

KAMS080010442023



**IN THE COURT OF PRINCIPAL SMALL CAUSES &
SENIOR CIVIL JUDGE & M.A.C.T. AT MYSURU.**

Presided Over by SRI AFTHAB.K

Dated on this the 2nd day of April, 2026

M.V.C./634/2023

Petitioner :

Sri. Ramakrishna S/o. Late Karigowda,
Age: 50 years, R/at #233/8, Abhishek circle,
Manchegowdanakoppalu, Mysuru.

(By – Sri. Revanna Kumar C.M., Advocate)

Vs.

Respondents:

1. Sri. Nagesh N.R S/o. N.C Ramaiah,
R/at #263, FOHCS, Nisarga layout, RV College post,
Mysuru road, Bangalore north-560059.
Owner of the Scooter bearing No.KA-09/X-1711

2. The Branch Manager,
The New India Assurance Co. Ltd.,
#2940/E, 3rd floor, WOC road,
opposite of Maruti Mandir,
Vijayanagara, Bengaluru-560104.

Insurer of the Scooter bearing No.KA-09/X-1711

Policy No.67190231220200000938

valid from 09.05.2023 to 21.07.2023

(R1 – Sri. Shankar K, Advocate)

(R2 – Sri. T.N Ramesh, Advocate)

* * * *

J U D G M E N T

The petitioner has filed this petition under section 166 of Motor Vehicles Act 1989, seeking compensation of ₹.15,10,000/- along with interest at the rate of 12% per annum from the date of petition till the date of realization of the amount for the injuries sustained by him in the road traffic which occurred on 30.12.2022.

2. The brief fact of the petitioner case is as follows :

On 30.12.2022, at around 6.00 p.m., on Mysuru – KRS road, Brigade apartment, the petitioner was proceeding on motorcycle bearing No.KA-09/EW-3161 towards Vontikoppalu Temple from Metagalli signal and just before the temple, when the petitioner was trying to take a right turn slowly and cautiously, the rider of the motorcycle bearing No.KA-09/X-1711 went from temple side towards Metagalli by riding his vehicle in a rash or negligent manner and at a high speed and dashed his vehicle against the motorcycle on which the petitioner was proceeding on the right side.

2.1. Further in the said accident, the petitioner sustained grievous injuries on his head, leg, chest, shoulder from other injuries all over the

body and even the motorcycle was completely damaged. Further immediately after the accident, the petitioner was admitted to CEG Hospital, Mysuru, where it was diagnosed that the petitioner had sustained fracture of left temporal bone and right temporal bone, diffuse cerebral edema, fracture of left Zygomatic maxillary complex, fracture of left and right frontal bone, comminuted segmental fracture of left Zygomatic arch, fracture of Zygomatic process of maxillary bone on left side, fracture of lateral wall of bilateral orbits, fracture of frontal bone extending into outer and inner tables of left frontal sinus with frontal hemosinus, fracture of all walls of bilateral sphenoid sinus, inter sphenoid septum with sphenoid, comminuted displaced fracture of bilateral nasal bones and bony nasal septum, fracture of left lamina papyracea and ethmoid air cells with haemosinus, fracture of posterior aspect of left 1st and 2nd ribs and apart from other injuries.

2.2. Further for the said injuries, the petitioner underwent treatment as an inpatient in ICU during which he even underwent surgeries. Further after undergoing treatment as an inpatient from 30.12.2022 to 09.01.2023, the petitioner was discharged from the hospital, however, even after being discharged, the petitioner is taking follow up treatment on OPD basis. Further the petitioner has incurred huge expenses towards medication, transportation, attendant charges, nourishment, etc.

