



**IN THE COURT OF I ADDITIONAL SENIOR CIVIL
JUDGE & MACT, SRIRANGAPATNA.**

PRESENT

**Sri. Krishna Murthy N., B.A., L.L.B.
I Addl. Senior Civil Judge
Srirangapatna**

**Dated: This the 21st day of July- 2026
M.V.C.No.511/2020**

Petitioner/s : 1. Sri. Nanjunda
S/o Chikkasubbanna @
Subbaiah
Aged about 56 years,
R/o No.107,
Ranganathanagara,
Srirangapatna,
Mandya District.

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

/VS/

Respondent/s : 1. Sri.Bharth S.K
R/o No.07, 5th cross,
11th block, S.B.M Colony,
Aaravindanagara
Mysore City.
(RC owner of Motorcycle
bearing No.KA-09-EN-5433)

2. Sri.M.Kiran
S/o Late Marimuttu
Aged about 26 years,
R/at B.B.Keri Chopadi,
Mandi Mohalla,
Mysore City.



(RC driver of bearing
No.KA-09-EN-5433)

(R1 and R2 Exparte)

Nature of petition	For Compensation award.
Date of institution	04.03.2020
Date of commencement of Recording of evidence	17.02.2026
Date of Judgment	21.07.2026
Total duration	<u>Years Months Days</u> 06 04 10

J U D G M E N T

The petitioner has filed the present petition u/s 166 of Motor Vehicles Act 1988 seeking compensation of Rs.17,30,000/- with interest for the injuries sustained by the petitioner raising out of Motor Vehicle accident.

2. The brief facts of the petitioner case is as follows,

That on 03.02.2020 at about 05.00 p.m., on Bengaluru-Mysore road, near Kaveri River bridge, Srirangapantna Taluk, Mandya District, while petitioner was driving Activa motorcycle bearing Reg.No.KA-11-EH-7100, by that point of time, driver of the Bajaj Pulser Bike bearing Reg.No.KA-09-EN-5433, who came from Bangaluru towards Srirangapanta, caused an accident hitting to the petitioner vehicle, due to his rash and



negligent driving, consequent to which petitioner sustained injuries. Thereafter, petitioner was shifted with the help of one Sri.Kumar S/o Subbaiah, Sri.Krishna and by public to Srirangapatna, Government Hospital where he was done first aid and then shifted to Gopalagowda Hospital, Mysore for further treatment where he got admitted for 22 days as an inpatient.

3. Further it is stated that, petitioner has spent Rs.4,50,000/- towards medical treatment for the injuries sustained in the accident. Before accident, he was hale and healthy and earning Rs.15,000/- per month from doing coolie work. Due to the accident, unable to lead daily work. It is stated that the accident was occurred due to the rash and negligent driving of the offending vehicle bearing Reg.No.KA-09-EN-5433 driven by its driver. The respondent No.1 and 2 are being RC owner and driver of the offending vehicle are liable to pay compensation of Rs.17,30,000/- with interest at the rate of 24% per annum as jointly and severally.

4. After institution of the petition, respondent No.1 and 2 were placed exparte after holding notice issued to them held as sufficient.

5. On the basis of the above pleadings the following points arise for my consideration as ;



POINTS

1. Whether the petitioner proves that 03.02.2020 at about 05.00 p.m., on Bengaluru-Mysore road, near Kaveri River bridge, Srirangapantna Taluk, Mandya District, while petitioner was driving Aactiva motorcycle bearing Reg.No.KA-11-EH-7100, by that point of time, driver of the Bajaj Pulser Bike bearing Reg.No.KA-09-EN-5433, who came from Bangaluru towards Srirangapanta, caused an accident hitting to the petitioner vehicle, due to his rash and negligent driving, consequent to which petitioner sustained injuries.?

2. Whether the petitioner is entitled for compensation? If so, from whom and what amount?

3. What order or award?

6. In support of the case, petitioner himself examined as PW-1 and one more witness examined as PW-2 and got marked 11 documents as Ex.P1 to Ex.P13.



7. Heard argument of the learned counsel for the petitioner.

8. My findings on the above points are as under:-

Point No.1	:	In the Affirmative
Point No.2	:	In the Partly affirmative
Point No.3	:	As per the final order for the following

REASONS

9. **Point No.1** : The case of the petitioner is already stated at the inception of judgment, hence the court will proceed appreciate only the material evidence on record.

