

KABC020011482025



**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL
COURT OF SMALL CAUSES, AT BENGALURU.
(SCCH-24)**

Presided Over by **SRI ISHWAR S.M**
B.A.LLB.,(Spl)
XXII ADDL., SCJ & ACJM,
MEMBER – MACT,
BENGALURU.

Dated:- This the **25th day of July 2026**

M.V.C. No.132 OF 2025

PETITIONER:

Sri. Adil Narayana,
S/o Balaiah
Aged about 39 years,
R/o Eguvathotlivaripalli
Cherlopalli, Gurramkonda Mandal,
Chittoor Dist.,
Andhra Pradesh-517305.

(By Sri. T.V Ramesh, Advocate)

- Vs -

RESPONDENT/S

1. Kasireddy Anandareddy,
S/o K. Channakrishnareddy,

Major,
R/o Gundavandlapalli,
Enugondapalem,
Kalakada Mandal,
Annamayya Dist.,
Andhra Pradesh – 517291.

2. Cholamandalam MS General Ins. Co. Ltd.,
Office at, Unit No.4, 9th Floor,
Golden Height complex,
59th 'C' Cross,
Industrial Suburb
Rajajinagara,
Bengaluru – 560 010.

(R1-In Person

R2-by Sri. N. Mahesha Prasad, Advocate)

J U D G M E N T

This claim petition is filed by the petitioner under Section 166 of Indian Motor Vehicles Act, seeking compensation for the injuries sustained by him in a road traffic accident.

2. The case of the petitioner is as follows:-

That on 24-11-2024 at about 6-45 am., the petitioner was riding his TVS moped bearing Reg.No.AP-03-AM-9259 towards Gundavandlapalli village from his village Aguvathottivaripalli and when he reached near Gundavandlapalli village, Kadirayacheruvu -Marripadu road at that time the driver of Tractor bearing

Reg.No.AP-40-CV-9038 came from opposite direction in a rash and negligent manner came to the wrong side of the road ie., to the other side of the road and dashed to the motorcycle of the petitioner's result of which he fell down and sustained grievous injuries. Immediately the petitioner was shifted to Government Hospital Vayalpad wherein first aid treatment was given and then he was shifted to Amara Hospital, Tirupathi wherein admitted as an inpatient from 24-11-2024 to 02-12-2024.

3. Prior to the accident, petitioner was hale and healthy. He was agriculturist by profession and earning sum of Rs.30,000/- per month. Due to the permanent disability, petitioner is not in a position to do the said work. He has suffered pain and sufferings, permanent disability & loss of income.

4. The respondent no.1 has appeared before the court In person, but has not filed written statement and thereby uncontested the petition.

5. The respondent no.2/ the Insurer of Tractor bearing Reg.No.AP-40-CV-9038 has filed written statement and admitted the insurance policy and the liability if any subject to the terms and conditions mentioned in the policy. The respondent no.2 has

contended that the insured vehicle was not involved in the accident, that there is three days delay in lodging the complaint and that the insured vehicle was falsely implicated by the petitioner colluding with the owner of the vehicle, hospital authorities and the policy, to get the compensation. It is further contended that the driver of the Insured vehicle was not holding valid and effective driving license and the said vehicle was not having valid FC and permit as on the date of accident. The alleged accident has occurred due to the negligence on the part of the petitioner himself and that there is no negligence on the part of the insured vehicle.

6. Heard the arguments and perused the materials on record. The counsel for the petitioner has relied upon following rulings: 1. 2018 AIJ 444: Ram Niwas Gupta Vs. Bindu Singh & Ors.,

2. (2004) 8 SCC 579: Bharat Petroleum Cor., Ltd., & Anr., Vs. N.R.Vairamani & Anr.,

3. 2026 AIJ 556 : Dwarka & Ors., Vs. Bhairam & Ors.,

The counsel for the respondent no.1 has relied upon decision in reported in MFA No.5097/2023 :The Manager, Cholamandalam M.S General Ins.,Co.Ltd., Vs. Banda Saraswathi & Ors.,

7. On the basis of the above pleadings the following issues are framed:

ISSUES

1. Whether the petitioner proves that he has sustained injuries on account of Road Traffic Accident on 24-11-2024 at about 6-45 am., near Gundavandlapalli village, Kalakada Mandal, Annamayya District, Andhra Pradesh, due to rash and negligent driving of the driver of Tractor bearing Reg.No.AP-40-CV-9038?

