

KAMD400008562022



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

PRESENT

SRI.MAHENDRA. M,
BA., LL.B.,
**SENIOR CIVIL JUDGE, AND MACT.,
MALAVALLI.**

Dated this the 1st day of July 2026

MVC No.1508/2022

Petitioner: **Sri. Praveen Kumar.M**
S/o Mahadeva
Aged about 22 years,
R/at C/o Kenchaiah,
Avverahalli Village, Kirugavalu Hobli,
Malavalli Taluk, Mandya District.

(By Sri M.K.S., Advocate)

V/s

Respondents: 1. **Smt. Rajeswari**
W/o Prabhuswamy, Major
R/o Dyavapatna Village,
B.G.Pura Hobli, Malavalli Taluk,
Mandya District.

**(Owner of Tractor bearing
No.KA-11-TA-6541)**

2. The Manager,

Magma HDI General Insurance Co. Ltd.,
No.40, 2nd Lane, G.K.C. Garden,
4th Floor, Mission Road, Lalbagh,
Bangalore.

**(Policy No.P0023300050/4107/100066
Valid from 07.04.2022 to 06.04.2023)**

(R1 Placed Ex-parte)

(R2 By Sri S.S., Advocate)

JUDGMENT

The petitioner has filed the above petition Under Section 166 of M.V. Act claiming compensation of Rs.60,00,000/- on account of injuries sustained by him in a Motor Vehicle Accident.

2. The facts of the case in brief are as follows:

On 07.10.2022, the petitioner was riding his motorcycle bearing No.KA-41-EC-6965 on the left side of the road very slowly and cautiously by observing the road rules and regulations. At about 9.45 a.m., when the petitioner was so riding the said motorcycle from Kanchugahalli side towards Javanagahalli side via Dyavapatna and when the petitioner

was so riding the motorcycle in front tar road of the house of one Prabhuswamy at Dyavapatna Village, at that time, one Tractor bearing No.KA-11-TA-6541 fixed with iron plough was parked on the road and the driver of the said tractor without giving any signal all of a sudden drove the said tractor forward in a very rash and negligent manner at high speed and also in a zig-zag manner so as to cause endanger to human life and in prosecution of such rash and negligent driving, dashed against the motorcycle of petitioner who was coming from the opposite direction and caused the accident. In that accident, the petitioner fell down along with motorcycle and sustained grievous injuries. Thus, the accident caused entirely due to rash and negligent driving of Tractor bearing No.KA-11-TA-6541 by its driver only.

3. After the accident, the petitioner was taken to PHC, Belakavadi and thereafter, taken to General Hospital, Malavalli. After taking first aid treatment, he was taken to Spandana Hospital, Mysuru and wherein he had taken

treatment as inpatient from 07.10.2022 to 20.10.2022. Relevant investigations were done. X-ray and CT scan of brain and face with 3D reconstructions were taken and it shows and confirms displaced fractures of right body and left ramus of mandible. CT scan of the left knee joint was taken and it shows and confirms the fractures i.e., 1) Comminuted displaced fractures involving the distal shaft of femur with extension into the inter condylar area, 2) Displacement of the tiny and large fracture fragments, 3) Articular extension of the fracture, 4) Tiny chip fracture in the lateral condyle of tibia, 5) Non displaced fracture in the patella, 6) Mild lipohemarthrosis in the knee joint, 7) Mild intermuscular and subsutaneous oedema around the knee joint and 8) Fracture of left clavicle bone. He underwent surgeries by way of ORIF with plate and screws for clavicle fracture and ORIF with plate and screws for distal femur fracture and surgery was also done to the mandible area. Totally three surgeries were done on 07.10.2022 and 08.10.2022. Thereafter, discharged from

the hospital and till today taking treatment as out patient once in a week/15 days as per the advise of the doctor. He has so far spent Rs.5,00,000/- towards medical expenses and requires future medical expenses of Rs.3,00,000/-, as the doctor has suggested to under go surgeries for removal of implants and for that purpose he has to re-admit to the hospital. Besides he spent Rs.1,00,000/- towards food, diet, transport, attendant and other incidental expenses. He has engaged one attendant to look after him in the hospital and he has spent Rs.500/- per day towards attendant charges. He used to visit the hospital as outpatient by paying Rs.3,000/- per trip as taxi charges.

