



**IN THE COURT OF THE SENIOR CIVIL JUDGE
AND ADDL.MACT, AT SHIGGAON**

Present: Sri. Sunil S. Talawar
B.A.LLB., (Spl.)
Senior Civil Judge & Member
Addl. MACT, Shiggaon.
Sitting At Savanur,

DATED THIS THE 4th DAY OF JULY 2026

M.V.C.1466/2022

Petitioner : Smt. Sumangala W/o Sanjiv
@ Sanju Dalavayi, Age: 35 years,
Occ: Tailoring, R/o Hosaniralagi,
Tq: Savanur, Dist: Haveri.

(By Sri M.T.H., Advocate)

V/s

- Respondents:**
1. Mr. Veeranna S/o Basavaraj
Walli, Age: Major, Occ: Owner
of the Vehicle, R/o Bajar Road
Mulagonda, Tq and Dist: Gadag.
(Owner of the Vehicle bearing
Reg. No. KA-22/B-4672)
 2. Mr. Meharusab
S/o Chandasab Hadimani,
Age: Major, Occ: Driver of the
Vehicle, R/o Bhogeri Oni
Mulgunda, Tq and Dist: Gadag.
(Driver of the Vehicle bearing
Reg. No. KA-22/B-4672)



3. The Divisional Manager,
United Insurance Company
Limited. Enkary Complex,
Keshwapur, Hubli.
(Insurer of the Vehicle bearing
Reg. No. KA-22/B-4672)
4. The Managing Director,
NWKRTC, Mangalore Division,
Mangalore, Represented by the
Depot Manager, Lakshmeshwar
Depot, Lakshmeshwar,
Tq: Lakshmeshwar, Dist: Gadag.
(Owner and Self Insuref of bus
bearing Reg. No. KA-19/F-3377)

(By Sri.S.Y.H., Advocate for R.1)
(By Sri.M.K.C., Advocate for R.2)
(By Sri.N.D., Advocate for R.3)
(By Sri.A.N.I., Advocate for R.4)

Date of Institute of petition : 09.12.2021

Nature of petition : Grant of
compensation

Date of commencement of
recording the evidence : 25.01.2025

Date on which judgment
was pronounced : 04.07.2026

Total Duration :Yr/s Month/s Day/s
03 06 26

(Sunil S. Talawar)
Senior Civil Judge & Member
Addl.MACT, Shiggaon.



: JUDGMENT :

This is a petition filed **U/Sec.166 of Motor Vehicles Act 1988 Amendment Act 1994** for awarding compensation of Rs.15,00,000/- with interest @ Rate of 12% p.a. to the petitioner who had sustained injuries in road traffic accident on 15.09.2021 at about 08-30 on Lakshmeshwar – Gadag Road Near Magadi Village.

2. **Brief facts of petitioner case is discussed as here under:** On 15.10.2021 at about 08-30, the petitioner was traveling in the NWKRTC bus bearing Reg. No. KA-19/R-3377 from Savanur to Gadag for her personal work. The vehicle moving on Lakshmeshwar – Gadag road near Magadi Village at that time both the drivers of bus and TATA Ace bearing Reg. No. KA-22/B-4672 had driven the vehicle in rash and negligent manner, endangering to human life, without following traffic rules and regulations. The driver of bus lost his control and Tata Ace driver without giving any signals suddenly cut the vehicle and dashed to the foregoing Tata Ace vehicle on said place, thereby caused serious accident. Due to accident petitioner sustained grievous injuries to all over the body. The petitioner shifted to the District Government Hospital, Gadag and referred to KIMS Hospital, Hubballi and other private Hospitals and has taken treatment as



inpatient for 10 days and rest for more than 3 months and spent more than Rs.1,00,000/-for medical and attendants charges.

