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M.V.C./855/2023

**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./ 855/2023

BETWEEN

Sri.Nandisha.
S/o. Late Bannigowdana Subbanna,
Aged about 53 years,
R/at. Bendaravadi Village,
Kirugavalu Hobli, Malavalli Taluk,
Mandya District.

Presently residing at:
Lingayithara beedi, Varuna Village,

Varuna Hobli, Mysuru Taluk and District.

(Rptd: By Sri. B.N. Mohan, Advocate)

.....Petitioner

AND

1. Sri. Pradeepa,
S/o. Late Nanjundappa @ Varanna,
Aged about 36 years,
R/at. Bendaravadi Village,
Kirugavalu Hobli, Malavalli Taluk,
Mandya District.

(Owner of Car bearing
registration No. KA-11-EJ-3761)

(Rptd: by Sri. Pradeep C.K, Adv)

.....Respondent

-: JUDGMENT :-

The petitioner has filed this petition U/s 166 of Motor Vehicles Act, against the respondent seeking compensation of Rs.21,00,000/- 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 14.04.2022 at about 11.30 a.m., when the petitioner was proceeding as a pillion in Motorcycle bearing registration No.KA-11-EJ-3761 **(here in after referred as Offending vehicle)** at moderate speed on the left side of the road, near Ramamandira M.M. road, Bannuru town, T. Narasipura Taluk, Mysuru District, at that time the rider of said motorcycle rode the same with high speed in rash and negligent manner, lost control over the same and fell down from the motor bike and caused accident and due to impact the petitioner has sustained injuries to his head, left eye and other injuries all over the body. Immediately he was taken to Government Hospital, Bannuru for first aid treatment. Thereafter shifted to K.R.Hospital, Mysuru and Further he was taken treatment at J.S.S Hospital, Mysuru as inpatient. The petitioner further submitted that the accident caused due to rash and negligent act on the part of rider of offending vehicle. The respondent being the

rider cum owner of the offending vehicle is liable to pay the compensation to the petitioner. Hence this petition.

2. In pursuance to the notice issued, the respondent appeared through his counsel and filed his objection statement.

The respondent in his objection statement by denying the accident, age, income and occupation of the petitioner, contended that, the accident did not cause due to the rash and negligent riding of the rider of offending vehicle, but the same due to the negligence of the petitioner. The amount of compensation and interest claimed by the petitioner is highly excessive, exorbitant and without any legal basis. On the aforesaid grounds he prayed to dismiss the petition.

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

ISSUES

- 1) Whether the petitioner proves that, he has sustained grievous injuries in a road traffic accident arising out of use of vehicle bearing No. KA-11-EJ-3761 on 14.04.2022 at about 11.30 a.m, Rama Mandira M.M. road, near Bannuru town, T.Narasipura Taluk, Mysuru district, road due to the actionable negligence on the part of the rider?
- 2) Whether the petitioner is entitled for any compensation? If so, at what extent and from whom?
- 3) What Order or relief?

4. To prove the averments of petition, the petitioner examined himself as PW.1 who produced and got marked Ex.P1 to 9 documents and closed his side evidence. On the other hand respondent did not lead evidence on his side.

5. Heard arguments on behalf of the petitioner. Counsel for respondent remained

absence. Hence, arguments of respondent taken as nil. Perused the materials placed on record.

6. 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 :-

7. **Issue No.1:-** According to the petitioner, the accident occurred due to the rash and negligent riding of the respondent. To substantiate the same the petitioner examined himself as PW1 and placed reliance on Ex.P1 to 6 documents. Wherein, Ex.P1 is FIR, Ex.P2 is complaint, Ex.P3 is spot mahazar,

Ex.P4 is MVA report, Ex.P5 is wound certificate and Ex.P6 is charge sheet. In objection statement the respondent has disputed the genesis of the case of the petitioner. However during the course of his cross-examination, it was suggested to PW1 that the rider of the petitioner himself skid and fall from motor cycle and sustained injuries. Said suggestion has been denied by the petitioner.

8. Furthermore, the police after a detailed investigation has placed charge sheet against the respondent for the offences punishable U/Sec.279, 337, 338 and 304(A) of IPC and Sec.3 r/w 181, and Sec.146 and 196 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 respondent. **Thus for all these reasons this tribunal answers issue No.1 in the affirmative.**

9. 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 Government Hospital, Bannur for first aid. Thereafter shifted to JSS Hospital, Mysuru and treated as inpatient between 14.04.2023 to 19.04.2023. The aforesaid fact substantiated by wound certificate/Ex.P5 go to show that the petitioner sustained injuries as follows:

- (1) Deep cut lacerated wound of elliptical shape (bone depth) on the left side of the forehead 4 x 8 x 3 cm
- (2) Cut lacerated wound 5 X 2 X 7 CM in right popliteal region.