4. It is contended that, he is aged about 22 years and working as loader and unloader work and also doing all types of labour work and used to earn Rs.25,000/- to Rs.30,000/- per month. He is the only earning member in the family to look after the house affairs. The family members are mainly depending upon his income for livelihood. Prior to the

accident, he was hale and healthy and after the accident, he is unable to do any type of work. He is limping, unable to walk properly and difficulty in walking, cannot bend his body, unable to sit with crossed legs, squat or stand for long time. The movements of the left leg is painful and restricted. He cannot attend the nature call in Indian style. He cannot sit with crossed leg and unable to climb stairs. He is unable to hold any object from his left hand and its movements are restricted. He cannot rotate or raise his left hand and he had lost his grip in his left hand. He is getting head ache and giddiness often and often and he became miff and inactive. His face became ugly and disfigured. Due to fracture of mandible, he is unable to chew any hard food and he cannot open the mouth properly and freely and getting difficulty to talk. He is unable to continue his avocation of work. He has to depend upon others even for his normal work and put to lot of inconvenience, discomfort, disappointment and frustration and he has suffered permanent disability and besides lost his

future earning capacity also. The petitioner is aged about 22 years and he is unmarried and he lost his future marriage prospectus. The accident has been caused entirely due to rash and negligent driving of Tractor bearing No.KA-11-TA-6541 by its driver only. The respondent No.1 is the owner of the said vehicle in question and the respondent No.2 is the insurance company and the policy was in force as on the date of accident. Hence, both the respondents are jointly and severally liable to pay the compensation.

5. After the presentation of the petition, the same was registered and notices were issued and duly served on the respondents. The respondent No.1 has failed to appear before this Tribunal. Hence, he has been placed ex-parte. The respondent No.2 appeared before this court through its counsel and filed their written statement. **The written statement of respondent No.2 in brief as follows:**

This respondent has specifically denied the averments of the petition. This respondent contended that, the petition is

not maintainable and liable to be dismissed. Further, denied all the averments made in the petition as false and incorrect. The petition averments as to the age, income, occupation, injuries sustained by the petitioner and the medical expenses alleged to have incurred by him are all denied and disputed. According to the respondent No.2, the compensation claimed by the petitioner is exorbitant. This respondent denies the existence of policy to cover the Tractor bearing No.KA-11-TA-6541. If it is proved then the liability of this respondent shall be strictly subject to the terms and conditions of the policy and provisions of MV Act. This respondent further contended that, as on the date of alleged accident, the petitioner was rode his motorcycle without valid driving license and negligently rides the motorcycle in a zig-zag manner and due to such rash and negligent riding, he himself dashed to the parked vehicle and caused the accident. There is 2 days inordinate delay in lodging complaint. This respondent contended that, the petition is bad for non-joinder of

necessary parties i.e., rider, owner and insurer of motorcycle bearing No.KA-41-EC-6965. As on the date of accident, the driver of said Tractor was driven the same without valid driving license. The respondent cannot held liable unless and until it is proved that, the registration certificate, fitness certificate and permit of the vehicle and driving license of the driver. As per section 134(C) of MV Act, it is mandatory duty of the insured/respondent No.1 to furnish particulars of policy, date, time and place of accident and particulars of driving license. But the respondent No.1 has not complied the mandatory requires. As per section 158(6) of the MV Act, it is the mandatory duty of the concerned police to forward all the relevant documents to the insurer within 30 days from the date of information. But, the concerned police failed to do so and did not comply with the statutory demand. The respondent No.1 willfully handed over the vehicle without fitness certificate and in violation of terms and conditions of policy. It is further contended that, the petitioner colluded

with respondent No.1 and filed the present petition for claiming compensation, if possible. Hence, the insurance company is not liable to pay the compensation. **Hence, prayed that, dismiss the petition filed by the petitioner.**

6. This tribunal has been framed the following issues:

ISSUES

1. Whether the petitioner proves that, the accident was took place on 07.10.2022 solely due to rash and negligent driving of the offending vehicle by its driver ?
2. Whether the petitioner proves that, he has sustained injuries in the accident ?
3. Whether the petitioner is entitled for compensation as claimed ? If so, to what extent and from whom ?
4. What order or award ?

