



**THE COURT OF SENIOR CIVIL JUDGE AND M.A.C.T, AT
CHINCHOLI.**

: PRESENT :

**Anil Shekhanavar, B.Com., LL.B. (Spl)
SENIOR CIVIL JUDGE & J.M.F.C
CHINCHOLI.**

DATED THIS THE 18th DAY OF AUGUST 2026.

M.V.C. No.429/2022

BETWEEN

Krishna S/o Gopal Chavan,
Age : 19 Years, Occ : Student,
R/o Neelkod Tanda, Tq.Kamalapur,
Dist : Kalaburagi.
Now residing at Gangu Naik Tanda,
Chandapur, Tq.Chincholi.
Dist : Kalaburagi.
(By Sri.S.P.R Advocate)

....Petitioner.

V/s

1) Umesh S/o Maruti Pujari,
Age : 24 Years, Occ : Owner and Driver of Appe Piago
Auto bearing Reg.No.KA-39/A-0472,
R/o Itga Village, Tq.Chitguppa, Dist : Bidar 585401.

2) The Manager, United India Insurance Co.Ltd,
Basavashree Complex, # 8-10-268 to 273,
1st Floor, Behind Ganesh Ground, Stadium Road,
Bidar, Tq & Dist : Bidar - 585401.

3) Dhanaraj S/o Thakur Naik Chavan,
Age : Major, Occ : Nekoda Tanda,
Tq.Kamalapur, Dist : Kalaburagi.

....Respondents.

(R1 by Sri.S.B.K Advocate, R2 by Sri.R.S.K Advocate, and R3 by
Sri.H.G.H Advocate)



J U D G M E N T

The claimant has filed this petition against the respondents No.1 to 3 U/Sec.166 of Motor Vehicles Act claiming compensation of Rs.30,00,000/- for the injuries sustained by him in a road traffic accident occurred on 13-08-2021.

2. Brief facts of the petitioner's case are as follow ;

That, on 13-08-2021 at about 1:00 PM the petitioner was proceeding towards Chitguppa as a rider on a motor cycle bearing Reg.No.KA-32/Y-1572 along with his grand-father as a pillion, when they came near the land of one Shivarad Madivalayya Swami, on Etaga - Chitguppa main road, at that time the driver of Ape Goods vehicle bearing Reg.No.KA-39/A-0472 came from opposite side in high speed rash and negligent manner endangering to human life and safety of others and caused the accident. Due to the accident petitioner had fell down and had sustained grievous injuries over his face, mouth, toot were broken and also sustained injuries over shoulder and hands and legs.



3. Immediately after the accident petitioner was shifted to Government Hospital Chitguppa. Thereafter looking to the grievous nature of injuries, the petitioner was shifted to United Hospital Kalaburagi, wherein the petitioner was taken treatment as inpatient from 13-08-2021 to 23-08-2021. In the hospital petitioner had spent huge amount towards hospital and medical expenses. Due to the accidental injuries the entire educational life of the petitioner has collapsed.

4. It is further contended that, prior to the accident petitioner was hale and healthy aged about 17 years and was a student. Due to the accidental injuries petitioner was not able to do study. The petitioner has lost his total future earning capacity due to his disablement. Due to multiple fracture injuries petitioner had sustained lot of pain, discomfort, became mentally and physically disablement. Therefore, petitioner prayed to allow the petition.

5. In pursuance of notice, respondents No.1 and 3 though appeared before the Tribunal, but have not filed any objection to the claim petition.



6. In pursuance of notice of petition, the respondent No.2 appeared before the Tribunal through its counsel and filed objection denying the entire petition averments as false and Baseless. The respondent No.2 has also denied the age, occupation, income of the petitioner and hospital and medical expenses spent by the petitioner and injuries sustained by the petitioner etc,.. The specific contention of the respondent No.2 is that, there is no negligence on the part of driver of Ape Goods vehicle bearing Reg.No.KA-39/A-0472, but the accident occurred due to negligent riding of the petitioner. It is further contended that, the petitioner was minor at the time of accident and without having valid and effective driving licence rode the said motor cycle and thereby violated the policy conditions. Hence, the respondent No.2 is not liable to pay compensation to the petitioner. Hence prayed to dismiss the petition.