2.3. Furthermore, prior to the accident, the petitioner was hale and healthy and was running Priyanka Agarabathi works and also working at Vontikoppalu club from which he was earning ₹.60,000/- per month and was maintaining his family. Further, due to injuries sustained in

the accident the petitioner is experiencing giddiness and loss of memory. Further the petitioner is unable to ride any vehicle and cannot do any work which he was doing earlier as such the earning capacity of the petitioner is also reduced. Further as the petitioner had suffered head injury, he is required to undergo treatment and is required to be under medication for the rest of his life. Further the petitioner has also become dis-figured due to injuries sustained by him on his face. Further the petitioner has become dependent on others for his day to day activities, as such due to injuries sustained in the accident, the petitioner has not only suffered physically, but also mentally, psychologically and economically.

2.4. Furthermore, the accident occurred due to negligence on the part of the rider of the motorcycle bearing No.KA-09/X-1711 who rode the same at a high speed and in a rash or negligent manner. Further the respondent No.1 being the owner and respondent No.2 being the insurer are jointly and severally liable to pay compensation to the petitioner. On these amongst other grounds, it is prayed that the petition be allowed as prayed for.

3. In response to the notice issued by this tribunal, the respondents appeared through counsels and filed their detailed yet objections to main petition.

4. The gist of the objection raised by respondent No.1 is as follows:

The petition is neither maintainable under law nor facts and hence is liable to be dismissed *in limine*. Further, the petition averments are

denied *in toto*, more particularly the averments regarding the age, income and occupation of the petitioner. Further the compensation and interest claimed are high and exorbitant. Further the rider of the motorcycle bearing No.KA-09/X-1711 is a necessary party and since the petition is filed without making him as party, the petition is bad for non joinder of necessary parties.

4.1. Furthermore, the rider of the motorcycle bearing No.KA-09/X-1711 possessed a valid and effective DL at the time of accident and the vehicle was duly insured, but the said vehicle was not involved in any accident as alleged by the petitioner. Further, the accident occurred due to negligence on the part of the rider of the motorcycle bearing No.KA-09/EW-3161 and not due to negligence on the part of the rider of the motorcycle bearing No.KA-09/X-1711. Further the petitioner was not wearing headgear at the time of accident.

4.2. Further the motorcycle bearing No.KA-09/X-1711 belonging to respondent No.1 was insured with respondent No.2 company under policy No.67190231220200000938 which was in force from 22.07.2022 to 21.07.2023. Further the motorcycle bearing No.KA-09/X-1711 was not at all involved in the accident. Further the compensation and interest claimed are high and exorbitant. On these amongst other grounds, it is prayed that the petition as against the respondent No.1 be dismissed.

5. The gist of the objection raised by respondent No.2 is as follows:

The petition is neither maintainable under law nor facts and hence is liable to be dismissed *in limine*. Further, the petition averments are

denied *in toto*, more particularly the averments regarding the age, income and occupation of the petitioner. Further the motorcycle bearing No.KA-09/X-1711 was duly insured with respondent No.2 company as on the date of the alleged accident i.e., 30.12.2022 however the policy was issued subject to terms and conditions. Further insurance policy was issued in the name of one Sri. Basavaraju but after the accident the policy was transferred to the name of respondent No.1 herein.

5.1. Further at the time of accident, the petitioner being the rider of the motorcycle bearing No.KA-09/EW-3161 rode the same at a high speed and in a rash or negligent manner and he himself caused the accident. Further the owner and insurer of the motorcycle bearing No.KA-09/EW-3161 are necessary parties and since the petition is filed without making them as parties, the petition is bad for non joinder of necessary parties. Further the petitioner did not possess a valid and subsisting DL at the time of accident as such contributory negligence on the part of the petitioner must be considered. Further the compensation and interest claimed are high and exorbitant. On these amongst other grounds, it is prayed that the petition as against the respondent No.2 be dismissed.

6. On the basis of pleadings, documents and other materials available on record, this tribunal framed the following issues :

1. *Whether the petitioner proves that he had sustained grievous bodily injuries in road traffic accident that occurred on 30.12.2022 at about 06.00 p.m., when he was going in his motorcycle bearing No.KA-09/EW-*

3161, on Mysuru – KRS road, Brigade Apartment, due to rash or negligent driving of the motorcycle bearing No.KA-09/X-1711 by its rider ?

