

KAMS080003422025



M.V.C./21/2025

**BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL
AT MYSURU**

**(IN THE COURT OF ADDITIONAL SMALL CAUSES AND
SENIOR CIVIL JUDGE, AT MYSURU)**

PRESENT

**Smt. PRATHIBHA D.S.
B.A., LL.B.**

**JUDGE, ADDITIONAL COURT OF SMALL CAUSES
AS A PRESIDING OFFICER,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, MYSURU.**

DATED THIS THE 29th DAY OF APRIL 2026

M.V.C. / 21 / 2025

BETWEEN

Sri. Chandrashekar K.
S/o Krishna,
Aged about 37 years,
R/at No.254, 2nd cross, Vidya Nagara,
Siddarthanagara Post, Mysuru City.

Petitioner

(Rptd: By Sri.ANK, Adv)

AND

1. Sri. Raju R. S/o B. Ravikumar,
No.117, Chikkaramamandira beedi,

Ittigegoodu, Nazarabad,
Mysuru City.

2. Divisional Manager,
The Oriental Insurance Company,
limited, Saraswathipura, Mysuru.

Policy No.422406/31/2020/7456
Valid from 11.11.2019 to 10.11.2024

Respondents

**(R1-Exparte)
(R2 Rptd: By Sri.PK., Adv)**

-: JUDGMENT :-

The petitioner has filed this petition U/s 166 of Motor Vehicles Act, against the respondents seeking compensation of Rs.15,50,000/- along with interest at 18% per annum with respect to the injuries sustained by him in a road traffic accident.

2. The brief facts of the petitioner's case are as follows:

That, on 08.07.2024 at about 09.30 a.m., when the petitioner was proceeding in his Scooter bearing reg. No.KA-09-JD-3695 at moderate speed on the left side of the road near old Alanahalli Police Station building, east side service road, ring road, Mysuru

city, at that time the driver of Scooter bearing reg. No.KA-09-HY-2256 [**hereinafter referred as 'Offending vehicle'**] rode the same with high speed in rash and negligent manner, dashed against the petitioner's bike and caused accident and has sustained grievous injuries to his right hand, both legs and other injuries all over the body. Immediately he was shifted to Nirmala Hospital, Mysuru and admitted as inpatient. The accident caused due to the rash and negligent act on the part of the rider of offending vehicle. The respondent No.1 being the rider/owner and respondent No.2 being the insurer of the offending vehicle are jointly and severally liable to pay compensation to the petitioner. Hence this petition.

3. In pursuance to the notices issued, the respondent No.1 remained absent. Hence, placed exparte. Respondent No.2 placed its representation through its counsel and filed its objection statement.

4. In its objection statement, the respondent No.2 by denying the age, occupation and income of the petitioner contended that, the offending vehicle was insured with respondent No.2 vide policy bearing 422406/31/2020/7456 valid from 11.11.2019 to 10.11.2024. The admissibility of liability is subjected to the terms and conditions of the policy. The petition is bad for non-joinder of necessary parties. The amount of compensation and interest claimed by the petitioner is highly excessive, exorbitant and without any legal basis. For the aforesaid reasons and such others prays to dismiss the petition.

5. On the above rival pleadings, issues have been framed as follows:

ISSUES

- 1) Whether the petitioner proves that, on 08.07.2024 at about 09.30 a.m., when the petitioner was proceeding in his Scooter bearing reg. No.KA-09-JD-3695 at moderate speed on the left side of the road near old Alanahalli Police Station building,

East side service road, ring road, Mysuru city, at that time the driver of Scooter bearing reg. No. KA-09-HY-2256 drove the same with high speed in rash and negligent manner, dashed against the petitioner's bike and caused accident. Due to the impact of accident the petitioner fell down and sustained injuries as stated in the petition?

- 2) Whether the petitioner is entitled for any compensation? If so, at what extent and from whom?
- 3) What Order or relief?

6. In order to substantiate his case, the petitioner examined himself as PW.1 who produced and got marked Ex.P1 to 11 documents and also examined Dr.Kumar P.S., Consultant Orthopedic Surgeon, Nirmala Hospital, Mysuru as PW.2 who produced and got marked Ex.P12 to 14 documents and closed his side evidence. On the other hand, the respondent No.2 not lead evidence on its side. Ex.R1 marked with consent.

7. Heard arguments of both side. Perused the materials available on record.

8. On consideration of the oral and documentary evidence placed on record, this tribunal answers the aforesaid issues as hereunder:

Issue No.1 – In the affirmative.