7. On the basis of above pleadings, my learned predecessor has framed the following ;

ISSUES

- 1) Whether the petitioner proves that on 13-08-2021 at about 1:00 PM, near Itaga Chittaguppa road, Madivalayya Swamy agriculture land, he



met with an accident and sustained injuries due to rash and negligent driving of the driver of Peagio Ape Auto bearing Reg.No.KA-39/A-0472 ?

- 2) Whether the respondent No.2 proves that, the driver of the offending vehicle was not having valid driving licence ?
- 3) Whether the petitioner is entitled for the compensation ? If so, how much and from whom ?
- 4) What order or award ?

8. In order to prove the case, the father of the petitioner is examined as Pw.1, petitioner himself is examined as Pw.2 and in support of his oral evidence he produced documents at Ex.P1 to P22. The Doctor is examined as Pw.3. On the other hand, the Assistant Manager is examined as Rw.1 and got marked 6 documents at Ex.R1 to R6.

9. Heard arguments on both side and perused the oral and documentary evidence.

10. My answers to the above points are as follow;

Issue No.1 : In the “Affirmative”

Issue No.2 : In the “Affirmative”



Issue No.3 : In the “Partly Affirmative”.

Issue No.4 : As per final order for the following reasons:

REASONS

11. **ISSUE No.1** : The petitioner contended that, on 13-08-2021 at about 1:00 PM the petitioner was proceeding towards Chitguppa as a rider on a motor cycle bearing Reg.No.KA-32/Y-1572 along with his grand-father as a pillion, when they came near the land of one Shivarad Madivalayya Swami, on Etaga - Chitguppa main road, at that time the driver of Ape Goods vehicle bearing Reg.No.KA-39/A-0472 came from opposite side in high speed rash and negligent manner endangering to human life and safety of others and caused the accident. Due to the accident petitioner had fell down and had sustained grievous injuries over his face, mouth, toot were broken and also sustained injuries over shoulder and hands and legs.

12. In order to prove the above issue, the father of the petitioner is examined as Pw.1 and the petitioner is examined as Pw.2 and got produced documents at Ex.P1 to P8 ie Ex.P1 certified copy of order sheet in



C.C.No.2341/2021, Ex.P2 is the certified copy of F.I.R, Ex.P3 is the certified copy of complaint, Ex.P4 is the certified copy of charge sheet, Ex.P5 is the certified copy of spot mahazar, Ex.P6 is the certified copy of vehicle seizer panchanama, Ex.P7 is the wound certificate and Ex.P8 is the M.V.A report. On going through the Ex.P1 to P8 and more particularly Ex.P4 charge sheet, it clearly goes to show that, the accident was occurred due to rash an negligent driving of Goods Ape Auto bearing Reg.No.KA-39/A-0472. Though the counsel for respondent No.2 has denied the rash and negligent driving of said Goods Ape Auto, but has not challenged the charge sheet. The contents of prosecution remained unchallenged. Hence, from the above discussion, in my considered opinion, the petitioner had sustained grievous injuries due to rash and negligent driving of driver of Goods Ape Auto bearing Reg.No.KA-39/A-0472. Therefore, I answer issue No.1 in the affirmative.

13. ISSUES No.2 :- The respondent No.2 in its objection contended that the driver of the Ape Auto Bearing



Reg.No.KA-39/A-0472 was not holding valid and effective driving licence at the time of accident. On perusal of Ex.P4 charge sheet, it clearly discloses that, the driver of offending Ape Auto Bearing Reg.No.KA-39/A-0472 was not holding valid and effective driving licence as on the date of accident. Hence, the I.O has filed the charge sheet against the driver of the offending vehicle for the offence punishable under sections 279, 338, 304(A) of I.P.C and U/s 181(3) and 187 of I.M.V.Act. The registered owner of the offending vehicle has not produced the driving licence before this court. Therefore, respondent No.2 proved that the driver of Ape Auto Bearing Reg.No.KA-39/A-0472 was not holding valid and effective driving licence as on the date of accident. Therefore, the respondent No.2 proved issue No.2. With these observations, this court answers issue No.2 in the affirmative.