2. *Whether the petitioner is entitled for the compensation? If so, from whom?*

3. *What order or award ?*

7. In order to discharge the burden cast on him, the petitioner examined himself as PW.1 through whom Ex.P1 to P14 documents got exhibited and closed his side. Thereafter, the respondent No.2 cross-examined PW.1 and 2 at length, it did not prefer to lead any oral evidence on its behalf, hence respondents' evidence is taken as nil and matter stood posted for arguments.

8. Heard arguments canvassed by learned counsel for the petitioner and respondent No.2 on main.

9. After giving its anxious consideration to arguments canvassed and after meticulously going through the oral and documentary evidence adduced by the petitioner, the aforesaid issues are answered as under;

(a) Issue No.(i) : In the Affirmative.

(b) Issue No.(ii) : Partly affirmative and regarding the amount of compensation and from whom the same needs to be recovered,

the same is detailed in final order.

(c) *Issue No.(iii)* : *As per the final order*
for the following:

REASONS

10. ISSUE No.I :

At the very outset it is necessary to set out the facts leading to the present case, according to the petitioner, as can be seen from the petition averments are that on 30.12.2022, at around 6.00 p.m., on Mysuru – KRS road, Brigade apartment, the petitioner was proceeding on motorcycle bearing No.KA-09/EW-3161 towards Vontikoppalu Temple from Metagalli signal and just before the temple, when the petitioner was trying to take a right turn, the rider of the motorcycle bearing No.KA-09/X-1711 went from temple side towards Metagalli by riding his vehicle in a rash or negligent manner and at a high speed and dashed his vehicle against the motorcycle on which the petitioner was proceeding on the right side resulting in the petitioner sustaining grievous injuries on his head, leg, chest, shoulder from other injuries all over the body and even the motorcycle was completely damaged; and immediately after the accident, the petitioner was admitted to CEG Hospital, Mysuru, where it was diagnosed that the petitioner had sustained fracture of left temporal bone and right temporal bone, diffuse cerebral edema, fracture of left Zygomatic maxillary complex, fracture of left and right frontal bone, comminuted segmental fracture of left Zygomatic arch, fracture of Zygomatic process of maxillary bone on left side, fracture of lateral wall of bilateral orbits, fracture of frontal bone extending into outer and inner tables of left frontal sinus with frontal

hemosinus, fracture of all walls of bilateral sphenoid sinus, inter sphenoid septum with sphenoid, comminuted displaced fracture of bilateral nasal bones and bony nasal septum, fracture of left lamina papyracea and ethmoid air cells with haemosinus, fracture of posterior aspect of left 1st and 2nd ribs and apart from other injuries for which the petitioner underwent treatment as an inpatient from 30.12.2022 to 09.01.2023 during which he even underwent surgeries and even after being discharged from the hospital, the petitioner is taking follow up treatment on OPD basis.

11. In order to discharge the burden cast on him, regarding the proof of the accident, the petitioner examined himself as PW.1 and has reiterated the petition averments thereby standing in support of the petition averments that the accident occurred due to rash or negligent riding of the motorcycle bearing No.KA-09/X-1711 by its rider, resulting in the petitioner sustaining the injuries. To substantiate these aspects, the petitioner has relied on the Ex.P1 and 2, which are the true copies of the FIR and FIS pertaining to Crime No.233/2022 registered at V.V. Puram Traffic Police station; and FIS was lodged by one Sri. Tejas who is son of the petitioner. Further the petitioner has produced Ex.P3 and P7 which are the chargesheet filed by V.V. Puram Traffic Police in Crime No.233/2022 against the rider of the motorcycle bearing No.KA-09/X-1711; and the wound certificate pertaining to the petitioner, respectively. Perusal of the chargesheet reveals that the police after investigation *prima facie* found that the rider of the motorcycle bearing No.KA-09/X-1711 was at fault, thereby

opining that it was due to rash or negligent riding of the motorcycle bearing No.KA-09/X-1711 by its rider that the accident leading to the present case occurred. Hence the police documents make it amply clear that the said accident indeed occurred due to rash or negligent riding of the motorcycle bearing No.KA-09/X-1711 by its rider resulting in petitioner sustaining injuries narrated at Ex.P7.

