



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE AND CJM, AT. HAVERI**

PRESENT

**SRI.MAHAMMAD ANWAR HUSSAIN MOGALANI
B.Sc., LL.B (Spl)**

Prl. Senior Civil Judge & CJM,
Haveri

DATED THIS 04th DAY OF JUNE-2026

M.V.C.No.616/2024

PETITIONER/S:

B. Pradeep S/o Basappa,
Age: 29 years,
Occ: Nil,
R/o: Benakanahalli,
Post Kurubarahalli,
Tq: and Dist: Chitradurga,
Now at Shivajinagar,
Haveri, Tq: and Dist: Haveri.

(By Sri B.C.K., Adv.)

V/s

**RESPONDENT/S:**

1. Pradeepkumar T G
S/o Gurulingappa T,
Age: Major, Occ: Business,
R/o: Main road, Goppenahalli,
Tq: Channageri,
Dist: Davanagere - 577215.
(Owner of John Deere Tractor
bearing its Reg. No.KA-17/TE - 5462)

2. The Divisional Manager,
The New India Assurance Company
Ltd, A.M Arched building Near
Vidyarthi Bhavan, Shamanu Shiva
Shankarappa road, Davanagere.

(Insurer of John Deere Tractor
bearing Reg. No: KA-17/TE-5462)
Policy No.68050231230100003902
bearing from 29.07.2023 to 28.07.2024

(R.2 by Sri M.G.M., Adv..)
(R.1 - Exparte)



J U D G M E N T

This petition is filed by the petitioner who sustained injuries in a road accident on dated 19.12.2023 by claiming compensation of Rs.55,00,000/- at the rate of interest of 18% from the respondents.

2. **Case of the petitioner in brief is as under:**

The petitioner contended in the petition that on 19.12.2023 the petitioner was moving at left side of the Chitradurga-Shivamogga N.H-13 road as a pedestrian, towards Channageri from Garaga cross, at that time driver of one tractor bearing its Reg. No.KA-17-TE-5462 was coming from Benkikere towards Channagiri in high speed, rash and negligent manner and lost control over the vehicle and dashed to the petitioner from backside and caused accident. Due to the accident petitioner sustained grievous injuries. After the accident, the petitioner was shifted to Sahyadri Narayan multispeciality hospital Shivamogga as indoor patient for a period of 15 days, undergone surgeries, applied



road, nails, screws etc., and spent Rs.7,00,000/- for medical treatment. Accordingly, a criminal case has been registered in Channagiri police station in Crime No.555/2023 for the offences punishable U/Sec.279 and 338 of IPC. Prior to the accident, the petitioner was hale and healthy and he was doing coolie work and earning Rs.35,000/- per month and contributing the same for the welfare of his family. Due to the injuries sustained in the accident the petitioner has become permanently disabled and lost his future income. The accident occurred due to rash and negligent act of driver of offending tractor, the respondent No.1 is the owner and the respondent no.2 is the insurer of the offending tractor and both are liable to pay compensation. On these grounds petitioner prays to allow the petition.

3. After service of notices, the respondent No.1 has not appeared and placed exparte. The respondent No.2 has appeared through his learned counsel and filed his written statement of objections.



4. The respondent No.2 in his written statement of objections he has denied the averments of petition but admitted the insurance policy of tractor bearing No.KA-17/TE-5462 covered under respondent No.2 insurance company and the said insurance policy was in force as on the date of accident and further contended that the driver of the said tractor was not holding valid driving license at the time of accident. Therefore the respondent No.1 has violated the policy condition. On these grounds prays to dismiss the petition against respondent No.2.

5. On the basis of the pleadings and materials on record the following issues are framed :

ISSUES

1. Whether the petitioner proves that he sustained grievous injuries due to actionable rash and negligent act of driver of John Deere Tractor bearing its Reg. NO.KA-17/TE-5462 in the motor vehicle accident on 19.12.2023 at A.M 8.00 A.M on Chitradurga-Shivamogga N.H-13 near Garag Cross within the



limits of Channagiri police station as being asserted in the petition ?

2. Whether the petitioner proves that the offending vehicle John Deere Tractor bearing its Reg. No.KA-17/TE-5462 is insured with the respondent No.2 and insurance policy is in force as on the date and time of the accident?

3. Whether respondent No.2 proves that the driver of the vehicle Reg. No.KA-17/TE-5462 not possess valid and effective driving license as on the date and time of the accident

4. Whether petitioner is entitled for the compensation ? If so how much and from whom?

5. What order or award?

6. In order to prove the case of the petitioner the petitioner himself examined as P.W.1 and got marked documents at Ex.P.1 to P.15 and examined the Dr. Nithin A.B as PW-2 on his behalf. On the other hand the respondents have not adduced any oral or documentary evidence.



