

KAKB710000992023



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MVC No.507/2023

Presented on : 05-04-2023
Registered on : 05-05-2023
Decided on : 02-05-2026
Duration : 03 years 00 months 27 days

IN THE COURT OF THE SENIOR CIVIL JUDGE & MACT,
SEDAM

PRESENT:

Sri.SAGAR GURUGOUDA PATIL
B.A., LL.B(Spl.)
Senior Civil Judge & MACT, Sedam.

Dated:This the 2nd Day of May 2026

MVC No.507/2023

Petitioner/s :

Shivaraj S/o Shivalingayya @ Shivanagayya
Swamy, Age: 56 years, Occ: Legal Practice and
Agriculture, R/o Kadacharla (Now R/o At Sedam)
Tq: Sedam, Dist: Kalaburagi PIN: 585222
(Aadhar No.4048 2154 8936 Cell
No.9591682324)

(Smt/Sri N.B.K. Advocate)

VS

Respondent/s :

- 1) Shaik Faiyazuddin S/o Md. Khaja Miyan,
R/o Shastri Nagar Old Udagi Road Sedam,
Dist: Kalaburagi PIN-585 222 (Owner of
Auto bearing Reg.No.KA-32/C-2990 (Bajaj
3 W REE BSII) Auto Rickshaw.



- 2) The ICICI Lombard General INS Lited Company (Through its Manager R/o No.1-45-A Kotari Complex, Court Road, Station Bazar, Kalaburagi-585 102.

(R1: Smt/Sri H.L.A. Advocate)

(R2: Smt/Sri B.C.M. Advocate)

J U D G M E N T

This is a petition u/s 166 of Motor Vehicles Act, filed by the petitioner for compensation for the injuries sustained by him (petitioner) in a road traffic accident that had taken place on 05.10.2022.

- 2) The facts of the case of the petitioner are as follows:

On 05.10.2022 at about 8-50 PM the petitioner was proceeding on his motorcycle bearing No.KA-32/EB-1274 from Kadacharla to Sedam main road on left side of the road at that time near Batagera (B) gate the driver of Auto Rickshaw bearing Reg.No.KA-32/C-2990 came from back side with high speed and in a rash and negligent manner and dashed to the petitioner's motorcycle due to which the petitioner fell down and from the motorcycle along with motorcycle and sustained grievous injuries. Immediately after the accident the petitioner was shifted to Govt. Hospital Sedam thereafter he was shifted to United Hospital Kalaburagi and other hospitals still the petitioner under treatment.

- 3) Prior to the accident the petitioner was hale and



healthy and he was working as an Advocate and Agriculture and earning Rs.40,000/- by his profession and Rs.2 Lakhs per annum by his skill work in rest of time i.e., Horticulture (flowers and vegetable growing and he was income tax payee and spending entire income for the welfare of his family. Due to the above accident the petitioner suffered permanent disability and unable to do any sort of work. The petitioner is unable to walk as earlier due to the injuries sustained in the accident.

4) The accident occurred due to rash and negligent riding of the Auto Rickshaw bearing Reg.No.KA-32/C-2990 by its driver and case is registered against the him in Crime No.170/2022 of Sedam P.S. for the offences punishable under sections 279 and 338 of IPC. The respondent No.1 being the owner and respondent No.2 being the insurer of the offending Auto Rickshaw bearing Reg.No.KA-32/C-2990 are jointly and severally liable to pay the compensation of Rs.65,50,000/- to the petitioner. Hence prays to allow the petition.

5) After service of notice, the respondent No.1 and 2 appeared through their counsel and filed their statement of objections. The respondent No.1 has filed its written statement by denying the contents of the petition specifically and categorically. It is contended that the respondent No.1 is R.C. Holder of the vehicle Bajaj 3 Wheel Auto Rickshaw REE BS II bearing No.KA-



32 C-2990 with valid insurance in CICI LOMBERD General Insurance co. Ltd. on the date of alleged accident. The driver holds valid driving license, vehicle permit and vehicle fitness on the same date, there was no negligence on the part of driver. The respondent No.1 had not violated any norms of law, therefore respondent No.1 is not liable to pay compensation to the petitioner. Hence petition is liable to be dismissed against respondent No.1.