12. It is necessary to state, even at the cost of repetition that the V.V. Puram Traffic who registered the FIR on the basis of FIS lodged by one Sri. Tejas have charge sheeted the rider of the motorcycle bearing No.KA-09/X-1711, thereby *prima facie* opining that the said accident occurred due to rash or negligent riding of the motorcycle bearing No.KA-09/X-1711 by its rider i.e., Sri. Pavan K.S. Further, though the PW.1 was cross-examined by learned counsel for the respondent No.2, but nothing which could point against the negligence on the part of the rider of the motorcycle bearing No.KA-09/X-1711 or which could point in favour of the contention of the respondent No.2 company that there was negligence on the petitioner could be elicited from the mouth of PW.1 and also there is nothing before the court to hold that there was contributory negligence on the part of the petitioner.

13. Further, as regards the contention of the respondent No.2 that the petitioner contributed to the accident, it is relevant to note that in the Ex.P3 charge-sheet the IO has clearly stated that the accident occurred as the rider of the motorcycle bearing No.KA-09/X-1711 rode the his

motorcycle at a high speed and in a rash or negligent manner and dashed the same against the motorcycle on which the petitioner was proceeding from the front side. This makes it evident that the negligence was entirely on the part of the rider of the motorcycle bearing No.KA-09/X-1711. Furthermore, perusal of Ex.P5 reveals that the motorcycle bearing No.KA-09/X-1711 was proceeding from Mysuru city side towards KRS side whereas the motorcycle bearing No.KA-09/EW-3161 was proceeding from Metagalli side and had taken a right turn for the purpose of taking U turn when the accident occurred. Further, the rough sketch reveals that the petitioner had almost taken the U turn and had reached the left edge of the road which clearly goes to show that the accident occurred due to the negligence on the part of the rider of the motorcycle bearing No.KA-09/X-1711. Further the fact that the accident occurred at around 6.00 p.m., goes to show that visibility was not an issue and had the rider of the motorcycle bearing No.KA-09/X-1711 been cautious and had he concentrated on the road, he could have certainly avoided the accident as he had the last opportunity to avoid the accident. Hence no fault can be found with the petitioner; and hence the contention of the respondent No.2 company regarding contributory negligence falls flat.

14. As already observed, the petitioner has produced the charge-sheet filed by the police at Ex.P3 which makes it amply clear that according to the IO, the accident occurred due to rash and negligent and high speed riding of the motorcycle bearing No.KA-09/X-1711 by its rider;

and there is absolutely nothing in the form of evidence before this tribunal which could move this tribunal to overlook or brush aside the charge-sheet. No doubt this tribunal is not bound by the charge-sheet as it is only an opinion of the IO but for this court to overlook the charge-sheet there must be credible and strong evidence which is lacking in this case.

15. The view taken by this Court that the police records are *prima facie* proof in support of the case of the petitioner, is supported by the decision rendered in ***Kishan Gopal and another Vs. Lala and others*** reported in **2013 (4) T.A.C 5 (S.C.)**, wherein the Hon'ble Apex Court has categorically held thus:

16. In view of the aforesaid facts, the Tribunal should have considered both oral and documentary evidence referred to supra and appreciated the same in the proper perspective and recorded the finding on the contentious issue No. 1 & 2 in the affirmative. But it has recorded the finding in the negative on the above issues by adverting to certain statements of evidence of AW-1 and referring to certain alleged discrepancies in the FIR without appreciating entire evidence of AW-1 and AW-2 on record properly and also not assigned valid reasons in not accepting their testimony. The Tribunal should have taken into consideration the pleadings of the parties and legal evidence on record in its entirety and held that the accident took place on 19.07.1992, due to which Tikaram sustained grievous injuries and succumbed to the same and the case was registered by the

Uniara Police Station under Sections 279 and 304-A, IPC read with Sections 133 and 181 of the M.V. Act against the first and second respondents. The registration of FIR and filing of the charge-sheet against respondent Nos.1 & 2 are not in dispute, therefore, the Tribunal should have no option but to accept the entire evidence on record and recorded the finding on the contentious issue Nos.1 and 2 in favour of the appellants.