7. To prove his case, petitioner got examined himself as PW1 and ExP1 to 15 got marked. The petitioner also examined a treating doctor by name Dr.Sunil.H as PW2 and ExP16 to 21 got marked. On the other hand, the

respondent No.1 did not contest the petition. The respondent No.2 did not choose to adduce evidence.

8. After the evidence is closed, I have heard the arguments of learned counsel for the petitioner. The learned counsel for the respondent No.2 submitted written arguments, the same is perused by this court. This court perused the materials placed on record.

9. My findings on the aforesaid issues are as under:

Issue No. 1 : In the affirmative,

Issue No. 2 : In the affirmative,

Issue No.3 : Partly in the affirmative, as
per the discussion below,

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

REASONS

10. **Issues No.1 and 2:-** Both the issues are taken together for discussion since they required common discussion and so also they are inter connected with each other.

11. It is the specific case made out by the petitioner that, on 07.10.2022, the petitioner was riding his motorcycle bearing No.KA-41-EC-6965 on the left side of the road very slowly and cautiously by observing the road rules and regulations. At about 9.45 a.m., when the petitioner was so riding the said motorcycle from Kanchugahalli side towards Javanagahalli side via Dyavapatna and when the petitioner was so riding the motorcycle in front tar road of the house of one Prabhuswamy at Dyavapatna Village, at that time, one Tractor bearing No.KA-11-TA-6541 fixed with iron plough was parked on the road and the driver of the said tractor without giving any signal all of a sudden drove the said tractor forward in a very rash and negligent manner at high speed and also in a zig-zag manner so as to cause endanger to human life and in prosecution of such rash and negligent driving, dashed against the motorcycle of petitioner who was coming from the opposite direction and caused the accident. Thus, the accident caused entirely due to rash and negligent

driving of Tractor bearing No.KA-11-TA-6541 by its driver only. In that accident, the petitioner fell down along with motorcycle and sustained grievous injuries and sustained with permanent disability. Per contra, in the objection Respondent No.2 denied the aforesaid case of the petitioner and inter-alia contended that, the compensation claimed by the petitioner is exorbitant.

12. The learned counsel for the petitioner argued that, the driver of Tractor bearing No.KA-11-TA-6541 driven the same in a very rash and negligent manner at high speed and caused accident. ExP6 True copy of wound certificate shows that, due to the accident, he sustained with grievous injuries. ExP8 to 10 Discharge summaries show that, he had taken treatment as inpatient from 07.10.2022 to 20.10.2022 and 10.01.2024 to 16.01.2024 respectively and till today taking treatment as out patient once in a week/15 days as per the advise of the doctor. Wherein, he was subjected to surgeries by way of ORIF with plate and screws for clavicle

fracture and ORIF with plate and screws for distal femur fracture and surgery was also done to the mandible area on 07.10.2022 and 08.10.2022 and thereafter, discharged from the hospital. Accordingly, till today the patient is taking treatment and he has spent Rs.5,00,000/- towards medical expenses and requires future medical expenses of Rs.3,00,000/-, as the doctor has suggested to under go surgeries for removal of implants and for that purpose he has to re-admit to the hospital. Besides he spent Rs.1,00,000/- towards food, diet, transport, attendant and other incidental expenses. He has engaged one attendant to look after him in the hospital and he has spent Rs.500/- per day towards attendant charges. He used to visit the hospital as outpatient by paying Rs.3,000/- per trip as taxi charges.

13. It is argued that, at the time of accident, petitioner was aged about 22 years and working as loader and unloader work and also doing all types of labour work and used to earn Rs.25,000/- to Rs.30,000/- per month. After the

accident, he is unable to do any type of work and he has to depend upon others even for his normal work and put to lot of inconvenience, discomfort, disappointment and frustration and he has suffered permanent disability. ExP1 to 7 True copies of FIR, Complaint, Spot and seizure mahazars, IMV report, Wound certificate and Charge sheet show that, the accident occurred entirely due to rash and negligent driving of Tractor bearing No.KA-11-TA-6541 by its driver. Therefore, respondent No.1, the owner of said vehicle and respondent No.2, the insurance company are jointly and severally liable to pay the compensation. **On the said grounds, learned counsel prayed to allow the petition as sought for.**

14. The learned counsel for the petitioner has relied upon following decisions:

1. **2025 ACJ 709 between Saliya Begum V/s Dhiyan Singh and others.**
2. **2023 ACJ 1219 between Zahura Begum V/s V.Venkata Ramana and others.**

3. 2017 ACJ 1065 between M.S.Lokesh V/s Achappa and another.