2. Whether the petitioner is entitled for compensation? If so, what is the quantum? From whom?

3. What Order or Award?

8. The petitioner got examined himself as Pw1 and one witness is examined as P.W.2 and got marked documents at Ex.P1 to Ex.P12. On the other hand, Dr. Harshitha Reddy, Government Hospital, CHC Chennur, Kadapa District is examined as RW.1 and got marked documents as Ex.R1 and Ex.R2.

9. Heard arguments of learned counsel for petitioner and respondents and perused the entire materials placed on record.

10. My findings on the above issues are as follows:

Issue No.1: In the Affirmative

Issue No.2: Partly in the affirmative.

Issue No.3: As per final order,
for the following;

REASONS

11. **Issue No.1** : - In order to explain the actionable negligence of the driver of Tractor bearing No.AP-40-CV-9038 the P.W.1 has filed his affidavit explaining the vivid picture of the accident that took place on 24-11-2024 at about 6-45 a.m., the petitioner was riding his TVS moped bearing Reg.No.AP-03-AM-9259 towards Gundavandlapalli village from his village Aguvathottivaripalli and when he reached near Gundavandlapalli village, Kadirayacheruvu -Marripadu road, at that time the driver of Tractor bearing Reg.No.AP-40-CV-9038 (herein after called as the offending vehicle) came from opposite direction in a rash and negligent manner came to the wrong side of the road ie., to the other side of the road and dashed to the motorcycle of the petitioner's result of which he fell down and sustained grievous injuries. P.W.1 further deposed about the nature of injuries sustained,

treatment taken and the amount spent for treatment etc.

12. In support of the claim and to prove the rash and negligent driving of the offending vehicle, the P.W.1 has relied upon Ex.P1 to 5 which are the police records such as FIR with complaint, translated copy of complaint, Spot sketch, translated copy of sketch, wound certificate, charge sheet etc.,

13. On the basis of the complaint lodged by Garnimitta Balaiah, case has been registered against the driver of offending vehicle in Crime No.166/2024 of Kalakada Police Station, for the offence punishable under section 125(a) of BNS. The investigation officer after investigation filed charge sheet against the driver of offending vehicle for the offence punishable under section 125(b) BNS & Sec.134(a)(b) r/w 187 MV Act.

14. That on perusal of the oral testimony of the PW.1 and the documentary evidence adduced by the petitioner ie., police records FIR, complaint, spot mahazar, spot sketch and charge sheet. Wherein it is specifically stated that the petitioner is go to his form house to the tomato garden at Gundavandlapalli on 24-11-2024 at about 6-45 a.m., hence, the petitioner was

going Gundavandlapalli from at that time offending vehicle without any horn carelessly and recklessly came up on the road and hit the motorcycle near left side due to the said impact petitioner fell down and sustained injuries. That on meticulous spot sketch the said road is heave two lanes and the accident was occurred on eastern side lane of the road. The respondents have disputed the said accident and contended that the said accident was occurred on the fault of the petitioner. But in cross examination of PW.1 nothing is elicited about the negligent act on the part of the petitioner except the petitioner not having DL. But on the perusal of the charge sheet, the concerned police have not filed charge sheet against the petitioner and entire charge sheet against the driver of the offending vehicle.

15. That on further perusal of the hand sketch map, there is no specific picture is give as to from where to where the petitioner was proceeding and from where to where the offending vehicle driver is coming. But the place of accident is shown in middle of the eastern side lane of the Kadirayacheruvu -Marripadu road. The petitioner has contended and deposed that the driver of the offending vehicle has hit him from the back side but on perusal of the spot of accident the said accident was occurred on the middle of the road eastern lane.

