



**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE
AND CJM AND M.A.C.T. GADAG**

PRESENT

**SHRI.G.R.SHETTAR. B.com.LLB (Spl)
PRL. SENIOR CIVIL JUDGE AND CJM, GADAG**

DATED THIS 04TH DAY OF JULY, 2026

M.V.C. No.90/2021

PETITIONER:

Sangappa Shivalingappa Navalagund,
Age: 45 years, Occ: Agriculture,
R/o Lingadal, Tq:Gadag, Dist:Gadag.

(R/by Sri. M.A.Pujar., Advocate)

Vs

RESPONDENTS:

1. Praveen Channabasavaraj Datanal,
Age: 21 years, Occ: Coolie,
R/o Lingadal, Tq:Gadag, Dist:Gadag.
2. Channabasavaraj Ningappa Datanal,
Age: 55 years, Occ: Coolie,
R/o Lingadal, Tq:Gadag, Dist:Gadag.

(R/by Sri. M.S.Badiger., Advocate)

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J U D G M E N T

The petitioner has filed this claim petition claiming compensation for the injuries sustained in the accident

dated 22/02/2018 and claimed compensation of Rs.5,00,000/- from the respondents.

2. Case of the petitioners in brief is as under:

On 22/02/2018 at about 20:30 hours, the petitioner after completing his marketing work at Gadag was returning to his native village Lingadal in his motorcycle bearing No.KA-25/EB/5775 and near the land of Pratap Myageri on Gadag-Lingadal road, a Tractor bearing Reg.No.KA-26/T-9715 being driven by its driver in rash and negligent manner came in high speed and dashed to the motorcycle. In the result the petitioner sustained grievous injuries to chest, left wrist and the right eyebrow. Immediately the petitioner was taken to GIMS, he was admitted as inpatient for 34 days and spent Rs.3,00,000/- for his treatment. Case was registered in Gadag Rural P.S.Cr.No.299/2018. Prior to the accident petitioner was hale healthy, doing agriculture and earning Rs.30,000/- p.m. and maintaining his family members. Due to the injuries sustained in the accident the petitioner is unable

to do any work as he was doing early. The petitioner is the only earning member in his family.

3. After service of notice the respondent No.1 and 2 appeared through their counsel and the respondent No.1 has filed the objections denying the petition averments as false. It is contended that the petitioner initially filed complaint before the concerned police, but the police did not register the case. Then he approached the Court and filed private complaint in P.C.No.53/2018, same was referred for investigation and the police have filed the final report and C.C.No.740/2019 has been registered wherein, the petitioner and respondent No.2 have been made as accused persons and the petitioner has pleaded his guilty and paid the penalty before the Court. Alleged accident was occurred due to rash and negligent riding of the motorcycle by the petitioner. Hence, the respondents are not liable to pay any compensation to the petitioner. Hence, prayed for dismissal of the petition.

4. On the basis of the pleadings following issues are framed:

ISSUES

- 1) Whether the petitioner proves that he has sustained grievous injury due to RTC alleged to have been occurred on 21/022018 at about 8:30 p.m. Gadag-Lingadal road, before K.M. to Lingadal near Pratap Myageri's Land, Gadag due to rash and negligent driven by the driver of Tractor bearing Reg.No.KA-26/T-9715?
- 2) Whether the petitioner is entitle for any compensation? If so, what extent and from whom?
- 3) What Order?

5. The petitioner has deposed as P.W.1 and got marked Ex.P.1 to Ex.P.11.

6. The respondent No.2 has deposed as R.W.1, got marked documents at Ex.R.1 to Ex.R.7 and adduced the evidence of R.W.2 and R.W.3.

7. Heard the arguments.

8. My findings of the above issues are as follows:

ISSUE No.1 : In the Affirmative
ISSUE No.2 : In the Affirmative
ISSUE No.3 : As per the final order
for the following:

REASONS

9. **ISSUE No.1:** The petitioner has contended that he met with an accident and sustained grievous injuries due to rash and negligent driving by the driver of the offending vehicle.

