



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 18th day of August, 2026

M.V.C. No.725/2022 C/w M.V.C. No.726, 727,
728/2022

PARTIES IN M.V.C. No.725/2022:

PETITIONER Smt. Vanaja W/o Vamanrao
Naik, Age:73 years,
Occ:Household work &
Tailoring, R/o.Shastri Chawl
Dharwad.
Now R/o.J.P. Nagar, Gokul
Road, Hubballi-30.
(By Sri. M. Anjaneya, Advocate)

PARTIES IN M.V.C. No.726/2022:

PETITIONER : Smt. Nanda W/o Pralhad @
Pralapp Naik, Age:75 years,
Occ:Household work &
Tailoring, R/o.Indraprasta
Apartment, U.B. Hill Road,
Dharwad.



Now R/o.J.P. Nagar, Gokul
Road, Hubballi-30.

(By Sri. M. Anjaneya, Advocate)

PARTIES IN M.V.C. No.727/2022:

PETITIONER : Sri. Hemant S/o Pralhad
Naik, Age:52 years, Occ:Civil
Engineer (Now Nil), R/o.102,
Indraprasta, UB Hill,
Malamaddi, Dharwad.
Now R/o.J.P. Nagar, Gokul
Road, Hubballi-30.

(By Sri. M. Anjaneya, Advocate)

PARTIES IN M.V.C. No.728/2022:

PETITIONER : Smt. Anupama W/o Hemant
Naik, Age:48 years, Occ:Asst.
Teacher, R/o.Indraprasta
Apartment, U.B. Hill Road,
Dharwad.
Now R/o.J.P. Nagar, Gokul
Road, Hubballi-30.

(By Sri. M. Anjaneya, Advocate)

V/s

COMMON RESPONDENTS IN ALL CASES:

RESPONDENTS : 1. Sri. Devaraj S/o
Ulavanagouda Patil,
Age:Major, Occ:Business,



*R/o.H.No.42, Saraswatpur,
Kalaghatagi Road, Dharwad-
580 002.*

*(Owner of the Innova Car
bearing No.KA-01/AD-9955)*

2. *The Divisional Manager,
The New India Assurance
Co. Ltd., Divisional Office,
Someshwar Heights,
Opp.Old DSP Office, P.B.
Road, Dharwad-580 001.*

*(Insurer of Innova Car
bearing No.KA-01/AD-9955)
(Policy
No.6807003121010006145
valid from 31.01.2022 to
30.01.2023)*

3. *Cheruku Prasad S/o
Papaiah, Age:Major,
Occ:Business, R/o.H.No.6-7,
Vaddipatla, Pavuralagattu
Papally Mandalam,
Dist:Nalgonda, Telangana
State-508 243.
(Owner of Good Lorry
bearing No.TS-05/UD-2059)*

4. *Tata AIG General Insurance
Co. Ltd.,
Represented by its Branch
Manager, 3rd Floor, Kalburgi
Complex, Desai Cross,
Hubballi-580 029.*



*(Insurer of Good Lorry
bearing No.TS-05/UD-2059)
Policy No.0161/04283 01 00
valid from 18.01.2022 to
17.01.2023)*

*(R-1 by Sri. P.C. Godi, Adv.,
R-2 by Smt. A.S. Desai, Adv.,
R-3 – Exparte,
R-4 by Sri. S.G. Baddi, Adv.,)*

COMMON JUDGMENT

The petition in MVC No.725/2022 is filed by the petitioner/ Smt. Vanaja U/Sec.166 of Motor Vehicles Act, claiming compensation of Rs.29,00,000/- together with costs and interest for the injuries sustained by her in the road traffic accident.

The petition in MVC No.726/2022 is filed by the petitioner/ Smt. Nanda U/Sec.166 of Motor Vehicles Act, claiming compensation of Rs.17,00,000/- together with costs and interest for the injuries sustained by her in the road traffic accident.



The petition in MVC No.725/2022 is filed by the petitioner/Sri. Hemanth U/Sec.166 of Motor Vehicles Act, claiming compensation of Rs.39,00,000/- together with costs and interest for the injuries sustained by her in the road traffic accident.

The petition in MVC No.728/2022 is filed by the petitioner/Smt. Anupama U/Sec.166 of Motor Vehicles Act, claiming compensation of Rs.7,00,000/- together with costs and interest for the injuries sustained by her in the road traffic accident.

2. The brief facts of cases of petitioners in all the cases are that, on 20.03.2022, at about 22.45 hours, when the petitioners were returning from Mantralaya towards Dharwad in the Innova Car bearing Reg. No.KA-01-AD-9955, when they reached near Bharat Petrol Pump, Gadag Road, Hubballi, at that time, the driver of the said car was driven the same in rash and negligent manner and lost the control over the



vehicle and dashed against the lorry bearing Reg. No.TS-05-UD-2059 which was parked on the road side without there being any signal. Due to the said impact the petitioners have sustained grievous injuries all their bodies.