6) The respondent No.2 has filed its written statement by denying the contents of the petition specifically and categorically. It is contended that according to Sec.129 of M.V.Act riding a two-wheeler without a helmet is a serious traffic violation & hence illegal. Further it is submitted at that time of accident the claimant/rider of the motor cycle No.KA-32/EB-1274 was riding the motor cycle without having driving valid license and without wearing helmet, that as per law the rider & pillion rider of motor cycle should wear the helmet. Hence this respondent company is not liable to pay the compensation to the petitioner. Accordingly, prays to dismiss the petition.

7) On the basis of the above pleadings the tribunal has framed the following issues:

- 1) Whether the petitioner proves that on 05-10-2022 he was proceeding on his motorcycle bearing Regn.No.KA.32/EB.1274 from



Kadacharla to Sedam on the left side of the road at that time at about 8.50 PM when he reached near Batagera (B) gate near the house of Mukram Khan the Auto Rickshaw bearing Regn.No.KA.32/C.2990 came from back side in high speed and the driver of the Auto rickshaw drove the same in rash and negligent manner and dashed to the motorcycle of the petitioner due to which the petitioner fell down and sustained grievous injuries?

2) Whether the petitioner is entitled for the compensation? If so, how much and from whom?

3) What award or decree?

8) In support of his case, petitioner has examined himself as PW.1 and the doctor as PW.2 and 3 and got marked 41 documents as per Exs.P1 to Ex.P41. The respondent No.2 has examined its official as RW.1. The respondent No.1 did not adduced evidence.

9) Heard the arguments of both sides and perused the material on record.

10) My findings to the above issues are as follows:

- 1)IN THE AFFIRMATIVE
- 2)AS PER THE OBSERVATION
- 3)AS PER THE FINAL ORDER

for the following:



REASONS

11) **ISSUE No.1:** It is the specific case of the petitioner that the accident occurred on 05.10.2022 due to rash and negligent driving of the Auto Rickshaw bearing Reg.No.KA-32/C-2990 by its driver due to which the petitioner sustained grievous injuries.

12) The petitioner in order to prove his case has examined himself as PW 1 and he has filed affidavit under Order 18 Rule 4 of CPC containing examination-in-chief by reiterating the petition averments and got exhibited 41 documents as Exs.P1 to P41. He has relied upon the police records i.e. FIR, complaint, charge sheet, crime details form, IMV report, wound certificate, which are placed at Exs.P.1 to 6. All these documents clearly go to show that accident was occurred due to the rash & negligent act of the driver of the Auto Rickshaw bearing Reg.No.KA-32/C-2990 caused accident and due to which the petitioner fell down and sustained grievous injuries.

13) In the cross-examination of PW.1 nothing material is elicited. Therefore there is no reason to disbelieve the case of the petitioner. The IMV report shows that the cause of the accident is not due to any mechanical defects.

14) The challan at Ex.P3 reveals that after investigation the I.O. has filed charge sheet against the driver of the Auto Rickshaw



bearing Reg.No.KA-32/C-2990 by name Mohd. Yusuf S/o Zameer Ahmed Dalal. On perusal of the aforesaid records it is clear that the accident was caused due to the rash & negligent driving of the offending Auto Rickshaw bearing Reg.No.KA-32/C-2990 by the respondent No.1's driver. The respondents have failed to place on record any material to falsify the case of the petitioner. Therefore, there is no reason to disbelieve the case of the petitioner and to believe the case of the respondent No.1 and 2. Hence I answer Issue No.1 in the affirmative.

15) **ISSUE No.2:** While answering Issue No.1, I have concluded that there was a road traffic accident and the road traffic accident had taken place because of the actionable negligence of the driving of the offending Auto Rickshaw bearing Reg.No.KA-32/C-2990 by its driver and in the road traffic accident petitioner sustained grievous injuries. Hence I conclude that the petitioner is entitled for the compensation for the injuries sustained by him in the said road traffic accident.

16) The next question would be, what is the reasonable & just compensation to which the petitioner is entitled.

17) Before proceeding to discuss this Issue, I feel it is correct to narrate the law declared by the Hon'ble Apex Court in the decision reported in 2011(1) SCC 343 in the case of Rajkumar VS Ajaykumar, wherein, at para No.5 of its judgment, the Hon'ble



Apex court has mentioned the heads under which the compensation is to be awarded in personnel injury cases. I reproduced the same here itself, for the convenient sake. The same reads as follows:

5. 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). In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii)(b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and / or loss of prospects of marriage) and loss of expectation of life. Assessment of pecuniary damages under item.