4. 2023 ACJ 152 between M.Dinkar V/s APSRTC and another.

15. The learned counsel for the respondent No.2 submitted written arguments and stated that, as on the date of alleged accident, the petitioner was alleged rider the motorcycle bearing No.KA-41-EC-6965 and the same was ridden by him without wear the helmet and also he does not possess the valid and effective driving license to ride the vehicle. After lapse of 2 days from the date of alleged incident, the complaint was lodged. The complainant in the complaint was not at all satisfactorily explained the delay in filing the complaint. It is clearly goes to show that, the petitioner in collusion with the concerned police have concocted and created the false documents against the accused. The owner and insurer of the motorcycle bearing No.KA-41-EC-6965 are also necessary and proper parties. As per the IMV report, there is no damages found at the time of

investigation by the RTO on the tractor. The alleged treated doctor examined by the petitioner was treated in all multiple hospitals to the petitioner even though he was the Government doctor. The petitioner comes under the unskilled worker and coming zone-4. **Hence, prayed that, dismiss the application filed by the petitioner with cost.**

16. The learned counsel for the respondent No.2 has relied upon the following decisions:

1. Civil Appeal No.3317-3318/2009 between Raj Rani and others V/s Oriental Insurance Company Limited and others.

2. MFA No.103088/2024 dated 25.02.2026 between The Managing Director, NW KSRTC, Hubballi V/s Smt.Renuka and others.

3. MFA No.4791/2021 dated 16.09.2025 between The Divisional Manager V/s Basavarajappa and others.

4. Civil Appeal No.1337-1338/2019 between Uttar Pradesh Road Transport Corporation V/s Vibhor Fialok and another.

5. MFA No.7404/2014 dated 06.12.2022 between Smt.Mariyamma and others V/s Sri.Suyambulingim.V and another.

17. To prove his contention, petitioner got examined himself as PW1. In the chief-examination, he has re-iterated the aforesaid case facts. To corroborate his evidence, he has produced documents at ExP1 to 15. Among these documents ExP1 to 7 are police documents. In support of his case, he has also examined a treating doctor by name Dr.Sunil.H Orthopedic Surgeon, Taluk General Hospital, Malavalli and Visiting Consultant at Spandana Hospital, Mysuru as PW2 and 2 case sheets at ExP16, MLC extract at ExP17, 10 X-rays at ExP18, Recent 2 X-rays at ExP19, Disability certificate at ExP20 and Recent OPD slip at ExP21 got marked. On the other hand, the respondent No.2 did not choose to adduce evidence.

18. ExP1 is the True copy of FIR in Cr.No.81/2022 of Belakavadi Police station, Malavalli. It is registered pursuant

to complaint given by one Siddegowda. ExP2 is the True copy of complaint. ExP3 and 4 are the True copies of spot and seizure mahazars. ExP5 is the True copy of IMV Report which indicates that, the accident was not occurred due to any mechanical defect of the said vehicle. From this, it can be inferred that, the accident had not occurred due to mechanical defect of the offending vehicle.

19. ExP6 is the True copy of wound certificate which indicates that, the petitioner has sustained with 1. Fracture distal femur left lower limb, 2. Fracture clonicle left side, 3. Fracture parasymphysis left angle of mandible and 4. Fracture 2nd, 3rd, 4th metacarpal bone left hand. ExP7 is the True copy of charge sheet indicates that, Sri. Mahadevaswamy, the respondent No.1 who was driving the offending vehicle at the time of accident has been charge sheeted for the offences punishable under Sections 279, 337 and 338 of IPC. From the materials placed on record, it can be held that, the driver of the offending vehicle driven the same

in a rash and negligent manner and caused accident. Due to the accident, the petitioner sustained grievous injuries as stated above.

20. It is pertinent to note, the respondent No.2 has taken a contention that, the driver of offending vehicle was not holding valid driving license. On perusal of Exp7 True copy of the charge sheet reveals that, the investigation officer filed charge sheet against the driver of offending vehicle for the offences punishable under Sections 279, 337 and 338 of IPC. He has not been charged for the allegation that, he was not holding valid license for driving the offending vehicle. If he had no valid driving license, certainly the investigation officer would have filed charge sheet for not holding valid driving license. From the materials placed on record, it can be held that, the driver of the offending vehicle had valid driving license was driving the same in a rash and negligent manner and caused accident and due to that, the petitioner sustained

injuries. For these reasons issues No.1 and 2 are answered **in the affirmative.**

21. **Issue No.3:** The Petitioner being the victim of the accident is entitled for compensation. What is the just and reasonable compensation has to be decided based on the materials available on record.