Soon after the accident, the petitioners were shifted to Life Line Hospital, Hubballi. Wherein the petitioner/Vanaja (in MVC No.725/2022) took treatment in the said hospital as indoor patient for about 2 months and petitioner went in coma stage on account of severe head injury for which the petitioner spent Rs.10,00,000/- towards her treatment. The petitioner is still under follow up treatment as out patient in the private hospitals. Further she need Rs.3,00,000/- for further treatment.

Prior to the accident, the petitioner was hale and healthy and aged about 73 years and earning Rs.15,000/- per month by doing tailoring work. Due



to the said accidental injuries, the petitioner has lost her income and she is unable to do any kind of work. The family of the petitioner was entirely depending upon the income of the petitioner.

Soon after the accident, the petitioners were shifted to Life Line Hospital, Hubballi. Wherein the petitioner/Nanda (in MVC No.726/2022) took treatment in the said hospital as indoor patient for about 2 months and petitioner has spent Rs.5,00,000/- towards her treatment. The petitioner is still under follow up treatment as out patient in the private hospitals. Further she need Rs.2,00,000/- for further treatment.

Prior to the accident, the petitioner was hale and healthy and aged about 73 years and earning Rs.15,000/- per month by doing tailoring work. Due to the said accidental injuries, the petitioner has lost her income and she is unable to do any kind of work.



The family of the petitioner was entirely depending upon the income of the petitioner.

Soon after the accident, the petitioners were shifted to Life Line Hospital, Hubballi. Wherein the petitioner/Hemanth (in MVC No.727/2022) took treatment in the said hospital as indoor patient for about 2 months and petitioner went in coma stage on account of severe head injury and also suffered fracture injuries to his left leg for which the petitioner spent Rs.10,00,000/- towards his treatment. The petitioner is still under follow up treatment as out patient in the private hospitals. Further he need Rs.3,00,000/- for further treatment.

Prior to the accident, the petitioner was hale and healthy and aged about 52 years and earning Rs.40,000/- per month by doing contractor work. Due to the said accidental injuries, the petitioner has lost his income and he is unable to do any kind of work.



The family of the petitioner was entirely depending upon the income of the petitioner.

Soon after the accident, the petitioners were shifted to Life Line Hospital, Hubballi. Wherein the petitioner/Anupama (in MVC No.728/2022) took treatment in the said hospital as indoor patient for about 2 months and petitioner spent Rs.10,00,000/- towards her treatment. The petitioner is still under follow up treatment as out patient in the private hospitals. Further she need Rs.2,00,000/- for further treatment.

Prior to the accident, the petitioner was hale and healthy and aged about 28 years and earning Rs.15,400/- per month by working as Assistant Teacher. Due to the said accidental injuries, the petitioner has lost her income and she is unable to do any kind of work. The family of the petitioner was entirely depending upon the income of the petitioner.



The accident was occurred due to rash and negligent act of driver of the Innova car bearing Reg. No.KA-01-AD-9955 and also due to the negligent act parking the lorry bearing Reg. No.TS-05-UD-2059 without any signals.

The Respondent No.1 is the owner of the said Innova car and he has insured his vehicle with Respondent No.2. the respondent No.3 is the owner of the said lorry and he has insured his vehicle with respondent No.4; and as on the date of accident, the policy of both the vehicles were in force. Hence, they are held liable to pay the compensation to the Petitioners.

Therefore, the petitioners have filed these petitions for claiming compensation.

3. After service of notice, the respondents Nos.1 to 3 have appeared through their respective Counsels



and respondent Nos.2 and 4 have filed their respective objections. The respondent No.1 though appeared before the Court but has not filed any objection.

3.01. The respondent No.2 in its objections has denied the entire Complaint averments and specifically contended that the accident was occurred due to negligent act of parking of the goods lorry bearing Reg. No.TS-05-UD-2059 which was parked on the road without any signals, indicators and without any signs. As per the judgment of Hon'ble High Court of Karnataka in MFA No.102500/2015 and 102501/2015, the Hon'ble High Court of Karnataka has held that when the vehicle was parked without any signals, the parked vehicle is fastened 100% negligent and saddled the whole liability on the parked vehicle. From the plain reading of Sec 122 of IMV Act, no person in charge of motor vehicle shall



allow of cause the vehicle to abandoned or remain at rest in public place in such a position or in such a condition or in such circumstances as to cause or likely to cause danger, obstruction or undue inconvenience to other users of the public place in such position or in such a condition or in such circumstances as to cause or likely to cause danger obstruction or undue inconvenience to other users of public place or to the passengers. Therefore, there is no liability of this respondent. The accident was solely due to the negligence of parked lorry. There is no negligence on the part of the Innova car. Further denied the age and income of the petitioners. Hence, prays to dismiss the Petition.

