

KAHS010068992023



Presented on : 04-12-2023
Registered on : 07-12-2023
Decided on : 18-07-2026
Duration: 2 years, 7 months, 14 days.

**BEFORE THE III ADDL. DISTRICT & SESSIONS COURT AT
HASSAN**

**PRESENT: Sri. Doddegowda K., B.A., LL.B.,
III Addl. District & Sessions Judge,
Hassan.**

Dated this 18th day of July, 2026

:M.V.C./1767/2023:

Petitioner/s

: Gopikrishna Mupeda @
Mupeda Gopikrishna,
S/o Mupeda Narayana,
Aged about 26 years,
R/o No.6-18/1, Wellmall village,
Nandalam Nandi Pet,
Nijamabad district,
Thelangana State.
Present R/o C/o Suresh,
Near Venkateshwara temple,
Vijayanagara, Hassan city,
Hassan.

(By Sri. N.N. Advocate)

V/s

Respondent/s

- : 1. Managing Director,
P.H.P.C. Tratake Pvt. Ltd.
1-17/3, Kodikere road, Kulai,
Mangalore, Dakshina Kannada.

(Owner of KA-13-D-4009 Lorry)

2. The Manager,
United India Insurance Co., Ltd.,
C. Vitala Main road, Surathkal,
Mangalore, Dakshina Kannada.
Represented by,
United India Insurance Co., Ltd.,
II Floor, Venkateshwara building,
B.M. Road, Hassan.
(Policy No.0729013122P107611990/1
(Validity date 11-04-2023 till
02-11-2023)

(R-1 Exparte)

(R-2 By Sri. I.A.M., Advocate)

::J U D G M E N T::

The instant Petition has been filed by the Petitioner Under Section 166 of the Motor Vehicles Act seeking to award compensation of Rs. 25,00,000/- to the Petitioner, for the injuries sustained in the alleged road traffic accident.

2. The substance of averments made in the petition is as under:-

On 10.06.2023 at about 12:30 p.m., while travelling in Car No. KA-01-MP-2285 along with his friends Suraj, Arif Shaikh, and Jayakrishna Deep towards Chikkamagaluru, the car was proceeding on the left side of NH-75 near Ganesh Engineering Works, Bittagoudanahalli Circle, Hassan. At that time, Tanker Lorry No. KA-19-D-4009, driven from Mangaluru towards Bengaluru in a rash and negligent manner, came to the wrong side of the road and collided with the petitioner's car. As a result of the accident, the petitioner sustained grievous injuries to his right shoulder, right elbow, right forearm, left hand, head, and other parts of the body. He was initially shifted to the Government Hospital, Hassan, and thereafter admitted as an inpatient at Mahalakshmi Manjappa Hospital, where he underwent treatment for one month. Surgical procedures were performed on his right shoulder, right elbow, and left elbow with implantation of plates and rods. He incurred medical expenses of approximately ₹8,00,000.

Prior to the accident, the petitioner was healthy and employed in a private company, earning about ₹1,00,000 per month, and was maintaining his family. Due to the injuries, he

continues to suffer pain and permanent functional difficulties, rendering him unable to perform his previous work, lift heavy objects, drive vehicles, or carry out routine office duties. He has become dependent on others for his day-to-day activities and has suffered substantial financial loss and hardship. The petitioner attributed the accident solely to the rash and negligent driving of the tanker lorry driver and contended that the respondents, being the owner and insurer of the offending vehicle, are jointly and severally liable to compensate him. Accordingly, he sought compensation of ₹25,00,000 together with interest at 18% per annum from the date of the petition until realization, under various heads including pain and suffering, medical expenses, loss of income and future loss of earnings.

3. Consequent upon issuance of notice to the Respondents, the respondent No.1 did not appear before the Court and as such he has been placed *exparte*.

4. The respondent No. 2, insurance company, appeared before the court through its counsel and filed their written statement. In the written statement, the respondent No. 2 has denied the averments of the claim petition in material aspects. It

is further submitted that the accident occurred solely due to the rash and negligent driving of the petitioner, who was driving Car No. KA-01-MP-2285. He was solely responsible for the accident. It is further contended that the petitioner did not possess a valid and effective driving licence to drive the said car. Hence, the 2nd respondent is not liable to pay any compensation. The driver of Tanker Lorry No. KA-19-D-4009 did not possess a valid and effective driving licence. It is also contended that the 1st respondent failed to comply with the contractual and statutory requirements by not submitting the claim form, insurance particulars, and other necessary documents as required under Section 134 of the Motor Vehicles Act, 1988. Further, the 2nd respondent states that it had not issued any insurance policy in respect of the said tanker lorry. Therefore, no liability can be fastened on the 2nd respondent.