Therefore, from the hand sketch it is clearly that the petitioner was also riding his motorcycle in the middle of the road and thereby he has also contributed in occurrence of the said accident. Moreover, the petitioner has admitted that he has no driving license. But the said TVS Moped vehicle he is without gear vehicle. Thus to ride the vehicle without gear have not required DL. Moreover, it is not brought on the record what is the cubic capacity of the said vehicle. Therefore in the absence of the same, it can be gathered that to ride the said motorcycle no driving license is required. Therefore the contention taken by the respondent no.1 has no force. Though the respondents have taken the contention that the petitioner was sole negligent in occurring the accident but either respondents have not challenged the charge sheet filed against them. Even the respondents have not examined the driver of the offending vehicle to substantiate their contention because who is the fit person deposed about the actual scenario of happening of the accident. Therefore in the absence of any material documentary evidence from the respondents side or any oral testimony of eye witnesses. The evidence adduced by the petitioner holds good.

16. Further the respondents have contended that there is delay in lodging the FIR for three days.

Therefore the petitioner has not properly explained the delay for FIR. But on perusal of the FIR the delay reason was given that the injured as will shifted to Government Hospital while for through ambulance upon advise of duty doctor the injured has been shifted to S.V.R.R Hospital Tirupathi in turn the injured again shifted to Amara Hospital Tirupathi for expert treatment. Hence, today ie., on 27-11-2024 the complainant came to the police station and lodged the complaint. From the said statement in the FIR it is clear that the petitioner was shifted from hospital to hospitals in such situation the family members of the injured will tress to provide medical aid to the injured and then only they think about the lodging the complaint and other legal proceeding. It is the common human tension which can be neglected. Therefore, the petitioner has properly explained the delay caused in lodging the FIR. Hence, the contention of the respondents that there is delay in lodging the complaint has no force. For the aforesaid reasons, ***I answer Issue No.1 in the Affirmative.***

17. ***Issue No.2:-*** The petitioner has given evidence to the effect of his sustained grievous injuries. As observed earlier, petitioner has produced medical

documents i.e., Wound certificate, Discharge summaries and Photos of injuries sustained by the petitioner which are marked at Ex.P4, Ex.P6 and Ex.P7. On going through the medical document it reveals that petitioner has taken treatment at Amara Hospital from 24-11-2024 to 02-12-2024 for a period of 9 days. As per wound certificate the petitioner has sustained two injuries which are grievous in nature.

18. Dr. S.A.Somashekara – Orthopaedic Surgeon at Victoria Hospital, Bangalore is examined as PW.2 and through him clinical note and x-ray film are marked as Ex.P11 and Ex.P12. PW.2 has deposed that he has examined the petitioner on 12-12-2025 clinically and radiologically as to the assessment of disability. PW.2 further deposed that petitioner has suffered permanent disability of left lower limb at 49% and on whole body at 24% and that petitioner needs surgery for removal of implants which would cost around Rs.50,000/- in private set up.

19. If the cross examination of PW.2 is perused, he has not given treatment to the petitioner. He examined the petitioner solely to determine the extent of his disability and verified the petitioner's injury certificate and discharge summary.

20. P.W.2 has admitted in his cross-examination that, the petitioner discharge from the hospital, his health condition is stable. The fractures are united, while two fractures have united with malalignment. According to the discharge summary, only a tibial fracture is noted; however, the witness states that there were fractures of both the tibia and the fibula. Further PW.2 admitted that the surgery was performed only for the tibia fracture. No impairment was observed in the limb and the certificate do not mention the bone loss sustained by the petitioner.

21. Pw.2 has assessed the disability on the particular limb at 49% and on whole body at 24%. **But the PW.2 has not assessed the functional disability of the petitioner.** Therefore, in such circumstances and for the above stated reasons and taking into consideration the age of the petitioner, injuries caused to him, avocation of the petitioner, duration of treatment and oral and documentary evidence available on record, this Court is of the opinion that, considering the physical disability of the petitioner at 24% if the functional disability of the petitioner is taken at **18%** which will be the appropriate percentage of disability of the petitioner to the whole body.

22. Hence, considering the nature of injuries sustained, period of treatment, taken this court is of the opinion that petitioner is entitled for compensation under different heads.