3.02. The respondent No.4 in its objections has denied the entire Plaint averments and specifically contended that the accident was occurred due to negligent act of Innova Car and not on the part of



Lorry who was parked on the side of the road. Even the Police records also reveals the same. Further admitted that the respondent No.3 has insured his vehicle with respondent No.4 and as on the date of accident policy is in force. Further contended that the driver of the lorry was not holding valid and effective driving license to drive the said lorry. The respondent No.3 knowing fully well that the driver was not holding valid and effective driving license has allowed him to drive the same. Hence, the respondent No.3 has violated the terms and conditions of the policy. Further denied the age and income of the petitioners. 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.725/2022

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



20.03.2022 at 22.45 hours, near Bharat Petrol Pump, on Gadag Road, Hubballi by the rash and negligent driving of the driver of the car bearing Reg. No.KA-01-AD-9955 and negligent act of the driver of the lorry bearing Reg. No.TS-05-UD-2059 ?

- 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.726/2022

- 1) Whether the Petitioner proves that she had sustained Injuries in a Road Traffic Accident occurred on 20.03.2022 at 22.45 hours, near Bharat Petrol Pump, on Gadag Road, Hubballi by the rash and negligent driving of the driver of the car bearing Reg. No.KA-01-AD-9955 and negligent act of the driver of the lorry bearing Reg. No.TS-05-UD-2059 ?*
- 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.727/2022

- 1) *Whether the Petitioner proves that he had sustained Injuries in a Road Traffic Accident occurred on 20.03.2022 at 22.45 hours, near Bharat Petrol Pump, on Gadag Road, Hubballi by the rash and negligent driving of the driver of the car bearing Reg. No.KA-01-AD-9955 and negligent act of the driver of the lorry bearing Reg. No.TS-05-UD-2059 ?*
- 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.728/2022

- 1) *Whether the Petitioner proves that she had sustained Injuries in a Road Traffic Accident occurred on 20.03.2022 at 22.45 hours, near Bharat Petrol Pump, on Gadag*



Road, Hubballi by the rash and negligent driving of the driver of the car bearing Reg. No.KA-01-AD-9955 and negligent act of the driver of the lorry bearing Reg. No.TS-05-UD-2059 ?

- 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/ Vanaja has been examined as PW1, and got marked documents at Ex.P.1 to P10 and closed her side evidence. The Petitioner/Anupama has been examined as PW2, and got marked documents at Ex.P1 to Ex.P14 and closed her side evidence. The Petitioner/Nanda has been examined as PW3, and got marked documents at Ex.P25 to Ex.P48 and closed her side evidence. The Petitioner/Hemant has



been examined as PW4, and got marked documents at Ex.P49 to Ex.P59 and closed her side evidence.

Dr. Sameer Desai who treated the petitioners has been examined as PW5 to PW8; Dr.Gayatri Hegde who treated the petitioner/Hemanth has been examined as PW9; and Dr.Ashok Kalamdani who treated the petitioner/Nand Naik has been examined as PW10.

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.725/2022

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

IN MVC No.726/2022

Issue No.1 : In the Affirmative.
Issue No.2 : Partly in the Affirmative.



*Issue No.3 : As per final order,
for the following:*

IN MVC No.727/2022

Issue No.1 : In the Affirmative.

Issue No.2 : Partly in the Affirmative.

*Issue No.3 : As per final order,
for the following:*

IN MVC No.728/2022

Issue No.1 : In the Affirmative.

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.725/2022 to 728/2022:** *The 1st 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 Innova bearing Reg. No.KA-01-AD-9955 and also negligent act of parked Lorry bearing Reg. No.TS-05-UD-2059.*



8. *The case of petitioners is that on 20.03.2022 at about 22.45 hours when they are returning from Mantralaya towards Dharwad in Innoava Car bearing Reg. No.KA-01-AD-9955, when they reached near the Bharat Petrol Pump, Gadag Road, Hubballi, at that time, the driver of the said vehicle drove the vehicle in rash and negligent manner and dashed against the lorry bearing Reg. No.TS-05-UD-2059, which was parked without any signals. As a result of which, the petitioners have sustained grievous injuries.*

9. *On the other hand, the respondent No.2 has admitted that the respondent No.1 is the owner of the said Innova vehicle and he has insured his vehicle with respondent No.2 as on the date of accident policy is in force. Further contended that the accident was occurred only due to the negligent act of the driver of the lorry who parked the said lorry on the*



road without having any signals. Hence, the respondent No.3 and 4 are liable to pay the compensation to the petitioners. The respondent No.2 is not liable to pay any compensation to the petitioners.