10. In order to prove the contentions taken in the petition, PW-1 filed his examination in chief by reiterating same set of facts as that of petition. He has produced documentary evidence marked at Ex.P1 to Ex.P11. Ex.P1 is certified copy of FIR, Ex.P2 is certified copy of complaint, Ex.P3 is certified copy of spot Mahazar, Ex.P4 is certified copy of seizure Mahazar, Ex.P5 is copy of IMV reports, Ex.P6 is copy of wound certificate, Ex.P7 is copy of Charge-sheet, Ex.P8 is 96 medical prescriptions, Ex.P9 is 129 Medical bills, Ex.P10 photocopy of Adhar cards, Ex.P11 is Copy of



Driving license. Ex.P12 is authorization letter Ex.P13 is case sheet.

11. PW-1 has specifically stated that he got sustained injuries in an accident while driving Activa motorcycle bearing Reg.No.KA-11-EH-7100 on the place of incident on account of rash and negligent driving the offending vehicle by the respondent No.2. The testimony of PW-1, remained unchallenged. Therefore, there is no reasons to disbelieve the version of PW-1.

12. According to charge-sheet, marked at Ex.P7 which would reflects that driver of the offending two wheeler was charge-sheeted for the offence punishable U/Sec.279, 337 and 338 and 181 of IMV Act. As per charge-sheet, driver of offending vehicle was driving vehicle bearing scooter bearing Reg.No.KA-09-EN-5433 without having valid driving license and caused an accident, hitting to victim vehicle. Oral evidence coupled with documentary evidence has clearly established that on 03.02.2020 at about 05.00 p.m., the offending vehicle had caused an accident due to rash and negligent driving, resulting in injury to the petitioner. Ex.P6 wound certificate discloses that



petitioner has given treatment to the history of injury sustained in RTA.

13. The materials produced by petitioner, it is sufficient to hold that petitioner has proved the alleged accident. At this juncture, it is relevant to cite the decision reported in **AIR 2009 SC 2819 between Bimla Devi and others Vs. Himachal Raod Transport Corporation** wherein the Hon'ble Apex court held that in a road accident claim, the strict principles of proof in a criminal case are not attracted. The Hon'ble Apex court further held that petitioner is required only to establish his case on the touch stone of preponderance of probabilities and standard of proof beyond reasonable doubt cannot be applied in a road accident claim case.

14. in a reported case, between **Mallamma vs Balaji and others ILR 2003 Karnataka 493** wherein the Hon'ble court has held that there is no need to apply the provision of Evidence Act to prove rash and negligent act. In the present case, material produced by petitioner is sufficient to hold that driver of offending vehicle has caused the accident by driving the same in rash and negligent manner. Therefore, **issue No.1 answered in the affirmatively.**



15. Issue No.2 : In this case, respondents neither contest the petition by filing of objection nor conduct cross-examination of PW-1 and 2.

16. As per charge-sheet Ex.P7, after investigation, collecting materials, recording statement of witness charge-sheet has been submitted against the driver of the offending vehicle for the offence punishable U/Sec.279 and 337, 338 and 181 of IMV Act.

**ISSUE WITH REGARD TO ENTITLEMENT OF
COMPENSATION UNDER DIFFERENT HEADS**

A. Towards pain and suffering ;

17. PW-1 in his oral evidence has reiterated that he was sustained injuries as mentioned in the wound certificate. From the contents of Ex.P.6 wound certificate, it appears that petitioner sustained head injury, nasal bleeding abrasion on right of forehead and bleeding which are grievous in nature. The petitioner claimed compensation of Rs.3,00,000/- towards pain and suffering. Considering the oral evidence of PW-1 and Ex.P6 wound certificate, the petitioner sustained grievous injuries and having regard to the sustained injury by petitioner and



treatment undergone and I am of the opinion that it is fit case to award **Rs.50,000/- towards pain and suffering.**

B. Towards medical expenses, attending conveyance food and deity, nourishment and other incidental expenses ;

18. Petitioner has stated that in his petition, as well as examination in chief that he has spent more than Rs.4,50,000/- towards medical expenses, in this regard has produced Ex.P9. Petitioner has spent sum of Rs.1,77,244/- towards medical expenses thereby considering such aspect, petitioner is entitled **Rs.1,77,244/- in the head of medical expenses.**

