

KAHS010047712025



Presented on : 21-07-2025
Registered on : 23-07-2025
Decided on : 06-08-2026
Duration : 1 years, 0 months, 16 days

**IN THE COURT OF IV ADDL DISTRICT AND SESSIONS
JUDGE HASSAN SITTING AT CHANNARAYAPATNA**

PRESENT

SMT. KALPANA M.S.

B.Sc., LL.M., PGDCLCF.,

IV Addl. District and Sessions Judge,
Hassan (Sit at Channarayapatna)

DATED 6th OF AUGUST 2026

M.V.C./1201/2025

Claimant

: Nagaraju
S/o Hanummaiah,
Aged about 46 years,
R/o Kunduru Village,
Dandiganahalli Hobli,
Channarayapatna Taluk,
Hassan District.

(By Sri. M.G.S., Advocate)

V/s

Respondents:

1. Kumar
Prop. Penancia Agro
Chemical,
No.70/1, Kachohalli Cross
Road, Machohalli,
Dasanapura Hobli,
Magadi Main Road,
Bengaluru – 91,
Presently R/o Balaji Layout,
Byadarahalli,
Bengaluru.

(Owner of Maruthi Suzuki Alto
Car bearing Reg No. KA-41-
MF-2738)
2. Manager
Ifco Tokio General Insurance
Company Limited,
K.S.C.M.F Building
3rd Floor, 3rd Block,
No.8, Cunningham Road,
Bengaluru – 560052.

(Policy No.14446179
Valid from 30.09.2024 to
29.09.2027)

(R1 by Sri.M.S.P., Advocate
R2 by Sri.S.T.S., Advocate)

J U D G M E N T

This petition U/s.166 of Motor Vehicle Act (herein after called as M.V. Act) is filed by the claimant for award of compensation of 15,00,000/- with interest at 18% per annum from the date of petition till realization, towards the injuries suffered in road traffic accident.

2. The sum and substance of averments made in the petition is as follows;

That on 12.02.2025 at about 6.00 p.m. when the claimant was proceeding as rider along with son on the bike bearing registration No.KA-02-EK-6764 on the left side of the Mudanahalli-Kunduru Mutt road, and at that time, the driver of Maruthi Suzuki Alto car bearing registration No.KA-41-MF-2738 came from hind side with a high speed in a rash and negligent manner and hit the claimant's bike, on account of the same, he fell on the road and sustained severe injuries. Immediately, claimant wife and one Puneeth consoled the claimant and then shifted him to Punya

Hospital, Channarayapatna. He has been admitted as inpatient for a period of 5-6 days and now also taking follow-up treatment as an outpatient. He has spent an amount of Rs.5,00,000/- towards medical and miscellaneous expenses.

2(a). It is averred that before the accident, claimant was hale and healthy and was doing agriculture, dairy farming and coconut business and earning more than Rs.50,000/- per month. The entire family of claimant are dependents on him. After the accident the claimant is not able to do any work and not even walk properly and lost income. The accident is occurred due to the rash and negligent driving of car by its driver. The 1st respondent being the owner and 2nd respondent being the insurer of the car are liable to pay compensation.

3. In pursuance of the summons, the respondent No.1 and 2 entered appearance through their respective counsels.

Inspite of sufficient opportunity respondent no.1 and 2 have not filed written statement.

4. On the basis of the above pleadings, the following points would arise for my determination :

POINTS

1. Whether the claimant proves that on 12.02.2025 at about 6.00 p.m. when the claimant was proceeding as rider along with son on the bike bearing registration No.KA-02-EK-6764 on the left side of the Mudanahalli-Kunduru Mutt road and at that time, the driver of Maruthi Suzuki Alto car bearing registration No.KA-41-MF-2738 came from hind side with a high speed in a rash and negligent manner and hit the claimant's bike, on account of the same, he fell on the road and sustained severe injuries?

2. Whether the claimant is entitled compensation, if so, at what extent?

3. What order?

5. To prove his case, claimant got examined himself as P.W.1 and examined the treated doctor as P.W.2 and got marked in all 20 documents as Ex.P.1 to P.20 and closed his side. The Respondents have not preferred to lead evidence.