7. Heard. Perused the materials placed on record.
8. My findings on the above issues are as under:

ISSUE No.1: In the Affirmative

ISSUE No.2: In the Affirmative

ISSUE No.3: In the Negative

ISSUE No.4: Partly in the Affirmative

ISSUE No.5: As per the final order

for the following:

REASONS

9. **ISSUE NO.1:** The petitioner has contended in the petition that on the above said date, time and place he met with accident and sustained grievous injuries occurred due to rash and negligent driving by the driver of offending vehicle.
10. The petitioner has deposed as P.W.1 by reiterating the averments made in the petition and has produced the documents at Ex.P.1 to P.15 such as FIR, complaint, Spot panchanama, Seizure panchanama, IMV report,



charge sheet, wound certificate, Discharge Summary, Medical bills, disability certificate, lab reports, X-rays, Adhar cards, pan cards, bank pass books respectively.

11. It is the case of the petitioner that on 19.12.2023 the petitioner was moving at left side of the Chitradurga-Shivamogga N.H-13 road as a pedestrian, towards Channageri from Garaga cross, at that time driver of one tractor bearing its Reg. No.KA-17-TE-5462 was coming from Benkikere towards Channagiri in high speed, rash and negligent manner and lost control over the vehicle and dashed to the petitioner from backside and caused accident. Due to the accident petitioner sustained grievous injuries. After the accident, the petitioner was shifted to Sahyadri Narayan multispeciality hospital Shivamogga as indoor patient for a period of 15 days, undergone surgeries, applied road, nails, screws etc., and spent Rs.7,00,000/- for medical treatment. Accordingly, a criminal case has been registered in Channagiri police station in Crime No.555/2023 for the offences punishable U/Sec.279 and



338 of IPC. Though the respondent No.2 has contested the petition and denied the manner of the accident, but failed to substantiate its defence. It is proved that accident was occurred due to rash and negligent driving of the driver of the offending vehicle and the petitioner sustained grievous injuries. Hence, I answered issue No.1 in the **Affirmative.**

12. **ISSUE NO.2:** The petitioner in his petition contended that the vehicle No.KA-17/TE-5462 is insured with the respondent NO.2 insurance company. The respondent No.2 insurance company is liable to indemnify the petitioner in respect of accident caused by the vehicle of the respondent No.1. The respondent No.2 in his written statement has admitted the insurance policy covered by the vehicle No.KA-17/TE-5462 and the said insurance policy was in force as on the date and time of the acci. The insurance policy of the offending vehicle vehicle No.KA-17/TE-5462 was in force as on the date of accident. Hence, I answered issue No.2 in the **Affirmative.**



13. **ISSUE NO.3:** The respondent No.2 insurance company in its objections stated that on the date of accident the driver of the said tractor bearing Reg. No.KA-17/TE-5462 was not possessed valid and effective driving license. But in respect of that there are no contention taken by the investigating officer in the charge sheet that the driver was not possessing the valid and effective driving license on the date of accident. As per the ruling reported in **Sudeer Kumar Rana Vs Surendra Singh** it has been clearly observed that if the driver of the vehicle involved in the accident who do not possesses the valid and effective driving license on the date of accident does not take away the liability of the insurance company to pay the compensation to the petitioner. In this case also however the respondent No.2 insurance company has taken the contention that the driver of the vehicle not possesses the valid driving license on the date of accident is concerned no documents have been produced in order to substantiate his defence regarding



the non possessing valid and effective driving license by the driver on the date of accident. The respondent No.2 insurance company only liable to pay entire compensation to the petitioner. In view of that **issue NO.3 is answered in the Negative.**

14. **ISSUE No.4:** The petitioner has claimed compensation of Rs.55,00,000/-. It is contended that due to the injuries sustained in the road traffic accident the petitioner lost his income.

15. **PAIN AND SUFFERING:** As per the wound certificate at Ex.P.7, the petitioner sustained grievous injuries and he has suffered a lot of pain and suffering due to the injuries. Hence, it is feasible to award **Rs.30,000/-** towards pain and suffering.

16. **ATTENDANT CHARGES, FOOD AND CONVEYANCES:** As per Discharge summary at Ex.P.6 discharge summary the petitioner was admitted at Laxmi Surgical Trauma, Ortho and Multispeciality Hospital from 01.08.2021 to 15.08.2021. As per Ex.P7



discharge summery the petitioner was admitted in the New Haveri Multi Speciality Hospital from 12.09.2025 to 25.09.2025. The petitioner has admitted in the said hospital for a period of 18 days. During that period one person might have attended the petitioner as attendant charges, food and conveyance during their stay at the hospital. So **Rs.50,000/-** is awarded under this head is feasible.

17. **LOSS OF FUTURE INCOME**: The petitioner has contended that due to the injuries sustained in the accident he is unable to do the regular work and thereby lost the future income. The petitioner has produced disability certificate at Ex.P.10 wherein the Doctor has given disability of 50%. Compared to whole body **16%**.