22. The petitioner has deposed in his evidence that, he has been doing loader and unloader work and also doing all types of labour work and used to earn Rs.25,000/- to Rs.30,000/- per month. Due to the accident, he could not work and lead life as an ordinary person. He has to depend upon others even for his normal work and put to lot of inconvenience, discomfort, disappointment and frustration and he has suffered permanent disability. He incurred Rs.5,00,000/- towards medical expenses and requires future medical expenses of Rs.3,00,000/-, as the doctor has suggested to under go surgeries for removal of implants and

for that purpose he has to re-admit to the hospital. Besides he spent Rs.1,00,000/- towards food, diet, transport, attendant and other incidental expenses. He has engaged one attendant to look after him in the hospital and he has spent Rs.500/- per day towards attendant charges. He used to visit the hospital as outpatient by paying Rs.3,000/- per trip as taxi charges. Due to the accidental injuries, he has suffered permanent physical disability. Therefore, he lost the earning capacity.

23. At this juncture, it is worthwhile to refer the decision reported in **(2011) 1 SCC 343** in the case between **Rajkumar V/s Ajaykumar and another**, wherein para No.5 of the judgment, the Hon'ble Supreme court held that,

General principles relating to compensation in injury cases

“5. The provisions of Motor Vehicles Act, 1988 makes it clear that, the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss

suffered as a result of wrong done as far as money can dos so, in fair, reasonable and equitable manner. The court or Tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury. This means that, he is to be compensated for his inability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed but for the injuries, and his inability to earn as much as he used to earn or could have earned.

24. According to the petitioner, at the time of accident, he was aged about 22 years and working as loader and unloader work and also doing all types of labour work and used to earn Rs.25,000/- to Rs.30,000/- per month. Prior to the accident, he was hale and healthy and after the accident, he is unable to do any type of work. He is limping, unable to walk properly and difficulty in walking, cannot bend his body, unable to sit with crossed legs, squat or stand for long time. The movements of the left leg is painful and restricted. He

cannot attend the nature call in Indian style. He cannot sit with crossed leg and unable to climb stairs. He is unable to hold any object from his left hand and its movements are restricted. He cannot rotate or raise his left hand and he had lost his grip in his left hand. He is getting head ache and giddiness often and often and he became miff and inactive. His face became ugly and disfigured. Due to fracture of mandible, he is unable to chew any hard food and he cannot open the mouth properly and freely and getting difficulty to talk. He is unable to continue his avocation of work. He has suffered permanent disability. He has spent money towards transportation charges, medical expenses, food nourishment, attendant etc., and he suffered lots of pain, mental shock, discomfort, frustration and agony. In view of the General principles laid down by the Hon'ble Supreme Court, relating to compensation in injury cases, the petitioner is entitled for compensation in the following heads:

(I) Towards pain and sufferings:-

It is the contention of petitioner that, due to the accident, he sustained grievous injuries. He was taken to PHC, Belakavadi and thereafter, taken to General Hospital, Malavalli. After taking first aid treatment, he was taken to Spandana Hospital, Mysuru and wherein he had taken treatment as inpatient from 07.10.2022 to 20.10.2022. On examination and taking of X-ray and CT scan of brain and face with 3D reconstructions got confirmed displaced fractures of right body and left ramus of mandible. CT scan of the left knee joint was taken and it shows and confirms the fractures. He underwent surgeries by way of ORIF with plate and screws for clavicle fracture and ORIF with plate and screws for distal femur fracture and surgery was also done to the mandible area on 07.10.2022 and 08.10.2022 and thereafter, he was discharged from the hospital and till today he has been taking treatment as out patient. Recently, he was examined and examined as to disability and the fracture. Due to the

accident, he could not work and lead life as an ordinary person. He has to depend upon others even for his normal work and put to lot of inconvenience, discomfort, disappointment and frustration and he has suffered permanent disability. During this period, the petitioner must have suffered lot of pain and agony. Therefore in my opinion petitioner is entitled for **Rs.30,000/- as the compensation towards the head of pain and suffering.**