23. **PAIN AND SUFFERINGS** : The petitioner has sustained left proximal tibia fracture which injury is grievous injuries as per wound certificate. Hence taking in to consideration the nature of injuries sustained, time taken for treatment and sufferings during the treatment, it is reasonable to hold that petitioner is entitled for sum of **Rs.60,000/-** towards pain and suffering.

24. **Medical Expenses:** So far as the medical expenses incurred by the petitioner is concerned, he has produced 13 medical bills for Rs.1,75,895/- at Ex.P8. Nothing worthwhile was elicited during the course of his cross-examination, so as to doubt the genuineness of these bills. Hence, petitioner is entitled for compensation of **Rs.1,75,895/-** towards his medical expenses.

25. **AGE, AVOCATION AND INCOME** : It is stated by the petitioner that at the time of accident the

petitioner was aged about 39 years. In this regard, the petitioner has produced Aadhar card of the petitioner at Ex.P10 which shows his year of birth as 1984. As the accident took place in the year 2024, therefore the petitioner was aged about 40 years as on the date of accident.

It is stated that petitioner was agriculturist and was earning sum of Rs.30,000/- per month. The petitioner has not produced any documents to prove the actual income and avocation of the petitioner. That the petitioner has contended that he was doing agriculture by taking the land on lease and he was growing tomato crop. But to substantiate the same the petitioner has not produced the lease deed or the receipt of the tomato sold to the market or the petitioner has not produced any receipt for having purchased for seeds, pesticides etc., to show that he is really doing agriculture. Therefore in absence of specific evidence about the actual income it is difficult to consider the income of the petitioner/agriculturist.

26. Be that as it may, in the absence of authentic proof of income of the petitioner, this Tribunal has to consider his income notionally for calculating the compensation. Admittedly the accident

took place in the year 2024. It is trite law that, when the petitioner has failed to prove his income, the income of the petitioner has to be taken into consideration as notional income.

27. The counsel for petitioner has relied upon the decisions reported in **2018 ACJ 444: Ram Niwas Gupta Vs. Bindu Singh & Ors.,**

Hearing it is observed that “Judicial Precedent -Precedent cannot be followed as a statute and has to be applied with reference to the facts of the case involved in it- Ratio of one case cannot be mechanically applied to another case. Little difference in facts or additional facts may make a lot of difference in the precedential value of a decision the ratio of one case cannot be mechanically applied to another case without regard to the factual situation and circumstances of the two cases”

(2004) 8 SCC 579: Bharat Petroleum Cor., Ltd., & Anr., Vs. N.R.Vairamani & Anr.,

Head Note D: *Precedents- Application of, to facts of case -Principles for -Held, courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on*

which reliance is placed- Constitution of India – Art. 141.

Head Note E: Precedents- Interpretation of judgments- Principles for – Held, judgments of courts are not to be construed as statutes- Constitution of India – Art.141.

2026 ACJ 556 : Dwarka & Ors., Vs. Bhairam & Ors., wherein it is observed in para no. 8 that;

“It is a settled principle of law that the court is duty-bound to award such compensation which is just, fair and reasonable, and equally strict principles discharging the burden or proving of fact or not to be applied strictly, more so when initial burden stands discharged by the claimants. The court is not to adopter hyper technical trivial approach in evaluating the evidence. The powers to be discharged by the Tribunal under statues in adjudication of the claims under the Motor Vehicles Act or not stricto, senso adversarial in nature . The deceased was a man of means; possessing movable and immovable assets; vehicle in question, was having large family and carrying on a vocation not easily carried in the place of his residence. As such accounting for the entire facts and circumstances we quantify the income of the

deceased, at the time of his death during December -2022 to be at Rs.20,000/- per month.

28. The respondent no.2 has argued that the petitioner is residents of the State of Andhra Pradesh, the accident occurred within the State of Andhra Pradesh and the owner of the offending vehicle is also a resident of Andhra Pradesh. The Andhra Pradesh State Legal Service of Authority has issued a separate chart indicating notional income for the purpose of computation of compensation in Motor Accident Claim.