14. ISSUE No.3 :- This issue is framed with regard to determination of compensation, which can be awarded in various heads, entitlement of petitioner to claim



compensation can be assessed and determined under the following heads ;

15. **MEDICAL EXPENSES:** The petitioner has pleaded in the petition that he has spent huge medical expenses. In support of his plea, he has produced the hospital and medical bills which are marked at Ex.P.21. At Ex.P21 the petitioner has calculated the total medical bills to the extent of Rs.3,62,397/-. The petitioner had sustained 1) Fracture of distal end of right radius, 2) Fracture of distal end right ulna, 3) Right maxilla DA fracture, 4) Lacerted wound tongue, 4) Diffuse axonal injury. Looking to the above multiple fracture injuries and the admit of petitioner in the Private hospital for 10 days and undergoing the surgery on 18-08-2021, the medical bills appears to be proper and justifiable. The respondent has not objected any of the medical or hospital bills. Therefore, the petitioner is entitled for hospital and medical bills as per Ex.P21 is for Rs.3,62,397/-.



16. Pain and suffering already undergone and to be suffered in future, mental and physical shock, hardship, inconvenience, and discomforts, etc.,. And loss of amenities in life on account of permanent disability :-

In this case in order to prove the injury and quantum of disability the petitioner is examined the himself as Pw.2 by reiterating the entire petition averments and produced as many as 22 documents at Ex.P1 to P22. Further, the petitioner has got examined the Dr.Ramakanth Kulkarni as Pw.3. Pw.3 in his examination in chief categorically explained the disability suffered by the petitioner and he has issued the disability certificate as per Ex.P15 to the extent of 45.11% to the whole body. Looking to the nature of injuries sustained by the minor petitioner ie 1) Fracture of distal end of right radius, 2) Fracture of distal end right ulna, 3) Right maxilla DA fracture, 4) Lacerted wound tongue, 4) Diffuse axonal injury, the Doctor/Pw.3 has issued disability to the extent of 45.11% to the whole body which appears to be proper. Therefore, in this case the petitioner had sustained



injuries such as 1) Fracture of distal end of right radius, 2) Fracture of distal end right ulna, 3) Right maxilla DA fracture, 4) Lacerted wound tongue, 4) Diffuse axonal injury. Due to the nature of multiple fracture injuries, the petitioner had lost his entire education, disfigured which will cause loss towards his marriage prospectus. Looking to the nature of injuries the principle of 1/3 disability will not be applicable in this particular case and definitely he has suffered disability more than 21% to the whole body. Thus looking to the nature of grievous fracture injuries, the total permanent disability is considered to at least 21% to the whole body.

17. In the present case the claimant/petitioner has not not got marked the Aadhar Card, but the copy of Aadhar Card present in the file pertaining to the petitioner shows the date of birth of petitioner as 01-01-2005, whereas the accident occurred on 13-08-2021. Thus as on the date of accident the petitioner was aged 16 years 07 months and 12



days as on the date of accident. Hence it is just and proper to rely on the reported judgment recently passed by **Hon'ble High Court of Karnataka in MFA No.426/2020 (MV-1) C/W MFA.No.4124/2020 (MV-1), M.F.A.No.7008/2021 (MV-1) Between Master Kartik R S/o V.Rajababu aged about 17 years minor represented by his father as natural guardian and next friend Raja Babu Vs National Insurance Co.Ltd. and another, AND Between Siddu @ Siddanna S/o Martandappa, aged about 8 Years, Vs The New India Assurance Co.Ltd.,** wherein it is held that ; **The Hon'ble High Court of Karnataka considering the landmark decisions pertaining to minors rendered by Hon'ble Apex Court in Sapna's Case, Michael's Case, Master Mallikarjun's Case, Kajal's Case, Master Ayush's Case has settled principle of law for computing and assessment of R.T.A injuries sustained by the minors. Further more, the Hon'ble High Court also categorically and in detail has formulated two tables ie one for computation of pecuniary loss sustained and another**



one for non pecuniary loss sustained by minors.