It is further contends that the the claim petition must be filed within the period prescribed under Section 166(3) of the Motor Vehicles Act, as amended, and if found barred by limitation, the petition is liable to be dismissed. The claim for interest at 10% per annum is denied as excessive. It is contended that, in view of

the Interest Act, 1978 and the decisions of the Hon'ble High Court of Karnataka, the applicable rate of interest, if any, should not exceed 6% per annum. The 2nd respondent denies the petitioner's age, occupation, income, nature of employment, alleged permanent disability, period of treatment, medical expenses, and monthly income of ₹1,00,000/-, and puts the petitioner to strict proof thereof. The compensation of ₹25,00,000/- with interest and costs claimed by the petitioner is excessive, speculative, and unsupported by evidence. The petitioner is therefore not entitled to any compensation from the 2nd respondent. Hence, the Respondent No. 2 sought to dismiss the petition.

5. On the basis of the averments of the petition and objections, my learned Predecessor in office has framed the following:

:: I S S U E S ::

1. *Whether the Petitioner proves that, the accident occurred on 10-06-2023 at 12.30 p.m. is due to the actionable negligence on the part of the driver of the Lorry bearing Registration No.KA-19-D-4009 and in the accident, the petitioner sustained*

grievous injuries?

2. *Whether petitioner is entitled to compensation? If so, what is the quantum and from whom?*
3. *What order/award?*

6. In order to prove his case, the Petitioner examined himself as PW.1 and got marked Exs.P.1 to P.12 and closed his side. In support of his case, the petitioner examined Dr. Umesh, who has been examined as PW-2 and got marked Exs.P.13 to P.15. On the other hand, the respondent No.2 has not led any evidence nor produced any documents.

7. Heard arguments from both the sides. Perused the materials placed on record.

8. My finding to the above issues are as follows:

*Point No.1: In the **affirmative**,*

*Point No.2: In the **affirmative**, as per discussion;*

Point No.3: As per final order, for the following;

::REASONS::

9. Issue No.1:- In order to prove his case, the Petitioner examined himself as P.W.1 and filed affidavit in lieu of oral evidence wherein he has reiterated the petition averments and got marked Ex.P-1 to P-14. Ex.P-1 is the F.I.R. Ex.P-2 is the

Complaint. Ex.P-3 is the Police intimation. Ex.P-4 is the crime details from along with spot mahazar and spot aketch. Ex.P-5 is the wound certificate. Ex.P-6 is the MV report. Ex.P-7 is the charge sheet. Ex.P-8 is the medical bills. Ex.P-9 is the discharge summary of petitioner. Ex.P-10 is the notarized copy of Aadhaar card of petitioner. Ex.P-11 is the Notarized copy of PAN card of petitioner. Ex.P-12 is the Bank pass book of petitioner issued by Karnataka grameen bank. Ex.P-13 is the MLC register extract, Ex.P-14 is the X-ray films, Ex.P-15 is the Case sheet.

10. Ex. P-1 to P-7 being the certified copies of F.I.R., complaint, Police intimation, spot mahazar, wound certificate, MV report, charge sheet would go to show that on the relevant date, time and place, the petitioner was drove a Car bearing No. KA-01-M-P-2285, along with his friends Arif shaik B., Suraj and Jayakrishna, in which he was proceeded towards Chikkamagaluru. At that time, due to the negligent and reckless driving of driver of Lorry bearing its Reg. No. KA-19-D-4009, the Lorry collided with petitioner's Car. As a result of which, the petitioner, fell onto the road and sustained grievous injuries to his left hand, head, forehead, face and other parts of the body.

11. Having regard to the entire materials on record, I am of the considered opinion that the accident had occurred due to the rash and negligent driving of the driver of Lorry bearing registration No. KA-19-D-4009. Accordingly, without deliberating much on this aspect, **I answer Issue No.1 in the affirmative.**

12. Issue No. 2:- While answering Issue No.1, I have held that on the relevant date, time and place the accident had occurred due to the rash and negligent driving of the driver of Lorry bearing registration No. KA-19-D-4009. Now, it is to be seen as to whether the Petitioner is entitled for compensation? if so, how much and from whom?

13. Ex.P.5 - Wound Certificate goes to show that the Petitioner sustained with four grievous injuries and two simple injuries. As per discharge summaries at Ex.P.9, the Petitioner was admitted to Mahalakshmi Manjappa Multispeciality Hospital and Research centre for a total period of 13 days i.e., from 10-06-2023 to 22-06-2023 at Hassan. PW-2 - treated Doctor at Mahalakshmi Manjappa Multispeciality Hospital, has deposed that the total disability in respect of right upper extremity is 24.25% and left upper extremity is 22.64% . Though, PW-2 was

cross examined, nothing worth is elicited so as to discard his testimony given in the chief examination. PW-2 has denied to the suggestion that he has assessed to the disability in order to help the Petitioner.