10. On the other hand the respondent No.4 has admitted that the respondent No.3 is the owner of the said lorry and he has insured his vehicle with respondent No.4 and as on the date of accident policy is in force; 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 lorry, knowing fully well that the said driver was not having valid and effective driving license, the respondent No.3 has handed over the said vehicle to the driver and violated the terms and conditions of the policy. Hence, respondent No.4 is not liable to pay the compensation to the petitioners. The accident was



occurred due to rash and negligent act of driver of the Innova Car not on the part of the lorry.

11. In order prove the case of the petitioners in all the cases, the Petitioners examined themselves as P.W.1 to PW4 by filing their affidavit wherein they have stated in consonance with petition case.

The petitioner/Vanaja (in MVC No.725/2022) has produced the documents at Ex.P1 to Ex.P10. Ex.P1 is the FIR, wherein it can be seen that Hubballi East Traffic PS has filed a case at Crime No.12/2022 against the driver of the car i.e., Shantaveerayya Hiremath for the offences punishable U/Secs 279, 337 and 338 of IPC. At column No.7 of the said document it also speaks that the petitioners are shown as injured persons; Ex.P2 is the complaint; Ex.P3 is the crime details form; Ex.P4 is the 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 charge sheet, wherein it can be seen that after the investigation, the Investigating Officer has filed charge sheet against the driver of Innova vehicle for the offences punishable under Sections 279, 337, and 338 of IPC and against the driver of the lorry for the offence punishable under Section 283 of IPC; Ex.P7 is the discharge summary; Ex.P8 and Ex.P9 are the medical bills to the tune of Rs. 33,675/- (Thirty Three Thousand Six Hundred and Seventy Five only); Ex.P10 is the scanning report.

The petitioner/Anupama (in MVC No.728/2022) has produced the documents at Ex.P1 to Ex.P14. Ex.P1 is the FIR, wherein it can be seen that Hubballi East Traffic PS has filed a case at Crime No.12/2022 against the driver of the car i.e., Shantaveerayya Hiremath for the offences punishable U/Secs.279, 337 and 338 of IPC. At



column No.7 of the said document it also speaks that the petitioners are shown as injured persons; Ex.P2 is the complaint; Ex.P3 is the spot panchanama, 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, Ex.P7 is the discharge summary, Ex.P8 is the charge sheet, wherein it can be seen that after the investigation, the Investigating Officer has filed charge sheet against the driver of Innova vehicle for the offences punishable under Sections 279, 337, and 338 of IPC and against the driver of the lorry for the offence punishable under Section 283 of IPC; Ex.P7 is the discharge summary; Ex.P9 is the medical bills to the tune of Rs.16,253/- (Rupees Sixteen Thousand Two Hundred and Fifty Three only); Ex.P10 is the prescriptions, Ex.P11 and



Ex.p12 are the endorsements, Ex.P13 is the letter and Ex.P14 is the EL Form.

The petitioner/Nanda (in MVC No.726/2022) has produced the documents at Ex.P25 to Ex.P48. Ex.P25 is the FIR, wherein it can be seen that Hubballi East Traffic PS has filed a case at Crime No.12/2022 against the driver of the car i.e., Shantaveerayya Hiremath for the offences punishable U/Secs 279, 337 and 338 of IPC. At column No.7 of the said document it also speaks that the petitioners are shown as injured persons; Ex.P26 is the complaint; Ex.P27 is the spot panchanama, Ex.P28 is the IMV report, wherein it can be seen that the accident was not occurred due to mechanical defect of the vehicles; Ex.P29 is the seizure panchanama, Ex.P30 is the wound certificate, Ex.P31 is the charge sheet, wherein it can be seen that after the investigation, the Investigating Officer has filed charge sheet



against the driver of Innova vehicle for the offences punishable under Sections 279, 337, and 338 of IPC and against the driver of the lorry for the offence punishable under Section 283 of IPC; Ex.P32 is the disability certificate, Ex.P33 and Ex.P34 are the discharge summary, Ex.P35 is the ECG report, Ex.P36 is the letter, Ex.P37 is the medical bill, Ex.P38 to Ex.P40 are the lab reports, Ex.P41 and Ex.P48 are the prescriptions, Ex.P42 and Ex.P47 are the medical bills to the tune of Rs.7,89,923/- (Rupees Seven Lakh Eighty Nine Thousand Nine Hundred and Twenty Three only), Ex.P43 and Ex.P44 are the X-rays, Ex.P45 is the scanning report, Ex.P46 is the discharge summary.