(II) Towards Medical Expenses:-

In so far as the medical expenditure is concerned, Petitioner contended that, he has spent Rs.5,00,000/- towards medical expenses and requires future medical expenses of Rs.3,00,000/-, as the doctor has suggested to under go surgeries for removal of implants and for that purpose he has to re-admit to the hospital. On perusal of Exp6 wound certificate shows that, the petitioner sustained with 1. Fracture distal femur left lower limb, 2. Fracture clonicle left side, 3. Fracture parasymphysis left angle of mandible

and 4. Fracture 2nd, 3rd, 4th metacarpal bone left hand. After the accident, the petitioner was taken to PHC, Belakavadi and thereafter, taken to General Hospital, Malavalli. After taking first aid treatment, he was taken to Spandana Hospital, Mysuru and wherein he had taken treatment as inpatient from 07.10.2022 to 20.10.2022 as per Exp8 discharge summary. As per Exp9 and 10 discharge summaries, the petitioner had taken treatment as inpatient from 10.01.2024 to 16.01.2024 and 06.01.2024 to 30.01.2024 respectively. He underwent surgeries by way of ORIF with plate and screws for clavicle fracture and ORIF with plate and screws for distal femur fracture and surgery was also done to the mandible area on 07.10.2022 and 08.10.2022 and discharged with an advice to take follow up treatment. In this regard, he has produced 2 inpatient bills at Exp11, 78 Medical bills at Exp12, 2 CT scan reports at Exp13, 35 Medical prescriptions at Exp14 and 3 X-rays at Exp15. The petitioner has produced proper medical bills towards medical expenditure for Rs.4,65,390/- as

per ExP11 and Rs.89,974/- as per ExP12 in total Rs.5,55,364/-.

Therefore, in my opinion the petitioner **is entitled for Rs.5,55,364/- towards the head of medical expenditure.**

(III) Towards diet, food, nourishment, attendant and conveyance charges:-

On perusal of ExP6 wound certificate shows that, the petitioner sustained with grievous injuries as stated above. After the accident, the petitioner was taken to PHC, Belakavadi and thereafter, taken to General Hospital, Malavalli. After taking first aid treatment, he was taken to Spandana Hospital, Mysuru and wherein he had taken treatment as inpatient from 07.10.2022 to 20.10.2022 as per ExP8 discharge summary. He underwent surgeries by way of ORIF with plate and screws for clavicle fracture and ORIF with plate and screws for distal femur fracture and surgery was also done to the mandible area. It is further contended that, he spent Rs.1,00,000/- towards food, diet, transport,

attendant and other incidental expenses. He has engaged one attendant to look after him in the hospital and he has spent Rs.500/- per day towards attendant charges. He used to visit the hospital as outpatient by paying Rs.3,000/- per trip as taxi charges. As per the available record, in total he had taken treatment as an inpatient for 20 days and also taking follow up treatment as out patient. PW2 Doctor deposed that, even after discharge, he had taken follow up treatment on so many occasions. Thus, he might have taken treatment for 20 days as inpatient and follow up treatment as an out patient once in a week/15 days. During those days and even after discharge, he might have taken assistance of someone to look after his necessities and to take care. If minimum of Rs.500/- per day is taken into consideration, he might have spent approximately Rs.10,000/- for 20 days towards attendant charges. Though he has taken a contention that, he spent some amount towards transportation charges, but he has not produced any documents to substantiate the same. However, he might have

traveled in public or private vehicles for taking treatment and spent some amount towards conveyance and food. Therefore, the **petitioner is also entitled for Rs.50,000/- towards diet, food, nourishment, attendant and conveyance charges etc:-**

(IV) Towards loss of income during laid-up period:-

The petitioner has taken contention that, at the time of accident, he was aged about 22 years and working as loader and unloader work and also doing all types of labour work and used to earn Rs.25,000/- to Rs.30,000/- per month. After the accident, he is unable to do any type of work as he was doing earlier. He has put to lot of inconvenience, discomfort, disappointment and frustration and he has suffered permanent disability. In view of the aforesaid reasons, in total he had taken treatment as an inpatient and out patient for 20 days. Even after discharge, he might have taken rest at least 4 to 5 weeks. Under such circumstances,

he had no other way except to take rest during the time of treatment. Therefore, I am of the opinion that, it is proper to award **Rs.50,000/- compensation towards the loss of income during laid up period.**

(V) Towards loss of future earning capacity on account of permanent physical Disability:-

It is the contention of petitioner that, at the time of accident, he was working as loader and unloader work and also doing all types of labour work and used to earn Rs.25,000/- to Rs.30,000/- per month. He is the only earning member in the family and the family members are mainly depending upon his income for their livelihood. Prior to the accident, he was hale and healthy and after the accident, he is unable to do any type of work and he has suffered permanent disability.