3. Prior to the accident the petitioner was hale and healthy and doing coolie and tailoring work was earning Rs.35,000/- per month and contributing her income for the smooth running of her family. Due to accidental injuries the petitioner has disabled and unable to do his regular works, as prior to the accident and it effected considerably on the working capacity of the petitioner and now petitioner was depending on others for her day to day avocations. Petitioner is the only bread earner of her family and lookout the welfare of her family members. Due to accidental injuries petitioner put to intolerable hardship, suffered lot and till today suffering from physical pain and mental agony and got permanent disability. That, the accident occurred solely due to rash and negligent driving of the driver of aforesaid bus bearing Reg. No. KA-19/F-3377 and TATA Ace bearing Reg. No. KA-22/A-4672. The Respondent No.1 is the owner, respondent No.2 is the driver of the said vehicle, respondent No.3 is the insurer of the said vehicle and respondent No.4 is the owner and self insurer of the vehicle, as such respondents are jointly and severally liable and responsible to pay compensation of Rs.15,00,000/- as



compensation along with future interest of 12% p.a., from the date of the accident till its realization.

4. After institute of this petition notice have been issued to the respondents, reported as served. Respondents appeared through their counsel and respondents No.3 and 4 have filed their separate objections to the main petition.

5. The respondent No.3 has filed objections denying the manner in which the accident was occurred and called for strict proof of the same. The respondent No.3 denied the income of petitioner and the cost incurred for the treatment of accident injuries. The respondent No.3 submits that the driver/respondent No.1 who was driving the TATA Ace at the time of alleged accident was not holding a valid and effective driving license. The spot panchanama conducted by the police reveals that the alleged accident was occurred on the middle part of the road from Laxmeshwar to Gadag side. Therefore, the driver of the bus bearing KA-19/F-3377 i.e., the driver of the NWKRTC himself in a rash and negligent manner and without following the traffic rules and regulations and dashed to the TATA Ace vehicle. Therefore, the alleged accident was caused solely due to the rash and negligent act of the driver of the KSRTC himself.



Therefore, the claim of the petitioner is not within the parameters of Section 166 of M.V. Act. Hence, the respondent No.3 is not at all liable to pay any compensation to the petitioner. Hence, prayed to dismiss the petition against respondent No.3 with cost.

6. The respondent No.4 has denied that of income of petitioner and the cost incurred for the treatment of accident injuries called for strict proof of the same. The amount of the compensation claimed is high excessive, exorbitant. It is contended that the accident was not caused due to negligent act of KSRTC bus, the said bus was driven by the driver in moderate speed on Lakshmeshwar Gadag road and while proceedings near Magadi village and the driver of the TATA Ace goods vehicle bearing Reg. No. KA-22/B-4672 loaded with straw suddenly taken U-turn in front of the ST bus without giving any signal to the back coming vehicles and the ST driver suddenly dashed to the hind portion of the TATA Ace goods vehicle. It is further stated in the petition that, the accident is the result of rash and negligent driving of the respondent No.2 and the owner and insurer of the said vehicle being respondent No.1 and 3 are jointly and severally liable for payment of compensation to respondent No.1.



7. Based on the above pleadings, following Issues were framed;

- 1) *Whether the petitioner proves that on 15.09.2021 at 8-20 am, while she was traveling in NWKRTC bus bearing No. KA-19/F-3377 from Savanur to Gadag on Laxmeshwar Gadag Road near Magadi Village, she sustained injuries in the accident caused due to the actionable negligence of driver of the NWKRTC bus bearing No. KA-19/F-3377 and TATA Ace bearing Reg. No. KA-22/B-4672?*
- 2) *Whether the Petitioner is entitled for the compensation? If yes, to what quantum and from whom?*
- 3) *What Order or award?*

ADDITIONAL ISSUES

- 1) *Whether the respondent No.3 proves that the driver of the KSRTC bus himself driven the bus without following the traffic rules and regulations and the accident was taken place due to rash and negligent driving of the TATA Ace driver, same was not having the valid and effective driving license hence*



insurance company is not liable to pay compensation?

2) Whether the Petitioner is entitled for the compensation? If yes, to what quantum and from whom?

3) What Order or award?

8. In order to prove her case the petitioner herself has stepped into witness box and examined as PW.1. She has got marked 20 documents as Ex.P.1 to P.20. On the other hand respondents have got examined one witness by name Venkatesh Amarappa as RW1 and Sri. Chandrappa Lenkannanavar as RW2 and has got marked 4 documents as Ex.R1 to R.2.