6. Heard the arguments of learned counsels appearing on behalf of the claimant. Perused the materials on record and the written arguments filed by the 2nd respondent.

7. For the reasons to be stated herein after, this court answer the above Points as follows:

Point No.1 : In the **Affirmative**

Point No.2 : **Partly in the Affirmative**

Claimant is entitled for compensation of Rs.4,00,000/- with interest @ 6% p.a. from the respondent No.1 and 2

Point No.3 : As per the final Order for the following:

REASONS

8. **Point No.1:-** This claim petition is filed by the injured-claimant seeking compensation from the owner and insurer of the car bearing registration No.KA-41-MF-2738 (hereinafter called as offending vehicle) for the grievous injuries sustained by him in the road traffic accident.

9. In order to prove that accident was occurred due to actionable negligence of the driver of the offending vehicle and sustainment of injuries by him in the said accident, the claimant/injured entered into witness box and filed affidavit in lieu of his examination in chief and reiterated the petition averments. He has relied on the complaint, FIR, head of the charge sheet, spot mahazar, spot sketch, vehicles seizure mahazar, IMV report and wound certificate as per Ex.P.1 to 8. The medical documents as per Ex.P.9 to 11, 14, 16 to 20. Ex.P.3 charge sheet indicates that after due investigation, police have charge sheeted the driver of car bearing

registration No.KA-41-MF-2738 in Cr.No.25/2025 of Channarayapatna Rural Police Station. Ex.P.8-wound certificate shows that claimant has sustained 1 simple injury and 1 grievous injury. The medical documents and discharge summary shows that claimant was in patient from 12.02.2025 to 15.02.2025.

10. This witness was subjected to cross-examination. This witness denied the suggestions disputing the suffering of injuries in the accident and due to his negligence accident taken place. In total, nothing material admission elicited from the mouth of claimant to dislodge his claim of sustainment of injury due to the accident caused by the driver of offending vehicle.

11. The treated doctor is examined as P.W.2. This witness has stated that claimant has sustained pain and swelling over left clavicle and pain and swelling over left shoulder. Further deposed that X-ray shows A C JOINT. The above injury No.2 is grievous in nature and injury No.1

is simple in nature. Claimant was operated with hookplate on 12.02.2025 and discharged on 15.02.2025. He has been advised to come to OPD on and off regularly and advise physiotherapy. Recent examination on 01.04.2026 and x-ray show soft tissue swelling with implant in situ. The doctor has assessed that the claimant is having restricted shoulder movements with pain/swelling, difficulty in lifting and carrying the weight and difficulty in walking and running. Further he has assessed that claimant is having 23.5% partial and permanent disability to upper limb.

12. In the cross-examination, it is denied that the assessment conducted by him is not in accordance with the guidelines of Central Government. Further in the cross-examination, is denied that even though the claimant has not suffered disability he is giving false evidence in order to help the claimant.

13. From the over all consideration of the materials on record, more particularly the police documents and medical

documents of the claimant coupled with the oral testimony of the claimant, it is abundantly clear that he met with an accident due to actionable negligence on the part of the driver of the offending vehicle. The wound certificate further establishes that claimant sustained 1 simple injury and 1 grievous injury and taken treatment in the hospital.

14. It is worth to note that this is summary proceedings and it is suffice to prima-facie establish the accident. The claimant need not to establish the accident beyond all reasonable doubt as required under Criminal cases. Therefore, scrutiny of oral and documentary evidence placed by the claimant and in the absence of contrary evidence of respondents, it is clear that claimant has proved that the accident was occurred due to fault of the driver of offending vehicle and he has suffered simple injuries in the accident. Therefore, point No.1 under consideration is answered in the **Affirmative**.

