

KAMD600004032023



Presented on : 18-03-2023
Registered on : 18-03-2023
Decided on : 04-07-2026
Duration : 3 years, 3 months, 17 days

**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE AND
MACT., AT PANDAVAPURA**

Dated : This the 4th day of July 2026

:PRESENT:

SRI. R.MAHESHA, B.A.L, LL.B.,
Prl. Senior Civil Judge and J.M.F.C.,
Pandavapura.

M.V.C.No.362/2023

PETITIONER : Pradeep B.U.
S/o Umesha B.T.,
Aged about 37 years,
R/at No.57,
Bete Thimmanakoppalu Village,
Kasaba Hobli,
Pandavapura Taluk,
Mandya District.

(By Sri.D.P.K., Advocate)

V/s

RESPONDENTS : 1) Sai Vasudeva Logistics (Opc) Pvt. Ltd.,
318 H 14,
Panchayath Office Road,
Sankari T.K.,
Salem District,
Tamilnadu-637301.

(R.C.owner of Lorry bearing Reg.No.TN-52-AA-5330)

2) Manager,
The National Insurance Co., Ltd.,
Near Ramaswamy Circle,
1st Floor, Mysuru City.

(Insurer of Lorry bearing Reg.No.TN-52-AA-5330)

(By Sri.S.C.J., Advocate for the 2nd respondent. 1st respondent - ex-Parte)

JUDGMENT

Petition filed under Section 166 of the Indian Motor Vehicles Act, praying for compensation of Rs.3,60,000/-, with interest at the rate of 24% p.a. for the injuries sustained by the bullock and damages caused to bullock cart, in the Road Traffic Accident.

2. Brief facts of the petitioner's case are, on 28.01.2023 at about 11.30 p.m., while he was proceeding by loading sugarcane in his bullock cart towards sugar factory near Darasaguppe Village, Pandavapura Taluk, at that time, the driver of Lorry bearing No.TN-52-AA-5330, drove it in rash and negligent manner and dashed to bullock cart and bullocks. The right side bullock's horn were broken and there was bleeding and bullocks were unable to move. After the accident, the injured right side bullock was treated by the doctor at Melukote and doctor opined that the said bullock suffered permanent disability and it cannot be involved for any work in future. Doctor assessed the value of bullock at rate of Rs.80,000/-. He spent Rs.35,000/- towards repair works of bullock cart and incurred loss of Rs.1,80,000/- due to injuries suffered by the bullock and its

non-usage. Petitioner was supplying sugarcane, vegetables, manure and other agricultural products and earning Rs.2,000/- per day by using his cart. No other source of income to petitioner except bullock cart. Himself and his family have suffered loss He lost his income up to Rs.50,000/- and future income of Rs. Accident occurred due to rash and negligent driving of driver of Lorry bearing Reg.No.TN-52-AA-5330. Respondent No.1 being the insurer of said Lorry and 2nd respondent is the insurer, hence both are jointly and severally liable to pay compensation. Accordingly, this petition.

3. In response to notice, 1st respondent remained absent, hence he was placed ex-Parte. 2nd respondent appeared before Court through its Counsel and filed written objection.

4. 2nd respondent in its objection denied all averments of the petition and contended that petition is not maintainable either in law or on facts. Compensation amount claimed by the petitioner is exorbitant and baseless. Only to gain illegally, petitioner by colluding with the 1st respondent filed this petition creating false story. The driver of lorry bearing Reg.No.TN-52-AA-5330 was not possessing valid and effective driving license as on the date of accident. Petition is liable to for dismissal for non-compliance of Section 149(2), 158(6) of IMV and prayed to dismiss the petition.

5. On the basis of above pleadings, following issues were framed;

1. Does petitioner prove that on 28.01.2023 in front of Pandavapura sugar factory quarters, he was proceeding in his bullock-cart near Pandavapura sugar

factory, at that time the driver of Lorry bearing No.TN-52-AA-5330 driving in a rash and negligent manner and dashed against his bullock-cart, as a result, his bullocks have sustained grievous injuries and his bullock-cart was damaged and loss of Rs.3,65,000/-?

