18; and 61 prescriptions at Ex.P19. On the other hand the respondent No.2 has denied the said medical bills and produced the investigation report at Ex.R9, wherein the respondent No.2 admitted that Rs.6,94,955/- bills are true and genuine. In view of the admission of the same, this Court is of the view that the petitioner is entitle for said amount. Hence, an amount of Rs.6,94,955/- is awarded towards medical expenses.*

22. *Thus the compensation awarded under various heads are as follows:*



Sl. No.	Particulars	Amount
1.	Loss of Future Income on account of permanent Disability	Rs.6,82,500/-
2.	Pain and suffering	Rs.5,000-00
3.	Loss of income during laid up period	Rs.5,000-00
4.	Loss of amenities	Rs.5,000-00
5.	Attendant charges, diet, nourishment and conveyance	Rs.5,000-00
6.	Medical expenses	Rs.6,94,955 /-
	T O T A L	Rs.13,97,455-

23. **INTEREST:** As per the judgment in the case of **Sarala Verma and others V/s Delhi Transport Corporation (2009) 6 SCC 121**, it is just and proper to award interest at the rate of 6% p.a. on the compensation awarded from the date of filing of the claim petition till realization.

24. **Issue No.2 in MVC No.222/2024:** This issue is regarding petitioner's entitlement for



compensation as claimed in the petition. In the petition the age of the petitioner is mentioned as 5 years. But to prove the same, the Petitioner has not produced any document before the Court. Hence, the age mentioned in the discharge summary/Ex.P11 is taken into consideration. The age mentioned in the discharge summary/Ex.P11 is 6 years. As the Respondents have not denied the age of the Petitioner, the same is taken into consideration for the purpose to ascertaining the compensation.

25. Further in this case the petitioner stated in his petition that prior to the accident she was hale and healthy and due to the accident she became dull. Further contended that due to the accident the petitioner has become permanent disability and has incurred Rs.50,000/- towards her medical expenses.

Inorder to prove the same, the petitioner has not produced any disability certificate nor examined any



Doctor who treated her. In the absence of said ocular and documentary evidence, the disability of the Petitioner cannot be considered. But, anyhow, as per the Ex.P11 and Ex.P12 it can be seen that the petitioner has incurred some amount towards medical expenses more specifically at Ex.P12 medical bills shows that the petitioner has incurred Rs.32,592/- towards medical expenses. In view of the injuries sustained by the petitioner in the road traffic accident, Petitioner is entitle for said amount. Hence, petitioner is entitle for compensation of Rs.32,592/- towards medical expenses.

26. INTEREST: As per the judgment in the case of Sarala Verma and others V/s Delhi Transport Corporation (2009) 6 SCC 121, it is just and proper to award interest at the rate of 6%



p.a. on the compensation awarded from the date of filing of the claim petition till realization.

*27. **Issue No.2 in MVC No.223/2024:** This issue is regarding petitioner's entitlement for compensation as claimed in the petition. In the petition the age of the petitioner is mentioned as 30 years. But to prove the same, the Petitioner has not produced any document before the Court. Hence, the age mentioned in the wound certificate/Ex.P13 is taken into consideration. The age mentioned in the said document is 29 years. As the Respondents have not denied the age of the Petitioner, the same is taken into consideration for the purpose to ascertaining the compensation.*

28. Further it is the specific case of the Petitioner that after the accident, she has sustained Injuries (i) swelling and tenderness of left thigh region; (ii)



lacerated wound of seize 6 x 2 cms over the left scalp. And the Doctor has opened that the injury No.1 is simple in nature and injury No.2 is grievous in nature.