15. **Point No.2**:- For the reasons stated and discussed in point No.1, it is clear that the claimant had met with an accident and sustained injuries due to rash and negligent act attributable to the driver of the offending vehicle. Such being the case, the next point for consideration of this tribunal is award of compensation to the victim of the accident. It goes without saying basis of assessment of all damages for personal injury is compensation. The whole idea is to put the claimants in the same position as they were in so far as money can. Perfect compensation is hardly possible, but one has to keep in mind that the victim has done no wrong. He has suffered at the hands of wrong doer and court must take care to give him full and fair compensation for what he had suffered. Each case has to be considered in the light of its own facts and at the end one must ask whether the sum awarded is fair and reasonable sum. Having this principle in mind, I proceed to award compensation to the claimant under the following heads:

a. **PAIN AND SUFFERING**: Claimant has deposed that due to impact of the accident, he has sustained 1 grievous injury and 1 simple injury. Ex.P.9-the discharge summary indicates that he was inpatient for a period of 4 days from 12.02.2025 to 15.02.2025 and now also taking follow up treatment as an outpatient. Looking into the nature of treatment and duration of the treatment undergone by the claimant, the probabilities cannot be ruled out that claimant might have undergone pain and sufferings due to accidental injuries. Therefore, he is awarded with compensation of **Rs.30,000/-** towards pain and suffering.

b. **MEDICAL EXPENSES** : The claimant has asserted that he incurred medical expenses. In order to substantiate the medical expenses and treatment taken by him, he has produced Ex.P.11-medical bills. A careful examination of the medical bills shows that some of the bills are repeated. After removing the double bills, the amount comes to Rs.98,017/-. The medical bills are original bills issued by Punya Hospital,

Channarayapatna. Therefore, the claimant is entitled for the amount covered under the said medical bills. Hence, the claimant is entitled for a sum of **Rs.98,017/-**.

c. **CONVEYANCE, NOURISHMENT,**
TRANSPORTATION AND OTHER MISCELLANEOUS

EXPENSES : As per the medical records, the claimant was admitted to Punya Hospital, Channarayapatna on 12.02.2025 and discharged on 15.02.2025 with advice to take follow up treatment. Therefore, he might have spent considerable amount towards food, nourishment, transportation, attendant charges and other miscellaneous expenses. Accordingly, awarded an amount of **Rs.14,000/-** under this head.

d. **LOSS OF FUTURE INCOME DUE TO PERMANENT DISABILITY -** According to the claimant, he has suffered permanent disability due to the accident. The claimant has placed his oral testimony and also examined treated Dr. Mahesh as P.W.2. This witness states that due to the

accidental injuries claimant has suffered partial and permanent disability about 23.5% to upper limb. In the cross-examination he has denied the suggestion that though claimant has not suffered any disability he is giving false evidence. By looking into the oral testimony of P.W.1 and 2 and medical records, it is evident that claimant has suffered 23.5% partial and permanent disability to left upper limb. Hence, it could be safely taken that the claimant is having functional disability 7.8% to the whole body.

16. According to the claimant, he was earning Rs.50,000/- per month out of agriculture and dairy farming and coconut business. To prove the income, the claimant has produced Ex.P.12-Vegetable Merchant bills and milk card issued by Secretary, Kundur Milk Producers Co-operative Society Limited. However, there is no proof of income derived from the said avocation. Hence, this court has no other option except to rely on the slab. Therefore, by considering the notional income chart dated 30.06.2026

prepared by the Hon'ble Karnataka State Legal Services Authority and the year of the accident i.e. 2025, the notional income of the claimant could be taken as Rs.18,000/- per month. As per Ex.P.15-Adhar card, the claimant was aged '46' years at the time of accident. The applicable multiplier would be '13'. Hence, the loss of future income comes to **Rs.2,19,024/-** (Rs.18,000 x 12 x 13 x 7.8%).

e. **LOSS OF INCOME DURING LAID UP PERIOD:** As discussed above, the claimant was admitted as an inpatient for about 04 days and taken treatment. Considering the nature of injuries, claimant might have taken rest for one month and also taken follow up treatment. Therefore, it is just and proper to award compensation of one month income under this head. Accordingly, the claimant is entitled for **Rs.18,000/-** towards loss of income during laid up period.