Issue No.2 – Partly in the affirmative and regarding the amount of compensation and from whom the same needs to be recovered, the same is detailed in final order

Issue No.3 – As per final orders for the following,

-: REASONS :-

9. **Issue No.1:-** According to the petitioner the accident occurred due to the rash and negligent riding of the rider of offending vehicle. To substantiate the same the petitioner filed his affidavit in lieu of examination in chief, examined

himself as PW1 and placed reliance on Ex.P1 to 7 documents. Wherein, Ex.P1 is FIR, Ex.P2 is complaint, Ex.P3 is spot mahazar, Ex.P4 is spot sketch, Ex.P5 is MVA report, Ex.P6 is wound certificate and Ex.P7 is charge sheet. The respondent No.2 though disputed the genesis of the case of the petitioner, not proved the same by placing cogent evidence.

10. Furthermore, the police after conducting a detailed investigation, has placed charge sheet against the respondent No.1/rider of offending vehicle for the offences punishable U/Sec.281 and 251(b) of BNS and Sec.134 (A&B) R/w sec.187 of IMV act. As discussed supra, the petitioner by leading his evidence and by producing the relevant documents is able to establish the factum of accident, which had occurred due to the actionable negligence of the rider of offending vehicle. **Thus for all these reasons this tribunal answers issue No.1 in the affirmative.**

11. Issue No.2: The next question which arises for the consideration of the tribunal is as to what should be the quantum of compensation to be awarded to the petitioner. Immediately after the accident the petitioner was taken to Nirmala Hospital, Mysuru and treated as inpatient between 08.07.2024 to 09.07.2024. The said fact substantiated from wound certificate/Ex.P6 and discharge summary/Ex.P8. As per the wound certificate and discharge summaries the petitioner has sustained injuries as follows:

1. Contusion right hand, 7 X7 cm bluish
2. Abrasion outer aspect right leg, 7 x 7 cm grazed
3. Fracture of right 3rd metacarpal bone

In the above injuries, injury No.1 and 2 are simple in nature and injury No.3 is grievous in nature.

12. To substantiate this aspect the petitioner has got examined the treating doctor/PW2 by name Dr.Kumar P.S., Consultant Orthopedic surgeon,

Nirmala Hospital, Mysuru. He has clearly deposed about the treatment given to the petitioner in the hospital on 08.07.2024 that the petitioner diagnosed to have a fracture of right 3rd metacarpal bone. On 08.07.2024 the petitioner underwent surgery for ORIF with K-wire under regional Anesthesia, he was treated with IV antibiotics, antacids, analgesics, IV fluids and other supportive medications. Post operative care given and then discharged on 09.07.2024. The case sheet, X-ray films and out patient records of the petitioner pertaining to the instances are marked at Ex.P12 to 14 respectively.

13. The duration of the treatment and nature of the treatment undergone by the petitioner has not been disputed by the respondent No.2. Thus this tribunal can accept the factum of period of hospitalization and the nature of treatment undergone by the petitioner, without any further discussions. Now the tribunal needs to look into other aspects involved.

14. Disability suffered by the petitioner:

PW-2 had assessed the permanent physical disability of the petitioner at 31% for right upper limb. No independent disability certificate has been issued. The learned counsel for respondent No.2 argued that the disability assessed by the treating doctor is on higher side.

15. As held by the Hon'ble Apex court in **Rajkumar Vs. Ajay Kumar & Anor. reported in (2011) 1 SCC 343**, *"the doctor who treated an injured claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard to the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the tribunal with reference to the evidence in entirety"*. Thus the duty to assess the functional disability is casted upon the tribunal.

16. In this backdrop, the functional disability is to be assessed by the tribunal. The doctor/PW2

deposed that, on recent examination he was found that the petitioner had difficulty in gripping the objects in the right hand, unable to lift weights normally, the day today household activities and complaints of stiffness of right hand and wrist and he has assessed the disability of the petitioner at 31% for right upper limb. The disability assessed by PW2 is in relation to particular limb only and the same is physical impairment. Thus, it cannot be construed to be whole body disability or functional disability. As aforesaid the petitioner has sustained grievous injuries. The petitioner as stated in the petition that he being involved in TV repairing work, unable to do work as he was doing earlier to the accident and he is not in a position to pursue his routines as he used to do earlier. Thus taking into consideration all these aspects, this tribunal is of the considered opinion that if the functional disability of the petitioner is assessed at 10%, the same would mete the ends of justice. Accordingly this tribunal assesses the functional disability of the petitioner at 10%.