(Emphasis supplied by me)

It is necessary to reassert that in a claim for compensation filed under Section 166 of Motor Vehicles Act, 1988, the claimant is expected to prove the incident on the basis of principle of *preponderance of probabilities* and the view taken by this Court is fortified by the decision rendered by the Hon'ble Supreme Court in ***Kusum and others V/s Satbir and others*** which is reported in **2011 SAR (CIVIL) 319**. Further the Hon'ble Supreme Court in case of ***Bimla Devi and others v. Himachal Road Transport Corporation and others*** reported in **(2009) 13 SCC 530** has observed that, *it is necessary to be borne in mind that strict proof of an accident caused by a particular bus in a particular manner may not be possible to be done by the claimants. The claimants are merely required to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied.* Further the Hon'ble High Court of Karnataka in ***National Insurance Co. Ltd. Vs. Krishnappa and another*** reported in **2001 ACJ 1105**, where the Hon'ble High Court of Karnataka by considering the fact that the driver of the offending vehicle was not examined to prove any contributory negligence on the part of scooterist held that the accident had occurred due to rash or negligent

driving by the driver of the offending van. Even here the respondent No.2 has not examined any eye witness or the said Sri. Pavan K.S. to prove its contention that there was contributory negligence on the part of the petitioner and even otherwise, the IO, as already observed, has clearly opined that the accident occurred only due to the fault of the rider of the motorcycle bearing No.KA-09/X-1711 and its rider i.e., said Sri. Pavan K.S. was charge sheeted.

16. In view of the ratio laid down in the authorities referred to above and applying the settled principle of law to the case at hand, which is further supported by the oral and documentary evidence adduced by PW.1, this Tribunal is of the considered opinion that the accident leading to this case indeed occurred due to the actionable negligence on the part of the rider of the motorcycle bearing No.KA-09/X-1711 resulting in petitioner sustaining injuries. This would infer to mean that the respondent No.2 has failed to prove that the accident occurred due to the contributory negligence on the part of the petitioner. *Wherefore Issue No.I is answered held in the Affirmative.*

17. **ISSUE No.II:**

This Court has already held Issue No.I in the affirmative which makes it more than obvious that the petitioner is entitled for compensation. Needless to state the quantum of compensation which is awarded has to be proportionate to the nature of the injuries and the compensation has to be awarded by keeping in mind the pecuniary damages and non-pecuniary damages suffered by the

injured-claimant. By pecuniary damages this Court is referring to the actual loss sustained by the petitioner, which can be determined in terms of money, by taking into account the oral or documentary evidence whereas by non-pecuniary damages this Court is referring to the losses that the claimant has though suffered, but will not be able to prove for the reason that it can neither be calculated in terms of the money nor can it be proved leading documentary evidence. Perhaps the non-pecuniary damages can be figured out by looking into the facts of each case by taking into account the nature of injuries and the aftermath. It is required to be reminded to oneself that compensation in a case arising out of injury can never be granted on mathematical precision and invariably a good amount of guesswork is involved while determining the compensation in such cases. Perhaps unlike in a fatal case, in a case involving bodily injury the victim is left to suffer throughout his life; and hence it becomes the bounden duty of the tribunal to award compensation to a victim of permanent disability so as to bring in sustainability and also to ensure that victim is not pushed to poverty.