FUTURE MEDICAL EXPENSES: The claimant and the doctor have deposed that he was discharged from the hospital with follow up treatment. Further Doctor has

deposed that claimant is in requirement of another surgery for implant removal which would be approximately Rs.40,000/- to Rs.50,000/-, but not produced any estimation to that effect. Considering the permanent disability suffered by the claimant, it can not be ruled out that he is need of future surgery, treatment and consequential expenses. Therefore, an amount of **Rs.20,000/-** is awarded under this head.

Accordingly, I proceed to award compensation as under:

1	Pain and Sufferings	Rs.30,000-00
2	Medical Expenses	Rs.98,017-00
3	Conveyance, Nourishment, Transportation and other Miscellaneous expenses	Rs.14,000-00
4	Loss of future income due to permanent disability	Rs.2,19,024-00
5	Loss of income to during laid up period	Rs.18,000-00
6	Future medical expenses	Rs.20,000/-
	Total	Rs.3,99,041-00

Liability:

17. So far as the liability is concerned, there is no dispute that offending vehicle has insurance coverage of respondent No.2-Insurance company vide policy No.14446179 valid from 30.09.2024 to 29.09.2027. The date of accident is 12.02.2025. There is no allegation of violation of policy conditions and that the driver of offending vehicle was not holding valid driving licence at the time of accident. Hence, the respondent No.1 and 2 are jointly and severally liable to pay the compensation amount to the claimant. The respondent No.2-insurance company shall indemnify the respondent no.1-owner of the offending vehicle. Accordingly, point No.2 under consideration is answered **partly in the affirmative** by holding that the claimant is entitled for compensation of Rs.3,99,041/- rounded off to Rs.4,00,000/- from the respondent No.1 and 2 along with interest @ 6% p.a.

18. **Point No.3:-** For the reasons assigned in the foregoing Points, I proceed to pass the following;

ORDER

Petition filed under Section 166 of Motor Vehicle Act is allowed in part with cost.

Claimant is entitled for compensation of Rs.4,00,000/- (Four lakh only) with interest at the rate of 6% P.A. from the date of petition till realization.

Respondent No.2 shall deposit the compensation amount with interest, within 3 months from the date of award, failing which the award amount shall carry interest at the rate of 9% per annum from the date of default.

On deposit, considering the quantum of compensation, the entire amount is ordered to be released in

favour of claimant on proper
identification.

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

Draw award accordingly.

(Dictated to Stenographer Grade-III directly on computer, typed by her, transcript revised, corrected, print-out, signed and then pronounced by me in the open court on this on 6th day of **August, 2026**)

(Kalpana M.S.)
4th Additional District and
Sessions Judge, Hassan District.
At Channarayapatna.

ANNEXURE

WITNESSES EXAMINED FOR CLAIMANT:

P.W.1 : Nagaraju
P.W.2 : Dr.Mahesh

DOCUMENTS MARKED FORO CLAIMANT:

Ex.P.1 : Certified copy of complaint
Ex.P.2 : Certified copy of FIR
Ex.P.3 : Certified copy of head of charge sheet
Ex.P.4 : Certified copy of Spot mahazar
Ex.P.5 : Certified copy of Spot sketch
Ex.P.6 : Certified copy of vehicles Seizure mahazar

- Ex.P.7 : Certified copy of IMV report
- Ex.P.8 : Certified copy of wound certificate
- Ex.P.9 : Discharge summary report
- Ex.P.10 : Medical prescriptions
- Ex.P.11 : Medical bills
- Ex.P.12 : Vegetable merchant bills
- Ex.P.13 : Milk Dairy cards
- Ex.P.14 : X-ray films
- Ex.P.15 : Notarized copy of Aadhar card of claimant
- Ex.P.16 : Attested copy of MLC register extract
- Ex.P.17 : Case file
- Ex.P.18 : Old X-rays
- Ex.P.19 : Recent X-ray
- Ex.P.20 : CT film

WITNESSES EXAMINED FOR RESPONDENTS:

NIL

DOCUMENTS MARKED FOR RESPONDENTS:-

NIL

(Kalpana M.S.)

4th Additional District and
Sessions Judge, Hassan District.
At Channarayapatna.