



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

Present:

SMT. SARVAMANGALA K.M.,
B.A.LL.B.,

*I Addl. Senior Civil Judge and MACT.,
Hubballi.*

Dated this the 10th day of August, 2026

M.V.C. No.115/2025

Petitioner/s : Pavitra D/o Manjunath
Santappanavar, Age:20 years,
Occ:Pvt. Service, Now:Nil,
R/o.Mishrikoti, Tq:Kalaghatgi,
Dist:Dharwad.

(By Sri. R.H. Kamadhenu, Advocate)

V/s

Respondents: 1. *The Managing Director,
NWKRTC, Gokul Road, Hubballi.*
2. *Self Insurance
NWKRTC, Gokul Road, Hubballi.*

(By Sri. P.G. Kori, Advocate)

JUDGMENT

*This petition is filed by the petitioner U/Sec.166 of
Motor Vehicles Act, claiming compensation of*



Rs.5,50,000/- together with costs and interest for the injuries sustained by her in the road traffic accident.

2. The case of petitioner in brief that, on 01.05.2024, at about 10.15 p.m., when the petitioner along with Gopal, Malleshappa, Manjula had been to have darshan of Yellamma Devi Temple, Saundatti, in a bullock cart, from Mishrikoti Village, Kalaghatgi Tq. When they were returning from Soundatti to Mishrikoti on Dharwad – Soundattiroad, when they reached near Ayyappa Swami Temple, Amminabhavi, at that time, the driver of the KSRTC Bus bearing Reg. No.KA-22/F-2170 drove the said bus in rash and negligent manner and dashed against the said Bullock cart from back side. Due to the said accident, the petitioner and others fell down and caused grievous injuries to all over their bodies. Soon after the accident, the petitioner was shifted to District Hospital, Dharwad and Petitioner is under followup treatment. The accident was occurred



due to the rash and negligent act of the driver of the KSRTC Bus.

Prior to the accident the petitioner was hale and healthy, and doing private work and earning Rs.18,000/- per month and she is the only earning member in the family and due to said accident the petitioner is not in a position to work and her life became at dark.

3. It is further submitted that, a case has been registered by Dharwad Rural Police in Crime No.111/2024 against the driver of the KSRTC Bus for the offences punishable under Sections 279, 337 and 338 of IPC. After the Investigation, the Investigating Officer has filed the Chargesheet against the rider of the KSRTC bus for the offences punishable under Sections 279, 337 and 338 of IPC.

The said bus is departmentally insured. Hence, the respondents are liable to pay the compensation to the petitioner. Hence, prayed to allow the Petition.



4. After service of notice, the respondents have appeared before the Court and filed objection. The Respondents in its objections has denied the entire averments of the petition and contended that the alleged accident was not occurred due to negligent act of driver of the KSRTC Bus and it occurred due to sole negligence on the part of the petitioner himself. The said bullock cart was driven in a zigzag manner and drove in rash and negligent manner. Further denied the age and income of the petitioner. Hence prays to dismiss the petition.

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

ISSUES

- 1) Whether the petitioner proves that she sustained injuries in the road traffic accident dated:01.05.2024 due to the actionable negligence of the driver of the KSRTC Bus bearing Reg. No.KA-22-F-2170 as alleged ?
- 2) Whether the respondents prove that the said accident occurred due to the negligence



and reckless conduct of the rider of the bullock cart as alleged ?

3) Whether the petitioner is entitled for compensation ? If so, at what quantum and from whom ?

4) What order or award ?

6. In order to prove the case, the Petitioner examined herself as PW1 and got marked documents as per Ex.P.1 to P7. On the other hand the driver of the KSRTC Bus has been examined as RW1 and got marked documents at Ex.R1 and Ex.R2.

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

Issue No.1: In the Affirmative.

Issue No.2: In the Negative.

Issue No.3: Partly in the Affirmative.

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

REASONS

*8. **Issue Nos.1 and 2:** The said issue is regarding the proving of the occurrence of accident as claimed in*



the petition due to rash and negligent act of driver of the KSRTC Bus bearing Reg. No.KA-22-F-2170.

9. The case of petitioner is that, on 01.05.2024, at about 10.15 p.m., when the petitioner along with others had been to have darshan of Yellamma Devi Temple, Saundatti, in a bullock cart, from Mishrikoti village, Kalaghatgi Tq., when they were returning from Soundatti to Mishrikoti on Dharwad – Soundattiroad, when they reached near Ayyappa Swami Temple, Amminabhavi, at that time, the driver of the KSRTC Bus bearing Reg. No.KA-22/F-2170 drove the said bus in rash and negligent manner and dashed against the said Bullock cart from back side. Due to the said accident, the petitioner and others fell down and caused grievous injuries to all over their bodies.

10. On the other hand, the respondents have contended that the alleged accident was occurred due to negligent act of petitioner not on the part of the driver



of the KSRTC Bus. Further denied the age and income of the petitioner.

