



Presented on : 09-09-2021

Registered on : 09-09-2021

Decided on : 25-06-2026

Duration : 4 years, 9 months, 16 days

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
ADDL., MACT AT LINGASUGUR.**

Dated this the 25th Day of June 2026

Present: Smt.UNDI MANJULA SHIVAPPA

B.Sc.LLM.,

Senior Civil Judge & Addl., MACT.,

M.V.C.No.396/2021

Petitioner:

Ramappa @ Ramesh S/o Sanganasabasappa,
Age: 44 years, Occ: Mesan,
R/o Venkatapura,
Now at Gandhinagar, Maski, Tq:Maski,
District: Raichur.

V/s

Respondents:

1. Laxman Maski S/o Devamma Madiga,
Age: Major, Occ: Private Driver,
R/o Gandhinagar Maski, Tq: Maski,
District: Raichur.
2. The Divisional Manager,
United India Insurance Company,
Raichur.

(Respondent no.1 placed exparte)

(Respondent no.2 by Sri. A.S.M.P., Advocate)



Relief sought: FOR GRANT OF COMPENSATION

: J U D G E M E N T :

The petitioner being the claimant in a motor accident have filed this petition u/s 166 of M.V.Act for awarding compensation of Rs.25,00,000/- with 12% interest P.A.

2. It is averred that, on fateful day of accident i.e. on 29.7.2019 the petitioner was proceeding from Gandhi Nagar to Old Bus stand by walk at Maski village. When the petitioner was walking at extreme left side of the road, over the bridge near Mudgal Cross at Maski town, the respondent No. 2 being the rider of the motor cycle bearing KA-36/EK-9480 drove with rash and negligent manner hit the pedestrian petitioner Ramesh @ Ramappa from back side. The respondent No. 1 even not blown his horn. The petitioner was unable to to save himself from this accident. After accident, the respondent No. 1 ran away from the spot. Then the petitioner sustained fracture at right thigh and injuries all over the body. Immediately the petitioner has been shifted to Annapurna Nursing Home Orthopedic Hospital Maski due to fracture injuries to right leg and left shoulder and there on



next he got operated. and discharged on 14.8.2019 with an advice to follow up check up for once in 8 days. For all above the petitioner has spent Rs.80,000/- charges etc. Due to this the petitioner is unable to walk properly, has become permanent disabled person. That, on the date of accident the petitioner was hale and healthy and was not suffering with any kind of diseases. The petitioner was doing mason work and earning a sum of Rs.16,000/- per month and maintaining the large number of dependents. The petitioner is the only earning person of the family. After sustaining fracture injuries to his right leg and shoulder in above accident, now he is unable to walk properly and he is unable to continue his mason profession for his bodily problems. The petitioner has been put into great mental shock, pain and sufferings. Further, the respondent No.1 has pleaded guilty for his act before the Hon'ble Prl. Civil Judge (Sr. Division) and C.J.M. Court at Lingasugur C.C. No. 149/2019 and he has been paid penalties of Rs. 750/- for the offences committed by him. Hence, it is utterly proved that, the accident is due to the negligent act of Respondent No. 1. That, the accident is due to



rash and negligent act of respondent No. 1. As such the said accident has happened due to hitting the petitioner from backside without blowing the horn. The respondent No. 2 being the insurance company of the Motor cycle No. KA-36 EK9480 at the time, place and date of accident. Hence Both the respondents are jointly and severally held liable to pay the compensation in all head totally Rs. 1600000/-. Thus, the petitioner has claimed Rs.16,00,000/- as compensation with interest at the rate of 18% per annum from the date of petition till the realization.

3. On service of notices to respondents, respondent No.1 remained absent, hence he was placed exparte and Respondent No.2 appeared through their counsel and filed the written statement by denying the allegations made in the petition are false and put to strict proof of the same and petition not maintainable either on facts or law. Hence petition is liable to be dismissed with cost.

Further submitted that, the rider of the motor cycle bearing KA-36/EK-9480 has not holding DL., at the time of accident. Therefore contravened the provision of MV act and the rules



framed there under and have committed the breach of the terms and conditions of the policy. Further submitted that there was no rashness or negligence on the part of the rider of motorcycle bearing registration no.KA-36/EK-9480, the petitioner sustained injury due to rash and negligence riding by himself. The compensation amount claimed by the petitioner is highly exorbitant, excessive, arbitrary, unreasonable and without any legal basis. On these grounds, respondent No.2 prayed to dismiss the petition.

4. Based on the above pleadings, following Issues were framed:

ISSUES

1. Whether the petitioner proves that on 29-07-2019 at about 04.00 p.m., the petitioner was proceeding on left side of road from Gandhi Nagar to old bus stand over the bridge near Mudgal cross at Maski town, at that time the rider of the motor cycle bearing no.KA-36/KS-9480 ridden the same in the rash and negligent manner and dashed to the petitioner and caused the accident, due to the petitioner sustained grievous injuries?
2. Whether the petitioner proves that he is entitled for the compensation? If yes, how much and from whom?