18. The petitioner claimed that he was doing coolie work and he was earning **Rs.35,000/-** per month. To substantiate the said income, the petitioner has not produced any documents to show her income. Accident



was of the year 2023. As per Hon'ble High Court's chart, the monthly income of petitioner in the year 2023 would be Rs.15,000/-. Considering the minimum wages, income of the petitioner is considered as Rs.15,000/- per month. Annual income will be **Rs.1,80,000/-**. In the petition age of the petitioner is shown as 29 years. The petitioner has not produced any documents to prove her age. In the wound certificate and hospital records age of the petitioner mentioned as 29 years. The age of the petitioner in the Wound certificate Ex.P.13 is mentioned as 28 years. Therefore the age of the petitioner is considered as **28 years** as on the date of accident. As per the ruling reported in **AIR 2009 SCW page-3014 between SARLA VERAMA AND OTHERS VS DELHI TRANSPORT CORPORATION AND OTHERS** case multiplier applicable is '**17**'. Thus loss of future income will be **Rs.1,80,000 X 16 X 17/100 = Rs.2,15,460/-**. Hence, the petitioner is entitled for loss of future income of **Rs.4,89,600/-**.



19. **MEDICAL EXPENDITURE:** The petitioner has produced hospital cash bills and medical bills. On scrutinizing the entire bills, petitioner is entitled **Rs.2,00,000/-** for medical expenses.

20. **LOSS OF INCOME DURING TREATMENT:** As discussed above monthly income is held as Rs.14,250/- per month. Petitioner was admitted in the hospital for 18 days. After discharge from the hospital also the petitioner was in need of rest at least for 20-25 days. During said period he could not have attended his regular work. As such he is entitled for compensation for that period. Hence, the petitioner is entitled **Rs.10,000/-** under this head.

21. **LOSS OF AMENITIES AND NUTRITION FOOD:** Looking at the injuries sustained by the petitioner an amount of **Rs.10,000/-** is awarded under this head.



22. So the compensation to be awarded is as under:

1	PAIN & SUFFERING	Rs. 50,000/-
2	ATTENDANT CHARGES, FOOD AND CONVEYANCE CHARGES	Rs. 20,000/-
3	LOSS OF FUTURE INCOME	Rs.4,89,600/-
4	MEDICAL EXPENDITURE	Rs.2,00,000/-
5	LOSS OF INCOME DURING TREATMENT	Rs. 10,000/-
6	LOSS OF AMENITIES AND NUTRITION FOOD	Rs. 10,000/-
	TOTAL COMPENSATION	Rs. 7,79,600/-
7	In Round total compensation will be awarded	Rs.7,80,000/-

23. **LIABILITY**: As per the cause title, the respondent No.1 is the owner and respondent No.2 is the insurer of the offending vehicle tractor. The insurance policy issued to the offending tractor was in force as on the date of accident. The respondent No.2 being the insurer of the offending vehicle is only held liable to pay compensation of **Rs.7,80,000/-** along with the interest @ 6% p.a. from the date of petition till realization of



entire compensation amount to the petitioner. accordingly I answer this Issue No.4 is **partly in the Affirmative.**

24. **ISSUE NO.5:** As discussed above, I proceed to pass the following :

ORDER

The petition filed by the petitioner U/Sec.166 of M.V. Act is hereby allowed in part with costs.

The petitioner is entitled for the compensation amount of **Rs.7,80,000/- (Seven lakhs eighty thousand only)** with interest @ 6% per annum from the date of petition till its realization.

The respondent No.2 insurer of the offending vehicle is held liable to pay of the awarded amount to the petitioner.



The respondent No.2 is here by directed to deposit the above compensation amount into the Tribunal within one month from the date of this award.

The petitioner is hereby directed to produce particulars of his Bank Account, with name of Bank, IFSC Code, Account Number with copy of First Page of Bank Pass Book which contains compulsorily photograph of petitioners, which is duly attested by concerned Bank. Further petitioner shall produce PAN Card/Aadhar Card.

In case of deposit of awarded amount with interest thereon by respondent No.2, the petitioner is entitled to receive entire compensation amount as mentioned



above after expiry of period provided
for filing an appeal.

The advocate fee is fixed at
Rs.1,000/-.

Draw award accordingly.

[Dictated to the Stenographer directly on computer, corrected by me, signed
by me and then pronounced by me in the open court on this the **04th day of
June 2026**]

(MAHAMMAD ANWAR HUSSAIN MOGALANI)
PRL. SENIOR CIVIL JUDGE & CJM,
HAVERI

ANNEXURES

WITNESSES EXAMINED FOR PETITIONER:

PW-1 : B. Pradeep
PW-2 : Dr. Nithin A B

DOCUMENTS EXHIBITED FOR PETITIONER:

Ex.P.1 : FIR
Ex.P.2 : Complaint



- Ex.P.3 : Spot Mahazar
- Ex.P.4 : Seizure mahazar
- Ex.P.5 : IMV report
- Ex.P.6 : Charge sheet
- Ex.P.7 : Wound certificate
- Ex.P.8 : Discharge summary
- Ex.P.9 : Medical bills
- Ex.P.10 : Disability certificate
- Ex.P.11 : X-rays
- Ex.P.12 : Radiological report
- Ex.P.13 : Aadhar card
- Ex.P.14 : Pan card
- Ex.P.15 : Pass book

WITNESSES EXAMINED FOR RESPONDENTS:

- Nil -

DOCUMENTS EXHIBITED FOR RESPONDENTS:

- Nil -

**(MAHAMMAD ANWAR HUSSAIN MOGALANI)
PRL. SENIOR CIVIL JUDGE & CJM,
HAVERI**