9. I have heard the arguments on both sides and perused entire records.

10. My answers to the above Issues are as herein under;

Issue No.1 : In the Affirmative

Addl. Issue No.1: In the Negative

Addl. Issue No.2: Yes. Petitioners entitled

for compensation of

Rs.3,34,155/- with

interest at the rate of

6% p.a. from the date of



*petitioner till the
realization,
respondent No.2 and 4.*

*Issue No.2 : Yes. Petitioners entitled
for compensation of
Rs.3,34,155/- with
interest at the rate of
6% p.a. from the date of
petitioner till the
realization,
respondent No.2 and 4.*

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

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

: REASONS :

11. **Issue No.1 and Addl. No.1** - This petition is filed under **Section 166 of Motor Vehicles Act 1989** seeking compensation for the reason of injuries sustained by the petitioner in alleged road accident. The petitioner in this petition has stated that, on 15.09.2021 at about 08-30, the she was travelling in the NWKRTC bus bearing Reg. No. KA-19/R-3377 from Savanur to Gadag of his personal work. The vehicle came from Lakshmeshwar – Gadag road near Magadi Village, the TATA Ace bearing Reg. No. KA-22/B-4672 dashed to vehicle of the petitioner, thereby caused



serious accident. Due to accident she sustained grievous injuries all over the body. But the respondent No.3 has contended that, the driver of said vehicle respondent No.1 was not possessed driving license to drive the said vehicle hence the respondent No.1 has violated the terms and conditions of the insurance policy. Therefore, the rival contentions of the petitioner and respondent No.4 are as such they all are inter linked with each other based on alleged accident and to avoid repetition of reasonings these issues have been taken for common discussion.

12. The petitioner has stated in his petition that, on 15.09.2021 at about 08-30, the she was travelling in the NWKRTC bus bearing Reg. No. KA-19/R-3377 from Savanur to Gadag of her personal work. The vehicle came on Lakshmeshwar – Gadag road near Magadi Village at that time both the drivers of bus and TATA Ace bearing Reg. No. KA-22/B-4672 has driven in rash and negligent manner, endangering human life, without following traffic rules and regulations, dashed to her vehicle, thereby caused serious accident. Due to accident she sustained grievous injuries all over the body. The accident event was reported to the Shirahatti Police Station. The case has been registered against the driver of respondent No.1 vehicle in Shirahatti P.S. Crime No.95/2021 for the offence punishable under



Section 279, 337 of IPC. As to prove all these facts, the petitioner has stepped into witness box and examined as P.W.1 wherein she has reiterated above said all statement of fact in relation to road traffic accident, pain and suffering, negligent act of respondent No.1.

13. In evidence, the petitioner as to substantiate his oral evidence, has produced FIR and complaint in Shirahatti P.S Crime No.95/2021 those have been marked as Ex.P.1 and 2. Ex.P.3 is the certified copy of vehicle seizure panchanama of incident spot, Ex.P.4 is the certified copy of spot panchnama, Ex.P.5 is the certified copy of hand sketch map of accident spot, Ex.P.6 is the patient's discharge card, Ex.P.7 is the certified copy of Motor Vehicle Accident Report and Ex.P.8 is the charge sheet. On perusal of all these police paper it appears that, there was a road traffic accident on 15.09.2021 at about 8-30 a.m. due to it the petitioner has sustained injuries. As the road traffic accident on the given date, time and place is concerned there is no dispute between the parties. Ex.P.8 is the charge sheet in above said crime number and upon going through the said charge sheet it appears that, the driver of TATA Ace bearing Reg. No.KA-22/B-4672 and NWKSRTC bus bearing Reg. No. KA-19/F-3377 alleged to have been driven the same at



high speed rash and negligent manner and caused horrible accident. Upon perusal of the oral and documentary evidence it is initially established the road traffic accident, the involvement of vehicles. However there is clear dispute pertaining to the aspect of who is actual tort feasure. In this regard, the driver of bus has taken contention that, he was driving the bus in a moderate speed and the driver of TATA Ace was driving the same in a rash and negligent manner. Therefore, the driver of respondent No.3 is actual tort feasure. On the other hand, the respondent No.3 has also taken contention that, the driver of KSRTC bus himself has driven the bus without following the traffic rules and regulations. The accident was taken place due to rash and negligent driving of the KSRTC driver and the TATA Ace driver was not holding valid and effective driving license. Therefore, there is dispute pertaining to the aspect of upon whose negligent act accident was occurred.