18) Keeping in view the law declared in the aforementioned decision, I have carefully perused the entire records. It must be noted that in this case the petitioner has produced 51 medical bills and it marked as Ex.P28. These bills show that the petitioner did spend Rs.80,746/-. The next question would be, whether these medical bills can be accepted or not. It is relevant to note that when the said medical bills were marked as exhibit, the learned counsels for the respondent No.2 did not object for marking of the same. In support of the medical bills the petitioner has produced discharge summary at Ex.P.27 and the same shows that the petitioner took treatment as inpatient from 05.10.2022 to 07.10.2022. The medical bills and other medical records on record make it probable that the petitioner did spend Rs.80,746/- towards his treatment. Further the medical bills are authenticated documents & contain all the necessary particulars. In the cross-examination of PW.1 the counsel for the respondent No.2 has suggested that the medical bills are created for the purpose of this case. If so, the respondent No.2 could have called for details & original registers from the concerned hospitals & pharmacies. But no such efforts have been made. Therefore there is no difficulty to accept the information available in the medical bills at Ex.P.28. Hence I accept that the petitioner did spend Rs.80,746/- towards medical expenses.

19) Further as per the law declared in **Rajkumar VS**



Ajaykumar's case the petitioner is entitled for loss of earning during the period of treatment. It must be noted that the Discharge Summary at Ex.P27 shows that the petitioner was took treatment from Vikram Siddredy, consultant Trauma and Laparoscopic surgeons on 05.10.2022 and discharged on 07.10.2022. It is on record that the accident had occurred on 05.10.2022. Therefore these facts make it very clear that the petitioner had taken treatment, as inpatient, for a period of 03 days. The wound certificate at Exs.P6 shows that the petitioner did sustain simple injury. One can easily conclude that for a period of one month, the petitioner could not do any work at at all. Hence, I consider this period of one month as laid up period and the petitioner is entitled for compensation of this laid up period under the head 'loss of earnings during the period of treatment'.

20) Further in view of the law declared in Rajkumar VS Ajaykumar's case, the Hon'ble Apex court has concluded that in personnel injury cases the petitioner is entitled for compensation for loss of future earnings on account of permanent disability. To find out that whether the petitioner has sustained any permanent disability or not, the court has to fall back on the evidence of the doctor. In this case the doctors by name Dr.N.S.Heble, ENT Specialist as PW.2 and Dr.Raju Kulkarni, bone and joint specialist as PW.3. The both doctors have filed evidence on affidavits under Order 18 rule 4 of CPC and deposed that the petitioner is having Righ Ear 25db hearing loss and



Let Ear 45db hearing loss. He was diagnosed with comminuted fracture lateral end of left clavicle and was advised fixation (Surgery). He was treated initially for Orthopedic injuries by PW.3 at United Hospital. He was admitted from 05.10.2022 to 07.10.2022. However, it is not correct on the part of this court to conclude anything without perusing the cross-examination of PW.2 and 3. In the cross-examination the PW.2 has stated that soon after the accident he has not treated the petitioner but he treated the petitioner for issue of disability certificate. In the cross-examination the PW.3 has stated that he was treated initially for Orthopedic injuries by him at United Hospital and issued of disability certificate. They have denied the suggestions that they have given disability certificates showing excessive disability. On perusal of entire cross-examination it becomes clear that in the cross-examination of PW.2 and 3 nothing material is elicited.

21) The learned counsel for the respondent No.2 has argued that the percentage of disability assessed by the PW.2 and 3 doctors are on higher side. In my view, if really the respondent No.2 was sure about their contentions, certainly, the respondent No.2 was at liberty to request this court to refer the petitioner to medical board or some other authority for determination of the percentage of disability. But, for the best reasons known to it, it has not made any such efforts. Hence, this fact makes it clear that the respondent No.2 has failed to prove its contention and he raised such a contention only for the sake



of objection.

22) The PW.2 in his examination in chief has deposed that the petitioner having Right Ear 25db hearing loss and Left Ear 45db hearing loss. The PW.3 in his examination in chief has deposed that the petitioner having pain in Left shoulder girdle. Cannot lift L arm above shoulder level. Cannot do overhead activity, cannot lift heavy weight with L hand. Movement of L shoulder are painful and restricted. The above findings, the disability sustained by patient in accident is 30% to entire body. As discussed in preceding paragraphs the respondent No.2 has failed to elicit anything contrary to the evidence of PW.2 and 3 from their mouth in their cross-examination. Therefore, there is no reason to disbelieve the evidence of PW.2 and 3. Apart from this the respondent No.2 is having serious objections with regard to quantum of disability then he would have sought to refer the petitioner to the medical board for assessing disability. But the respondent No.2 has not sought to refer the petitioner to medical board for assessing the disability. Therefore, there is no reason to disbelieve the evidence of the PW.2 and 3. Therefore, it can be concluded that the petitioner sustained total physical disability of 30% to the whole body.