The petitioner/Hemant (in MVC No.727/2022) has produced the documents at Ex.P49 to Ex.P66. Ex.P49 is the discharge summary, Ex.P50 and Ex.P51 are the lab reports, Ex.P52 is the ECG report,



Ex.P53 is the Neurosurgical report, Ex.P54 is the out patient card, Ex.P55 is the letter, Ex.P56 is the IT returns, Ex.P57 is the prescriptions, Ex.P58 is the medical bills to the tune of Rs.2,58,389/- (Rupees Two Lakh Fifty Eight Thousand Three Hundred and Eighty Nine only), Ex.P59 is the x-rays. Ex.P60 to Ex.P65 are the case sheets, Ex.P66 is the disability certificate.

*On careful perusal of the documents more specifically FIR, spot panchanama, IMV report, seizure panchanama, charge sheet, wherein it can be clearly goes to show that the accident was occurred due to rash and negligent act of driver of the Innova car as well as negligent act of driver of the lorry. On the other hand, the Respondents have not challenged the police papers. **Hence, I answer issue No.1 in all the cases in “Affirmative”.***



12. Issue No.2 in MVC No.726/2022: *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 75 years. But to prove the same, the Petitioner has not produced any document before the Court. Hence, the age mentioned in the wound certificate is taken into consideration. The age mentioned in the said document is 75 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.*

13. Further it is the specific case of the Petitioner that after the accident, she has sustained fracture Injuries for that she has admitted in the hospital for a period of 2 months and spent more than Rs.5,00,000/-. Further in this case the petitioner stated in her petition that prior to the accident she



*was hale and healthy and was working as tailoring and earning Rs.15,000/- 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 invariably 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.

*14. 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/-.*

15. In this case also, on perusal of the record it shows that the injured was aged about 75 years and the accident was taken place in the year 2022. 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.15,500/- 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:

*16. **Loss of Future Income on account of permanent Disability:-** The doctor by name Dr. Sameer Desai who has issued disability certificate/ Ex.P32 to the petitioner has been examined before*



the Court as PW6. The doctor deposed in his evidence that, petitioner was met with a road traffic accident. On his physical examination, the petitioner is having 60% permanent physical 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 he was recovered and the fractures are 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 comes to the whole body and it is just and proper to assess. Hence, if 1/3rd of disability is calculated, it comes to '20%'.

17. Further in this case the petitioner is aged about 75 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 05. The income taken as Rs.15,500/- x 12 x 5 x 20/100= Rs.1,86,000/-. Hence, the petitioner is entitled for compensation of Rs.1,86,000/ towards loss of Future Income.

18. **Pain and suffering:** The petitioner has sustained the grievous injuries in the accident. The medical documents available on record goes to show that the petitioner has sustained grievous injuries in the accident and she has taken treatment in the hospital. 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.

19. **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 she was



earning of Rs.15,000/- by working as 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 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.

20. **Loss of amenities:-** *It is stated in the petition that the petitioner was aged about 75 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.*

21. **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 her 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.

22. **Medical Expenses:-** *The petitioner has produced medical bills to the tune of Rs.7,89,923/-. Even the petitioner has produced the prescriptions. On perusal of the same it reveals that the petitioner has taken treatment and incurred the amount towards the medical expenses. Hence, the amount of Rs.7,89,923/- is awarded the petitioner towards medical expenses.*



23. 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.1,86,000-00
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. 7,89,923-00
	T O T A L	Rs.9,95,923/-

24. **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. Hence, I am constrained to answer **Issue No.2 Partly in the Affirmative.***

25. **Issue No.2 in MVC No.727/2022:** 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 52 years. But to prove the same, the Petitioner has not produced any document before the Court. Hence, the age mentioned in the wound certificate is taken into consideration. The age mentioned in the said document is 52 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.

26. Further it is the specific case of the Petitioner that after the accident, he has sustained fracture Injuries for that he has admitted in the hospital for a period of 2 months and spent more than



*Rs.10,00,000/-. Further in this case the petitioner stated in her petition that prior to the accident she was hale and healthy and was working as contractor and earning Rs.40,000/- 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.

*27. 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/-.

28. In this case also, on perusal of the record it shows that the injured was aged about 52 years and the accident was taken place in the year 2022. 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.15,500/- 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:

*29. **Loss of Future Income on account of permanent Disability:-** The doctor by name Dr.*



Sameer Desai who has issued disability certificate/Ex.P66 to the petitioner has been examined as PW8. The doctor deposed in his evidence that, petitioner was met with a road traffic accident. On his physical examination, the petitioner is having 39.2% permanent physical disability to whole body.