14. In so far as the age of the Petitioner is concerned, he has stated in the petition that he is aged about 26 years. But as per the wound certificate of the petitioner at Ex.P.10, the age of the petitioner is mentioned as 26 years. If wound certificate of the petitioner is considered, his age is 26 years as on the date of accident. Therefore, if the age of Petitioner is taken as 26 years, the multiplier applicable as per Sarla Varma's case (Sarla Verma & Ors. V/s Delhi Transport Corporation & Another AIR 2009 SC 3104) for the persons aged between 26 to 30 years is 17.

15. In so far as the income of Petitioner viz-a-viz the loss of future income is concerned, in the petition, the occupation of Petitioner is shown as he is working in a private company and he claims to have earning a sum of Rs.1,00,000/- per month. However, there are no materials on record to show that the Petitioner was getting a sum of Rs.1,00,000/ per month. The petitioner has not substantiated the same with corroborative

evidence and not examined any witnesses. In the absence of cogent document as regards to proof of income, a notional income of Rs. 16,250/- will have to be taken as per the notional income chart issued by Karnataka Legal Services Authority. Having regard to year of accident coupled with the notional income guidelines issued by the Karnataka State Legal Services Authority in respect of Lok Adalath, the above notional income is just and reasonable.

16. In so far as the loss of income is concerned, PW-2/Doctor has deposed that, due to the accident the petitioner had Sub centimetric Haemorrhagic Focus in left Cerebral Peduncle - Focus of Diffuse Axonal Injury, Open Displaced Severe Fracture Dislocation of right Elbow with Comminuted Fracture of right Ulna at Proximal 1/3rd, Closed Displaced Fracture of right Humerus at middle 1/3rd with Ipsilateral Displaced Fracture of Surgical Neck, Closed Fracture of left Radius at Distal end of Intra Articular Displaced, Lacerated wound over right eyebrow 6x1 cm, Lacerated wound over right elbow 2x2 cm, Abrasion wound over right frontal region 2x1 cm. These aspects would clearly go to show that the petitioner is entitled for loss of future earnings. In so far as the assessment of disability of the petitioner is concerned, based on the

medical evidence presented by PW-2, it is evident that the petitioner has suffered severe injuries and disabilities as a result of the accident. PW-2 has assessed disability @ 24.25% to right upper extremity and 22.64% to left upper extremity. Considering the severity of the injuries and the limitations described, it is reasonable to conclude that the petitioner's overall disability should be assessed at 13% as the combined disability to both upper extremities is approximately 39.85%. Where the medical evidence gives disability only to a particular limb and does not separately assess whole-body disability, courts frequently adopt approximately one-third of the limb disability, subject to the nature of injuries, occupation and functional impact. This calculation is based on 1/3rd of 39.85%. Therefore, as already observed, monthly income of Rs.16,250/ and the percentage (%) of the total disability taken as 13% [being 1/3rd of 39.85%] would be $\text{Rs.16,250} \times 12 \times 13\%/100 \times 17 = 4,30,950/-$ and the same is rounded off to Rs.4,31,000/- which would be the loss of future income.

17. In so far as the pain and agony is concerned, the medical records coupled with the oral evidence of P.W.1 and PW-2 would

go to show that the Petitioner has Sub centimetric Haemorrhagic Focus in left Cerebral Peduncle - Focus of Diffuse Axonal Injury, Open Displaced Severe Fracture Dislocation of right Elbow with Comminuted Fracture of right Ulna at Proximal 1/3rd, Closed Displaced Fracture of right Humerus at middle 1/3rd with Ipsilateral Displaced Fracture of Surgical Neck, Closed Fracture of left Radius at Distal end of Intra Articular Displaced, Lacerated wound over right eyebrow 6x1 cm, Lacerated wound over right elbow 2x2 cm, Abrasion wound over right frontal region 2x1 cm. Though, P.W.1 and PW-2 were cross-examined, nothing worth is elicited so as to discard their testimony as regards to **pain and sufferings** and therefore, he is entitled for a sum of **Rs.75,000/-**.

18. In so far as the loss of amenities is concerned, the Petitioner has sustained with four grievous injuries and other three are simple injuries. As already observed, according to PW-2/Doctor, the Petitioner has suffered combined disability to both upper extremities is approximately 39.85% and if the same is converted to the whole body, which would be 13%. Due to the injuries, the Petitioner has to carry the disability throughout his life and therefore he has lost some amenities as is available to

normal person and therefore, I just deem it appropriate to award a sum of **Rs.50,000/** towards **loss of amenities**.

