

KAMS080023422021



**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 2nd DAY OF JULY 2026

M.V.C. No.1345/2021 c/w M.V.C.

No.1346/2021

BETWEEN

Petitioner in MVC No.1345/2021

Sri.Manjunatha T.P.
S/o Puttaswamy T.S.,
Aged about 25 years,
R/at Thumnerale Village and post,
Nanjangudu Taluk and Mysuru District.

Petitioner in MVC No.1346/2021

Sri. Naveen H.M., S/o late Maraiah,
Aged about 28 years,
R/at No.143/2 S.C.Beedi,
Hosakote Village and post,
Nanjangud Taluk, Mysuru District.

(By Sri.N.M.M, Advocate)

AND

1. Sri. Muthukaruppan.M.,
S/o Mayandithevar. P.,
Aged about 45 years,
R/at No.8/8/20, Thamirabaraninathi
Street, Mahatma Gandhi Nagara,
Madurai, Tamilnadu-625014.

(RC owner of lorry bearing Reg.No.TN-59-BP-2791)

2. S. Manipandian,
S/o K. Srinivasan,
Aged about 43 years,
R/at C2, Amarnathnagar TPK
Main Road, Avaniyapuram,
Madurai, Tamilnadu-625012.

(Insured of lorry bearing Reg.No.TN-59-BP-2791)

3. The Manager, Iffco Tokio General
Insurance Co. Ltd., No.846, New

Kantharaj Urs Road, Above
Sri Bakery, Akshaya Bhandar,
Kuvempunagar, Mysuru.

(Insurer of lorry bearing reg.No.TN-59-BP-2791)

(Policy No.1XUQ833)
Valid from 29.06.2021 to 28.06.2022

Respondents are common

(R1- Exparte)
(R2-Rptd: By Sri.BKG, Adv)
(R3-Rptd: By Sri.BGK, Adv)

:- COMMON JUDGMENT :-

The petition filed by the petitioner by name **Manjunatha T.P.** in **MVC No.1345/2021** U/s 166 of M.V. Act against the respondents, claiming compensation of Rs.22,10,000/- along with interest at 18% per annum from the date of petition till realization with respect to injuries sustained by him.

2. The another petition filed by the petitioner by name **Naveen H.M.**, in **MVC No.1346/2021** U/s 166 of M.V. Act against the respondents, claiming compensation of Rs.22,60,000/- along with interest at 18% per annum from the date of petition till realization with respect to injuries sustained by him.

3. The learned counsel for petitioners have filed memo in MVC No.1345/2021 and prays to club MVC No.1346/2021 along with MVC No.1345/2021. Hence, petition in MVC No.1346/2021 is clubbed with petition in MVC No.1345/2021 by the order of this tribunal dated 15.12.2022. These two cases arising out of the same accident, hence these cases are to be disposed off by common judgment.

4. **The brief facts of the both cases are as under:** That, on 18.10.2021 at about 08.00 p.m. when the petitioner in M.V.C. No.1345/2021 was riding on Motor Cycle bearing registration No.KA-09-HQ-9697 rode by the same with moderate speed, along with petitioner by name

Naveen H.M in M.V.C. No.1346/2021, near Ring road junction, T Narasipura road, Alanahally layout, Mysuru, at that time the driver of lorry bearing Reg.No.TN-59-BP-2791 **(here in after referred as Offending vehicle)** drove the same with high speed in rash and negligent manner and hit the petitioner's Motor Cycle, resulting which the petitioners fell down and caused accident. Due to the impact of accident petitioner in MVC No.1345/2021 Manjunatha T.P. has sustained grievous injuries to his left shoulder and other injuries all over the body. The petitioner in MVC No.1346/2021 Naveen H.M. sustained grievous injuries to his left leg and other injuries all over the body. Immediately they were taken to Shakti Hill View Hospital, Mysuru. The petitioners further contended that the accident caused due to the rash and negligent act on part of the driver of offending vehicle. The respondent No.1 to 3 being the owner, insured and insurer of the offending vehicle are jointly and severally liable to pay the compensation to the petitioners. Hence this petition.

5. In pursuance to the notices issued, the respondent No.1 remained absent. Hence, placed exparte. respondent No.2 and 3 placed their representations through their counsels and filed their objection statements to both petitions separately.

6. In the objection statement respondent No.2 by denying the entire averments of the petition contended that, 2nd respondent is the owner and 3rd respondent is the insurer of the offending vehicle. Further contended that, the accident did not cause due to rash and negligent driving of driver of offending vehicle, but the same was due to rash and negligent riding of the petitioner himself. The driver of offending vehicle possess valid and effective driving license at the time of accident. The offending vehicle is duly insured with respondent No.3. Therefore, respondent No.3 is liable to compensation to the petitioner. The amount of compensation claimed by the petitioner is highly excessive, exorbitant and exaggerated and without any legal basis. Hence,

prays to dismiss the petitions against this respondent.