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 the fractures are united. Further admitted that the disability is given only to part of particular body. As the Doctor has not assessed the disability to the petitioner to a particular organ, the same is not accepted. Hence, 1/3rd of the above disability is calculated, it would meets the ends of justice Hence, if 1/3rd of disability is calculated, it comes to '13'.

30. Further in this case the petitioner is aged



*about 52 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 11. The income taken as Rs.15,500/- x 12 x 11 x 13/100= Rs.2,65,980/-. Hence, the petitioner is entitled for compensation of Rs.2,65,980/ towards loss of Future Income.*

*31. **Pain and suffering:** The petitioner has sustained the grievous injuries in the accident. The medical documents available on record goes to show that the petitioner has sustained grievous injuries in the accident and she has taken treatment in the hospital. 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.*

*32. **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 she was earning of Rs.40,000/- by working as contractor 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.

33. **Loss of amenities:** *It is stated in the petition that the petitioner was aged about 52 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.*



34. **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 her 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.*

35. **Medical Expenses:-** *The petitioner has produced medical bills to the tune of Rs.2,58,389/-. Even the petitioner has produced the prescriptions. On perusal of the same it reveals that the petitioner has taken treatment and incurred the amount towards the medical expenses. Hence, the amount of Rs.2,58,389/- is awarded the petitioner towards*



medical expenses.

36. 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.2,65,980/-
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.2,58,389-00
	T O T A L	Rs.5,44,369/-

37. **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. Hence, I am constrained to answer **Issue No.2 Partly in the Affirmative.***

38. **Issue No.2 in MVC No.725/2022:** *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 73 years. But to prove the same, the Petitioner has not produced any document before the Court. Hence, the age mentioned in the cause title is taken into consideration. The age mentioned in the cause title is 73 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.*

39. *Further in this case the petitioner stated in his petition that prior to the accident he was hale and*



healthy, he was doing tailoring and earning Rs.15,000/- per month. Though the Petitioner has contended so, he has not produced any piece of evidence before the Court to show his income.

Further it is the specific case of the Petitioner that after the accident, she has sustained Grievous Injuries to her head and she has went to coma and she has spent more than Rs.10,00,000/- towards medical expenses. In order to prove the same, she has not produced any wound certificate and disability certificate. But she has examined the Doctor who treated her as PW5. In the absence of said ocular and documentary evidence, the disability of the Petitioner cannot be considered. But, anyhow, as per the Ex.P60 it can be seen that the petitioner has suffered injuries. Hence, petitioner is entitle for Rs.25,000/-. Further the petitioner has produced Medical bills to the tune of Rs.33,675/-. 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 total compensation of Rs.58,675/-.

40. 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. Hence, I am constrained to answer **Issue No.2 Partly in the Affirmative.**

41. Issue No.2 in MVC No.728/2022: *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 48 years. But to prove the same, the Petitioner has not*



produced any document before the Court. Hence, the age mentioned in the wound certificate is taken into consideration. The age mentioned in the wound certificate is 48 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.

42. Further in this case the petitioner stated in his petition that prior to the accident she was hale and healthy, she was working as Assistant Teacher and earning Rs.15,400/- per month. In order to prove the same she has produced the certificate issued by the Karnataka Education Board, wherein it can be seen that the petitioner is working as Asst. Teacher in KE Board Central School and earning Rs.14,402/- per month.

Further it is the specific case of the Petitioner that after the accident, she has sustained Grievous



Injuries to her head and she has went to coma and she has spent more than Rs.5,00,000/- towards medical expenses. In order to prove the same, she has not produced any disability certificate. But she has examined the Doctor who treated her as PW5. In the absence of said ocular and documentary evidence, the disability of the Petitioner cannot be considered. But, anyhow, as per the wound certificate/Ex.P16 it can be seen that the petitioner has suffered three simple injuries. Hence, petitioner is entitle for Rs.15,000/- (Rs.5,000/- for one simple injury). Further the petitioner has produced Medical bills to the tune of Rs.16,253/-. 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 total compensation of Rs.31,253/-.



43. **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.*

This issue is with regard to liability. In this case, the Respondent Nos.2 and 4 have clearly admittedly that as on the date of accident, the policies of the respective vehicles are in force. The only contention raised by the respondent No.2 is that the lorry was parked on the road without any signals, hence, the whole negligence is on the part of the driver of the lorry. Hence, the respondent No.2 is not liable to pay any compensation to the petitioners. On the other hand, the respondent No.4 has contended that the lorry was parked by the extreme side of the road.



Hence, negligence is not attracted on the driver of the lorry.