18. However, in the case on hand, after considering the material evidence on record it is seen that, the disability issued by the Pw.3 is at higher side, hence disability to the extent of 21% to the whole body is considered. In view of the supra decision the disability to the minor petitioner of this case falls under the category of for permanent disability above 20%. Thus, the formula designed by Hon'ble High Court in the supra decision is to be taken into consideration as follows ;

The formula would be, Notional Income X Multiplier X Percentage of Disability = Compensation.

19. As per the Table-1 the accident to the petitioner/minor occurred in 2021 and disability sustained by the minor is 21% i.e., above 20%, hence Rs.3,28,485/- is considered for income of minor petitioner at the time of accident. The '18' is the multiplier and disability of minor is 17%.



20. Therefore, Rs.3,28,485/- (Notional income as per the table for the year 2021) X 18 (Multiplier) X 21% (Percentage of disability assessed) = Rs.12,41,673/- (Compensation).

21. Non pecuniary damages :- As per Table-2 of Supra decision for 21% disability as indicated in Table-2 for an accident of the year 2021. The petitioner is entitled to an extent of Rs.4,54,273/- under the head of non pecuniary damages. Hence, the petitioner is entitled for total compensation under the following heads :

1	Medical Bills	Rs. 3,62,397/-
2	Pain and suffering already undergone and to be suffered in future, mental and physical shock, hardship, inconvenience, and discomforts, etc,. And loss of amenities in life on account of permanent disability	Rs. 12,41,673/-
3	Non-Pecuniary damages	Rs. 4,54,273/-
	Total	Rs.20,58,343/-



After having considered all the materials placed on record this Tribunal is of the considered opinion to award just and proper compensation of **Rs.20,58,343/-** to the petitioner under various heads.

22. **LIABILITY** :- The respondent No.2 insurance company in its objection has specifically contended that, the driver of Ape Auto Bearing Reg.No.KA-39/A-0472 was not holding valid and effective driving licence, hence respondent No.2 is not liable to pay compensation to the petitioner.

23. On careful perusal of complaint, Ex.P4 charge sheet it clearly shows that the driver of Ape Auto Bearing Reg.No.KA-39/A-0472 was not holding valid and effective driving licence.

In the decision reported in **2022(1) SCC 317 bewteen Kurvan Ansari @ Kurvan Ali and another V/s Shyam Kishore Murmu and Another** or Hon'ble Supreme Court of India, it is held as under ;

Motor vehicle Act, 1988 - Section 149 - Liability of owner of offending vehicle to pay compensation when



driving having no valid DL - Held, Entire compensation shall be paid to appellants by respondent No.2 insurance company which can recover the same from the respondent No.1 owner of offending vehicle (motorcycle) by initiating appropriate proceedings as driver had no valid driving licence.

24. In the present case also the driver of the offending vehicle had valid driving licence as on the date of accident. As such the owner of offending vehicle is liable to pay compensation to the petitioner. The compensation shall be paid to petitioner by respondent No.2 insurance company and the insurance company is at liberty to recover the same from the respondent No.1 - owner of the offending vehicle as driver had no valid driving licence.

25. As on the date of accident the offending Ape Auto Bearing Reg.No.KA-39/A-0472 was insured respondent No.2 under policy No.2406023121P102790964 valid from 28-07-2021 to 27-07-2022 whereas the accident occurred on 13-



08-2021. Therefore, as on the date of accident the offending vehicle was insured with the respondent No.2 and the policy was valid and in force. Therefore, the respondent No.1 and 2 both are jointly and severally liable to pay compensation to the petitioner. As the driver offending vehicle was not having valid effective licence, the respondent No.2 has to pay compensation to the petitioner and thereafter recover the same from the registered owner of the offending vehicle.