17. Age of the petitioner & Multiplier to be applied: The next aspect to be considered by the tribunal is the age of the petitioner. As per Aadhar card/Ex.P11 the petitioner was born on 16.02.1988. As such the petitioner was aged about 36 years at the time of accident. The age of the petitioner has not been disputed by the respondent No.2. Thus it transpires that the age of the petitioner was 45 years as on the date of the accident. As per the decision of the Hon'ble Apex court in the case of ***Smt.Sarala Verma & Ors, V/s Delhi Transport Corp & Anor.,*** reported in ***(2009) 6 SCC 121***, the multiplier of 15 is to be applied, when the age group of the claimant/deceased is of 36 to 40 years. Thus the multiplier of 15 is to be applied to the case on hand.

18. This Tribunal has carefully perused the entire records. Now the quantum of compensation is to be adjudicated under aforesaid various head.

19. Loss of earnings/future earnings on account of disability: As stated supra, the petitioner claims that he being an TV repairing worker was earning Rs.30,000/- per month. To substantiate the same no documents has been produced. As no materials are placed on record to show the exact earning of the petitioner, the tribunal has to adjudicate the quantum of income, considering the notional income. For the fixation of the notional income of the petitioner. As per the revised chart prepared by the Hon'ble Karnataka State Legal Services Authority, Bengaluru dated 26.02.2022, the notional income suggested for the year 2024 is Rs.16,500/-. Taking into account all these aspects, this tribunal considers notional income of the petitioner to be Rs.16,500/-.

20. As mentioned supra, the tribunal has accepted the notional monthly income of the petitioner to be Rs.16,500/-. The annual income of the petitioner would be Rs.16,500/- X 12, which is Rs.1,98,000/-. Thus the annual income of the

petitioner would be Rs.1,98,000/-. The loss of earning is to be calculated by multiplying the annual income with appropriate multiplier and with the percentage of disability. As stated *supra* the annual income of petitioner is Rs.1,98,000/-. The multiplier to be applied is 15. The total percentage of functional disability is accepted to be at 10%. Thus the calculation would be **Rs.1,98,000/- x 15 x 10% = Rs.2,97,000/-**.

21. Loss of earnings during laid up period:

As stated *supra*, the tribunal has considered the notional income of the petitioner to be at Rs.16,500/-. The petitioner was admitted to the hospital for a period of 2 days between 08.07.2024 to 09.07.2024. The petitioner could have suffered loss of income, at least for a period of two months. Thus under this head the tribunal awards an amount of **Rs.16,500/- x 2 = Rs.33,000/-**.

22. Damages for pain suffering and trauma as a consequences of the injuries: The

petitioner has suffered functional disability of 10%. Taking into account the injuries, and disability sustained the petitioner this tribunal is of the opinion that if an amount of Rs.50,000/- is awarded the same will suffice the cause of justice. Accordingly this tribunal awards an amount of **Rs.50,000/-** towards damages for pain, suffering and trauma as a consequence of the injuries.

23. Loss of amenities: In so far as loss of amenities is concerned, while granting the loss of amenities, the tribunal is under the obligation to consider how the quality of life has been affected by an injury. This is a feature of a personal injury claim, which acknowledges personal adjustments that have been made to the work, social and domestic lifestyle, which are not financial. As aforesaid the petitioner has sustained grievous injuries, which would cause impact on his normal life as he had live prior to the accident. Taking note of all these aspects, this tribunal awards **Rs.50,000/-** under this head.

24. Transportation, Nourishment, Attendant and Miscellaneous Expenditures: As stated supra, the petitioner was under treatment between 08.07.2024 to 09.07.2024 at Mysuru. Thus taking into consideration, the duration of hospitalization, the fact that the petitioner has taken treatment, and was in requirement of an attendant during the laid up period, if a lump-sum amount of **Rs.20,000/-** is awarded towards the transportation, attendant, nourishment and miscellaneous expenditures, the same would suffice the cause of justice.

25. Expenses relating to treatment, hospitalization and medicines:- The petitioner claims that he had incurred expenses of Rs.1,00,000/- for his treatment. To substantiate this fact, the medical bills which are together marked at Ex.P9. The total amount due under these bills is Rs.23,800/-. The respondent No.2 on the other hand has contended that the bills are cooked up documents. No documents produced to prove the

same. Thus Considering the nature of injuries suffered and the duration of treatment, this tribunal is in no hesitation to consider these documents as true and correct. Hence this tribunal is of the opinion that after deducting advances and discounts available in the aforesaid bills the petitioner is entitled for the amount of **Rs.23,800/-**.

26. Future medical expenses: In so far as future medical expenses are concerned, the materials on record suggest that the petitioner has undergone for surgery. The doctor, who was examined as PW-2 has deposed that the petitioner is in need of one more surgery for implant removal and suggested approximate cost of Rs.25,000/-. However, no documents and tariff has been produced to that effect. Thus taking into consideration of present medical expenses, if Rs.20,000/- is awarded to the petitioner, the same will suffice the cause of justice. Accordingly this tribunal awards **Rs.20,000/-** to the petitioner as future medical expenses.

