



Presented on : 19-10-2020

Registered on : 19-10-2020

Decided on : 24-06-2026

Duration : 5 years, 8 months, 5 days

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

Dated this the 24th Day of June 2026

Present: Smt.UNDI MANJULA SHIVAPPA

B.Sc.LLM.,

Senior Civil Judge & Addl., MACT.,

M.V.C.No.393/2020

Claimant:

Nataraj S/o Sharanappa Balegouda,
Age:39 years, occ: Govt., employee in Judicial
Department, R/o Karadakal village,
Tq: Lingasugur, District: Raichur.
(Dead by Lrs.,)

Vijayalakshmi W/o Nataraj Balegouda,
Age: 40 years, Occ: Household,
R/o Kardakal, Tq: Lingasugur.

Versus

Respondents:

1. Sanjeev S/o Venkappa,
Age:Major, Occ: Driver of Lorry bearing
no.KA-25/A-3352, R/o Mullur village,
Tq: Ramadurga, Dist: Belagavi.



Judgement in MVC No.393/2020

2. Anand Sankeshwar S/o Vijaya Sankeshwar,
Age:46 years, Occ: Owner of lorry bearing
no.KA-25/A-3352, R/o Hubballi (Varur)
NHG, Bengaluru road, Hubballi,
Dist: Dhawrad.
3. The Manager,
New India Assurance Co., Ltd., NH No.4,
Bengaluru road, Varur, Hubballi.

Relief sought: FOR GRANT OF COMPENSATION

J U D G E M E N T

The claimant being the petitioner in a motor accident have filed this petition u/s 166 of M.V., Act for awarding compensation of Rs.20,00,000/- on all head together with 12% interest P.A.

2. It is the case of the claimant that, the claimant is the absolute owner and possessor of Hero Splendor Plus bearing its Reg. No. KA-36/EA-1143 used to earn for his livelihood from the said Motor cycle and the same was completely damaged. That, the respondent No. 1 is the Driver, respondent No. 2 is the owner and possessor of Lorry bearing No. KA-25/A-3352 and respondent No.3 is the Insurance company who insured the said vehicle on the material date and time of the accident.

**Judgement in MVC No.393/2020**

3. That. On 07-09-2019 at about 9.40 am the claimant was left his house i.e., from Karadakal village towards Devadurga to attend his court duty on his Hero Honda Splendor Plus bearing its Reg. No. KA-36/EA-1143 on extreme left side of the road at that time the respondent No. 1 the driver of the Lorry bearing No. KA-25/A-3352 driving his lorry on Lingasugur-Kalaburgi main road in a high speed, rash and negligent manner endangering to human life and also not controlled over the Lorry and dashed behind the back of the Motor cycle at about 9.40 am due to the said accident the claimant was fell down along with his motor cycle by the side of the road and in the said accident the Motor cycle was completely damaged and claimant has sustained grievous injuries. That, immediately after accident the above Hero Honda Splendor Plus bearing its Reg. No. KA-36/EA-1143 was shifted to Vijay Service Center, Gulbarga Road, Lingasugur, Dist: Raichur for repair. The motor cycle is almost beyond repairs as per the opinion of the work shop. Accordingly total loss of motor cycle comes to Rs. 85,000/-. That, the Hutti Police have registered a case in their Crime No. 118/2019 for the offence U/Sec.



Judgement in MVC No.393/2020

279, 337 and 338 of IPC., against the respondent No. 1 took-up the investigation. That, prior to the above said accident the above Motor cycle was used by the claimant as a owner in good and tidy conditions and the claimant used to earn Rs.26,630/- per month as salary, the claimant has lost his salary for a period of 8 Months due to non availability of his motor cycle the claimant also contributing his salary to the family maintenance, due to unfortunate and untimely damage to the Motor cycle, due to the accident the claimant has lost the earnings from the said vehicle and now claimant is suffering from mentally and financially. The above said accident is caused due to rash and negligent act on the part of the respondent No. 1. Hence all the respondents are jointly and severally liable to pay the compensation to the claimant as under;-

1	Damage to Hero Honda Splendor Motor cycle bearing its Reg. No. KA-36/EA-1143	Rs. 85,000-00
2	2. Mental shock and agony and also for Purchase of New vehicle to be used for his day to day work	Rs. 4,13,040-00
3	Total	Rs. 4,98,040-00

**Judgement in MVC No.393/2020**

Thus the claimant has prayed for grant of total amount of Rs.4,98,040-00/- with interest and cost against all the respondents jointly and severally from the date of the petition till its realization.