19. Petitioner has stated in the petition that he has spent Rs.1,30,000/- attendant, food, diet charges. As per Ex.P8 discharge summary, it reveals that PW-1 has been given treatment as an inpatient from 12.03.2020 to 16.03.2020 at Gopalagowda Shanthavery Memorial Group of Hospital, Mysore, in total 4 days but petitioner has not produced any iota of evidence regarding amount spent for food, diet, attendant, and convenience charges, petitioner has stated that she has spent Rs.3,300/- per day towards attended charges, conveyance etc. By considering



nature of injury sustained by petitioner, age of petitioner and 4 days as inpatient in the hospital for treatment, if taken that amount of Rs.1,000/- per day spent towards attendant and other charges then he is entitled Rs.4,000/-. Therefore, having regard to the facts and circumstances of the case, court is of the opinion that it is fit case to award **Rs.4,000/- towards head of attendance, food, diet and other convenience charges.**

C. Loss of income during laid up/ treatment period ;

20. The petitioner has stated that prior to accident, he was hale and healthy and was working as coolie and earning sum of Rs.15,000/- per month. The petitioner has not at all produced any relevant document regarding occupation as well as income derived from his avocation. Year of birth of the petitioner is mentioned as 1964 as per Ex.P6 Adhar card and 1970 as per Ex.P11, copy of DL but medical records discloses the age of petitioner was 55 as on the date of accident as per Ex.P8 and Ex.P13 Therefore, petitioner was aged about 55 years as on the date of accident. Considering the facts that accident has taken place in the year 2020 and injured was working as



coolie, age about 55 years and in absence of documentary evidence in proof of alleged monthly income of the petitioner, the notional income of the injured at the rate of Rs.15,500/- per month can be taken into consideration as per monthly national incomes endorsed by KASLA chart. The petitioner was taken treatment in the hospital for 4 days as per discharge summary. The petitioner sustained grievous injuries as per wound certificate. Therefore he needs at least one month rest. By considering the nature of injury, therefore petitioner is entitled for compensation of Rs.15,500 + (15,500/4 days = 2,064) = Rs.17,564/- **which rounded off Rs.17,600/- under this head.**

D. Towards loss of future income on account of permanent disability

E. Loss of future prospects

21. With regard to permanent disability, the petitioner has contended that on account of the injuries sustained in the accident, he has suffered disability affecting his earning capacity and daily works. To substantiate such contention, he has produced the only the wound certificate which reveals that sustained by the petitioner are simple in nature, except wound certificate, no disability certificate has



produced and petitioner has not been examined either treating Doctor or any competent medical expert to establish the existence of physical disability affecting the functional capacity of petitioner.

22. It is only serious case of injury where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under loss of future earning on account of permanent disability as held in Rajkumar Vs Ajay Kumar and others (2011) 1 SCC 343.

In these circumstances, this tribunal is not in a position to independently assess or presume a percentage of permanent disability nor extended future prospects thereon. However petitioner is entitled to compensation under the different heads.

F. Future medical expenses

23. Future medical expenses would include expenditure for future operations like correct the surgeries and for replacement of medical aids and equipment's which is needed in the case of permanent handicaps. The Petitioner has not examined doctor who treated his. No evidence regarding the future medical expenses. he has also not produced any



relevant oral and documentary evidence regarding future medical expenses. No such documents produced regarding future surgery. In the absence of meticulous documentary evidence, petitioner is not entitle for any future medical expenses.

24. Therefore, petitioner is entitled to compensation under following heads ;

Sl. No.	Head of Compensation	Amount
1.	Pain and suffering	Rs.50,000/-
2.	medical expenses,	Rs.1,77,244 /-
3.	attendant conveyance food and deity, nourishment and other incidental expenses	Rs.4,000/-
4.	Loss of income during laid up period	Rs.17,600/-
5.	loss of future earning	-----
6.	Loss of future prospects.	-----
7.	Future medical expenses	-----
	Total Compensation	2,48,844/-

Therefore, tribunal held that petitioner is entitled Rs.**2,48,844/-** (Two lakhs forty eight thousand eight



hundred and forty four rupees only) as compensation under the above said heads with interest.

25. Liability and interest

In so far as liability is concerned, The offending vehicle was authorized to be driven by the person not holding driving license by its RC owner and vehicle was not insured as on the date of the accident. Therefore respondent No.1 being the owner and respondent No.2 driver respectively are jointly and severally liable to pay the compensation awarded to the petitioner, with respondent No.1 as a registered owner bearing the primary responsibility to satisfy the award.