14. In this regard, the learned Advocate for respondent No.3 has extensively cross examined the PW1 wherein it is illicit that, the driver of bus was driving the same in high speed and the driver of bus is sole responsible for the road accident. Though the PW1 has admitted the same but it is pertinent to note that, it has not been denied by the respondent No.3 that,



there is no such negligence on the part of driver of TATA Ace. The learned Advocate for respondent No.4 has also cross examined the PW1 wherein, it is suggested that, the accident was occurred due to negligent driving of Mahindra Goods Tempo. The PW1 has denied the same. The reliability and acceptability of evidence of PW1 can be ascertained and determined that, the PW1 himself has produced the charge sheet filed by the investigation officer wherein, it do disclose that, there was road accident due to rash and negligent driving of the both driver of bus and TATA Ace. Under the circumstances, the oral evidence of PW1 is not reliable and acceptable that, the accident was occurred due to negligent driving of the driver of bus only. On the other hand, the accident is not at all disputed by the respondent No.3. It is also not disputed by the respondent No.3 that, the petitioner was travelling in bus on the incident date and time. In this regard the suggestions to the PW1 by the respondent No.3 reflects the same.

15. On the other hand, the representatives of respondent No.3 insurance company has been stepped into witness box and examined as RW1. It is admitted by the RW1 that, on the incident date, the insurance policy was in active. However, it is denied that, there is charge sheet against the driver of TATA Ace vehicle.



But Ex.P8 the charge sheet reflects the allegation on the driver of TATA Ace which cannot be neglected in the matter. The driver of bus by name Chandrappa Putreppa Lenkannavar has been examined as RW2 and his evidence can be summarized as he was driving bus in a moderate speed and the TATA Ace vehicle approached to the road suddenly on the part of negligence of driver of TATA Ace accident was occurred. But here, the RW2 has not denied the fact that, the TATA Ace vehicle is parked towards left edge of the road and he has got every opportunity to move his vehicle. But here, the manner of accident is not disputed by the both respondent No.3 and 4. Under the circumstances the evidence of RW2 assumes no importance in the matter.

16. In conclusion, upon going through the evidence placed by the parties, it is established by the petitioner that on 15.09.2021 at about 08-30 am, the accident was occurred due to actionable negligence of driver of bus bearing Reg No. KA-19/F-3377 and driver of TATA Ace bearing Reg. No. KA-22/B-4672. On the other hand, the stand taken by the respondent No.3 pertaining to the aspect of the driver of the KSRTC bus himself is root cause for road accident.



Therefore, considering all these material aspects I am having no hesitation to answer **Issue No.1 is in the Affirmative and Addl. Issue No.1 is in the Negative.**

17. **Issue No.2 and Addl. Issue No.2:** The petitioner herein has claimed compensation of Rs.15,00,000/- with interest at the rate of 12% P.A. from the respondents who are jointly and severally liable to pay the same. The petitioner has disclosed her age in the petition that, she was aged about 35 years in the year 2022. Further she has disclosed that, she was getting Rs.35,000/- per month from her coolie and tailoring work. It is also stated by the petitioner that, she was sustained grievous injuries to all over the body as shown in the x-ray report. The petitioner has produced x-ray which is marked as Ex.P.19. The Ex.P19 which disclose the injuries such as **X-Ray Left Arm report evidence of united fracture of shaft of left humerus**. The petitioner however stated that, she became disable to work and her whole body suffered by disability. In this regard the petitioner has produced **disability certificate** which is marked as **Ex.P.18**. Here the petitioner has adduced evidence of doctor as to substantiate the disability. Upon going through the disability certificate at Ex.P.18 it was issued by District Hospital, Haveri and the doctor who examined the