18. In order to demonstrate the pecuniary loss suffered by him due to the injuries, the petitioner has led oral and documentary evidence. The PW.1 in his oral evidence has asserted on oath that immediately after the accident, he was admitted to CEG Hospital, Mysuru where he underwent treatment as an inpatient from 31.12.2022 to 09.01.2023. Further the petitioner has supported the said contention by producing Ex.P7, P9 and P10 which make it clear that indeed the

petitioner underwent treatment at CEG Hospital, Mysuru where he underwent treatment as an inpatient from 31.12.2022 to 09.01.2023. Further he has asserted that he has spent huge amount towards his treatment and has sought to prove the same by producing Ex.P10 which are the medical bills which are further supported by Ex.P7 and P9 which are the wound certificate and discharge summary respectively. As regards the nature of injuries and the disability suffered, the petitioner has produced Ex.P7 which is the wound certificate. It is keeping these facts in mind that the compensation has to be determined.

19. While determining the compensation this court has to look into the pain the sufferings, medical expenses, diet food, nourishment, attendant and conveyance charges and loss of amenities and enjoyment of life, which are discussed herein below:

(A) TOWARDS PAIN AND SUFFERINGS:

The petitioner has relied upon Ex.P7, P9 and P10 which are the wound certificate, discharge summary and medical bills which reveal that the injuries sustained by him are in the nature of fracture of left temporal bone and right temporal bone, diffuse cerebral edema, fracture of left Zygomatic maxillary complex, fracture of left and right frontal bone, comminuted segmental fracture of left Zygomatic arch, fracture of Zygomatic process of maxillary bone on left side, fracture of lateral wall of bilateral orbits, fracture of frontal bone extending into outer and inner tables of left frontal sinus with frontal hemosinus, fracture of all

walls of bilateral sphenoid sinus, inter sphenoid septum with sphenoid, comminuted displaced fracture of bilateral nasal bones and bony nasal septum, fracture of left lamina papyracea and ethmoid air cells with haemosinus, fracture of posterior aspect of left 1st and 2nd ribs and apart from other injuries which are grievous in nature. According to the petitioner he has obtained treatment at CEG Hospital, Mysuru where he underwent treatment as an inpatient from 31.12.2022 to 09.01.2023 and is under follow-up treatment even to this day. The petitioner has relied upon wound certificate, x-ray films and medical bills in order to show that he had sustained injuries and underwent pain and sufferings. As already observed, the petitioner had sustained grievous injuries which required him to undergo treatment at CEG Hospital, Mysuru where he underwent treatment as an inpatient from 31.12.2022 to 09.01.2023. Considering the nature of the injuries mentioned in wound certificate, it can be said that the petitioner must have undergone some amount of physical pain and sufferings, *for which, an amount of ₹.25,000/- can be held to be just and proper compensation under this head.*

(B) TOWARDS MEDICAL EXPENSES:

The petitioner has contended that he has spent huge amount towards medical expenses and treatment; and has produced medical bills for having spent money towards medical expenses which are exhibited as Ex.P10 which are

supported by Ex.P7 and P9 wound certificate and discharge summary respectively. The sum total of the medical bills is ₹.59,284/-, there is no serious dispute regarding the bills got exhibited by the petitioner. Hence the total of medical bills is ₹.59,284/- which can be rounded off to ₹.59,300/-. *Accordingly, the petitioner is entitled for an amount of ₹.59,300/- towards medical expenses.*

(C) TOWARDS DIET, FOOD, NOURISHMENT, ATTENDANT AND CONVEYANCE CHARGES:

As already observed the Ex.P7 which is wound certificate makes it amply clear that the petitioner underwent treatment at CEG Hospital, Mysuru where he underwent treatment as an inpatient from 31.12.2022 to 09.01.2023. Further during the said period the petitioner might have taken assistance from others and taken diet food. On consideration of the injuries sustained by the petitioner, period of stay in the hospital and mode of commutation, *this Tribunal is of the opinion that it is just and proper to award an amount of ₹.20,000/- under this head.*

(D) TOWARDS LOSS OF FUTURE EARNING CAPACITY ON ACCOUNT OF PERMANENT DISABILITY:

Though the petitioner has contended that due to accidental injuries, he has suffered disability, but he has not made any efforts to prove the disability. Even otherwise the nature of injuries are such that the same would not result in functional

disability more particularly considering the avocation of the petitioner who was running a incense stick factory in the name and style of “Priyanka Agarbatti work” and was also working at Vontikoppalu club in night shift. Further considering the fact that the injuries sustained by the petitioner are on the face, the same would certainly not come in the way of the petitioner doing his avocation as such certainly the petitioner has not suffered any functional disability due to injuries sustained in the accident, however, the same might affect his enjoyment of life and the same will be considered at the time of determining amount to which the petitioner is entitled under the head of amenities. Wherefore, this court is of the firm opinion that the petitioner would not be entitled for any compensation under this head. *Accordingly, the petitioner is not entitled for any compensation under this head.*

(E) TOWARDS LOSS OF INCOME DURING LAID UP PERIOD:

According to the petitioner, prior to accident, he was hale and healthy and was running a business of incense stick factory in the name and style of “Priyanka Agarbatti work” and was also working at Vontikoppalu club in night shift and was earning ₹.60,000/- per month. But the petitioner has not produced any document to substantiate his contention regarding his income. Under such circumstances, this Tribunal is of the opinion that the notional income of the petitioner has

to be determined. Perhaps, the court will now have to consider the notional income of the injured and considering the avocation of the petitioner and the year of accident. In this regard it is relevant to note that the Principal Bench of the Hon'ble High Court of Karnataka, at Bengaluru while holding Lok-Adalath is determining the notional income at ₹.15,500/- if the accident had occurred in the year 2022, in cases where the actual income of the deceased or injured, as the case may be, is not proved; and the same had been circulated by the Hon'ble Karnataka State Legal Services Authority, Bengaluru directing the courts, dealing with the motor vehicle compensation cases, to determine the notional income as determined therein, while holding lok-adalaths at District Courts. Hence, this Tribunal is of the opinion that it is just and proper to fix the notional income of deceased at ₹.15,500/- per month, in the absence of proof of income of the petitioner. Hence the income of petitioner can be notionally considered at the rate of ₹.15,500/- per month. Considering the nature of injuries and the avocation of the petitioner, it is more than obvious that petitioner might not have attended his regular work at least for a period of 3 months as he had sustained grievous injuries in the accident. As such the petitioner is entitled for compensation under the head of loss of income during laid up period and this court finds it just and reasonable to award ₹.46,500/- towards loss of income during laid up period. *As such ₹.46,500/- is awarded to the*

petition under this head.

(F) TOWARDS LOSS OF AMENITIES AND ENJOYMENT OF LIFE:

As already observed while discussing whether or not the petitioner is entitled for the amount under the head future loss of income, due to injuries sustained in the accident, though the petitioner has not suffered any functional disability but he has suffered facial injuries which could have certainly affected his day to day life and might certainly have deprived him of basic comforts. *Therefore, it is just and proper to award him a reasonable sum of ₹.25,000/- under this head.*

Thus, the petitioner is entitled for compensation under the following heads:-

Towards pain and sufferings	-	₹.	25,000.00
Towards Medical expenses	-	₹.	59,300.00
Towards diet, food, nourishment, attendant and conveyance charges	-	₹.	20,000.00
Loss of income during laid up period	-	₹.	46,500.00
Towards loss of amenities	-	₹.	25,000.00
Total	-	₹.	1,75,800.00

Totally, the petitioner is entitled compensation of ₹. 1,75,800/-.