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

10. The duration of the treatment and nature of the treatment undergone by the petitioner has not been disputed by the respondent. 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.

11. Disability suffered by the petitioner:

It is the contention of the petitioner that he has suffered permanent physical disability due to the grievous injuries sustained by him. However no doctor has been examined by the petitioner to show that he has sustained any functional disability. The petitioner has not made any efforts to appear before medical board also. Had he suffered any functional disability, the petitioner would have got the doctor examined or got him referred to medical board. In the absence of any such efforts on the part of the petitioner, the only inference which could be drawn is that the

petitioner has not suffered any functional disability due to the injuries sustained by him. As such no compensation is awarded under the head of loss of future earnings due to disability.

12. Loss of earnings during laid up period: As stated in the petition, the petitioner claims that he being a coolie and agriculturist was earning Rs.20,000/- per month. No documents produced to that effect. 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, this tribunal takes recourse to revised chart prepared by the Hon'ble Karnataka State Legal Services Authority, Bengaluru dated 26.02.2022. As per the said chart, the notional income suggested for the year 2022 is Rs.15,500/- PM. The petitioner was hospitalized at JSS Hospital, Mysuru between 14.04.2023 to 19.04.2023 for a total period of 05 days. The petitioner could have

suffered loss of income, at least for a period of four month. Thus under this head the tribunal awards an amount of **Rs.15,500/- x 4 = Rs.62,000/-**.

13. Damages for pain suffering and trauma as a consequences of the injuries: The wound certificate/Ex.P6 and discharge summary/ Ex.P.7 suggest that the petitioner has sustained grievous injuries and undergone for treatment. Thus, taking into account the treatment undergone by the petitioner and the duration of treatment, this tribunal is of the opinion that if an amount of Rs.75,000/- is awarded the same will suffice the cause of justice. Accordingly this tribunal awards an amount of **Rs.75,000/-** towards damages for pain, suffering and trauma as a consequence of the injuries.

14. 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 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.75,000/-** under this head.

15. Transportation, _____ Nourishment, attendant and Miscellaneous Expenditures: As stated *supra*, the petitioner was under treatment at Mysuru between 14.04.2023 to 19.04.2023. Thus taking into consideration, the duration of hospitalization, if a lump-sum amount of **Rs.25,000/-** is awarded towards the transportation, nourishment and miscellaneous expenditures, the same would suffice the cause of justice.

16. Expenses relating to treatment, hospitalization and medicines:- The petitioner claims that he had incurred expenses of Rs.1,00,000/- for his treatment. Absolutely no documents are placed on record by the petitioner to substantiate this fact except the medical bills which are together marked at Ex.P8. The total amount due under these bills is Rs.39,369/-. The respondents 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 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 advance and discounts available in the aforesaid bills the petitioner is entitled for the said amount of **Rs.39,369/-**.

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

Sl. No.	Heads	Amount of Rs.
1.	Loss of earnings during laid up period	Rs.62,000/-
2.	Damages for pain, suffering and Trauma as a consequence of the injuries	Rs.1,00,000/-
3.	Loss of Amenities	Rs.75,000/-
4.	Transportation, Nourishment, attendant and Miscellaneous Expenditure	Rs.25,000/-
5.	Expenses relating to treatment, hospitalization and medicines	Rs.39,369/-
TOTAL		Rs.2,76,369/-

Thus, the petitioner is entitled for compensation of **Rs.2,76,369/-**. The same is rounded off **Rs.2,76,500/-**.

18. Interest: In so far as award of interest is concerned, the petitioner has claimed an interest at the rate of 18% p.a. from the date of petition. In so far as award of interest in concerned, 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.

19. Liability: Admittedly as on the alleged date of the accident, the offending vehicle was uninsured. As such it is the owner and rider of the said vehicle i.e., respondent who have to make good the compensation amount to the petitioner. As aforesaid the respondent being the rider cum owner of the offending vehicle is liable to pay the compensation amount to the petitioner. **Accordingly issue No.2 answered partly in the affirmative.**

20. 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 compensation of **Rs.2,76,500/- [Rupees Two lakhs, seventy six thousand and five hundred only]** along with interest at the rate of 6% p.a. from the date of the petition till realization of entire amount.*

The respondent is liable to pay the compensation amount to the petitioner awarded within a period of 30 days.

Considering the amount spent towards medical expenses there shall be no order for investment, accordingly on

deposit being made, office is directed to release the entire amount to the petitioner on proper identification.

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. Nandisha

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 IMV |
| Ex.P5 | Copy of wound certificate |
| Ex.P6 | Copy of charge sheet |
| Ex.P7 | Copy of discharge summary |
| Ex.P8 | Medical bills |
| Ex.P9 | Certified copy of PAN card of Petitioner |

List of documents marked on behalf of respondents:

-NIL-

sd/-

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