

IN THE COURT OF THE SENIOR CIVIL JUDGE &  
MACT AT MALAVALLI

M.V.C NO. 359 OF 2025

PETITIONER Abhishek  
VS  
RESPONDENTS Shailesh B. Yankanchi and  
another

**AFFIDAVIT EVIDENCE U.O. 18 R.4 OF C.P.C.**

Name Abhishek  
Father's name Shivalinga  
Age 30 years  
Occupation At present no occupation  
Residence Sasiyalapura village  
Kirugavalu hobali,  
Malavalli Taluk

PW-01

I, Abhishek s/o Shivalinga, aged about 30 years, residing at Sasiyalapura Village, Kirugavalu hobali, Malavalli taluk, the petitioner in the above case do hereby solemnly affirm and state on oath as follows:-

I am the petitioner in the above case. I am fully conversant with the facts of the case.

I am working as employee in a shop at Bengaluru and during leisure period I does my own



*Shivalinga*

*Notary*

business. I am the native place of Sasiyalapura village, Kirugavalu Hobali, Malavalli Taluk.

There was village festival at Sasiyalapura. So, in order to attend the village festival, I was proceeding from Bengaluru on 07.02.2025 on the motor cycle No. KA 41 U 1444. I was driving the said motor cycle on the left side of Bengaluru- Kanakapura main road towards Malavalli side, very slowly and cautiously by observing the road rules and regulations. At about 9.00 PM when I was so riding the said motor cycle on Bengaluru-Kanakapura main road near Kalegowdanadoddi village, at that time one car bearing No. KA 53- MB 9256 being driven by its driver came from Malavalli side i.e. from the opposite direction in a rash and negligent manner at high speed so as to cause endanger to human life and in prosecution of such rash and negligent driving, dashed against my motor cycle and caused the accident. I fell down and sustained grievous injuries to my right leg and other parts of the body. Thus, the accident has been caused entirely due to rash and negligent driving of the car No. KA 53 MB 9256 by its driver.

After the accident I was taken to Government hospital Kanakapura. After taking the first aid treatment, I was taken to Astra Hospital Bengaluru and thereafter for higher treatment I was shifted to Sanjaya Gandhi Institute of Trauma and Orthopaedic Bengaluru and admitted there as

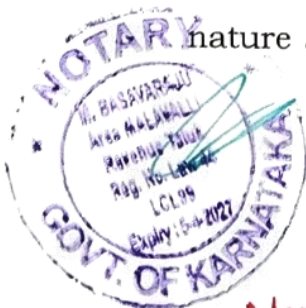


NAME, NAME 02/2/25

1. A crush injury present over the distal 1/3<sup>rd</sup> of leg
2. Posterior aspect of right foot exposing tibia and fibula
3. Deformity present over the distal 1/3<sup>r</sup> of right leg
4. Abrasion measuring 3 x 2 cm over the right knee
5. Swelling over the right leg
6. Tenderness present over the right leg distal 1/3<sup>rd</sup>
7. Bony crepitus felt over the right leg distal 1/3<sup>rd</sup>
8. Abnormal mobility present over the right leg distal 1/3<sup>rd</sup>
9. Loss of transmitted movement present
10. Distal sensation intact
11. Distal pulsation DPA PTA not palpable not heard on Doppler
12. Active toe movements absent
13. other injuries all over the body.

X-rays and other relevant investigations were done. X-ray shows crush injury to distal 1/3<sup>rd</sup> of right leg and foot Right leg distal 1/3<sup>rd</sup> both bone leg fracture. The doctor diagnosis post traumatic right distal both bone leg fracture with open type 3C wound. **Right below knee amputation was done on 08.02.2025 under SAB.**

Due to the injuries which are grievous in nature and the fracture and the right below knee



MSB, MU ବ୍ୟବସ୍ଥା

amputation, I am suffering lot of mental shock, pain, agony and suffering.

I was admitted to the Sanjay Gandhi Hospital Bengaluru on 08.02.2025 and discharged on 14.02.2025 and after discharge I am still taking treatment as out patient by going to the hospital once in a week/15 days as per the advise of the doctor. I had spent Rs. 5,00,000/- towards the medical expenses and requires future medical expenses of Rs. 3,00,000/- since the doctor advised me to undergo another surgery. The doctor has suggested to fix the artificial limb and the cost for fixation of artificial limb, the removal of implants and artificial limb will be Rs. 15,00,000/- . I had also spent Rs. 1,00,000/- towards the food, diet, transport, attendant and other incidental expenses. I had engaged the services of one attendant by paying Rs. 500/- per day while I was in the hospital as inpatient. I used to visit the hospital as out patient for taking the treatment on OPD basis and I have to engage the vehicle by paying the hire charges of Rs. 3,000/- per trip.

I am aged 30 years. I am an employee in a shop at Bengaluru and during leisure period I was doing own business and from all the sources I used to earn Rs. 40 to 45,000/- PM. I am the only earning member in the family. The entire family members are mainly depending upon my earning.



11/02/2025

G. N. S. S.

Prior to the accident I was hale and healthy and after the accident I am unable to do any work as I was doing prior to the accident. Due to amputation of below right knee, I am not in a position to walk, sit, stand, cannot attend the 2<sup>nd</sup> nature call and unable to do any type of work. On account of amputation of below right knee my whole life has been miserable, frustrated and I have to depend upon others even for all my routine works.

The doctor has estimated cost of Rs. 15,00,000/- to fix the artificial limb.

I am aged 29 years at the time of accident and on account of amputation of below right knee, I am entirely depending upon other persons for my daily routine works. I had suffered loss of amenities in life and expectation of life. I have been put to lot of inconvenience, discomfort, disappointment and frustration. I am aged just 29 years at the time of accident, unmarried and had lost my future marriage prospectus.

The accident occurred within the jurisdiction of Kanakapura Traffic police station. But I am the resident of Sasiyalapura village, Kirugavahu Hobali, Malavalli Taluk and hence I am obliged to file the present petition before this Hon'ble court which has got jurisdiction to entertain the same.

The accident has been caused entirely due to rash and negligent driving of the car No. KA53 MB



Miss: my 0207105



9256 by its driver. The respondent No.1 is the owner of the said car. The 2<sup>nd</sup> respondent is the insurance company of the said car and the policy is in force as on the date of the accident. Hence both the respondents are jointly and severally liable to pay the compensation to me.

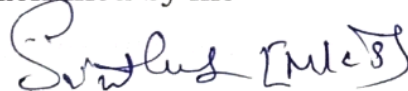
I am herein produced the documents to prove my case and the same may kindly be marked as exhibits in the chronological order.

The averments made in the claim petition may kindly be read as part and parcel of this affidavit also.

Wherefore I pray the Hon'ble court may be pleased to pass an award, awarding compensation amount against the respondents in my favour amount of Rs. 90,00,000/- along with current and future rate of interest at 18% PA from the date of the petition till the date of realization of the award amount, as prayed for in my petition with court costs, in the interest of justice and equity.

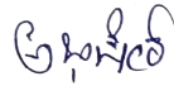
I swear to the above contents after knowing the contents in Kannada language.

Identified by me

  
Advocate

Malavalli

Dated: 6-8-26

  
Deponent



*Not in*

**SWORN TO BEFORE ME**  
  
**M BASAVARAJU**  
B.A., LL.B.  
ADVOCATE & NOTARY  
Malavalli 571 438  
Mandya Dist