2. Whether the 2nd respondent proves that the driver of Lorry bearing Reg.No.TN-52-AA-5330 not holding driving license as on the date of accident?
3. Whether the petitioner is entitled for compensation? If so, what is the compensation and from whom?
4. What order or award?

6. In order to prove the case of petitioner, petitioner himself examined as PW1 and relied on 10 documents, which were marked as Ex.P1 to Ex.P10. On the other hand, 2nd respondent has not led any evidence either oral or documentary.

7. Heard arguments learned Counsel for petitioner. Despite provided sufficient adjournments to learned Counsel for 2nd respondent failed to address his arguments. Hence, arguments of learned Counsel for the 2nd respondent taken as not addressed vide order dated 04.07.2026 and perused materials placed before Court.

8. Considering oral and documentary evidence relied by petitioner and submissions made by learned Counsels, above issues are answered as below;

Issue No.1 : In the Affirmative,

Issue No.2 : In the Negative,

Issue No.3 : Partly in the Affirmative,

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

REASONS

9. **Issue No.1:-** In order to prove the case of petitioner, petitioner himself entered into witness box and examined as PW1. PW1 in his examination-in-chief reiterated all the averments of petition and relied on 10 documents, which were marked as Ex.P1 to Ex.P10. PW1 in his evidence deposed that due to rash and negligent driving of driver of Lorry bearing Reg.No.TN-52-AA-5330 accident was occurred. In support of oral evidence of PW1, petitioner produced Ex.P1 FIR in Cr.No.18/2023. On perusal of it, it shows that Police received Complaint on 29.01.2023 and on the basis of complaint, case was registered against driver of Lorry bearing Reg.No.TN-52-AA-5330. After investigation, Ex.P5 Final Report filed against accused for the offence punishable under Sections 279 and 427 of Indian Penal Code. PW1 was cross-examined in length, but nothing elicited to contradict the oral evidence of PW1. Materials collected by Investigation Officer clearly establishes that accident occurred solely because of negligent driving of Lorry bearing Reg.No.TN-52-AA-5330 by its driver, hence, **this Issue answered in the Affirmative.**

10. **Issue No.2:-** The specific defense of 2nd respondent in it's written statement that the driver of Lorry bearing Reg.No.TN-52-AA-5330 was not possessing valid and effective driving license as on the date of accident. In order to establish the said contention, the 2nd respondent neither examined any witnesses on its behalf nor produced any documents. The materials collected by Investigation

Officer clearly establish that the driver of said Lorry had driving license as on the date of accident. **Hence, this Tribunal answer Issue No.2 in the Negative.**

11. **Issue No.3:** - PW1 pleaded that due to accident, his bullock got injured and bullock-cart was damaged and he incurred loss of Rs.1,80,000/- for disability suffered by the bullocks, he spent Rs.35,000/- towards repair of cart and transportation of the cart, loss of income of Rs.50,000/- and loss of future income is Rs.1,00,000/-. In order to prove the said pleadings, the petitioner produced Ex.P3 Wound Certificates, it discloses that, one of bullocks got injured in the accident and suffered complete fracture of both the horns along with their attachment at the frontal bone closed wound. The doctor also assessed the value of said injured bullock approximately up to Rs.70,000/-. Petitioner produced Ex.P9 Bill issued by Sri Siddeshwara Engineering Works, it shows that Rs.32,000/- is spent for repair of bullock card. But, the said Ex.P9 document is just a letter head not the invoice bill and in the said document, the total amount is also altered by overwriting it. But, by considering Police records, which clearly establishes that bullock cart was damaged because of negligence on the part of driver of Lorry. Nothing contrary is placed to disbelieve the case of petitioner by the 2nd respondent except denial. Hence, this Court inclines to grant Rs.15,000/-.

