

KAMD500000572020



Presented on : 03-01-2020

Registered on : 09-01-2020

Decided on : 23-07-2026

Duration : 6 years, 6 months, 20 days

**IN THE COURT OF THE Ist ADDL. SENIOR CIVIL JUDGE &
M.A.C.T. AT NAGAMANGALA**

DATED THIS THE 23th DAY OF JULY, 2026

PRESENT

SRI.NARASIMHA MURTHY M.

B.A.LLM., UGC – NET, JRF,

Ist ADDL. SENIOR JUDGE & M.A.C.T., NAGAMANGALA

M.V.C. No.68/2020

PETITIONER : Danegowda M.G.
S/o Late Govindappa,
Aged about 53 years,
R/o Byadarahalli village,
Dabbeghatta hobli,
Turuvekere Taluk,
Tumkuru district.

(By Sri. Jayaprakash G.M., Advocate)

Vs

RESPONDENTS: 1. Manjula K.H.
W/o Late Krishna H.V.
R/o mother Theresa road,
Vidhya nagar,
Hassan-573201.

(The RC Owner of the Toyota Innova Car
Reg.No.KA-13-M-5157)

2. The Manager,
New India Assurance Co., Ltd.,
Ashoka Nagara,
Mandya City and district.

(Policy No.67160531170200001870
Valid from 29.03.2018 to 28.03.2019)

(R1 exparte
R2 rep. by Sri. B.K.Shivalingaiah Advocate)

J U D G M E N T

The petition is filed by the petitioner under Section 166 of Motor Vehicles Act claiming compensation of Rs.20,00,000/- for the injuries sustained by him in the road traffic accident.

2. The case of the petitioner in the nutshell as follows :-

On 21.03.2019 at about 12.45 p.m. the petitioner was riding the bike bearing No.KA-44-K-9674 along with one pillion rider from Bangalore to Hassan road slowly on the left side of the road when they reached Halalu Gate, Bellur hobli, Nagamangala Taluk, at that time the driver of the Innova Car bearing No.KA-13-M-5157 came from back side in rash and negligent manner so as to endangerous to

human life and dashed to the petitioner bike and caused the accident. Due to this accident, petitioner and his friend fell down on the road. The petitioner sustained grievous injuries to all over his body. After the accident the petitioner has shifted to A.C.Giri hospital at B.G. Nagar and there he has admitted as inpatient from 21.03.2019 to 29.04.2019. He had spent Rs.2,00,000/- towards medical expenses. At the time of accident the petitioner was hale and healthy and he was doing agricultural work and self business and earning Rs.30,000/- per month. After the accident, the petitioner not doing any work as he was doing prior to the accident. The petitioner is suffering with physically and mentally pain and agony with loss of money. Further contended that, the accident occurred was only due to rash and negligent act of the driver of the Innova Car bearing No.KA-13-M-5157. Hence, both of them jointly, severally liable to pay compensation of Rs.20,00,000/- with 18% interest. Hence, prays for allowing the petition.

3. The respondent No.1 remained absent and placed her ex-parte.

The respondent No.2 has appeared through the counsel and filed objection statement to the petition and apart from usual denial of the allegations of the petition averments and admitted that, the Car bearing Reg.No.KA-13-M-5157 was insured with respondent as on the date of the alleged accident and the liability of the respondent is as per terms and conditions of policy and provisions of IMV Act. Further submitted that, as on the date of alleged accident the offending Car coming from Bangalore driven by its driver in a moderate speed when Car reached to Halalu gate by that time motorcycle bearing No.KA-44-K-9674 going in front of Car driven by its rider in a negligent manner without given any indication suddenly applied its break in that process accident occurred. The alleged accident occurred due to the negligent driving of motorcycle by its rider but not due to the rash and negligent driving of Car by its driver. Further on the date of accident the driver

of the Car bearing No.KA-13-M-5157 and rider of the motorcycle had no valid and effective driving license to drive the same. Hence, prays for dismissal of the petition.

4. On the basis of above pleadings, the following issues are framed by this Court :-

1. Whether the petitioner proves that, on 21.03.2019 at about 12.45 p.m. the driver of the Innova Car bearing No.KA-13-M-5157 drove the said vehicle in rash and negligent manner dashed to the bike bearing No.KA-44-K-9674 ridden by the petitioner, near Halalu Gate of Nagamangala Taluk on Bangalore-Hassan road, caused accident, due to which the petitioner being the rider of the said bike sustained grievous injuries ?
2. Whether the petitioner proves that he is entitled for compensation ? From whom and to what extent ?
3. What order or award ?