petitioner has given opinion that, the petitioner is having permanent physical disability about **26% pertaining to left upper limb only**, as per the guidelines of Various Disabilities and procedure for Certification-2008. As per No.16-18/97. N 10.1 Government of India Ministry of Social Justice and Empowerment New Delhi dated: 28.08.1998 disability can be ascertained as per guidelines. No doubt that, the medical officer has been examined but the Ex.P.18 pertains to the department of Empowerment of persons with disabilities, Minister of social justice and empowerment, Government of India. Hence, Ex.P.18 is reliable document as on the point of disability of the petitioner. This view of mine is supported by the evidence on record that, the respondents are admitting the road accident and also the injuries sustained by the petitioner. However, the disability of petitioner can be determined at the point of **1/3rd** in given disability. Therefore, when it is calculated then the disability of petitioner is **9% only** and which is sufficient for the determination of compensation in the matter.

18. Thus, on the date of accident the age of the petitioner was **35 years**. As per Ex.P.18 disability certificate the petitioner was aged about **35 years**. **The Karnataka State Legal Services Authority** has given the slab of monthly notional income to be considered in



claim petitions and as per the said slab, the income for the year **2021** is **Rs.14,250/-**. Therefore, income of petitioner would be **Rs.14,250/-**. The petitioner is doing coolie and tailoring work as it taken into consideration then while doing this work she has to seat long time bent her body, use wait on her hands in order to do the work. The doctor has assessed the total permanent physical disability of **26%** which is remained unchallenged. However, upon verifying the accident injuries and the documents produced thereon in the considered opinion of this court this case is fit to consider permanent disability of **9%** which is sufficient. Hence, considering the nature of injury and functional disability of the petitioner considered as **9%** to the whole body.

19. As per law declared by **Hon'ble Apex court in 2017 ACJ 2700 National Insurance Comapany Vs. Pranay Sethi**. As per **Sarala Varma case report in 2009 ACJ 1298 SC** the multiplier applicable to the Age group of **31 to 35** is '**16**'.

20. As already discussed above, the monthly income of petitioner is considered as **Rs.14,250/-**. Hence, **towards loss of future income, an amount of (Rs.14,250 x 12 x 16 x 9%)= 2,46,240/-** is awarded



to the petitioner and which is sufficient looking to the nature of injury and disability.

21. Considering the fact that as per Ex.P.19 the x-ray, the petitioner had sustained fracture of shaft of left humerus which was supported by the medical treatment taken by the petitioner and spending money for medical advise of doctor. Therefore, I am of the opinion that an amount of **Rs.15,000/-** is enhanced compensation awarded under the head of pain and sufferings.

22. As per the Discharge card marked at Ex.P.7, the petitioner has taken treatment at KIMS Hospital Hubballi being an in-patient from **19.10.2021 to 28.10.2021**. Thus, the petitioner was an inpatient at hospital totally for 10 days. During that period, the petitioner required an attendant and nourished food, as per the advice of the doctors for her care and recovery. Hence an amount of **Rs.200 X 10= 2,000/-** is awarded towards attendant, food and nourishment charges.

23. Considering the nature of injuries sustained by the petitioner and considering the fact that the petitioner has taken treatment being an in-patient at Hospital in total for **a period of 10 days**, the laid up period is taken as **2 months**. Hence an amount of



Rs.14,250 X 2=28,500/- is awarded as compensation towards laid up period.

24. Due to the injuries sustained in the accident, the petitioner has lost her happiness and comfort of the life for some period. Hence an **amount of Rs.10,000/-** is enhanced compensation awarded under the head of loss of happiness and amenities.

25. Looking to the injuries sustained by the petitioner she has lost happiness. Therefore, an amount of Rs.10,000/- being granted in the head of lost of happiness. On the other hand the petitioner has taken treatment in the hospital and she has incurred the expenses towards medicine. The petitioner has produced Ex.P16 and 17 the bills pertaining to the medical expenses. Upon calculating the said bills it appears that, the petitioner has spent **Rs.37,415/-** towards medical expenses. Hence, an amount of **Rs.37,415/-** being granted to the petitioner towards her medical expenses.