23) Before deciding the loss of actual earning capacity it is useful to refer the decision of the Hon'ble Supreme Court in the case of Raj Kumar VS Ajaykumar & another [(2011) 1 SCC 343]



wherein the Hon'ble Supreme Court held as under:

The Tribunal has to first decide whether there is any permanent disability and the extent of such permanent disability. The Tribunal should consider and decide with reference to the evidence:

- (i) whether the disablement is permanent or temporary;*
- (ii) if the disablement is permanent, whether it is permanent total disablement or permanent partial disablement;*
- (iii) if the disablement percentage is expressed with reference to any specific limb, then the effect of such disablement of the limb on the functioning of the entire body, that is, the permanent disability suffered by the person.*

If the Tribunal concludes that there is permanent disability then it will proceed to ascertain its extent. After the Tribunal ascertains the actual extent of permanent disability of the claimant based on the medical evidence, it has to determine whether such permanent disability has affected or will affect his earning capacity.

Ascertainment of the effect of the permanent disability on the actual earning capacity involves three steps. The Tribunal has to first ascertain what activities the claimant could carry on in spite of the permanent disability and what he could not do as a result of the permanent disability. The second step is to ascertain his avocation, profession and nature of work before the accident, as also his age. The third step is to find out whether (i) the claimant is totally disabled from earning any kind of livelihood, or (ii) whether in spite of permanent disability, the claimant could still effectively carry on the activities and functions, which he was earlier carrying on, or (iii) whether he has prevented or restricted from discharging his previous activities & functions, but could carry on some other or lesser scale of activities and functions so that he continues to earn or can continue to earn his livelihood.

When compensation is awarded by treating the loss of future earning capacity as 100% (or even anything more than 50%), the need to award compensation separately under the head of loss of amenities or loss of expectation of life may disappear or a token or nominal amount may have to be awarded under that head.

24) Applying the above principles to the case at hand the



evidence of the doctor has to be appreciated. The doctor PW.2 and 3 in their examination-in-chief have deposed that the the petitioner is having following physical impairment.

Right Ear 25db hearing loss.

Left Ear 45db hearing loss.

Pain in Left shoulder girdle.

Cannot lift L arm above shoulder level.

Cannot do overhead activity.

Cannot lift heavy weight with L hand.

Movement of L shoulder are painful and restricted.

The permanent physical impairment (PPI)/ Functional disability in relation to left upper limb is 30% whole body PPI is 30%.

25) The PW 1 has alleged that the due to injuries sustained in the accident she has been permanently disabled. In this regard he has relied upon the testimony of PW.2 and 3. The PW.2 and 3 in their examination-in-chief have deposed that the petitioner has permanent physical impairment (PPI)/ Functional disability in relation to left upper limb is 30% whole body PPI is 30%. In the cross-examination of PW.2 and 3 nothing material is elicited.

26) By considering the evidence of PWs 1 to 3 it is clear that as the years passes by it would certainly cause discomfort to petitioner for leading the future life. In given facts and



circumstances of the case it can be said that PW 1 has permanent physical disability of 30% for whole body. The petitioner has produced X-ray report which goes to show that there is evidence of malanited fracture lateral 3rd left clavicle. The records reveal that the petitioner underwent surgery. As per PW.2 and 3 the petitioner is having complaint of Pain in Left shoulder girdle, cannot lift L arm above shoulder level, cannot do overhead activity, cannot lift heavy weight with L hand and movement of L shoulder are painful and restricted. The petitioner is now aged about 56 years. Therefore, the possibility of recovery cannot be ruled out. The petitioner is legal practitioner by profession. Therefore proper hearing capacity plays vital role in professional work. As the petitioner suffered right Ear 25db and left Ear 45db hearing loss he would face difficulties while having communication with his clients and others and doing regular work in the open Court. Therefore, considering the nature of injuries procedure underwent and the avocation of the petitioner and all the facts and circumstances of the case and the evidence on record and the total physical disability, Righ Ear 25db hearing loss and Left Ear 45db hearing loss, if this court consider 20% as functional disability it will meet the ends of justice.