29. In support of his argument he has relied upon the judgment rendered in ***MFA No.5097/2023 between Chalamandalam M S General Ins. Co.Ltd., Vs. Banda Saraswathi & Ors.,***

In MFA No. 8377/2024 (MV-D) between The Chalamandalam MS General Insurance Co.Ltd., Vs. Smt. R.Rukmani & Ors.,

In MACMA No.164/2022 between APSRTC, represented by its Depot Manager, Vizianagaram Bus Depot, Vs. Bantupalli Yernaaidu & Ors.,

IN MVOP No.46/2019 between K.Vanaja & Ors., Vs. Sudhakar Ramu & Ors.,

30. That from the facts of the case in hand which clearly establishes and even it is admitted fact that the

petitioner is the resident of Andhra Pradesh, accident was occurred within the State of Andhra Pradesh and respondent no.1 is also resident of State of Andhra Pradesh. Therefore, the decision relied upon by the respondent no.2 are applicable to the present facts of the case in hand.

31. With due respect to the ratio laid down in the above said decision relied upon by the petitioner counsel, the said ratio are not squarely applicable to the present set of facts of the case for the reason as stated supra.

32. As such this court is taking the notional income as prescribed by the Andhra Pradesh State Legal Service of Authority ROC No.08APSLSA/LSW/2019, dated 05 -12-2019. Therefore in view of the above notification/circular, the accident was occurred on 24-11-2024. Hence taking into consideration the age and year of accident, this court inclines to take the notional income of the deceased as Rs.10,000/- p.m. .

33. **LOSS OF INCOME DURING LAID UP PERIOD:** The petitioner has sustained two grievous injuries and was admitted for 9 times as inpatient at Amara Hospital . Hence the nature of injuries sustained

by the petitioner which is grievous in nature it is reasonable to hold that period of 2 months as complete laid down period. Hence petitioner is entitled for sum of **Rs.20,000/-** (Rs.10,000/- x 2) towards loss of income during the laid down period.

34. **ATTENDANT CHARGES, EXTRA NUTRITIOUS FOOD & INCIDENTAL CHARGES** From the evidence of Pw.1 and as borne out by medical records, petitioner has taken treatment at Amara Hospital. Further for 9 days of hospitalization requires an attendant, was traveled to hospital for treatment. He has taken nourishment and need further nourishment at this age and incurred other incidental expenses. Therefore all together incidental expenses is assessed at **Rs.30,000/-** taking in to consideration the cost of living and value of money during the year 2024.

35. **Towards loss of future income:** So taking into consideration the monthly income of the petitioner having considered by this tribunal as Rs.10,000/- p.m and by considering the evidence of PW.2 as they have assessed disability on higher side, this court inclines to take the functional disability on whole body at 18% and when the age of the petitioner at the time of accident

was 40 years, as per Sarla Varma's case, the multiplier applicable to the age group of 36 to 40 is '15'. So by applying the multiplier '15' the future loss of income due to disability would come to Rs.3,24,000/- (i.e., 10,000/- x 12/100 x 18% x 15). Hence this Tribunal holds that petitioner is entitled for **Rs.3,24,000/-** towards **future loss of income** due to disability.

36. **FUTURE MEDICAL EXPENSES** : So far as the future medical expenses are concerned, even though PW.2 has deposed that petitioner needs surgery for removal of implants which would cost around Rs.50,000/- in private set up. But in the cross examination of PW.2, he deposed that he has not given an estimate for further treatment of Rs.50,000/-. Hence, this court awards compensation under the head of future medical expenses to the tune of **Rs.20,000/-**.

37. **Loss of amenities and Discomfort** : It is the evidence from the documents placed on record that as on the date of accident, the age of the petitioner was 40 years and unfortunately he has suffered permanent functional disability to the extent of 18% to the whole body. Therefore, this court is of the opinion that, awarding compensation of **Rs.40,000/-** towards loss of

amenities and discomfort. Thus the Petitioner is entitled for compensation under the following heads:

Sl. No.	Heads	Amount	
1.	Towards pain & sufferings	Rs.	60,000/-
2.	Medical expenses	Rs.	1,75,895/-
3.	Towards loss of income during laid up period	Rs.	20,000/-
4.	Towards Conveyance, Attendant charges and nourishing food	Rs.	30,000/-
5.	Loss of Future Income	Rs.	3,24,000/-
6.	Future Medical Expenses	Rs.	20,000/-
7.	Loss of Comfort and Amenities	Rs.	40 ,000/-
	Total	Rs.	6,69,895/-

Therefore this court holds that petitioner is entitled for Rs.6,69,895/- (Rupees Six Lakhs Sixty Nine Thousand Eight Hundred Ninety Five only).

