



IN THE COURT OF SENIOR CIVIL JUDGE AND MACT, CHITTAPUR

P R E S E N T

SRI. **KISHAN B MADALAGI** B.COM., LL.B.,(SPL)
Senior Civil Judge & MACT, Chittapur

DATED THIS THE 26th DAY OF MARCH, 2026

M.V.C.No.672/2024

Petitioner: Guruath @ Gurappa S/o Sidaramappa,
Malibiradar, Age: 45 Years, Occ: Agriculture,
now nil, R/o Needalagi Village, Tq: Jewargi,
Dist: Kalaburagi, now at Kardal,
Tq: Chittapur, Dist: Kalaburagi.

(By Sri. V.S.Reddy Advocate)

V/S

Respondents: 1. Hyma KumariChavali Lakshminarasimham,
Age: 33 Years, Occ: Owner of TATA TIAGO XZ
car bearing No.AP-35-AF-5605,
R/o D No. 3-195 Vangapallipeta road,
Anganeyapuram Cheepuru, Vizianagaram 535128
Andhra Pradesh State.

2. Through the Manager,
Zuno General Insurance Limited,
Registered Office 2nd Floor, Tower-3
Wing B Kohinoor City Mall,
Kohinoor City Kirol Road, Kurla (West),
Mumbai City Maharashtra 400070



Policy No.402000131717

Valid from 02.12.2023 to 01.12.2024

(Respondent No.1- by Sri. C.S.N. Advocate)

(Respondent No.2 - by Sri. VNM/CSK Advocates)

JUDGMENT
(Delivered on 26-03-2026)

This petition is brought U/s 166 of Motor Vehicles Act for the compensation towards the injuries suffered by the petitioner in the accident occurred on 15-01-2024.

2. The brief facts of the petitioner's case are as under:-

It is the case of petitioner that on 15-01-2024, he was returning to his village Nedalagi from Katti Sangavi jatra on motor cycle bearing No.KA.32 EN-1722. At about 07:00 p.m., when he was proceeding near Adarsh School Mandewal village on road. At that time driver of one TATA TIAGO XZ Car bearing no. AP-35 AF-5065 came in high speed, rash and negligent manner and endanger to



human life, lost control dashed to his bike behind , thereby petitioner fell down from his bike.. As a result petitioner sustained grievous injuries and he was shifted to Govt. Hospital Jeratagi for treatment and again he was taken to PIOS Medilinks Private Limited Jaysigpur for further treatment and he was treated as inpatient from 16-01-2024 to 01-02-2024. He has incurred more than Rs.4,50,000/- for treatment and further Rs.2,50,000/- is require for future treatment.

3. According to petitioner, he was hale and healthy prior to the accident and was earning Rs. 5,00,000/- per annum by doing Agriculture. Now he is unable to earn. Hence claimed **Rs.28,50,000/-** as compensation from the respondents.

4. In response to the notices issued, the respondent No.1 appeared through counsel and filed objections and denied all allegation of petitioner. The respondent No.2 appeared through counsel and filed objections denying the case of petitioner and



contended that their liability is subject to terms and conditions of the policy. The driver of offending vehicle was not holding valid license and there is violation of policy condition. Age, income and occupation details given are denied as false and sought to dismiss the case against them.

6. Based on the aforesaid pleadings the following Issues are framed:

- 1. Whether the petitioner proves that, he has sustained grievous injuries in RTA occurred on 15-01-2024 at 07:00 PM., in Mandewal village near Adarsh School, due to the rash and negligent driving by the driver of Car bearing Reg.No.AP-35-AF-5605 as alleged in the petition.?**
- 2. Whether respondent No.2 proves that as on the date of accident driver of Car bearing Reg.No.AP-35-AF-5605 was not holding valid license and violated the terms of policy?**
- 3. Whether the petitioner is entitled for compensation? If so, to what amount and from whom?**
- 4. What order or award?**



7. To substantiate his claim the petitioner has deposed as PW-1 and produced Ex. P-1 to P-13 documents. Also examined doctor as PW-2. On the other hand the respondent No.2 has not tendered their evidence.

8. Heard arguments from both sides.

9. My findings to the above issues are as under:

ISSUE NO.1: In the Affirmative.

ISSUE NO.2: In the Affirmative.

ISSUE NO.3.: Partly in the Affirmative.

ISSUE NO.4: The petition is allowed in part with cost for the following:

REASONS:

10. **ISSUE NO.1 :** To prove the fact that petitioner has suffered severe injuries in the accident occurred by the negligence of Car bearing No.AP-35-AF-5605. The petitioner tendered his evidence as PW-1 by reiterating the petition averments in his chief examination



filed by way of affidavit. Further he has produced 13 documents as per Ex. P-1 to P-13, such as FIR, Complaint, Statement, Mahazar, Wound Certificate, I.M.V. Report, Charge Sheet, Medical Prescriptions, Disability Certificate, Medical Bills, X-ray Report, X-ray Film and Aadhar Card.