7. In its objection statement, the respondent No.3 by denying the accident, age, occupation and income of the petitioners contended that, the accident did not cause due to rash and negligent driving of driver of offending vehicle, but the same was due to rash and negligent riding of the petitioner in M.V.C. No.1345/2021 himself who entered the busy road without observing oncoming vehicles. The driver of offending vehicle did not possess valid and effective driving license, valid fitness certificate and permit at the time of accident. The offending vehicle was insured with respondent No.3 vide policy bearing No.MK171995 valid from 29.06.2021 to 28.06.2022. The admissibility of liability is subjected to the terms and conditions of the policy. The amount of compensation claimed by the petitioners is excessive, exorbitant and exaggerated and without any legal basis. On these grounds and such others, it is prayed for dismissal of the petition.

8. On the above pleadings, the following issues have been framed in both petitions.

ISSUES IN MVC No.1345/2021

- 1) Whether the petitioners prove that on 18.10.2021 at about 08.00 p.m. when the petitioner was riding on Motor Cycle bearing registration No.KA-09-HQ-9697 rode by the same with moderate speed, along with his friend by name Naveen, near Ring road junction, T Narasipura road, Alanahally layout, Mysuru, at that time the driver of lorry bearing reg.No.TN-59-BP-2791 drove the same with high speed in rash and negligent manner and hit the Motor Cycle of the petitioner resulting which fell down and caused accident due to the impact the petitioner has sustained injuries as stated in the petition ?
- 2) Whether the petitioner is entitled for any compensation? If so, how much and from whom?
- 3) What Order or award?

ISSUES IN MVC No.1346/2021

1. Whether the petitioners prove that on 18.10.2021 at about 08.00 p.m. when

the petitioner was travelling as pillion on Motor Cycle bearing registration No.KA-09-HQ-9697 rode by his friend Manjunath with moderate speed, near Ring road junction, T Narasipura road, Alanahally layout, Mysuru, at that time the driver of lorry bearing reg.No.TN-59-BP-2791 drove the same with high speed in rash and negligent manner and hit the Motor Cycle of the petitioner resulting which fell down and caused accident due to the impact the petitioner has sustained injuries as stated in the petition ?

2. Whether the petitioner is entitled for any compensation? If so, how much and from whom?

3. What Order or award?

9. To prove the averments of petition, the petitioner by name Manjunatha T.P., in MVC No.1345/2021 is examined himself as PW.1 who produced and got marked Ex.P1 to 6, 8 and Ex.P9 documents. The petitioner by name Naveen H.M., in MVC No.1346/2021 is examined himself as PW.2 who produced and got marked Ex.P7 and 10

documents. Also examined Dr.Yathiraju T, Consultant Orthopedic Surgeon, Shakti Hill View Hospital, Mysuru as PW3 who produced and got marked Ex.P11 to 13 documents and closed their side evidence. On the other hand, respondent No.2 and 3 not lead evidence on their side. Ex.R1 marked through confrontation during the course of cross-examination of PW.1.

10. Heard arguments of counsel for petitioners. In spite of sufficient opportunity the counsel for respondent No.2 and 3 not come forward to address the arguments. Hence, the arguments of the respondent No.2 and 3 taken as nil. Perused the materials available on record.

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

Issue No.1 in both petitions : In the affirmative

Issue No.2 in both : Partly affirmative and

petitions regarding the amount of compensation and from whom the same needs to be recovered, the same is detailed in final order

Issue No.3 in both petitions : As per final order for the following;

-: REASONS :-

12. Issue No.1 in both the petitions:-

According to the petitioners the accident caused due to the rash and negligent driving of the driver of the offending vehicle.

13. The petitioners have placed reliance upon Ex.P1 to Ex.P6 documents. Wherein, Ex.P1 is FIR, Ex.P2 is the complaint, Ex.P3 is spot mahazar, Ex.P4 is MVA report, Ex.P5 is wound certificate of PW1 and Ex.P6 is charge sheet.

14. Both the petitioners clearly deposed before the tribunal that the accident caused due to the rash and negligent driving of the driver of offending vehicle. In objection statement the

respondents have disputed the genesis of case of the petitioners. Though contended that the accident occurred due to the negligence of the petitioners, no material evidence has been produced. Thus in the absence of any material evidence it can not be accepted that the accident occurred due to the negligence of the petitioners. Apart from the said contention there is no serious dispute on part of the respondent No.3 as to the factum of accident.