19. In so far as the medical bills are concerned, Petitioner has stated that he has spent Rs.8,00,000/-. However, as per Ex.P.8, the Petitioner spent a sum of Rs.6,92,260/- towards **medical expenses** and the same is rounded off to **Rs.6,93,000/-** as such the P.W.1 is entitled for the said amount.

20. In so far as the loss of income during the laid-up period is concerned, due to admission for a period of 13 days in the Hospitals i.e., from 10-06-2023 to 22-06-2023. Due to the injury suffered and for the treatment, the Petitioner would have lost his income for a period of at least 30 days. Accordingly, I find that he is entitled for **Rs. 16,250/-** (30 days/one month income) **towards loss of income during the laid-up period**.

21. In so far as the rest, nourishment and attendant charge is concerned, the discharge summary at Ex.P.9 goes to show that the Petitioner was hospitalized for 13 days i.e., from 10-06-2023 to 22-06-2023. Therefore, he is entitled for a sum of **Rs.2,600/** (200 x 13 days) under this head.

22. Having regard to entire materials on record, I am of the considered opinion that the Petitioner is entitled for compensation under the following heads:

Compensation Heads	Compensation amount (Rs.)
1. Towards pain and agony	75,000/-
2. Loss of amenities	50,000/-
3. Loss of income during laid up period	16,250/-
4. Medical bills	6,93,000/-
5. Loss of future income	4,31,000/-
6. Nourishment and attendant charge	2,600/-
Total	12,67,850/-
(Rupees Twelve Lakhs Sixty seven Thousand Eighty Fifty only)	

23. In so far, the liability to pay compensation is concerned, the Respondent No. 1 and 2 being the owner and the Insurance Company of the offending vehicle are jointly and severally liable to pay the compensation to the Petitioner. However, as the issuance of Policy is effective as on the date of accident, the Respondent No.2 is directed pay the entire compensation to the Petitioner together with interest. **Accordingly, I answer issue No.3 in the affirmative.**

24. Issue No.4:- In view of my discussion made supra, I proceed to pass the following:

::O R D E R::

The Petition filed by the Petitioner under Section 166 of Motor Vehicles Act is hereby, partly allowed with cost.

*The Petitioner is entitled for Compensation of **Rs.12,67,850/- (Rupees Twelve Lakhs Sixty Seven Thousand Eight Fifty Only)** along with interest at the rate of 6% P.A., from the date of Petition till the date of deposit of the Award amount.*

The Respondent No.2, being the Insurance Company, is directed to deposit the Award Amount and interest before this Tribunal within 30 days from the date of this Judgement.

On deposit of the Award amount and interest, 50% of the compensation amount shall be kept in FD in a Nationalized Bank of his choice for a period of three years with a liberty

*to withdraw the interest accrued thereon.
Remaining 50% of the compensation amount
shall be released in favour of the petitioner after
his proper identification and verification.*

*The petitioner is directed to furnish his
bank account details (account number, IFSC
code, name of the bank and branch) and a copy
of his Aadhaar card and Pan Card, as per the
directions of the Hon'ble Supreme Court to
facilitate direct transfer of the compensation
amount into her account.*

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

Draw award accordingly.

*(Dictated to the Stenographer, transcribed and typed by him, corrected
and then pronounced by me in the open Court, on this the **18th day of
July, 2026**)*

[Doddegowda K.]

*III Additional District & Sessions
Judge and Addl. MACT at Hassan*

:: A N N E X U R E ::**1. List of witnesses examined for Petitioner/s side:**

PW-1 : Gopi Krishna Muppeda
PW-2 : Dr. Umesh M.

2. List of documents got marked for Petitioner/s side:

Ex.P-1 : FIR
Ex.P-2 : Complaint
Ex.P-3 : Police intimation
Ex.P-4 : Crime details from
Ex.P-5 : Wound certificate
Ex.P-6 : MV report
Ex.P-7 : Charge sheet
Ex.P-8 : Medical bills
Ex.P-9 : Discharge summary
Ex.P-10 : Aadhaar card
Ex.P-11 : PAN card
Ex.P-12 : Bank Pass book
Ex.P-13 : MLC register extract
Ex.P-14 : X-ray films
Ex.P-15 : Case sheet

3. List of witnesses examined for Respondent/s side:

NIL

4. List of documents got marked for Respondent/s side:

NIL

*III Additional District & sessions
Judge and Addl. MACT at Hassan.*