25. To prove this aspect, petitioner has examined PW2 Dr.Sunil.H Orthopedic Surgeon, Taluk General Hospital,

Malavalli and Visiting Consultant at Spandana Hospital, Mysuru and he deposed that, on 07.10.2022, the petitioner admitted at Spandana Hospital, Mysuru on history of road traffic accident with complaints of pain deformity left lower limb and left upper limb. Initially, he has been treated at General Hospital, Malavalli. On examination and taken of X-ray and CT scan revealed, fracture distal femur left, fracture left clavicle and fracture mandible. He underwent surgeries by way of ORIF with plate screws fractured for distal femur on 07.10.2022 and ORIF with plate and screw for clavicle fracture and ORIF with plate screws for mandible fracture on 08.10.2022 and thereafter, he was discharged on 23.10.2022 with an advise to regular follow up in OPD. As per the advice made by him, till today he has been taking treatment as out patient. Again the petitioner was admitted in Venus Multi Speciality Hospital, Mysuru on 10.01.2024 and he underwent surgery for fracture non union with implant removal, debridement bone grafting interlocking nail and distal femur

augmented plate and screws and thereafter, discharged from the hospital on 16.01.2024 with an advise to regular follow up in OPD. As per the advice made by him, till today he has been taking treatment as out patient. Recently on 26.11.2025, he was examined clinically, radiologically and assessment of disability was done as per the Govt notification. He has permanent Physical disability about 54% with respect to left lower limb and 19% with respect to left upper limb. Upon consideration of aforesaid aspects, the disability as shown in the medical documents and evidence of PW2 doctor, it seems to be higher side. Therefore, the disability of the petitioner can be calculated as 1/3rd of 54% which comes to 18% compared to his whole body and taken for consideration.

26. The petitioner has taken contention that, he was working as loader and unloader work and also doing all types of labour work and used to earn Rs.25,000/- to Rs.30,000/- per month. In support of his contention, he has not produced any supporting documents to substantiate the same. Therefore, it

is necessary to consider notional income of the petitioner. The Hon'ble High court of Karnataka has prepared chart for the purpose of deciding the matters at Lok Adalath. According to the chart, for an accident of the year 2022, notional income fixed is at Rs.15,500/- per month. Accordingly, monthly income of petitioner is fixed at Rs.15,500/-. If that is the case, his yearly income would be Rs.1,86,000/-. As per the other medical documents issued by the doctor and as deposed by the petitioner, as on the date of accident his age is mentioned as 22. If the age of petitioner is taken into consideration, as per the table given in **Sarala Varma** case by the Hon'ble Supreme court, the multiplier applicable would be 18. Hence, loss of future earning on account of disability would be $1,86,000 \times 18\% / 100 = 33,480$. If the same is multiplied by 18, it would be at Rs.6,02,640/-. Therefore, in my opinion petitioner is entitled for **Rs.6,02,640/- Towards loss of future earning capacity on account of permanent physical Disability.**

(VI). Towards loss of amenities and enjoyment of life :-

The petitioner contended that, prior to the accident, he was hale and healthy and after the accident, he is unable to do any type of work. He is unable to continue his avocation of doing his work and other work. He has to depend upon others even for his normal work and put to lot of inconvenience, discomfort, disappointment and frustration and he has suffered permanent disability. Therefore, the petitioner is entitled for **Rs.25,000/- towards loss of amenities and enjoyment of life.**

27. Thus, from the discussions made above it is clear that, the petitioner is entitled for the compensation under the various heads as under :-

1. Towards pain and sufferings	Rs. 30,000/-
2. Towards Medical expenses	Rs.5,55,364/-
3. Towards Diet and attendant charges	Rs. 50,000/-

4. Towards loss of income during laid up period	Rs. 50,000/-
5. Towards loss of future earning capacity	Rs. 6,02,640/-
6. Towards loss of Amenities and enjoyment of life	Rs. 25,000/-
Total	Rs.13,13,004/-

Hence, the petitioner is entitled to the compensation of **Rs.13,13,004/-**-(Rupees Thirteen Lakhs Thirteen Thousand and Four only).