27) The next question would be, what is and what was the occupation & income of the petitioner. It must be noted that it is the specific case of the petitioner that before the accident he was



hale and healthy and working as an Advocate and Agriculture and earning Rs.40,000/- by his profession and Rs.2 Lakhs per annum by his skill work in rest of time i.e., Horticulture (flowers and vegetable growing) and he was income tax payee. In this regard he has produced RTC extract at Ex.P.31 of land Sy.No.119/2, wherein the land measuring 01 acre 05 guntas standing in his name. Further the petitioner has produced RTC extract at Ex.P.32 of land Sy.No.183/4, wherein the land measuring 02 acre 08 guntas standing in his name. Further the petitioner has produced income tax returns at Ex.P.33 to 41 for the year 2023-2024 to 2025-26. On perusal of Ex.P.37 income tax returns for the assessment year 2023-2024 shows that the annual income of the petitioner was Rs.4,51,080/- and accident of the year 2022.

28) The income tax return at Ex.P.37 shows that the petitioner was having annual income of Rs.4,51,080/-. Therefore, the income of the petitioner during relevant year ie. 2023-24 was Rs.4,51,080/- and out of which the income tax of Rs.1,000/- was deducted and after deducting Income Tax of Rs.1,000/- it comes to Rs.4,50,080/- (4,51,080 (-) 1,000). Therefore, tribunal comes to conclusion that the petitioner was a self employed person having his annual income after deducting income Tax is **Rs.4,50,080/-** and his monthly income was Rs.37,506/-.

29) **Compensation for Future prospects of deceased;**



In the case of National Insurance Company Ltd V/s Pranay Sethi and others, the Hon'ble Supreme Court held that if the victim was self employed person below the age of 40 to 59 years, there must be an addition of 25% to the actual income of the petitioner while concluding future prospects. In this case the petitioner was aged about 56 years as on the date of the accident and therefore the deceased is entitled for future prospects of 25% on Gross income of Rs.4,50,080/- which comes to Rs.1,12,520/- and said Rs.1,12,520/- is added to Rs.4,50,080/-, the total income of the petitioner comes to **Rs.5,62,600/-** (4,50,080 + 1,12,520) (Annual Income + Future Prospects) per annum.

30) The next question would be, what is the age of the petitioner. The petitioner has produced copy of the I.D. Card at Ex.P.30. On perusal of the said document it reveals that the date of birth is mentioned as 20.10.1966. It means as on the date of accident the age of the petitioner is 56 years. Therefore the age of the petitioner has to be considered as 56 years.

31) PAIN & SUFFERING: The petitioner PW.1 has stated that after the accident she was admitted to United Hospital Kalaburagi wherein the petitioner was took treatment from 05.10.2022 to 07.10.2022

32) The wound certificate at Ex.P.6 shows that the petitioner sustained simple injuries. The PW.3 in his examination in chief has



stated that as per the wound certificate issued by United Hospital Kalaburagi the petitioner sustained simple injuries. Therefore, having regard to the nature of injuries, it can be said that PW 1 must have undergone physical pain and sufferings for which an award of Rs.10,000-00 shall hold to be a justifiable and reasonable sum under this head.

33) FOOD & NOURISHMENT, CONVEYANCE & ATTENDANT CHARGES, Etc: The petitioner is shown to have been admitted as an inpatient from 05.10.2022 to 07.10.2022. During said period he must have also spent additional amount towards food, diet, nourishment and attendant charges etc. So I deem it is proper and just to award sum Rs.10,000-00 under this particular head.

34) LOSS OF INCOME DURING LAID UP PERIOD: This court has already come to the conclusion that the notional income of the petitioner is Rs.37,506-00 per month. Therefore, having regard to the gravity of injuries, it can be said that he must not have attended his routine work even after discharge of hospital for a further period of one month. Hence, an award Rs.37,506-00 could be held to be a just and reasonable sum under this head.

35) LOSS OF AMENITIES & ENJOYMENT OF LIFE: Considering the nature of fractures sustained by PW 1, it can be inferred that she must have undergone some amount of physical and mental pain and sufferings which would consequently deprive



him of the basic amenities and enjoyment of life for which an award of Rs.10,000-00 can be held to be a just and reasonable sum under this head.

36) It must be noted that in the decision reported in **2009(6) SCC page 121 in the case of Sarala Varma VS Delhi Transport Corporation**, the Hon'ble Apex Court, after considering the decisions in Susamma Thomas and Thrilok Chandra & Charlies case, has concluded that the multiplier applicable to the persons between the age group of 56 to 60 years is 9.