15. Furthermore the police after conducting a detailed investigation, has placed charge sheet against one Sekar R. for the offences punishable U/ Sec.279, 337 and 338 of IPC. Said charge sheet has not been disputed. As discussed *supra*, the petitioners by leading their evidence and by producing the relevant documents is able to establish the factum of accident, which had occurred due to actionable negligence of the driver of the offending vehicle. **Thus, for all these reasons issue No.1 in both petitions answered in the affirmative.**

16. **Issue No.2 in MVC No.1345/2021:**

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 Manjunatha T.P. taken treatment at Shakti Hill View Hospital, Mysuru between 18.10.2021 to 20.10.2021. The aforesaid aspect substantiated by wound certificate/Ex.P5 and case sheet/Ex.P11. As per the wound certificate, the petitioner sustained injuries as follows;

- (1) Comminuted fracture clavicle
lateral 1/3rd with minimal
displacement- left side.

The above said injury is grievous in nature.

17. To substantiate this aspect the petitioner has got examined the treating doctor by name Yathiraju T./PW3. He is the Consultant Orthopaedic Surgeon, Shakti Hill View Hospital, Mysuru. He has deposed about the treatment given to the

petitioner in the hospital on 18.10.2021. The petitioner had comminuted fracture clavicle lateral 1/3- left side. X-ray left shoulder shows comminuted fracture clavicle lateral 1/3. He was admitted to the hospital after first -aid procedures. He was given antibiotics, pain medicines, injured limb was support with arm pouch and then discharged on 20.10.2021. The case sheet, out patient document and X-rays of the petitioner pertaining to the instances are marked at Ex.P11 to 13 respectively.

18. The duration of the treatment and nature of the treatment undergone by the petitioner has not been disputed by the respondent No.3. 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.

19. **Disability suffered by the petitioner:**
PW-2 had assessed the disability of the petitioner

at 13%. No independent disability certificate has been issued by him. The learned counsel for the respondent No.3 has argued that the disability assessed by the said doctors is on the higher side and has prayed to consider the disability of the petitioner reasonably.

20. 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.

21. In this backdrop, the functional disability is to be assessed by the tribunal. The doctor/PW3 has deposed that, fracture of left shoulder is united

clinically but with tenderness over the AC joint (acromioclavicular) and rotator cuff area. The petitioner may have difficulty in lifting weights above the level of shoulder and also in working in such position also difficulty wearing Kurta/ shift in elevated position and has assessed the disability of the petitioner at 13%. As aforesaid the petitioner has sustained grievous injuries. The petitioner as stated in the petition that he being a mason and cooli, he is unable to do the said work as he used to do 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 3%, the same would mete the ends of justice. Accordingly this court assesses the functional disability of the petitioner at 3%.

22. **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 the wound certificate/Ex.P5 the petitioner was 26

years. As such, the age of the petitioner is 26 years at the time of accident. The age of the petitioner has not been disputed by the respondent No.3. 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 17 is to be applied, when the age group of the claimant/deceased is between 26 to 30 years. Thus the multiplier of 17 is to be applied to the case on hand.

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

24. **Loss of earnings/future earnings on account of disability:** As stated supra, the petitioner claims that he being a mason was earning Rs.30,000/- per month. No documents has been produced to substantiate the same. 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 2021 is Rs.15,000/-. Taking into account all these aspects, this tribunal considers notional income of the petitioner to be Rs.15,000/-.

25. As mentioned *supra*, the tribunal has accepted the notional monthly income of the petitioner to be Rs.15,000/-. The annual income of the petitioner would be Rs.15,000/- X 12, which is Rs.1,80,000/-. Thus the annual income of the petitioner would be Rs.1,80,000/-. 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.1,80,000/-. The multiplier to be applied is 17. The total percentage of functional disability is accepted to be at 3%.

Thus the calculation would be **Rs.1,80,000/- x 17 x 3% = Rs.91,800/-**.

26. **Loss of earnings during laid up period:** As stated *supra*, the tribunal has considered the notional income of the petitioner to be at Rs.15,000/-. The petitioner was admitted to the hospital for a total period of 3 days between 18.10.2021 to 20.10.2021. The petitioner could have suffered loss of income, at least for a period of four months. Thus under this head the tribunal awards an amount of **Rs.15,000/- X 4 = Rs.60,000/-**.

27. **Damages for pain suffering and trauma as a consequences of the injuries:** The petitioner has suffered functional disability of 3%. The petitioner has sustained grievous injuries and undergone treatment. Taking into account the injuries, and disability sustained the petitioner and the period of hospitalization, 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.