28. **Liability**: In this case, it is held that the accident had taken place entirely due to rash and negligent driving of Tractor bearing No.KA-11-TA-6541 by its driver. It is pertinent to note, the respondent No.1 did not contest the petition. The respondent No.2 did not choose to adduce evidence. The respondent No.1 is the owner of said vehicle in question and the respondent No.2 is the insurance company and the policy which was in force as on the date of accident.

The same is not disputed by Respondent No.2 insurance company. Respondent No.1 and 2 being the owner and insurer of the offending vehicle are jointly and severally liable to pay compensation to the petitioner. However, Respondent No.2 being the insurer shall transfer the award amount within 2 months from the date of award.

29. So far as the interest is concerned, the petitioner has claimed compensation together with interest at the rate of 18% on the compensation amount. Having regard to the facts and circumstances of the case and other attendant circumstances, I deem it proper to award 6% future interest on the compensation amount from the date of petition till its entire realization. In view of the above detailed discussion, I answer issue No.3 **partly in the affirmative, as per the aforesaid discussion.**

30. **Issue No.4:** For the aforesaid reasons and discussions, I proceed to pass the following:

ORDER

The petition filed by the petitioner U/S 166 of M.V. Act is allowed in part with costs.

The petitioner is entitled for compensation of **Rs.13,13,004/-**(Rupees Thirteen Lakhs Thirteen Thousand and Four only) with interest at 6% p.a., on the compensation amount from the date of filing of petition till its entire realization.

Respondent No.1 and 2 being the owner and insurer of the offending vehicle are liable to pay the compensation to the petitioner. Hence, R2 shall transfer the award amount within 2 months from the date of award.

Out of the compensation amount aforementioned in favour of petitioner, the respondent No.2 is hereby directed to transfer 50% of the award amount of compensation to the Bank account of the petitioner together with interest as Bank details given below:

Name: Sri. Praveen Kumar.M
Account No.: 520191028574156
Branch: Union Bank of India,
Malavalli Branch
IFSC Code: UBIN0915378
MICR No.: ----
PAN No.: IEBPM8174N

Out of the compensation amount
aforementioned in favour of petitioner, the
respondent No.2 is hereby directed to kept
the remaining 50% of award amount in
Fixed Deposit in the name of petitioner for a
period of 3 years before any nationalized
bank.

Advocates fees is fixed at Rs.1,000/-.

Draw Award accordingly.

*(Dictated to the Stenographer, directly typed by her on the
computer, then corrected and pronounced by me in open Court on this
1st day of July, 2026).*

(MAHENDRA M)
Senior Civil Judge, & MACT
Malavalli

ANNEXURE**Witnesses examined on behalf of the Petitioners:**

PW1 : Sri. Praveen Kumar.M
PW2 : Sri. Dr.Sunil.H

Documents exhibited on behalf of the Petitioners :

Exp1 : True copy of FIR
Exp2 : True copy of Complaint
Exp3 : True copy of Spot mahazar
Exp4 : True copy of Seizure mahazar
Exp5 : True copy of IMV report
Exp6 : True copy of Wound certificate
Exp7 : True copies of Charge sheet
Exp8 to 10 : Discharge summaries
Exp11 : 2 Inpatient bills
Exp12 : 78 Medical bills
Exp13 : 2 CT scan reports
Exp14 : 35 Medical prescriptions
Exp15 : 3 X-rays
Exp16 : 2 Case sheets
Exp17 : MLC extract
Exp18 : 10 X-rays
Exp19 : Recent 2 X-rays
Exp20 : Disability certificate
Exp21 : Recent OPD slip

Witnesses examined on behalf of the Respondents :

- Nil -

Documents exhibited on behalf of the Respondents:

- Nil -

Witnesses examined by the court commissioner:

- Nil -

Documents exhibited through the Court commissioner :

- Nil -

(MAHENDRA M)
Senior Civil Judge, & MACT.,
Malavalli.