38. **REGARDING INTEREST & LIABILITY:**

Having regard to the nature of the claim and current bank rate of interest, this Tribunal is of the view that if interest at the rate of 6% p.a, is awarded it would meet the ends of justice.

As regarding liability is concerned, respondent No.1 is the RC owner and respondent No.2 is the

Insurer of the offending vehicle. There is no dispute that offending vehicle was insured with 2nd respondent and policy was in force as on the date of accident. Further the driver of the offending vehicle had driving license to drive the offending vehicle.

39. Hence it can be said that all the documents pertaining to the vehicle in question was valid and in force as on the date of accident. Hence, the respondent no.1 and 2 are jointly and severally liable to pay compensation, however the respondent no.2 is being contractual obligator is liable to indemnify compensation to the petitioner along with interest at 6% per annum from the date of accident till the date of payment of entire amount. Therefore, for the above stated reasons, holding that, the petitioner is entitled for compensation with interest at the rate of 6% per annum (excluding interest on future medical expenses of Rs.20,000/-), from the date of petition till its realization, from the respondent no.2. ***Hence this issue is answered as 'Partly in the Affirmative'.***

40. Issue No.3: In the light of findings given on Issue No.1 and 2, my finding on this issue is as per the following final order.

ORDER

The claim petition filed by the petitioner is hereby allowed in part with costs.

The petitioner is entitled to a total compensation of Rs.6,69,895/- + cost of Rs.1,000/- imposed vide order on IA No.II and III. The petitioner is entitled for sum of **Rs.6,70,895/- (Rupees Six Lakhs Seventy Thousand Eight Hundred Ninety Five only).**

After deducting cost of Rs.1000/- and future medical expenses to the tune of Rs.20,000/- balance sum of Rs.6,49,895/- shall carry interest at 6% per annum from the date of petition till the date of deposit.

The respondent No.1 & 2 are jointly and severally liable to pay the above compensation amount to the petitioner. However, the primary liability to pay the compensation amount is fastened on respondent No.2- Insurance Company and

it is directed to pay the said amount within two months from the date of this order.

On deposit of the said amount and interest, 50% of compensation payable to the petitioner shall be deposited in his name in any nationalized bank of the choice of petitioner for a period of 3 years and remaining 50% shall be released to the petitioner through E-payment on proper identification.

Advocates' fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to the stenographer directly on computer, corrected and then pronounced by me in open court, on this the **25th day of July 2026.**)

(ISHWAR S.M)

XXII Addl. SCJ & ACJM

Bengaluru.

ANNEXURE

List of witness examined on behalf of petitioner:-

PW.1	-	Adil Narayana
PW.2	-	Dr. S.A Somashekara

List of documents marked on behalf of petitioner:-

Ex.P1	True copy of FIR with Complaint
Ex.P1a	Translated copy of complaint
Ex.P2	FAR copy
Ex.P3	True copy of Sketch
Ex.P3a	Translated copy of Sketch
Ex.P4	True copy of Wound certificate
Ex.P5	True copy of Charge sheet
Ex.P6	Discharge summary
Ex.P7	OP visit summary (5 in nos.)
Ex.P8	Medical bills (13 in nos.)
Ex.P9	Advance receipts (3 in nos.)
Ex.P10	Notarized copy of Aadhar card of petitioner (Compared with original and returned back)
Ex.P11	Clinical note
Ex.P12	X-ray film

List of witness examined on behalf of respondents:-

RW.1 - Dr.Harshitha Reddy

List of documents marked on behalf of respondents:-

Ex.R1	Accident register (compared with original)
Ex.R2	Police Intimation (compared with original)

XXII Addl. SCJ & ACJM

Bengaluru.