*Further in this case the petitioner stated in her petition that prior to the accident she was hale and healthy and was working as tailor and earning Rs.20,000/- per month. But to prove the same, the petitioner has not produced any document before the Court. Hence, in the absence of such material, the income of the petitioner is to be fixed notionally. It is pertinent to state here that, the Hon'ble Karnataka State Legal Service Authority prepared chart of notional income. At this juncture, it is profitable to refer Division Bench decision of Hon'ble High Court of Karnataka reported in **2017 ACJ 2436, (Krishnabai and others Vs Fedex Express Transportation and supply chain services***



(India) Pvt., Ltd., and another, wherein at paragraphs No.11 it is held as under:

“Repeatedly it has come to the notice of this court that, while this court has framed a chart or taking the notional income of the injured/deceased, the said chart is not been followed by the learned Tribunal. As mentioned in the case of Iqbalahamed Vs Vice Chairman, M/S Patel integrated Logistics Ltd., and another (MFA No.101018/2015 decided on 06.01.2017), the consequences of not following the chart by the learned Tribunal is that in variably the claimants approach this court with the plea that the income of the injured/deceased has not been assessed properly by the learned Tribunal. Considering the fact that, the chart prepared by this court has been followed by this court in its judgment, considering the fact that, a judgment of this court is binding on the learned tribunals, the learned tribunals are also duty bound to follow the chart prepared by this court.

29. The said preposition of law has also been reiterated by Hon’ble High Court of Karnataka in another decision reported in **2018 SCC ONLINE KAR 2862, (LEGAL MANAGER IFFCO TOKIO GIC LTD.,**



VS SRINIVASA AND OTHERS). Wherein at

paragraph 6 it is held as under;

“6. However, the court cannot ignore the notional income chart of the lok-adalath when there is no material evidence to prove the actual income. Going by the said chart for the accident year 2012, the notional income of the deceased ought to have been taken at Rs.7,000/-. Therefore, the notional monthly income stands upwardly altered from Rs.5,000 to Rs.7,000/-.

30. In this case also, on perusal of the record it shows that the injured was aged about 29 years and the accident was taken place in the year 2023. Hence, by considering the fact that there is no proof of income, by relying upon the guidelines issued by the Hon’ble KSLSA, this Tribunal is of the opinion that notional income of the injured could be assessed at Rs.16,250/- per month. In view of the above, this Tribunal is of the view that the petitioner who sustained the injuries is entitled for compensation under the following heads:



31. **Loss of Future Income on account of permanent Disability:-** The doctor by name Dr. Madhuchandra R who has issued disability certificate/Ex.P21 to the petitioner has been examined as PW4. The doctor deposed in his evidence that, he has examined the petitioner on 23.06.2025 and 24.06.2025. The petitioner has come for followup treatment to her left lower limb. The petitioner has admitted in Orthopedic unit and underwent surgical treatment. On his clinical findings, the petitioner has scar over left thigh, puckered scar over left thigh, tenderness over left trochanter, wasting of muscles, strength reduced. He is of the opinion that the petitioner is suffering from 34% disability to left lower limb.

During the course of cross-examination, said Doctor has stated that at the time of discharge, the petitioner was fit and she was recovered. Further



admitted that the disability is given only to part of particular organ. As the Doctor has not assessed the disability to whole body of the petitioner, if 1/3rd of the above calculation is calculated, it would come to the whole body and it is just and proper to assess. Hence, if 1/3rd of disability is calculated, it comes to '11'.

*32. Further in this case the petitioner is aged about 29 years and the multiplier applicable to the petitioner as per decision laid down by Hon'ble Apex Court in **Sarala Verma's** case is at 17. The income taken as Rs.16,250/- x 12 x 17 x 11/100= Rs.3,64,650/-. Hence, the petitioner is entitled for compensation of Rs.3,64,650/ towards loss of Future Income.*

*33. **Pain and suffering:-** The petitioner has sustained the grievous injuries in the accident. In the*



wound certificate also it clearly mentioned that the petitioner sustained grievous injuries and she has taken treatment as in patient. Having regard to the nature of injuries and also by considering the age of the petitioner it is just and proper to award Rs.5,000/- towards pain and suffering.