28. **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 head injuries, which would caused 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.

29. **Transportation, _____ Nourishment, Attendant and Miscellaneous Expenditures:** As stated *supra*, the petitioner was under treatment between 18.10.2021 to 20.10.2021 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.25,000/-** is awarded towards the transportation, nourishment, attendant and miscellaneous expenditures, the same would suffice the cause of justice.

30. **Expenses relating to treatment, hospitalization and medicines:-** The petitioner claims that he had incurred expenses of Rs.2,00,000/- for his treatment. To substantiate this fact, the medical bills which are together marked at Ex.P8. The total amount due under these bills is Rs.10,582/-. The respondent No.3 on the other hand has contended that the petitioner has produced 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 advance and discounts available there in

the medical bills, the petitioner is entitled for the said amount of **Rs.10,582/-**.

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

Sl. No.	Head	Amount in Rs.
1.	Loss of Earnings/Future earnings on account of disability	Rs.91,800/-
2.	Loss of Earnings during treatment (<i>laid up period</i>)	Rs.60,000/-
3.	Damages for pain, suffering and Trauma as a consequence of this injuries	Rs.50,000/-
4.	Loss of Amenities	Rs.50,000/-
5.	Transportation, Nourishment, Attendant and Miscellaneous Expenditure	Rs.25,000/-
6.	Expenses relating to Treatment Hospitalization and Medication	Rs.10,582/-
TOTAL		Rs.2,87,382/-

Thus the total compensation amount, to which the petitioner by name Manjunatha T.P. in MVC No.1345/2021 is entitled to is **Rs.2,87,382/-**. The same is rounded off **Rs.2,87,500/-**.

32. **Issue No.2 in MVC No.1346/2021:**

Immediately after the accident the petitioner Naveen H.M. taken treatment at Shakti Hill View Hospital, Mysuru on 18.10.2021. The aforesaid fact substantiated by wound certificate/Ex.P7. As per wound certificate the petitioner has sustained injuries as follows;

- a) Contusion -left shoulder and left leg

The above said is simple in nature.

33. The nature of injury caused to the petitioner has not been disputed by the respondent. Thus this tribunal can accept the nature of injury and the treatment undergone by the petitioner.

34. The next question before the tribunal would be as to what is the reasonable and just compensation, to which the petitioner is entitled to. In view the law declared by the Hon'ble Supreme Court in the case of **Rajkumar V/s Ajay Kumar & Anor. reported in 2011 ACJ 1**, this tribunal proceeds to award compensation under various heads.

35. **Disability suffered by the petitioner:**
It is the contention of the petitioner that he has suffered permanent disability due to the grievous injuries sustained by him. However the petitioner has not examined the treating doctor to show that he has sustained any functional disability. Furthermore he has not made any efforts to get himself referred to medical board also. Had he suffered any functional disability, he could have examined the treating doctors or got himself referred to medical board. In the absence of any such efforts on part of the petitioner, the only inference which could be drawn is that the petitioner has not suffered any functional disability.

36. **Loss of earnings during laid up period:** The petitioner claims that he was working in Suttur mata and he being an agriculturist was earning Rs.25,000/- per month. To substantiate the same the petitioner has not produced any documents. 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 2021 is Rs.15,000/- PM. The petitioner stated that he was hospitalized at Shakthi Hill View Hospital, Mysuru for treatment. However, no documents is produced to show the period of hospitalization. Therefore, considering that the petitioner suffered simple injury, the petitioner could have suffered loss of income, at the least for a period of one month. Thus under this head the tribunal awards an amount of **Rs.15,000/-**.

37. **Damages for pain suffering and trauma as a consequences of the injuries:** The wound certificate/Ex.P7 suggests that the petitioner has sustained simple injuries. Taking into account of these facts, this tribunal is of the opinion that if an amount of Rs.10,000/- is awarded the same will suffice the cause of justice. Accordingly this tribunal awards an amount of **Rs.10,000/-** towards damages for pain, suffering and trauma as a consequence of the injuries.

38. **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. The treated doctor was not examined and no materials available on record to prove the functional disability. On perusal of the Ex.P.7/ wound certificate shows that, he has suffered simple injuries. Such being the case, the injuries suffered by petitioner would not cause impact on his normal life as he had live prior to the accident.

Taking note of all these aspects, this tribunal not granted any compensation under this head.