20. The petitioner has claimed the interest at the rate of 12% per annum. In this regard the Hon'ble High Court of Karnataka in the decision reported in *Shriram General Insurance Co. Ltd v. Smt. Laxmi*

and others rendered in MFA No.103557/2016 rendered on 20.03.2018 serves as a guiding lamp and in the said decision, the Hon'ble High Court of Karnataka awarded interest at the rate of 6% per annum by considering the relevant provisions. Considering the aforesaid decision and also prevailing Bank rate of interest, this tribunal also deems it proper to award interest at the rate of 6% per annum. Hence, issue No.III is held partly in the affirmative and the petitioner is entitled for total compensation of ₹.1,75,800/- (*Rupees One Lakh Seventy Five Thousand and Eight Hundred only*) with interest at the rate of 6% p.a. from the date of petition till the realization including the interim compensation if any awarded.

21. **LIABILITY:**

Now that this court has ascertained the compensation amount, the last aspect of the matter is regarding fixation of liability i.e., *who should be made liable to pay the compensation to the petitioner?*. Though the respondent has contended that there was negligence on the part of the petitioner at the time of accident. But this tribunal while answering issue No.I has touched upon the said point and concluded that the said contention is not substantiated by the respondents. This apart, the respondent No.2 has not disputed the fact that the offending vehicle i.e., motorcycle bearing No.KA-09/X-1711 was insured with it at the time of accident and the same is clear from the objections filed by the respondent No.2. Since the respondent No.2 has failed to prove violation of policy conditions, the respondent No.2 has to be made liable to pay the compensation.

22. For the foregoing reasons this court finds no hesitation in holding that the respondents are jointly and severally liable to pay the compensation to the petitioner and the respondent No.2 being the insurer is liable to indemnify the respondent No.1 in payment of compensation to the petitioner. *Accordingly, it is held that the petitioner is entitled for compensation of ₹.1,75,800/- (Rupees Five Lakhs Thirty Two Thousand Eight Hundred only) along with interest at the rate of 6% per annum from the date of petition till the date of realization of amount and it is also held that the respondents are jointly and severally liable to pay the compensation to the petitioner and the respondent No.2 being the insurer is liable to indemnify the respondent No.1 in paying compensation to the petitioner.*

23. ISSUE No.III:

In view of the reasons assigned in the foregoing paragraphs of this judgment and in view of the finding given on Issue No. I and II, this court finds no hesitation to pass the following:

“ORDER”

“The claim petition is allowed in part with costs.

Petitioner is entitled for compensation of ₹.1,75,800/- (Rupees One Lakh Seventy Five Thousand and Eight Hundred only) with interest at the rate of 6% per annum from the

date of petition till its realization including interim compensation if any awarded.

The respondents are jointly and severally liable to pay compensation to the petitioner within one month from the date of this judgment.

Further the respondent No.2 shall indemnify the respondent No.1 in payment of compensation to the petitioner.

Considering the fact that the quantum of compensation awarded in favor of petitioner is meager, after deposit of the compensation amount, the entire compensation amount shall be released in favor of the petitioner, by following the procedure prescribed in that regard.

Advocate's fee is fixed at ₹.1,000/-.

Draw award accordingly."

(Dictated to the stenographer, computerized by her, corrected and then pronounced by me in the open court, this the 2nd day of April, 2026)

(AFTHAB.K)
Prl. Judge, Court of Small Causes
& MACT, Mysuru

ANNEXURE:

Witnesses examined for the petitioner:		
PW.1	-	Sri. Ramakrishna

Documents marked for the petitioner :		
Ex.P1	-	FIR
Ex.P2	-	Complaint
Ex.P3	-	Charge-sheet
Ex.P4	-	Spot panchanama
Ex.P5	-	Rough sketch
Ex.P6	-	IMV report
Ex.P7	-	Wound certificate
Ex.P8	-	Entire order sheet
Ex.P9	-	Discharge summary
Ex.P10	-	Medical bills
Ex.P11	-	Copy of Aadhar card of PW.1
Ex.P12	-	Copy of Voter Id of PW.1
Ex.P13	-	Copy of Pan card of PW.1
Ex.P14	-	Copy of Bank pass book

Witnesses examined for the respondents:		
		NIL

Documents marked for the respondents:		
		NIL

(AFTHAB.K)
Prl. Judge, Court of Small Causes
& MACT, Mysuru