34. Loss of income during laid up period:-

The petitioner has stated in her petition that prior to the accident she was hale and healthy and she was earning of Rs.20,000/- in tailoring and due to accident she was unable to work and she requires follow up treatment. Hence, prays to award compensation for the said period. On perusal of documents, it shows that she is taking follow up treatment. Hence, by considering the nature of the injuries sustained by the petitioner it is just and proper to award Rs.5,000/- towards loss of income during laid up period.



35. **Loss of amenities:-** *It is stated in the petition that the petitioner was aged about 29 years and due to the injuries the petitioner is not able to do her day today work. By considering the nature of injuries sustained by the petitioner it would be proper to award compensation of Rs.5,000/- towards loss of amenities.*

36. **Attendant charges, diet, nourishment and conveyance etc.:-** *In this case on perusal of the entire record and medical documents, it shows that petitioner was taken treatment as in patient in the hospital and at that time there must be one person to look after him and the petitioner might have spent the money for his extra diet and conveyance. By considering the facts and circumstances of the case, it is proper to award compensation of Rs.5,000/- towards attendant charges and extra diet and nourishment.*



37. **Medical Expenses:-** The petitioner has produced 2 computerized medical bills to the tune of **Rs.30,410/-** as per Ex.P14 and Ex.P15. On perusal of the same more specifically Ex.P14 it clearly goes to show that the said bill is given by Dr.Harsha B.Yalgi on 18.10.2024 and it is hand written bill. But the petitioner has not examined the said Doctor who issued the said bill. In the absence of evidence of the person who issued the said bill, the said bill is not considered. Hence, the petitioner is entitle for only Rs.210/- (Ex.P15 is considered).

Hence, an amount of Rs.210/- is awarded towards medical expenses.

38. Thus the compensation awarded under various heads are as follows:



<i>Sl. No.</i>	<i>Particulars</i>	<i>Amount</i>
1.	<i>Loss of Future Income on account of permanent Disability</i>	<i>Rs.3,64,650/-</i>
2.	<i>Pain and suffering</i>	<i>Rs.5,000/-</i>
3.	<i>Loss of income during laid up period</i>	<i>Rs.5,000/-</i>
4.	<i>Loss of amenities</i>	<i>Rs.5,000/-</i>
5.	<i>Attendant charges, diet, nourishment and conveyance</i>	<i>Rs.5,000/-</i>
6.	<i>Medical expenses</i>	<i>Rs.210/-</i>
	<i>T O T A L</i>	<i>Rs.3,84,860/-</i>

39. **INTEREST:** *As per the judgment in the case of Sarala Verma and others V/s Delhi Transport Corporation (2009) 6 SCC 121, it is just and proper to award interest at the rate of 6% p.a. on the compensation awarded from the date of filing of the claim petition till realization.*



With regard to liability. In this case, the Respondent No.2 has admitted that as on the date of accident, the respondent No.1 has obtained policy with respondent No.2 and as on the date of accident same is in force. But it is the specific contention of the respondents that there exists contributory negligence on the part of petitioner/Kiran who was riding the motorcycle in triple riding. In support of his contention, he has placed his reliance upon the judgment of Hon'ble High Court of Karnataka in MFA No.5505/2017 (MV-I) in the matter of M/s ICICI Lombard Company Ltd., V/s M.S.Harshitha.B, DD on 02.01.2024, wherein the Hon'ble High Court has held at Para Nos.6 and 7 as under:

6. Admittedly, there were three persons riding on the motor cycle. Ex.R.1 to Ex.R.3 are the MLC extract of the hospital, in which, the claimants have been admitted for treatment, wherein it is revealed that all three injured persons had sustained injury due to self fall from bike while travelling on the bike near Wonderla gate. In Ex.P.1- FIR,



it is stated that one Krishnakumar was riding the motor cycle and the claimant was a pillion rider. There is no evidence on behalf of the Insurance Company to show that the claimant was riding on the motor cycle. Ex.R1 to Ex.R3 are the MLC extract. It is proved that the motor cycle was skidded. Thus, all three persons sustained injuries. Therefore, it is written as self fall from the motor cycle. Hence, on all its preponderance of probability, it is proved that the claimant was a pillion rider on the motor cycle. One Somashekara was riding the motor cycle as per FIR, complaint and charge sheet. But he has not sustained injuries. Hence, it is proved that one Somashekara was riding the motor cycle and there are other three persons as pillion riders.