11. In the cross examination of PW-1, it is suggested that accident is not occurred as alleged by him, same was denied. Further he deposed that while by over taking Car has dashed to him. Further deposed his son has lodged FIR. Further deposed on next day police have recorded is statement. Further it was suggested he has fell down from is bike but he has denied the same. Further it was suggested that the accident was occurred due to his negligence and he has filed false complaint to claim compensation same was denied. To prove that no such incident is occurred, no rebuttal evidence is led. Considering the facts in my opinion when the wound certificate and other medical records would show that petitioner suffered



severe injuries in the accident alleged and police records show that it was negligent act of driver of Car bearing No.AP-35-AF-5605, I am of the opinion that petitioner is successful in proving this issue.

Hence I answered the issue No.1 in the Affirmative.

12. **ISSUE NO.2:** The respondent No.2 has taken contention that driver of offending vehicle does not possess driving license. Respondent No.1 who is owner of the vehicle he has filed objection. In his objection he has not pleaded that driver of Car possess was holding valid licenses. Further respondent no.1 who is owner of the car has not produced the driving license.. Even though respondent No.1 has not produced the copy of driving license of driver. Hence as date on accident driver of offended car does not possess valid license as date of accident. Hence I answered **Issue No.2 Affirmative.**

13. **ISSUE NO.3:** The heads under which compensation is awarded in personal injury cases are the following:



Pecuniary damages (Special Damages)

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food and miscellaneous expenditure.

(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured. Comprising:

(a) Loss of earning during the period of treatment:

(b) Loss of future earnings on account of permanent disability:

(iii) Future medical expenses.

Non Pecuniary damages (General Damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage)

(vi) Loss of expectation of life (shortening of normal longevity)



14. In this case the petitioner has produced wound certificate as per Ex.P-5 which shows that petitioner has suffered:

1. Comminuted Fracture proximal tibia with fibula with intra-articular extension with fracture lower end radius(left).

The Doctor has opined these injuries are grievous in nature.

15. Apart from production of wound certificate, the petitioner has examined Dr. Marthand Kulkarni, Orthopedic Surgeon, as PW-2. He has deposed that petitioner has suffered from **fracture of proximal tibia and fibula right side and fracture of lower end radius left side**. According to PW-2, petitioner is having disability of 58% to the entire body and issued disability certificate as per Ex. P-10.

16. In his cross examination he has admitted that he has examined the petitioner clinically and radiologically. further admitted that he has not got any opinion or reference from treated doctor. He



admitted that old healed surgical scar over leg and wrist but he do not know age of scar. Further admitted as per radiographs it shows old fracture but he do not know age of fracture, he deposed it is one year old fracture. Further he admitted he has mentioned age of fracture. Further he denied that to help petitioner to get more compensation, he as assessed disability. However he has denied that disability assessed by him is on higher side.

17. After assessing the evidence of PW-1 and 2, It is noticed that there is no comparison with functional disability like in what way disability affects the work of petitioner and to what extent. Further PW-2 is not treated doctor. Under such circumstances looking to the facts of the case I am of the opinion that the disability of 19% (1/3rd) would be feasible. Hence the same is considered.

18. To prove the age, the petitioner has produced Aadhar card as per Ex.P-13 wherein his date of birth is mentioned as 01-01-1962. Hence the age of petitioner is 62 years as on the date of



accident. **As per Sarla Varma and others Vs Delhi Transport Corporation and others case reported in 2009 ACJ 1298** the multiplier applicable is **"7"** and the same is considered.

19. Though the petitioner claimed that he was earning Rs.5,00,000/- per annum by doing agricultural work and Animal Husbandry, but he has not produced any document. Hence in the absence of such proof notional income has to be considered at **Rs.15,500/-** per month. Therefore petitioner is entitled for **Loss of Future Income** as under:

Rs.15,500 X 12 X 19 X 7 /100= Rs.2,47,380/- (Rupees Two Lakhs Forty Seven Thousand Three Hundred and Eighty Only).

20. The petitioner has not produced discharge summary. Hence looking to the nature of injuries suffered and treatment under gone, I deem it fit to award **Rs.10,000/- (Rupees Ten Thousand Only)** towards pain and suffering undergone. Hence, I award the same.



21. I also deem it fit to award **Rs.10,000/- (Rupees Ten Thousand Only)** towards loss of amenities and nutritious food.