26. The Hon'ble High court of **Karnataka in the New India Assurance Co.Ltd., vs Shanthi Mascarenhas (2018) 6 KLG 757** held that allowing interest even for the periods covered by the adjournment granted at the instance of the claimants, virtually amounts unjust enrichment. That the court shall specifically mentioned the number of adjournments sought by the claimants and no interest shall be awarded for the periods covered by the adjournments granted at the instance of claimants or their witness, unless there are very special reasons to be recorded in writing. In the present case, in view of



aforesaid judgment, this court holds that petitioner is not entitled to interest for the periods covered by adjournments granted at the instance of the claimants for as well as for the adjournments for which petitioner himself is responsible. The periods for which interest cannot be granted are shown in the below :

Adjournments caused by the petitioner

SL.No.	From date	Till date
1.	19.10.2023	20.11.2023
2.	20.11.2023	13.08.2024
3.	14.09.2024	26.11.2024
4.	08.01.2025	27.03.2025
5.	28.01.2026	17.02.2026
6.	12.03.2026	07.04.2026

26. Grant of Interest: Regarding the interest I relied upon the citation reported in **MFA No.4103/2017, in between The Manager, Reliance General Insurance Co. Ltd., V/s Smt.Vanajakshi, dated 18.03.2020. In the above said case the Hon'ble High court of Karnataka** has clearly held that the nationalized banks are now granting interest at the rate of 6% per annum on fixed deposits.

The respondent are liable to pay entire compensation amount within 2 months from the date of



award with interest at rate of 6% from the date of petition excluding the period shown in the aforesaid table. Accordingly, **Issue No.2 Partly affirmative.**

27. Issues No.3 : In view of my findings on issues No.1 and 2 and the reasons assigned there on, I proceed to pass the following order :

ORDER

The petition filed by the petitioner U/s 166 of Motor Vehicle Act is partly allowed with cost.

Respondent No.1 and 2 are jointly and severally liable to pay compensation award of Rs.**2,48,844/-** (Two lakhs forty eight thousand eight hundred and forty four rupees only) to the petitioner.

The respondent No.1 shall pay compensation amount within 2 months along with interest at the rate of 6% per annum from the date of filing petition, excluding the period shown in table till the date of payment.

In the event of failure to pay the said amount within such period, then entire compensation shall carry enhanced interest at the rate 9% per annum from the date of default till its realization.



The scheme of investment is dispense with as the compensation awarded to the petitioner is meager.

Respondent No.1 transfer entire compensation amount to the bank account of the petitioner together with interest.

Petitioner shall submit affidavit furnishing nationalized bank details with IFSC along with canceled cheque having his name within 30 days from today and also submit bank account, pass books, Adhar cards and pass books.

Failure to furnish details aforesaid within 30 days petitioner is not entitled to interest until such compliance.

Advocate fees is fixed of Rs.1,000/-.

Office to draw award accordingly.

*(Dictated to Stenographer through dictation and typed by her, corrected by me and then pronounced it in open court this the **21th day of July 2026**)*

**Sri. Krishna Murthy N.,
I Addl. Senior Civil Judge & MACT.,
Srirangapatna.**

: A N N E X U R E :

1. Witnesses examined for petitioner:-

PW.1 : Sri.Nanjunda

PW.2 : Dr. Hemanthkumar

**2. Documents exhibited for Petitioner:-**

- Ex.P.1 : Certified copy of the FIR
- Ex.P.2 : Certified copy of the Complaint
- Ex.P.3 : Certified copy Mahazar
- Ex.P.4 : Copy of seizure Mahazar
- Ex.P.5 : Copy of the IMV Report
- Ex.P.6 : Copy of Wound certificate
- Ex.P.7 : Copy of the Charge Sheet
- Ex.P.8 : 96 prescriptions
- Ex.P.9 : 129 Medical bills
- Ex.P.10 : Certified copy of Adhar card
- Ex.P.11 : Copy of Driving license.
- Ex.P.12 : Authorization letter
- Ex.P.13 : Case sheet

3. Witnesses examined for respondents :-

---Nil---

4. Documents exhibited for respondents :-

---Nil---

5. Witnesses examined for Court Commissioner :-

---Nil---

6. Documents exhibited for Court Commissioner :-

---Nil---

**Sri. Krishna Murthy N.,
I Addl. Senior Civil Judge & MACT.,
Srirangapatna.**