26. **INTEREST:** As far as awarding of interest on the compensation amount is concerned, it would be proper to note the decision reported in **M.F.A. No.100090 of 2014 in between Vijay Ishwar Jadhav and others V/s The Divisional Manager, Bajaj Allianz General Insurance Co.Ltd**, wherein the Hon'ble High Court of Karnataka has awarded interest at the rate of 6%. In view of the aforesaid decision, 6% interest is awarded to the petitioner in the present case. **Accordingly, I answer issue No.3 in the partly affirmative.**



27. **ISSUE No.4** :- In view of my findings on issues No.1 to 3 as discussed above, I proceed to pass the following:

ORDER

The petition filed by the Petitioner under Sec.166 of I.M.V Act is hereby allowed in part with cost.

The petitioner is awarded with compensation of **Rs.20,58,343/-** with interest @ 6% p.a., from the date of petition till its realization.

The respondent No.1 being the registered owner and respondent No.2 being the insurer both are jointly and severally liable to pay compensation to the petitioner. The respondent No.2 has to pay compensation to the petitioner and thereafter recover the same from the registered owner of the offending vehicle.

Further respondent No.2 is directed deposit the award amount before this Tribunal within three months from the date of this order.

After depositing the award amount, 50% is ordered to be released in favour of petitioner on proper identification and remaining 50% is ordered to be deposit in any of the nationalized bank for a period of 3 years.



After deposit of compensation amount with interest thereon, disburse amount as mentioned above as per guidelines laid down by Hon'ble High Court in MFA No. 2509/2019 (ECA) and as per General Circular No. 2/2019 dated 19.8.2019.

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 petitioner, which is duly attested by concerned Bank. Further petitioner shall produce PAN Card/Aadhar Card.

In case of deposit of awarded amount, the petitioner is entitled to receive 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, typed by him and then corrected by me and pronounced in the open court on this the 18th Day of August 2026]

(ANIL SHEKHANAVAR)
Senior Civil Judge & JMFC
Chincholi.

ANNEXURE

**WITNESSES EXAMINED FOR PETITIONER :**

Pw.1 : Gopal S/o Thakur Naik.
Pw.2 : Krishna S/o Gopal Chavan.
Pw.2 : Dr.Ramakanth S/o Sadashivarao Kulkarni.

DOCUMENTS MARKED FOR PETITIONER :

Ex.P1 : Certified copy of order sheet in
CC No.2341/2021.
Ex.P2 : Certified copy of F.I.R.
Ex.P3 : Certified copy of complaint.
Ex.P4 : Certified copy of charge sheet.
Ex.P5 : Certified copy of spot panchanama.
Ex.P6 : Certified copy of seizure panchanama.
Ex.P7 : Certified copy of wound certificate.
Ex.P8 : Certified copy of M.V.A report.
Ex.P9 : Certified copy of Discharge summary.
Ex.P10 & 11 : Certified copy of residential certificate.
Ex.P12 & 13 : Attested copy of Aadhar Card.
Ex.P14 : Attested copy of Marks Card.
Ex.P15 : Disability Certificate.
Ex.P16 & 17 : X-Ray report.
Ex.P18 to 20 : X-Ray films.
Ex.P21 : Medical bills.
Ex.P22 : Medical prescriptions.

WITNESSES EXAMINED FOR RESPONDENTS :-

Rw.1 : Devanshu Mishra S/o Shravana Kumar Mishra.

DOCUMENTS EXHIBITED FOR RESPONDENTS :-

Ex.R1 : Authorization letter.
Ex.R2 : Copy of insurance policy.
Ex.R3 : Attested copy of charge sheet.
Ex.R4 : Legal notice.
Ex.R5 : Postal receipt.



Ex.R6 : Postal acknowledgment.

**Senior Civil Judge & JMFC
Chincholi.**