22. Looking to the days of treatment undergone I deem it fit to award **Rs.10,000/-(Rupees Ten Thousand Only) towards attendant charges and conveyance.**

23. I also deem it it fit to award **Rs.46,500-00/-(Rupees Forty Six Thousand Five Hundred Only) towards loss of income during the laid up period (3 months).**

24. The petitioner has produced medical bills at Ex.P-9 (6 Bills). On perusal of the bills it is seen that the learned counsel for petitioner has produced calculation sheet wherein it is mentioned as petitioner has incurred total of **Rs.1,72,350/- (Rupees One Lakh Seventy Two Thousand Three Hundred and Fifty Only)** towards treatment. Hence I award the same towards medical expenses. Further he has claimed future medical expenses. Hence I deem it fit to award **Rs. 10,000/-** for future medical expenses. Therefore the



petitioner is entitled for total compensation of **Rs.05,06,200/-**
(Rupees Five Lakhs Six Thousand and Two Hundred Only) as
under:

1. Loss of Future income	Rs. 2,47,380-00
2. Pain and Agony	Rs. 10,000-00
3. Loss of amenities and nutritious food	Rs. 10,000-00
4. Attendant charges and conveyance	Rs. 10,000-00
5. Loss of income during laid up period	Rs. 46,500-00
6. Medical Expenses	Rs. 1,72,350-00
7. Future Medical expenses	Rs. 10,000-00
8. TOTAL	Rs. 05,06,230-00 It is rounded off to Rs.05,06,200/-

25. Regarding liability: The respondent No.2 has admitted the policy issuance and contended that the driver of vehicle does not possess valid license. In spite of notice issued to the respondent No.1 who is owner of the vehicle but she has not produced driving license of the driver at the time of incident



that the driver possess valid license but same is not produced before this court. Hence as on date of accident driver of car does not possess valid driving license. Even though the IO has not invoked Sec. 181 of M.V Act but it is obligation on the part of owner of the vehicle to produce the driving license of the driver. Hence I am of the opinion that in this case also the injured was third party and even, if there is no license is produced driver of offending vehicle, insurance company can be directed to pay first and then recover it from the owner. Hence from the above discussion the respondent No.2 being Insurance company is liable to pay firstly then recovered from respondent No.1. Hence this issue is answered partly in the affirmative.

26. **ISSUE NO.4:** In view of my findings on Issues No.1 to 3 as above and with regard to awarding the interest is concerned, the petitioner is entitled for simple interest at the rate of 6% per annum



from the date of petition till deposit. As such I proceed to pass the following:

ORDER

The petition filed U/S 166 of M.V. Act by the petitioner is allowed with cost by granting compensation of **Rs.05,06,200/- (Rupees Five Lakhs Six Thousand and Two Hundred Only) along with interest at the rate of 6% p.a. from the date of petition till the date of deposit. (The interest is not applicable to future medical expenses of Rs. 10,000-00).**

The respondent No.1 and 2 jointly and severally are liable to pay the amount awarded. However the respondent No.2 being Insurance company is directed to deposit the compensation amount with interest within the time stipulated under section 168(3) of M.V.Act, first and later recover it from owner.



Soon after deposit made by respondent No.2 out of said compensation amount 60% of the amount shall be released in favor of petitioner through E-payment on proper identification.

The remaining 40% compensation amount shall be kept as FD in his name in any nationalized bank of his choice for a period of 5 years and he is at liberty to withdraw the accrued interest periodically.

The advocate fee is fixed at Rs.500-00.

Draw award accordingly.

(Dictated to Stenographer directly on computer, typed by him, corrected by me and then signed and pronounced by me in the open Court on this the 26th Day of March, 2026)

(KISHAN B MADALAGI)
Senior Civil Judge & MACT,
Chittapur

ANNEXURE

1. **List of witnesses examined on behalf of the Petitioner/s:**

PW-1 : Gurunath @ Gurappa S/o Siddaramappa
PW-2 : Dr. Marthand Kulkarni



2. **List of documents marked on behalf of the petitioner/s:**

- Ex.P.1 : C/c of FIR
- Ex.P.2 : C/c of Complaint
- Ex.P.3 : C/c of Statement
- Ex.P.4 : C/c of Mahazar
- Ex.P.5 : C/c of Wound Certificate
- Ex.P.6 : C/c of I.M.V. Report
- Ex.P.7 : C/c of Charge Sheet
- Ex.P.8 : Medical Prescriptions
- Ex.P.9 : Medical Bills
- Ex.P.10 : Disability Certificate
- Ex.P.11 : X-ray Report
- Ex.P.12 : X-ray Film
- Ex.P.13 : Aadhar Card (Notarized)

3. **List of witnesses examined on behalf of the Respondent/s:**

-NIL-

4. **List of documents marked on behalf of the Respondent/s:**

-NIL-

Senior Civil Judge
& MACT, Chittapur