Loss of income ;

12. Petitioner pleaded that he suffered loss of income of Rs.1,50,000/- and he was earning Rs.2,000/- per day by transporting sugarcane, vegetables, manure and other agricultural

materials. Nothing placed by the petitioner to show that he was earning Rs.2,000/- per day by using his bullock cart, but definitely, petitioner would have earned some money if bullock cart was not damaged. The compensation amount prayed by petitioner is exorbitant. This Tribunal felt Rs.25,000/- is sufficient to meet the ends of justice.

13. Petitioner prayed for interest at the rate of 24% p.a. from date of petition till realization, but rate of interest sought by the petitioner is exorbitant. Interest at the rate of 6% p.a. from date of petition till realization of entire amount, is sufficient to compensate the petitioner.

14. Accident occurred due to rash and negligent driving of driver of Lorry bearing Reg.No.TN-52-AA-5330. Said vehicle belongs to the 1st respondent. The 1st respondent insured his vehicle with the 2nd respondent and insurance policy was in force as on the date of accident. Hence, 2nd respondent being the insurer, it is its responsibility to pay the compensation amount to the petitioner. **Accordingly this Tribunal answer issue No.3 Partly in the Affirmative.**

15. **Issue No.4:-** For the reasons assigned to above issues, resulted in following;

ORDERS

The petition filed by the petitioner, under Section 166 of the Motor Vehicles Act is allowed in part.

The petitioner is entitle for compensation of **Rs.40,000/- (Rupees Fourty Thousand only)** along with interest at the rate of 6% p.a. from the date of petition, till the date of realization.

The respondent No.2 is liable to pay the compensation and shall deposit the same within 30 days from the date of award.

After deposit of compensation amount, entire amount is ordered to be released in favour of petitioner through e-payment on proper identification and on proper acknowledgment. In the event of failure to pay the said amount within the stipulated period, the entire compensation amount shall carry enhanced interest at the rate of 9% per annum from the date of default till its actual realization. In view of quantum of the amount awarded, the respondent No.2 shall transfer compensation amount to the bank of petitioner together with interest.

Petitioner shall submit affidavit furnishing his Nationalized bank account details with IFSC along with canceled cheque having petitioner name within 30 days from today. Petitioner shall also submit copy of bank account of passbook, adhar card and pancard. The counsel for petitioner shall verify the authenticity of the details and submit the same to the office along with memo.

Pending clerk and CMO shall verify and endorse the correctness of the bank details in the order-sheet to enable drawing of the award.

Office to include all the above details of petitioner and draw award after receipt of memo from the counsel for petitioner.

The respondent No.2 shall transfer the award amount to the petitioner bank account specified in the award under intimation to this Tribunal.

Failure to furnish the aforesaid details within 30 days shall dis-entitle the petitioner to interest until such compliance.

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

Office is hereby directed to draw award accordingly.

(Dictated to the Stenographer on Court computer, corrected and then pronounced by me in the open Court on **4th July 2026**)

(R.MAHESHA)
Prl. Senior Civil Judge & MACT,
Pandavapura.

ANNEXURE**List of witnesses examined for the petitioner :-**

PW1 : Pradeepa.

List of documents marked for the petitioner :-

Ex.P1 : Copy of FIR and Complaint,
Ex.P2 : Copy of Spot Mahazar,
Ex.P3 : Wound Certificates,
Ex.P4 : Copy of IMV Report,
Ex.P5 : Copy of Charge Sheet,
Ex.P6 : Requisition,
Ex.P7 : C.D.,
Ex.P8 : Photographs,
Ex.P9 : Repair Expenditures Details,
Ex.P10 : Notarized copy of Aadhar Card.

List of witnesses examined for the respondents:-

NIL

List of documents marked for the respondents:-

NIL

(R.MAHESHA)

Prl. Senior Civil Judge & MACT,
Pandavapura.