5. In order to substantiate his case, the petitioner examined himself as PW.1 and got marked ten documents at Ex.P1 to Ex.P10. On the other hand, the respondents have not chosen to adduce any evidence. Ex.R1 marked with the consent of petitioner and respondent No.2.

6. Heard arguments and perused the materials on record.
7. The Court proceeds to answers the above said issues as under:-

Issue No.1 : In the AFFIRMATIVE

Issue No.2 : In the PARTLY AFFIRMATIVE

Issue No.3 : As per the final order,
for the following:-

REASONS

8. **ISSUE NO.1** : - It is the case of the petitioner that, on 21.03.2019 at about 12:45 p.m. the petitioner was riding bike bearing Reg.No.KA-44-K-9674 along with one pillion rider from Bangalore to Hassan road slowly on the left side of the road and when they reached Halalu gate, at that time the driver of the Innova Car bearing No.KA-13-M-5157 drove the same in a rash and negligent manner so as to endangerous to human life came from back side and dashed to the petitioner's bike. Due to which the petitioner and his friend fell down and petitioner sustained injuries.
9. Per contra, the respondent No.2 has stated that, the accident is due to the fault of the petitioner.

10. The petitioner has examined himself as PW.1. He has been chief examined by way of affidavit, wherein, he has reiterated the petition averments and also has deposed that, after the accident the petitioner is suffering from pain and agony. He has got marked Ex.P1 to Ex.P10 documents.

11. PW.1 in his chief examination has deposed, the accident has been caused due to the rash and negligent act by the driver of the Innova Car bearing No.KA-13-M-5157. In the cross-examination of respondent No.2, he has denied the suggestion that, the accident was due to his fault.

12. It is well settled principle that, in Motor Accident Compensation Cases strict proof of negligence is not required. This is also been held by the *Apex Court in 2009 (13) SCC 530 between Bimladevi and others -V/s- Himachala Pradesh Road Transport Corporation and also AIR 2011 SC 1504 between Parmeshwari -V/s- Amir Chand and others*, wherein, the Apex Court has held that, “in Motor Accident Compensation Cases strict proof of negligence is not required to be established before the Court.

The claimants were merely to establish their case on the touchstone of pre-ponderance of probability. The standard of proof beyond reasonable doubt could not have been applied.”

13. Perused the principle laid down in the above said citations. It has been held that, in the case of motor accident cases, the accident need not be strictly proved by the petitioner. On the other hand, the claimants are merely to establish negligence by the driver of the offending vehicle by the touchstone of preponderance of probability. Hence, by relying on above cited decisions to the present case on hand, PW.1 has produced Ex.P1 to Ex.P10 documents. Ex.P1 is the discharge summary. Ex.P7 is the mahazar. Ex.P8 is the MVA report. Ex.P9 is the wound certificate of Adichunchanagiri hospital wherein it shows that, the petitioner was brought to the said Hospital with a history of RTA on 21.03.2019 at 12.45 p.m. The petitioner has sustained lacerated wound over medial aspect and lower part of left leg, Abrasion over the left knee, abrasion over medial to right patella, abrasion over lateral to right patella, crush injury to right foot heel, multiple small abrasion over

the right foot, dorsum, toe, tenderness over the right shoulder, tenderness over right side chest. Ex.P10 is the Charge sheet it goes to show that, driver of the Innova Car bearing Reg.No.KA-13-M-5157 has been charge sheeted against the accused on the allegations that, he has committed the offence of rash and negligent driving and as a result caused accident which resulted in the grievous injuries to the petitioner. On perusal of the charge sheet it clearly shows that, the concerned police after completion of entire investigation filed charge sheet against the driver of the offending vehicle. As such, rash and negligent act by the driver of the Innova Car bearing Reg.No.KA-13-M-5157 is said to be established. Further, charge sheet is said to be a reliable document for proving negligence in a Motor Vehicle Accident claim petition. Hence, the charge sheet supports the case of the petitioner that, the accident was due to rash and negligent driving by the driver of the offending vehicle.