26. In view of the above discussions, the petitioner is entitled for the compensation as discussed supra under the following heads:



27. In view of the above discussions, the petitioner is entitled for the compensation as discussed supra under the following heads:

Sl. No.	Heads	Compensation
1.	Loss of Future Income	Rs. 2,46,240-00
1.	Laid up period	Rs. 28,500 -00
2.	Enhanced compensation	Rs. 10,000 -00
3.	Attendant, food and nourishment charges	Rs. 2,000-00
4.	Medical Bills	Rs. 37,415/-
5.	Loss of happiness and amenities	Rs. 10,000-00
	Total	Rs. 3,34,155-00

28. In view of the above discussion, it is proved that the accident was taken place due to the negligence of driving of the both vehicles bearing its registration No.KA-19/F-3377 and KA-22/B-4672. The respondent No.1 is the owner and respondent No.3 is the insurance company to the vehicle No. KA-22/B-4672 whereas, the respondent No.4 is owner cum self insurer of bus bearing Reg. No. KA-19/F-3377. Therefore, the respondent No 2 and 4 have to



indemnify the determined compensation to the petitioner.

29. The petitioner has claimed the compensation with interest at the rate of 12% P.A. from the date of accident till its realization. Considering the circumstances in the present case, the petitioner is entitled for interest of 6% P.A. from the date of the petition till its realization. Therefore, for the aforesaid reasons, **Issue No.2 and Addl. Issue No.2** are answered as petitioner is entitled for above determined compensation with simple interest at the rate of 6% P.A. from the date of petition till realization, from respondents No.2 and 4 in the ratio of **50:50**.

30. **Issue No.3 and Addl. Issue No.3:** For the aforesaid reasons and findings on Issue No.1 to 3 and Addl. Issue No.1 to 3, I proceed to pass the following:

ORDER

*The petition filed by the petitioner for the relief of compensation under **Section 166 of Motor Vehicles Act** is partly allowed in following manner.*

*The petitioner is entitled for compensation of **Rs.3,34,155/-** with*



*simple interest at the rate of 6% P.A.
from the date of petition till realization of
entire compensation amount from
respondent No. 3 and 4.*

*The respondent No.3 and 4 are
hereby directed to deposit the
compensation amount with interest
within 3 months from the date of
drawing the award in the ratio of 50:50.*

*If the compensation amount is
deposited, the amount awarded in
favour of **petitioner** entire amount shall
be released and credited to the account
of **petitioner**.*

Advocate fee is fixed at Rs.500/-.

Draw award accordingly.

(Dictated to the stenographer, directly typed and print out taken
by her and then corrected, signed and then pronounced by me in
the open court on this the **4th day of July 2026**).

(Sunil S Talawar)
Senior Civil Judge & Member
Addl. MACT, Shiggaon.

**ANNEXURE****List of Witnesses examined on behalf of the petitioners:**

PW.1 : Smt. Sumangala W/o Sanjiiv @ Sanju Dalavayi

List of Documents marked on behalf of the Petitioners:

- Ex.P.1 : Certified copy of FIR
- Ex.P.2 : Certified copy of complaint
- Ex.P.3 : Certified copy of seizure panchanama
- Ex.P.4 : Certified copy of spot panchanama
- Ex.P.5 : Certified copy of hand sketch map of accident spot
- Ex.P.6 : Discharge Card
- Ex.P.7 : Motor Vehicles Accident Report
- Ex.P.8 : Charge sheet
- Ex.P.9 : Certified copy of statement of PW1
- Ex.P.10 : Certified copy of Volvo bus daily report
- Ex.P.11 : Certified copy of Duty certificate
- Ex.P.12 : Certified copy of RC
- Ex.P.13 : Bus Ticket
- Ex.P.14 to 17: Medical bills
- Ex.P.18 : Disability Certificate
- Ex.P.19 : X-ray reports
- Ex.P.20 : Clarification certificate



List of Witnesses examined on behalf of the

Respondents:

RW.1 : Venkatesh Amarappa

RW.2 : Sri. Chandrappa Lenkannavar

List of Documents marked on behalf of the
Respondents:

Ex.R.1 : Authorization Letter

Ex.R.2 : Insurance Policy

Ex.R.3 : Authorization Letter

Ex.R.4 : ID card

Senior Civil Judge & Member
Addl. MACT, Shiggaon.