3. What order or award?
5. The petitioner to prove his case has examined himself as PW.1 and got marked 24 documents as Ex.P.1 to Ex.P.24 and Pw-1 fully cross-examined by the counsel for the respondent no.2. On the other hand, authorized person of respondent no.2 examined himself as Rw-1 and got marked two documents as Ex.R1 and Ex.R2 and closed their side.
6. I have heard the learned counsel for the petitioner and respondent no.2 and perused record.
7. My answers to the above Issues are as follows;
- Issue No.1 : In the partly Affirmative.
- Issue No.2 : Claimant is entitled for Rs.5,50,000/- compensation from respondent no.2 with simple interest at the rate of 9% P.A., from the date of filing of the petition till the realization of the entire compensation amount.
- Issue No.3 : As per final order for the following;
- : REASONS :**
8. **ISSUE No.1** :- The petitioner in order to prove his case has examined himself as PW.1 and he has reiterated the petition



averments. The petitioner has got marked 24 documents. Ex.P.1 is the Certified copy of order sheet in CC.149/19, Ex.P.2 is the Certified copy of FIR., Ex.P.3 is the Certified copy of complaint, Ex.P.4 is the Certified copy of charge-sheet, Ex.P.5 is the Certified copy of crime details form, Ex.P.6 is the Certified copy of vehicle seizer mahazar, Ex.P.7 is the Certified copy of motor vehicle accident report, Ex.P.8 to 22 are the Medical bills, Ex.P.23 is the Medicolegal certificate, Ex.P.24 is the Medical bill.

9. As regards the accident having occurred due to the actionable negligence of the rider of the rider of the motor cycle bearing KA-36/EK-9480 , nothing contrary has been elicited from the mouth of PW.1. The documentary evidence i.e., FIR, complaint and charge sheet prima-facie establish the occurrence of accident due to the actionable negligence of the rider of the motor cycle bearing KA-36/EK-9480.

10. The police have registered a criminal case against the rider of the motor cycle bearing KA-36/EK-9480. Thereafter, the police being statutory investigating authority has filed charge sheet



against the rider of the offending vehicle of 1st respondent as stated in the complaint and FIR. Hence all these documentary evidence supports the case of the petitioner to prove that the accident was caused due to the actionable negligence of the rider of the motor cycle bearing KA-36/EK-9480. That resulting into sustaining grievous injuries to the petitioner. Hence Issue No.1 is answered in the affirmative.

11. ISSUE No.2: The petitioner has claimed compensation of Rs.16,00,000/- with 12% interest p.a. from the date of petition till realization. The petitioner has adduced the oral evidence to prove that he had sustained injuries in the accident. Nothing contrary has been elicited from the mouth of PW.1 during cross examination, as regards the accident and he having sustained injuries in the accident.

12. The petitioner has deposed about the injuries sustained by him in the accident. As per the wound certificate marked as Ex.P.23, the petitioner had sustained grievous injuries and the petitioner has produced medical bills at Ex.P.8 to 22 and 24 at



Ex.P.10, Case sheet at Ex.P.11, medical certificate of Annapurna orthopedic hospital marked as ex.p23, in order to prove the expenses incurred by him for his treatment. By adducing the oral evidence of himself and by producing the above discussed documents, the petitioner has established the treatment taken by him for the injuries sustained in the accident and expenses incurred for the same.

13. The petitioner has produced medical bills at Ex.P.9. The total of the admissible bills is near Rs.30,000/- and the same is rounded off to Rs.30,000/-. Hence the petitioner is entitled for Rs.30,000/- towards medical expenses.

14. Due to the accident grievous injuries sustained by the petitioner. The accident and pain has made the petitioner to lead miserable life and dependent on others even for his day to day scores. Considering the fact that the petitioner had sustained grievous injuries an amount of Rs.50,000/- is awarded towards pain and sufferings.

15. As per doctor evidence and admission record at Ex.P.11, the petitioner was admitted at Annapurna orthopedic hospital on



29-7-2019 and was operated on 09-04-2019 charged on 12-08-2019 which shows left hip joint in implant. The Doctor opined that it was grievous injury.

16. The petitioner has stated that he was doing Agriculture and plumber work, and was earning Rs.15,000/- per month. To prove his income the petitioner has not produced any documents. It is settled law that in the absence of proof of income, notional income has to be taken into consideration.

Notification of the Karnataka State Legal Service Authority in page No.3 at first table for the year of accident i.e., 2019 and onwards the notional monthly income of the deceased has to be considered as Rs.14,000/-. Since date of incident is in the year 2022 hence 500/ has to add each year Hence the notional income of the petitioner is taken as Rs.15, 000/-.

17. Considering the nature of injuries sustained by the petitioner and considering the fact that the petitioner has taken treatment being an in patient at Annapurna orthopedic hospital. Hence an



amount of **Rs.50,000/-** is awarded as compensation towards laid up period.

18. PW.1 has deposed that due to the accident he sustained injuries and he has sustained loss of earning and disability. He has deposed that he was admitted at Annapurna orthopedic hospital and has taken treatment as an inpatient.