10. Petitioner has deposed as PW-1 by reiterating the petition averments and produced 11 documents. Ex.P.1 is the copy of FIR in Gadag Rural P.S.Cr.No.299/2018. Ex.P.1(a) is the copy of complaint. Ex.P.2 is the Spot Mahazar. Ex.P.3 is the IMV report. Ex.P.4 is the wound certificate. Ex.P.5 is the charge sheet. Ex.P-6 and 7 are the OPD cards. Ex.P-8 and 9 are the medicine prescriptions and bills. Ex.P.10 are the X-ray films. Ex.P.11 is the Disability certificate.

11. On perusal of the same it could be seen that on 21/02/2018 at about 20:30 hours, the petitioner was proceeding in motorcycle bearing No.KA-25/EB/5775,

near the land of Pratap Myageri on Gadag-Lingadal road, a Tractor bearing Reg.No.KA-26/T-9715 being driven by its driver who was minor in rash and negligent manner came in high speed and dashed to the motorcycle. In the result the petitioner sustained grievous injuries. On the basis of the private complainant filed by the petitioner in P.C.No.53/2028, case was registered in Gadag Rural P.S.Cr.No.299/2018. After the investigation, the investigation officer has filed charge sheet against the driver of the tractor for the offences punishable U/Sec.279, 338 IPC and Sec.134 r/w 187, 4 r/w sec. 181 and 196 of MV Act and the petitioner was also arrayed as accused for the offences punishable U/Sec. 3 r/w 181 of MV Act for not having valid driving license.

12. The respondents have denied the case of the petitioners and contended that the petitioner himself rode his motorcycle in drunken condition and got accident. In order to prove their contention the respondent No.2 has deposed as RW-1, got marked the documents at Ex.R-1 to

7. Ex.R-1 is the order sheet in JC No.06/2029 on the file of JJ board, Gadag, wherein proceedings against the respondent No.1 has been terminated as per sec.14(2 and 4) of JJ Act. Ex.R-2 is the copy of the charge sheet filed in CC No.740/2019, Ex.R-3 is the copy of Private complaint filed by the present petitioner in P.C.No.53/2018. Ex.R-4 is the copy of charge sheet, Ex.R-5 is the order sheet in 740/2019, Ex.R-6 is the copy of plea, Ex.R-7 is the copy of the charge sheet which speaks that accused No.2 i.e., present petitioner has pleaded guilty for the offence punishable U/sec.3 r/w sec.181 and 196 of MV Act and paid fine.

13. RW-2 and 3 have deposed that the respondents have not caused any accident, no incident took place as alleged by the petitioner, the petitioner himself being a drunkard rode his motorcycle in rash and negligent manner and got caused accident for himself as such the respondents are not liable to pay the compensation to the petitioner. the RW-1 to 3 have contended that there was no

any accident and the tractor was not involved in the accident, the petitioner by filing private complaint falsely implicated the tractor and filed false case against the respondents.

14. The respondent No.2/ RW-1 who is the father of the respondent No.1, in his cross examination has admitted that the offending vehicle /tractor belongs to him, driver of the tractor did not possess valid driving license and the tractor was not duly insured at the time of accident. RW-2 in his cross examination has stated that he is not the eyewitness as such he has no personal knowledge about the accident, the respondent No.1 told him about the accident, accident took place between tractor and motorcycle, he does not know the contents of his examination in chief. RW-3 in his cross examination has stated that petitioner has sustained injury in the accident but he fell in the intoxication of alcohol and sustained injuries. He has further stated that the petitioner has dashed the motorcycle to tractor which was stationed on

the road. Further stated that at the time of accident he was sitting on the mudguard of tractor, respondent No.1- Praveen was driving the tractor.

15. On going through the evidence of the RW-1 to 3 it could be seen that the witnesses in their examination in chief have stated that tractor not involved in the accident but in cross examination have admitted the involvement of the tractor in the accident. Contrary to this the respondents have stated that the petitioner himself dashed the motorcycle to the tractor which was stationed. Further RW-3 has admitted that respondent No.1 was driving the tractor. All these contradictory statements clearly show that the respondents tried to show that the tractor was not involved in the accident and accident was occurred due to rash and negligent act of the petitioner but failed to establish their stand. Though the petitioner was charge sheeted and he pleaded guilty but allegations against him was for not having driving license and there is no allegations against him about rash and negligent riding of

the vehicle. All the material clearly shows that the accident was occurred due to rash and negligent driving by the driver of the offending tractor and the petitioner sustained grievous injury and fracture. The driver of the of the offending vehicle/tractor was minor and he did not possess valid Driving Licence and offending vehicle was not duly insured at the time of accident. Hence, this Issue is answered in the Affirmative.