14. The documents clearly establishes that, the petitioner has suffered injury due to the accident. It is also to be noted that, except the bare denial that, the driver of the offending

vehicle was not negligent in driving the vehicle on the date of accident, the respondents have not supported their defence by proving through satisfactory evidence that, the accident was not due to the fault of the driver of the offending vehicle. Hence, there is no effective contra evidence by the respondents to disbelieve the case of the petitioner that, the accident in question was due to the rash and negligent act by the driver of the Innova Car bearing Reg.No.KA-13-M-5157. Therefore, on perusal of the entire oral and documentary evidence on record it is clear that, the accident was due to the rash and negligent act of the driver of the offending vehicle and the petitioner suffered injuries in the accident. Hence, with this observation ***issue No.1 is answered in the Affirmative.***

15. **ISSUE No.2** :- As discussed in issue no.1, the petitioner sustained injuries in the accident that took place due to the actionable negligence of the driver of the offending Innova Car bearing Reg.No.KA-13-M-5157. Therefore, the petitioner is entitled for compensation.

16. As per Ex.P9- wound certificate the petitioner has sustained lacerated wound over medial aspect and lower part of left leg, Abrasion over the left knee, abrasion over medial to right patella, abrasion over lateral to right patella, crush injury to right foot heel, multiple small abrasion over the right foot, dorsum, toe, tenderness over the right shoulder, tenderness over right side chest. The petitioner has not examined the Doctor to prove that due to the grievous injury, he has suffered permanent disability. The petitioner has produced Ex.P5 and P6 are the medical prescriptions and medical bills to show, he has suffered injury in the accident. Said documents are not disputed by the respondents. On perusal of the bills it shows that, the petitioner has spent Rs.85,878/- towards his medical expenses. Hence, he is entitled for Rs.85,878/- as compensation towards medical expenses. Hence, this Tribunal views that, no compensation could be awarded either for disability or for loss of earnings due to disability. However, because of the injuries caused to the petitioner, he must have undergone severe pain and suffering and

discomfort. So, this Tribunal views that it is just and proper to award a global compensation of Rs.1,50,000/-(including the medical bills of Rs.85,878/-). Hence, it is held that the petitioner is entitled for the global compensation of Rs.1,50,000/- only towards the injuries suffered by him.

Liability :

17. The respondent No.2 has not lead the evidence to prove the contention taken by him in his objection. As stated supra, the respondent No.1 is the owner and respondent No.2 insurer of the Innova Car bearing Reg.No.KA-13-M-5157. Therefore, both the respondents are jointly and severally held liable to pay the compensation amount to the petitioner.

18. In the light of the above discussion the petitioner is entitled to compensation of Rs.1,50,000/-. The petitioner has sought for interest at the rate of 18% p.a. from the date of petition till realization. In **Vijay Ishwar Jadhav & Others V/s Ulrich Belchior Fernandes & Another in M.F.A.No.100090/2014 [MV]** dated 07-03-2018 the

Hon'ble High Court of Karnataka has held that in the absence of any law relating to interest on judgments, the MACT has to follow the provisions of Sec.34 of CPC and accordingly awarded interest at 6%. Considering the facts and circumstances of the present case and the principles laid down in the aforesaid decision, if interest at the rate 6% p.a. from date of petition till realization is awarded, it would meet the ends of justice. Accordingly issue No.2 is answered **partly in the affirmative.**

19. **ISSUE NO.3:-** For the aforesaid reasons and discussions made above, I proceed to pass the following:-

ORDER

The petition filed under Sec.166 of Motor Vehicles Act is partly allowed with costs.

The petitioner is entitled to compensation of Rs.1,50,000/- (Rupees one lakh fifty thousand only) along with interest at 6% p.a from the

date of petition till deposit of the amount.

The respondent No.2 is liable to pay the compensation to the petitioner and shall deposit the amount within 30 days from the date of this order.

The entire compensation amount with proportionate interest shall be released in favour of the petitioner after deposit is made, on proper identification.

Advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to the Stenographer, transcribed by him, Judgment corrected and signed by me, then pronounced by me in the Open Court on this the 23rd day of July, 2026).

(NARASIMHA MURTHY. M)
Ist ADDL. SENIOR CIVIL JUDGE &
MEMBER MACT,
NAGAMANGALA.

A N N E X U R ETHE LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONER

PW1 : Danegowda

THE LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT/s

- NIL -

THE LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER/s

Ex.P1	:	Discharge summary
Ex.P2	:	Copy of Aadhar card
Ex.P3	:	RTC extract
Ex.P4	:	C/c of Dairy card
Ex.P5	:	Medical prescriptions
Ex.P6	:	Medical bills
Ex.P7	:	Mahazar
Ex.P8	:	MVA report
Ex.P9	:	Wound certificate
Ex.P10	:	Charge sheet

THE LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENT/s

Ex.P1 : Insurance policy

(NARASIMHA MURTHY. M)
Ist ADDL. SENIOR CIVIL JUDGE &
MEMBER MACT,
NAGAMANGALA.k