19. In the petition, the petitioner has stated her age as 20 years. Hence the age of the petitioner on the date of accident was 20 years. Considering this age of the petitioner, the multiplier applicable as per Sarala Verma case is '19'. As already discussed above, the monthly notional income of petitioner is considered as **Rs.15,000/-**.

Her monthly income is Rs. 15,000 future prospectus is 50%. ($\text{Rs.15,000} \times 50\% = \text{Rs.7,500}$ and monthly income is Rs.7,500 Annual income is ($\text{Rs.7,500} \times 12 = \text{Rs.90,000-00}$), deduction is 1/3RD (married) = Rs.30,000 per annum.

Considering the nature of injuries sustained by the petitioner and considering the fact that the petitioner has



sustained grievous injuries, hence an amount of Rs.50,000/- is awarded as compensation towards laid up period.

20. PW.1 has deposed that due to the accident he was not in a position to do the work which he used to do prior to the accident.

21. In the petition, the petitioner has stated his age was 44 years. Hence the age of the petitioner on the date of accident was 44 years. Considering this age of the petitioner, the multiplier applicable as per Sarala Verma case is '14' As already discussed above, the monthly notional income of petitioner is considered as 15000. Hence towards loss of future income, an amount of Rs.4, 20, 000/- (30000x 14) is awarded to the petitioner.

22. In view of the above discussions, the petitioner is entitled for the compensation as discussed supra under the following heads:

Sl. No.	Heads	Compensation
1.	Pain and sufferings	Rs. 50,000-00
2.	Medical expenses	Rs. 30,000-00
3.	Attendant, food and nourishment Charges	Rs. 50,000-00



4.	Future income	Rs.4,20,000-00
5.	Total	Rs.5,50,000-00

23. Admittedly respondent No.1 is the owner and respondent No.3 is the insurer of the offending vehicle i.e., force traveler minibus bearing no KA 36/ B-2986. The petitioner has produced the copy of insurance policy of the offending vehicle which reveals that the same was valid. There is no evidence by the 3rd respondent to establish that any of the terms and conditions of the policy are violated. Under such circumstances, 3rd respondent being the insurer is liable to indemnify the 1st respondent and thereby is liable to pay the above determined compensation to the petitioners.

24. The petitioners have claimed the compensation with interest at the rate of 12% P.A. from the date of petition till its realization. **In Kaladevi and others v/s Bhagawan Das Chavan and others (2015) 2 SCC 771** the Hon'ble Supreme Court of India has held that, **"9% interest P.A. is justified in Motor Accident Cases"**. Hence, in the light of this decision and



considering the circumstances in the present case, the petitioners are entitled for interest of 9% P.A. from the date of the petitions till its realization. Therefore for the forgoing reasons, Issue No.2 is answered as petitioners are entitled for above determined compensation with simple interest at the rate of 9% P.A. from the date of petition till realization.

25. ISSUE No.3: For the aforesaid reasons on Issues No.1 and 2, I proceed to pass the following:

ORDER

The petition filed by the petitioner for relief of compensation under section 166 of Motor Vehicles Act 1989 is partly allowed.

The petitioners are entitled for compensation of **Rs.5,50,000** with simple interest at the rate of 9% P.A from the date of filing of the petition till the realization of the entire compensation amount.

The 2nd respondent is directed to deposit the entire compensation amount with interest within 3 months from the date of drawing the award.

If the compensation amount is deposited in 40% of the amount awarded in favor of petitioner shall be deposited in any nationalized bank of her choice for a



period of 5 years with a liberty to draw the accrued interest, if required once in 6 months and balance compensation amount shall be released in his favour forthwith.

Advocate fee is fixed at Rs.1000/-

Draw award accordingly.

(On my dictation directly typed on computer and printed by the Stenographer-grade III. Corrected, signed and then pronounced by me in the open court on this the **25th Day of June 2026**)

(UNDI MANJULA SHIVAPPA)
Senior Civil Judge & MACT.,
Lingasugur.

ANNEXURE

Witnesses examined on behalf of the petitioner :

PW.1 Ramappa @ Ramesh S/o Sanganasappa,

Documents marked on behalf of the petitioner

Ex.P.1	Certified copy of order sheet in CC.149/19
Ex.P.2	Certified copy of FIR.
Ex.P.3	Certified copy of complaint.
Ex.P.4	Certified copy of charge-sheet.
Ex.P.5	Certified copy of crime details form.
Ex.P.6	Certified copy of vehicle seizer mahazar.
Ex.P.7	Certified copy of motor vehicle accident report.



Ex.P.8 to 22	Medical bills.
Ex.P.23	Medicolegal certificate
Ex.P.24	Medical bill.

Witnesses examined on behalf of the respondents

Rw-1 Prashanth Reddy R S/o Vasudeva Reddy R

Documents marked on behalf of the respondents

Ex.R-1	Authorization letter.
Ex.R-2	Copy of insurance letter.

Senior Civil Judge & Addl. MACT.,
Lingasugur.