16. **ISSUE No.2:** Petitioner has claimed compensation of Rs.5,00,000/-. It is proved that accident was occurred due to rash and negligent driving by the driver of the offending vehicle/tractor and the petitioner sustained injury and fracture. The petitioner has contended that he has suffered grievous injuries and fracture. As per the wound certificate at Ex.P.7 the petitioner has sustained grievous injuries. The petitioner has produced disability certificate at Ex.P-11 wherein disability is shown at 40% to LT Lower limb but the petitioner has not adduced the evidence of the doctor who

issued the disability certificate, as such same cannot be considered to assess the disability. So, there is no material to show that petitioner is suffering disability or facing inconvenience due to the injuries sustained in the accident and spent huge amount for treatment. So it is just and proper to award global compensation to the petitioner. The petitioner has produced the medical bills but the same are not appears to be authenticated, there are some corrections not bearing signatures of the person who issued it, as such same are not considered. However looking to the nature of the injuries and other medical documents it is just and proper to award a sum of Rs.10,000/- as medical expenditure. Considering the material on hand I am of the considered opinion that it is just and feasible to grant global compensation of Rs.80,000/- with medical expenses. So the petitioner is entitled for total compensation of $(80000 + 10000) =$ Rs.90,000/-.

17. Respondents No.1 and 2 are the rider and owner of the offending vehicle. Therefore, the respondent No.1 and 2 are jointly and severally liable to pay compensation to the petitioner with interest @ 6% p.a. Hence, this Issue is answered partly in the Affirmative.

18. **ISSUE No.3**: As discussed above I proceed to pass the following :

ORDER

The petition filed by the petitioner is hereby partly allowed with cost.

Petitioner is entitled for compensation of Rs.90,000/- (Rupees Ninety Thousand only) with interest @ 6% p.a., from the date of petition till realization.

The respondent No.1 and 2 are jointly and severally liable to pay the compensation.

Respondents are hereby directed to deposit the compensation amount with interest within 60 days from the date of passing of the Award.

After deposit of the amount by the respondents entire amount shall be

released in favour of the petitioner through
K-II in accordance with law and procedure.

Advocates fees is fixed at Rs.1,000/-.

Cost of the petition is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to Stenographer, transcribed and typed by
him, printed, corrected and pronounced by me in the open
court on this **04th day of July 2026**)

Sd/- 04/07/2026

(G.R.SHETTAR)
PRL.SR. CIVIL JUDGE & CJM.,
& M.A.C.T. GADAG

ANNEXURE

WITNESSES EXAMINED FOR PETITIONER:

P.W.1 : Sangappa S.Navalagund

DOCUMENTS EXHIBITED FOR PETITIONER:

Ex.P-1 : Copy of FIR
Ex.P-1(a) : Copy of Complaint
Ex.P-2 : Copy of Spot Mahazar
Ex.P-3 : Copy of MVA Report
Ex.P-4 : Copy of Wound certificate
Ex.P-5 : Copy of Charge Sheet
Ex.P-6 : Medical Prescriptions
Ex.P-7 : OPD Chits
Ex.P-8 : Medical Bills
Ex.P.9 : Medicine Prescriptions
Ex.P-10 : X-ray film
Ex.P.11 : Disability Certificate

WITNESSES EXAMINED FOR RESPONDENTS:

R.W.1 : Channabasavaraj Datanal

R.W.2 : Shivappa V. Dangari
R.W.3 : Gurunath P. Datanal

DOCUMENTS EXHIBITED FOR RESPONDENTS:

Ex.R.1 : Copy of Order Sheet
Ex.R.2 : Copy of FIR
Ex.R.3 : Copy of Private Complaint
Ex.R.4 : Copy of Charge Sheet
Ex.R.5 : Copy of Order Sheet
Ex.R.6 : Copy of Plea
Ex.R.7 : Copy of Order Sheet

Sd/- 04/07/2026
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