11. In order prove her case the petitioner herself examined as P.W.1 by filing affidavit in lieu of examination-in-chief wherein she has stated in consonance with petition case and also got marked documents at Ex.P-1 to 7. The PW-1 has produced wound certificate at Ex.P1, wherein it can be seen that the petitioner has suffered one simple injury; Certified Copy of FIR at Ex.P2. On perusal of the said document, it can be seen that Dharwad Rural PS has registered a case at Crime No.117/2024, against one Ramappa who is the driver of the KSRTC Bus for the offences punishable U/Secs 279, 337 and 338 of IPC; written complaint at Ex.P3; charge sheet at Ex.P4, where it can be seen that after the investigation, the Investigating Officer has filed the charge sheet against the driver of the KSRTC Bus for the offences punishable under Section 279, 337 and



338 of IPC; crime details form at Ex.P5; scanning report at Ex.P6; and X-ray at Ex.P7.

In this case on perusal of all the documents more specifically at Ex.P1 to Ex.P5, it clearly shows that, the accident was taken place on 01.05.2024 and in that regard Dharwad Rural police have registered a case in CR.No.117/2024 against the driver of the KSRTC Bus for the offences punishable U/Secs 279, 337 and 338 of IPC and after the investigation, the Investigating Officer has filed charge sheet against the driver of the KSRTC Bus for the offences punishable under Sections 279, 337 and 338 of IPC. On the other hand, the respondents have not denied the involvement of the bus in the accident and not challenged the police papers. From the above said documentary evidence, it can be said that the accident was occurred on the negligence of driver of the KSRTC Bus and not on the part of the bullock cart.

*Hence, I am constrained to answer **Issue No.1 in the Affirmative and issue No.2 in the negative.***



12. **Issue No.3:** *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 20 years. But to prove the same, the Petitioner has not produced any document before the Court. On perusal of the wound certificate/Ex.P1 it can be seen that the age of the petitioner is 20 years. In the absence of the age proof, the age mentioned in the wound certificate is taken into consideration.*

13. *Further in this case the petitioner stated in his petition that prior to the accident she was hale and healthy, he was working as private concerned and earning Rs.18,000/- per month. Though the Petitioner has contended so, she has not produced any piece of evidence before the Court to prove her income. Further contends that due to the accident, she is unable to work as she was working earlier. Further it is the specific case of the Petitioner that after the accident, she has sustained grievous injuries, for that she is still taking*



follow up treatment and spent more than Rs.50,000/- towards medical expense. In order to prove the same, she has produced Wound Certificate at Ex.P1. As per said document, the petitioner has sustained pain in right shoulder. The Doctor has opined that the said injury is simple in nature.

The Petitioner has not produced any disability certificate and not adduced evidence of Doctor who treated the petitioner. In absence of evidence of Doctor and advisability, the disability cannot be considered.

*On perusal of wound certificate/Ex.P1, it can be seen that the petitioner has suffered one simple injury. Hence, this Court is of the opinion that the Petitioner is entitle for Rs.5,000/- (towards 1 simple injury). **In total the Petitioner is entitle for an amount of Rs.5,000/-, as global compensation.***

14. **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.

15. **Liability:** *In this case as per the issue Nos.1 and 2 already this court held that, the accident has taken place due to the negligent act of driver of the KSRTC Bus and due to the said act, the petitioner has suffered grievous injuries. In this case, the vehicle involved in the accident is departmentally insured and as on the date of accident policy is in force. Hence, **issue No.3 is answered partly in the affirmative.***

16. **Issue No.4:** *In view of the above discussion on issue No.1 to 3, I proceed to pass the following :-*

ORDER

The petition filed by the petitioner under Sec.166 of MV Act 1989 is partly allowed with costs.

The petitioner is entitled for global compensation of Rs.5,000/- (Rupees Five Thousand only) with cost and interest at



6% per annum from the date of petition till the date of deposit.

The respondents are directed to deposit the compensation amount with interest within 30 days from the date of this award.

Since in this case the compensation awarded to the petitioner is meager amount, hence after deposit, office is directed to release the entire amount in favour of the petitioner through E payment.

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

Draw award accordingly.

*(Dictated to the Stenographer directly on Computer and typed by her. The same is corrected and then pronounced by me in the open court on this the **10th 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:

P.W.1 Pavitra D/o Manjunath Santappanavar.



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

- Ex.P.1 Wound Certificate.
Ex.P.2 FIR.
Ex.P.3 Complaint.
Ex.P.4 Charge Sheet.
Ex.P.5 Crime Details Form.
Ex.P.6 Lab Bill.
Ex.P.7 X-ray films.

3.List of witnesses examined for the respondent/s:

- R.W.1 Ramappa S/o Adivappa Kanannavar.

4.List of documents exhibited for the Respondent/s:

- Ex.R.1 Authorization Letter.
Ex.R.2 I.D. Card.

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