In addition to the arguments of Learned Counsel for respondent No.2, the respondent No.2 has relied upon the following judgments:

a) judgment of Hon'ble Supreme Court in Civil Appeal No.10649/2024 c/w 10650/2024, 10651/2024 and 10652-10653/2024, wherein the Hon'ble Supreme Court has ruled thus:

40. On a holistic analysis of the material available on record, it is established beyond the pale of doubt that the offending truck was parked in the middle of the road without any parking lights being switched on and without any markers or indicators being placed around the stationary vehicle so as to warn the incoming vehicular traffic. This omission by the person in control of the said truck was in clear violation of law. The accident took place on a highway where the permissible speed limits are fairly high. In such a situation, it would be imprudent to hold that the driver of a vehicle, travelling through the highway in the dead of the night in pitch dark conditions, would be able to make out a stationary vehicle lying in the middle of the road within a reasonable distance so as to apply the brakes and avoid the collision. The



situation would be compounded by the headlights of the vehicles coming from the opposite direction and make the viewing of the stationary vehicle even more difficult. Thus, the conclusion drawn by the Courts below that the driver of the car could have averted the accident by applying the brakes and hence, he was equally negligent and contributed to the accident on the application of principle of last opportunity is ex-facie perverse and cannot be sustained. Hence, it is a fit case warranting exercise of this Court's powers under Article 136 of the Constitution of India to interfere with the concurrent finding of facts.

41. We, therefore, hold that the person in control of the offending truck insured by respondent No. 2-Insurer, was fully responsible for the negligence leading to the accident.

b) judgment of the Hon'ble High Court of Karnataka in MFA No.102501/2015 C/w MFA No.102500/2015 DD on 28.06.2019, wherein the Hon'ble High Court of Karnataka has ruled thus:

18. In this case, the Tribunal could not have denied the compensation. Because involving of two vehicles composite negligence should have been examined by the Tribunal. Therefore, the Government Insurance Department as well as insurance company of the lorry would be liable to pay the compensation amount. It is only in case of the jeep driver this contingency would



arise. In this regard, the judgment of this Court dated 28.03.2019 in M.F.A.No.24179/2012 and connected matters can be referred. At paragraph 94 of the judgment reads as under:

"94. Section 122 of the Motor Vehicles Act, 1988 deals with leaving vehicles in dangerous position. It states that no person in charge of a motor vehicle shall cause or allow the vehicle or any trailer to be abandoned or to remain at rest on any public place in such a position or in such a condition or in such circumstances as to cause or likely to cause danger, obstruction or undue inconvenience to other users of the public place or to the passengers. The owner of the vehicle has the right to driver the vehicle on the road and also the right to part the vehicle, but the parking of the vehicle cannot cause any danger or obstruction to other passers-by or passengers. This is a restriction on the road to park the vehicle. The aforesaid restriction on the road to part a vehicle is reasonable restriction and emanates from duty to take care."

19. Therefore, a strict liability is cast on the person who parks his vehicle on the Highway. It cannot be argued that since the accident had occurred during day time, vehicle was visible and hence negligence could not be cast on the truck driver. It is important to note that if the truck had not parked at that place, probably the fatal injuries would not have been caused to the inmates of the jeep. It is in that context, we hold 100% negligence on the truck driver only.



I have carefully gone through the judgments of the Hon'ble Supreme Court and Hon'ble High Court of Karnataka relied on by the Learned Counsel for respondent No.2. In the said judgments, the vehicle involved in the accident was parked on the middle of the road without any signals. But in the instant case, the vehicle/lorry was parked on the extreme side of the road. Hence, the said judgments are not applicable to the present set of facts on hand.

Further on perusal of the charge sheet in the instant case, the Investigating Officer has filed the charge sheet against the driver of the Innova Car for the offences punishable under Sections 279, 337 and 338 of IPC; and against the driver of the lorry for the offence punishable under Section 283 of IPC, which shows the negligence on the part of both the vehicles. Further it also clearly goes to show that the negligence of Innova vehicle is more than that of the



*negligence of parked lorry. None of the respondents have challenged the police papers. Hence, this Court is of the opinion that 75% of the negligence on the part of the driver of the Innova vehicle and 25% of the contributory negligence on the part of the lorry. Hence, I answer **Issue No.2 in all the cases partly in the Affirmative.***

*44. **Issue No.3 in MVC No.725/2022 to 728/2022:** 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 in MVC No.725/2022 U/Sec.166 of MV Act 1989 is partly allowed with costs.

The petitioner is entitled for total compensation of Rs.58,675/- (Rupees Fifty Eight Thousand Six Hundred and Seventy Five 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 in MVC No.726/2022 U/Sec.166 of MV Act 1989 is partly allowed with costs.

The petitioner is entitled for compensation of Rs.9,95,923/- (Nine Lakh Ninety Five Thousand Nine Hundred and Twenty Three 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 in MVC No.727/2022 U/Sec.166 of MV Act 1989 is partly allowed with costs.