37) Again I say that this court has concluded that the monthly income of the petitioner is Rs.37,506-00. On the facts & circumstances to do complete justice, I propose to assess the permanent disability of the whole body is 20% and the loss of future earning capacity as 20%. As the income of the petitioner is assessed at Rs.37,506-00 per month, the loss of earning due to functional disability 20% of Rs.37,506-00 x 12 = 4,50,072-00 per annum which would be Rs.90,014/-. As the age of the petitioner at the time of the accident was 56, the multiplier applicable would be 9. Therefore, the loss of future earnings would be 4,50,072 x 20% x 9 = Rs.8,10,129-00. This amount is the loss of future earning on account of permanent disability.

38) Therefore the petitioner is entitled for the compensation



under various heads which are as follows:

1	Towards loss of future earnings	8,10,129-00
2	Towards expenses relating to treatment & hospitalization & medicines	80,746-00
3	Towards nourishment, food & attendant charges	10,000-00
4	Towards loss of earning during the period of treatment	37,506-00
5	Towards pain & suffering	10,000-00
6	Loss of amenities & enjoyment of life	10,000-00
	TOTAL	9,58,381-00

39) The claimant is entitled to a total compensation of Rs.9,58,381-00. In view of the decision of the Hon'ble High Court in M/s Joyeeta Bose & others VS Venkateshan & others, (MFA 5896/2018 and connected matters disposed on 24-08-2020) the claimant is entitled for interest at the rate of Rs.6% per annum.

40) The petitioner has produced copy of RC particulars show that respondent No.1 is owner of the offending Auto Rickshaw. The copy of DL of the driver of the offending Auto Rickshaw shows that as on the date of the accident the DL was enforce. The copy of insurance policy shows that the policy was package policy insured with respondent No.2 valid from 19.01.2022 to 18.01.2023. The respondent No.1 being the owner & respondent No.2 being the insurer of the offending vehicle are jointly & severally liable to pay the compensation amount. With



this specific observation I answer Issue No.2 accordingly.

41) **ISSUE No.3:** For the reasons stated above I pass the following:

ORDER

The petition filed by the petitioner against respondent u/s 166 of the M.V.Act is hereby partly allowed with costs.

It is held that the petitioner is entitled for compensation of Rs.9,58,381-00 with interest at 6% p.a. from the date of petition till the date of realization.

The respondents 1 & 2 are jointly & severally liable to pay the compensation. The respondent No.2 shall deposit the compensation amount within six weeks from the date of this order.

After the deposit Out of the amount awarded, 40% is ordered to be invested in the form of Fixed Deposit in the name of the petitioner in any nationalized bank of petitioner's choice for a period of 3 years.

Remaining amount with interest shall be released in favour of the petitioner on proper identification by preparing K2 bill.

Draw award accordingly.

(SAGAR GURUGOUDA PATIL)
Senior Civil Judge & MACT, Sedam.

LIST OF WITNESSES EXAMINED:

PWs 1 : Shivaraj Swamy S/o Shivalingayya @
 2 : Shivanagayya Swamy
 3 : Dr. N.S. Heble
 : Dr. Raju Kulkarni

RW 1 : Manappa S/o Mareppa Rajapur

Exs.P1	:	Certified copy of FIR
P2	:	Certified copy of Complaint
P3	:	Certified copy of Charge sheet
P4	:	Certified copy of Crime details form
P5	:	Certified copy of IMV report



P6	:	Certified copy of Wound certificate
P7	:	Certified copy of Statement of PW.1
P8	:	Disability Certificate
P9	:	X-ray report
P10	:	Disability assessment report
P11	:	Pharmacy sheet
P12	:	Ultrasound whole Abdomen
P13	:	Haematology
P14	:	CT Scan of Brain (Plain)
P15	:	ECG report
P16	:	X-ray Chest AP view
P17	:	Prescription
P18	:	Hearing Assessment (Audiogram)
P19	:	Certificate issued by Yashoda Hospital
P20	:	Prescription
P21	:	CT Scan of Brain without contrast
P22	:	Prescription
P23	:	MRI Scan report
P24	:	Prescription
P25	:	Laboratory report
P26	:	ECG report
P27	:	Discharge against medical advice
P28	:	51 Medical bills
P29	:	3 X-ray films
P30	:	I.D. Card
P31 & 32	:	RORs
P33 to 41	:	Income tax returns

FOR RESPONDENT/S

- NIL -

(SAGAR GURUGOUDA PATIL)
Senior Civil Judge & MACT, Sedam.

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