39. **Transportation, Nourishment, attendant and Miscellaneous Expenditures:** As stated supra, the petitioner suffered simple injuries. However, no materials is produced regarding hospitalization and treatment. However, as the petitioner suffered from grievous injuries, if a lump-sum amount of **Rs.10,000/-** is awarded towards the transportation, nourishment, Attendant and miscellaneous expenditures, the same would suffice the cause of justice.

40. **Expenses relating to treatment, hospitalization and medicines:-** The petitioner claims that he had incurred expenses of Rs.2,00,000/- for his treatment. To substantiate this fact except the medical bills which are together marked at Ex.P10. The total amount due under these bills is Rs.8,556/-. The respondent No.3 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 advance and discounts available in the aforesaid bills the petitioner is entitled for the said amount of **Rs.8,556/-**.

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

Sl. No.	Head	Amount in Rs.
1.	Loss of Earnings during treatment (<i>laid up period</i>)	Rs.15,000/-
2.	Damages for pain, suffering and Trauma as a consequence of this injuries	Rs.10,000/-
3.	Transportation, Nourishment, Attendant and Miscellaneous Expenditure	Rs.10,000/-
4.	Expenses relating to Treatment Hospitalization and Medication	Rs.8,556/-
TOTAL		Rs.43,556/-

Thus the total compensation amount, to which the petitioner by name Naveen H.M., in MVC No.1346/2021 is entitled to **Rs.43,556/-**. The same is rounded off to **Rs.44,000/-**.

42. **Interest:** In so far as award of interest in concerned, the petitioners have claimed an interest at the rate of 18% p.a. 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.

43. **Liability:** The fact that as on the date of accident, the offending vehicle was insured with it, is not disputed by the respondent No.3. The offending vehicle is insured with respondent No.3 company vide policy bearing No.1XUQ833 valid

between 29.06.2021 to 28.06.2022. The alleged accident occurred on 18.10.2021. As such, the policy of the offending vehicle is under the period of validity as on the date of accident. The respondent No.3 failed to prove that the driver of offending vehicle did not possess valid and effective driving license at the time of accident. As such, it is the respondent No.3 Company, which needs to indemnify the respondent No.1. **Accordingly issue No.2 in both the petitions i.e., MVC No.1345/2021 and MVC No.1346/2021 is answered partly in the affirmative.**

44. **Issue No.3 in both the petitions:-** In the light of foregoing discussions, this tribunal proceeds to pass the following:

ORDER

*The petition filed by the petitioners in **MVC No.1345/2021** and **MVC No.1346/2021** Under Section 166 of Motor Vehicles Act are partly allowed with cost.*

The petitioner in **MVC No.1345/2021** by name **Manjunatha T.P.** is entitle for total compensation of **Rs.2,87,500/- (Rupees two lakhs, eighty seven thousand and five hundred Only)** along with interest at the rate of 6% p.a., from the date of petition till its realization.

The petitioner in **MVC No.1346/2021** by name **Naveen H.M.,** is entitle for total compensation of **Rs.44,000/- (Rupees forty four thousand Only)** along with interest at the rate of 6% p.a., from the date of petition till its realization.

The respondent No.1 and 3 are jointly and severally liable to pay the compensation amount to the petitioners. The respondent No.3 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 to the petitioners owing to the medical expenses incurred by them no order as to deposit. On being deposited it

is ordered to release entire amount in favour of petitioners on proper identity and verification.

The Advocate's fee is fixed at Rs.1,000/- in each case.

*The original judgment shall be kept in **MVC No.1345/2021** and copy of the same shall be kept in **MVC No.1346/2021**.*

Draw Award accordingly.

(Dictated to the Stenographer directly on computer, typed by her, corrected by me and then pronounced in the Open Court on 2nd day of July 2026)

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

ANNEXURE

List of witnesses examined on behalf of petitioners:

PW1	Manjunatha T.P..
PW2	Naveen H.M.,
PW3	Dr. Yathiraju T

List of witnesses examined on behalf of respondents:

-Nil-

List of documents marked on behalf of petitioners:

Ex.P1	Copy of FIR
Ex.P2	Copy of complaint
Ex.P3	Copy of spot mahazar
Ex.P4	Copy of MVA report
Ex.P5	Copy of wound certificate
Ex.P6	Copy of charge sheet
Ex.P7	Wound certificate of PW2
Ex.P8	Medical bills
Ex.P9	Prescriptions
Ex.P10	Medical bills
Ex.P11	Case sheet
Ex.P12	Out patient document
Ex.P13	X-rays

List of documents marked on behalf of respondents:

Ex.R1	Copy of sketch
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**(PRATHIBHA D.S.)
Judge, Addl. Court of
Small Causes & MACT,
MYSURU.**