The petitioner is entitled for compensation of Rs.5,44,369/- (Five Lakh Forty Four Thousand Three Hundred and Sixty Nine 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 in MVC No.728/2022 U/Sec.166 of MV Act 1989 is partly allowed with costs.

The petitioner is entitled for compensation of Rs.31,253/- (Thirty One Thousand Two Hundred and Fifty Three



only) with cost and interest at 6% per annum from the date of petition till the date of deposit.

The respondent No.2 is liable to pay 75% of compensation; and respondent No.4 is liable to pay 25% of compensation amount to the petitioners in all the cases.

The respondent No.2 is directed to deposit the 75% compensation amount in all the cases within 30 days from the date of this award.

The respondent No.4 is directed to deposit the 25% compensation amount in all the cases within 30 days from the date of this award.

Since in this case the compensation awarded to the petitioners in MVC No.725/2022 and 728/2022 is meager amount, hence after deposit, office is directed to release the entire amount in favour of the petitioners through E payment.

So far as award amount of the petitioners in MVC No.726/2022 and



727/2022 is concerned office is hereby directed to release the 50% of award amount in favour of petitioners and remaining 50% shall be kept as F.D. in their name at any nationalized bank at the choice of petitioner for the period of three years subject to auto renewal option.

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 18th 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 both cases:

- P.W.1 : Smt. Vanaja W/o Vamanrao Naik.
P.W.2 : Smt. Anupama W/o Hemant Naik.
P.W.3 : Smt. Nanda W/o Pralhad @ Pralapp Naik.*



P.W.4 : Smt. Anupama W/o Hemant Pralhad Naik.

P.W.5 to : Dr. Sameer S/o Narshimha Desai.
P.W.8

P.W.9 : Dr. Gayatri Timmappa Hegde.

P.W.10 : Ashok S/o Vadiraj Kalamdani.

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

Ex.P.1 : FIR.

Ex.P.2 : Complaint.

Ex.P.3 : Spot Panchanama.

Ex.P.4 : Seizure Panchanama.

Ex.P.5 : IMV Report.

Ex.P.6 : Charge Sheet.

Ex.P.7 : Discharge Summary.

Ex.P.8 & : Medical Bills.
P.9

Ex.P.10 : NMR Scan Report.

Ex.P.11 : FIR.

Ex.P.12 : Complaint.

Ex.P.13 : Spot Panchanama.

Ex.P.14 : Seizure Panchanama.

Ex.P.15 : IMV Report.

Ex.P.16 : Wound Certificate.

Ex.P.17 : Discharge Summary.

Ex.P.18 : Charge Sheet.



- Ex.P.19 : Medical Bills.*
- Ex.P.20 : Medical Prescriptions.*
- Ex.P.21 & : Endorsements*
P.22
- Ex.P.23 : Letter.*
- Ex.P.24 : EL Form.*
- Ex.P.25 : FIR.*
- Ex.P.26 : Complaint.*
- Ex.P.27 : Spot Panchanama.*
- Ex.P.28 : IMV Report.*
- Ex.P.29 : Seizure Panchanama.*
- Ex.P.30 : Wound Certificate.*
- Ex.P.31 : Charge Sheet.*
- Ex.P.32 : Disability Certificate.*
- Ex.P.33 & : Discharge Summary.*
P.34
- Ex.P.35 : ECG and Report.*
- Ex.P.36 : Certificate issued by Dr. A.V.*
Kalamdani.
- Ex.P.37 : Medical Prescription.*
- Ex.P.38 to : Lab Reports.*
P.40
- Ex.P.41 : Medical Prescriptions.*
- Ex.P.42 : Medical Bills.*
- Ex.P.43 & : X-ray Films.*
P.44
- Ex.P.45 : Scan Report.*



- Ex.P.46 : Discharge Summary.*
Ex.P.47 : Medical Bills.
Ex.P.48 : Medical Prescriptions.
Ex.P.49 : Discharge Summary.
Ex.P.50 & : Lab Reports.
P.51
Ex.P.52 : ECG.
Ex.P.53 : Report.
Ex.P.54 : Out Patient Record.
Ex.P.55 : Customer Satisfaction Letter.
Ex.P.56 : IT Return.
Ex.P.57 : Medical Prescriptions.
Ex.P.58 : Medical Bills.
Ex.P.59 : X-ray Films.
Ex.P.60 : Case Sheet of Vanaja Naik.
Ex.P.61 : Case Sheet of Nanda Naik.
Ex.P.62 : Case Sheet of Anupama Naik.
Ex.P.63 : Case Sheet of Hemant Naik.
Ex.P.64 to : Case Sheet.
P.66

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

- R.W.1 : Shantaveerayya S/o Veerayya Hiremath.*



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

-NIL-

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