7. Admittedly, from the police records, it is revealed that there were four persons riding on the motor cycle. The claimant is one of the pillion rider. Hence, the claimant knowing fully well that there were four persons riding on the motor cycle, hence invited risk for herself while travelling on the motor cycle being pillion rider. Therefore, the claimant has also contributed her negligence towards the accident in the manner discussed above. Therefore, it is amounting to 20% of contributory negligence towards the accident. Therefore, whatever amount of compensation is determined by this Court, the claimant is entitled to only 80% of that determined compensation amount.



40. *On perusal of the said judgment, it can be seen that in the said judgment, there are four adult persons are travelling in one single motorcycle. But in the instant case, two adult persons and one 6 years old baby was proceeding in the motorcycle. In view of well settled law declared by the Hon'ble High Court of Karnataka in the said judgment, this Court feels it contributory negligence is attracted only against the father and mother and not against the child. The child below the age of 6 years cannot be treated as having voluntarily committed a traffic violation or as having consciously contributed to the accident. Hence, this Court is of the opinion that if 20% of the compensation amount is deducted towards contributory negligence only in respect of father and mother i.e., petitioner/Kiran and petitioner/Priya, it would meets the ends of justice.*



Further it is the specific case of the respondent No.2 that the FIR was filed against unknown person. The car/vehicle was not involved in the accident. The petitioners by colluding with police authorities, have falsely implicated the car in the accident. Hence, the respondent No.2 is not liable to pay any compensation to the petitioners. On the other hand, the respondent No.1 being the owner of the vehicle has clearly admitted the involvement of the vehicle in the accident. Hence, the contention taken by the respondent No.2 holds no any water and the judgments relied by the respondent No.2 also not applicable to the present case on hand.

*Hence, I answer **Issue No.2 in all cases partly in the Affirmative.***

*41. **Issue No.3 in MVC No.221/2024 to 223/2024:** In view of the above discussion on issue No.1 and 2, I proceed to pass the following :-*



ORDER

The petition filed by the petitioner/ Kiran in MVC No.221/2024 U/Sec.166 of MV Act 1989 is partly allowed with costs.

*Though the petitioner is entitled for compensation of Rs.13,97,455/-, but the petition is entitle **only Rs.11,17,964/- (Rupees Eleven Lakh Seventeen Thousand Nine Hundred and Sixty Four only)** with cost and interest at 6% per annum from the date of petition till the date of deposit.*

The petition filed by the petitioner/ Samruddhi in MVC No.222/2024 U/Sec.166 of MV Act 1989 is partly allowed with costs.

The petitioner is entitled for compensation of Rs.32,592/- (Rupees Thirty Two Thousand five Hundred and Ninety two only) with cost and interest at 6% per annum from the date of petition till the date of deposit.



*The petition filed by the petitioner/
Priya in MVC No.223/2024 U/Sec.166
of MV Act 1989 is partly allowed with
costs.*

*Though the petitioner is entitled for
compensation of Rs.3,84,860/-, but the
petitioner is entitle **only Rs.3,07,888/-
(Rupees Three Lakhs Eighty Four
Thousand Eight Hundred and Sixty
only)** with cost and interest at 6% per
annum from the date of petition till the
date of deposit.*

*The respondent No.2 is directed to
deposit the entire compensation
amount in all the cases within 30 days
from the date of this award.*

*Since in this case the
compensation awarded to the
petitioner in MVC No.223/2024 is
meager amount, hence after deposit,
office is directed to release the entire
amount in favour of the petitioner
through E payment.*

As far as compensation in respect



of MVC No.222/2024 is concerned, as the petitioner is minor, the entire compensation amount shall be kept in FD in the name of petitioner in any of the nationalized bank of the choice of her father and mother, till the petitioner attains majority.