27. Thus the petitioner is entitled for compensation under aforesaid heads summarized as hereunder:

Sl. No.	Heads	Amount in Rs.
1.	Loss of Earnings/Future earnings on account of disability	Rs.2,97,000/-
2.	Loss of Earnings during treatment (<i>laid up period</i>)	Rs.33,000/-
3.	Damages for pain, suffering and Trauma as a consequence of the injuries	Rs.50,000/-
4.	Loss of Amenities	Rs.50,000/-
5.	Transportation, Nourishment, Attendant and Miscellaneous Expenditure	Rs.20,000/-
6.	Expenses relating to Treatment Hospitalization and Medication	Rs.23,800/-
7.	Future medical expenses	Rs.20,000/-
TOTAL		Rs.4,93,800/-

Thus the total compensation amount, to which the petitioner is entitled to is **Rs.4,93,800/-**.

28. Interest: In so far as award of interest is concerned, the petitioner has claimed interest at 18% per annum from the date of petition. In view of decision of the Hon'ble High Court of Karnataka, in **Vijay Ishwar Jadhav & Ors. V/s Ulrich Belchior Fernandes & Anor. i.e. in M.F.A.No.100090/2014 [MV] dated 07.03.2018**, it is held that "*in the absence of any law relating to interest on judgment, the MACT has to follow the provision of Sec.34 of CPC*". Thus this tribunal deems it proper to award interest at the rate of 6% p.a. on the aforesaid compensation amount.

29. Liability: The fact that as on the date of accident, the offending vehicle was insured with it, is not disputed by the respondent No.2 by placing its representation. The offending vehicle was insured with respondent No.2 company vide policy bearing No.422406/31/2020/7456 Valid from 11.11.2019 to 10.11.2024. Whereas, the accident occurred on 08.07.2024. Thus, as on the date of accident the policy of the offending vehicle is under the period of

validity. As such, it is the respondent No.2 company, which needs to indemnify the respondent No.1. **Accordingly issue No.2 is answered partly in the affirmative.**

30. Issue No.3: In the light of foregoing discussions, this tribunal proceeds to pass the following:

ORDER

The petition filed under section 166 of the Motor Vehicles Act is hereby allowed in part with cost.

*Petitioner is entitled for total compensation of **Rs.4,93,800/- [Rupees four lakhs and ninety three thousand and eight hundred only]** along with interest at the rate of 6% p.a. from the date of the petition till realization of entire amount.*

Out of the compensation awarded, future medical expenses of Rs.20,000/- shall not carry any interest.

The respondent No.1 and 2 are jointly liable to pay the

compensation amount to the petitioner. The respondent No.2 being the insurer is liable to indemnify the respondent No.1 and to deposit the compensation awarded within a period of 30 days.

Out of the compensation amount awarded in favour of the petitioner, 75% shall be released in favour of the petitioner, owing to the medical expenses incurred by him.

Remaining 25% of the award amount shall be deposited in petitioner's name in any nationalized or scheduled bank of his choice, for a period of two years. The petitioner shall be entitled to draw the accrued interest on the said deposit.

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

Draw award accordingly.

(Dictated to the Stenographer directly on computer, typed by her, corrected by me and then pronounced in the Open Court on 29th day of April 2026).

sd/-

(PRATHIBHA D.S.)
Judge, Addl. Court of
Small Causes & MACT,
MYSURU.

ANNEXURE

List of witnesses examined on behalf of petitioner:

- PW.1 Sri. Chandrashekar K.
PW.2 Dr. Kumar P.S.

List of witnesses examined on behalf of respondents:

-Nil-

List of documents marked on behalf of petitioner:

- Ex.P1 Copy of FIR
Ex.P2 Copy of complaint
Ex.P3 Copy of spot mahazar
Ex.P4 Copy of spot sketch
Ex.P5 Copy of MVA report 2 in No's
Ex.P6 Copy of wound certificate
Ex.P7 Copy of charge sheet
Ex.P8 Discharge summary
Ex.P9 Medical bills
Ex.P10 Prescriptions
Ex.P11 Notarized copy of Aadhar card
Ex.P12 Case sheet
Ex.P13 X- rays films
Ex.P14 Out patient record

List of documents marked on behalf of respondents:

Ex.R1 Copy of policy

sd/-

**(PRATHIBHA D.S.)
Judge, Addl. Court of
Small Causes & MACT,
MYSURU.**