As far as compensation in respect of MVC No.221/2024 is concerned, after deposit, 50% of the compensation amount shall be released in favour of petitioner/Kiran and remaining 50% shall be kept in FD in the name of petitioner in any of the nationalized bank of the choice of petitioner for a period of 3 years.

Advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

*(Directly typed and computerized by me in Lap-top and corrected, signed and then pronounced by me in Open Court on this the **13th day of August, 2026**).*

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and MACT,
Hubballi.*

**ANNEXURE****1.List of witnesses examined for the Petitioner/s in all cases:**

- P.W.1 : Kiran S/o Manoharsa Jituri.
P.W.2 & 3 : Priya W/o Kiran Jituri.
P.W.4 : Dr. Madhuchandra R. S/o K. Ramanand.
P.W.5 : Dr. Virendra K. Bhasme S/o Kashinath.

2.List of documents exhibited for the Petitioner/s in both cases:

- Ex.P.1 : FIR.
Ex.P.2 : Complaint.
Ex.P.3 : Crime Details Form.
Ex.P.4 : Seizure Panchanama.
Ex.P.5 : IMV Report.
Ex.P.6 : Wound Certificate.
Ex.P.7 : Charge-sheet
Ex.P.8 : Certified copy of Order sheet in C.C. No.69/2024.
Ex.P.9 to P.11 : Discharge Summary.
Ex.P.12 : Medical Bills (21).
Ex.P.13 : Wound Certificate.
Ex.P.14 & P.15 : Medical Bills (2).
Ex.P.16 & P.17 : Discharge Summary.



- Ex.P.18 : Medical Bills (82).*
Ex.P.19 : Medical Prescriptions.
Ex.P.20 : Wound Certificate.
Ex.P.21 : Locomotor Disability Certificate.
Ex.P.21(a) : Signature.
Ex.P.22 : Out Patient Record.
Ex.P.23 : Wound Certificate.
Ex.P.23(a) : Signature.
Ex.P.24 : X-ray film.
Ex.P.25 : Case Sheet.

3.List of witnesses examined for the respondent/s in MVC No.221/2024:

- R.W.1 : Premanath S/o Kashappa Chikkatumbal.*
R.W.2 : Rajshekhar S/o Veerabhadrayya Hiremath.

4. List of documents exhibited for the Respondent/s in MVC No.221/2024:

- Ex.R.1 : Insurance Policy.*
Ex.R.2 : R.C.
Ex.R.3 : Insurance Policy.
Ex.R.4 : Form KMV 42.
Ex.R.5 : Certificate of Fitness.
Ex.R.6 : Computerised Pollution under Check Centers.
Ex.R.7 : DL.



Ex.R.8 : Authorization letter.

Ex.R.9 : Investigation Report.

5. List of witnesses examined for the respondent/s in MVC No.222/2024:

R.W.1 : Premanath S/o Kashappa Chikkatumbal.

R.W.2 : Rajshekhar S/o Veerabhadrayya Hiremath.

6. List of documents exhibited for the Respondent/s in MVC No.222/2024:

Ex.R.1 : Insurance Policy.

Ex.R.2 : R.C.

Ex.R.3 : Insurance Policy.

Ex.R.4 : Form KMV 42.

Ex.R.5 : Certificate of Fitness.

Ex.R.6 : Computerised Pollution under Check Centers.

Ex.R.7 : DL.

Ex.R.8 : Authorization letter and Investigation Report.

7. List of witnesses examined for the respondent/s in MVC No.223/2024:

R.W.1 : Premanath S/o Kashappa Chikkatumbal.



8. List of documents exhibited for the Respondent/s
in MVC No.223/2024:

- Ex.R.1 : Insurance Policy.*
Ex.R.2 : R.C.
Ex.R.3 : Insurance Policy.
Ex.R.4 : Form KMV 42.
Ex.R5 : Certificate of Fitness.
*Ex.R.6 : Computerised Pollution under Check
Centers.*
Ex.R.7 : DL.

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and MACT,
Hubballi.*