4. On service of notice both the respondents, the respondent no.1 remained absent, hence he was placed exparte, respondents no.2 and 3 have appeared before the court through their counsels but not chosen to file objections. Hence the objections of respondents no.2 and 3 taken as nil.

5. Based on the above pleadings, the following points arisen from my consideration;

1. Whether the petitioner proves that on 07-09-2019 at about 9.40 am the claimant was proceeding on his Hero Honda Splendor Plus bearing its Reg. No. KA-36/EA-1143 on extreme left side of the road at that time the respondent No.1 the driver of the Lorry bearing No. KA-25/A-3352 driving his lorry on Lingasugur-Kalaburgi main road in a high speed, rash and negligent manner and dashed behind the back of said Motor cycle due to the said accident the claimant was fell down along with his motor cycle by the side of the road and in the said accident the Motor cycle was completely damaged and claimant has sustained grievous injuries and

**Judgement in MVC No.393/2020**

said motor cycle is almost beyond repairs as per the opinion of the work shop. Accordingly total loss of motor cycle comes to Rs.85,000/- said accident caused due to actionable negligence by the driver of Lorry bearing No. KA-25/A-3352?

2. Whether the petitioner is entitled for the compensation? If yes, what is the quantum and from whom?
 3. What Order or award?
-
6. The claimant to prove his case has examined himself as PW.1 and got marked 15 documents, respondents not filed objections hence, cross-examination of Pw-1 taken as nil.
 7. I have heard the arguments of learned counsels for the claimant and respondents and perused record.
 8. My answers to the above point are as under.
 - Point No.1 : In the affirmative.
 - Point No.2 : In the partly affirmative, Claimant is entitled for compensation from respondent no.3 of Rs.30,000-00 with simple interest at the rate of 9% P.A., from the date of petition till realization.
 - Point No.3 : As per final order for the following;

**Judgement in MVC No.393/2020****: REASONS :**

9. Point No.1: The claimant has examined herself as PW.1 and he has reiterated the petition averments. The claimant has got marked 15 documents. Ex.P.1 is the True Copy of FIR, Ex.P.2 is the True Copy of Complaint, Ex.P.3 is the True Copy of crime details form, Ex.P.4 is the True Copy of charge-sheet, Ex.P.5 is the True Copy of motor vehicle accident, Ex.P.6 is the Attested copy of Driving license, Ex.P.7 is the Attested copy of application for service on driving license and Attested copy of police schedule cum certificate of insurance, Ex.P.8 is the Attested copy of certificate of fitness, Ex.P.9 is the Attested copy of aadhar card of deceased claimant, Ex.P.10 is the Attested copy of I.D., card of deceased claimant, Ex.P.11 is the Attested copy of salary slip of deceased claimant, Ex.P.12 is the Certified copy of Bio-data form no.18 in service record, Ex.P.13 is the Certified copy of half pay leave in service record, Ex.P.14 is the Attested copy of certificate of registration, Ex.P.15 is the Report from Vijay Automobiles & Service center.

**Judgement in MVC No.393/2020**

10. As regards the accident having occurred due to the actionable negligence of rider of the driver of the Lorry bearing No. KA-25/A-3352 driving his lorry on Lingasugur-Kalaburgi main road in a high speed, nothing contrary has been elicited from the mouth of PW.1. the claimant was fell down along with his motor cycle by the side of the road and in the said accident the Motor cycle was completely damaged and claimant has sustained grievous injuries and said motor cycle is almost beyond repairs as per the opinion of the work shop. Accordingly total loss of motor cycle comes to Rs.85,000/- said accident caused due to actionable negligence by the driver of Lorry bearing No. KA-25/A-3352. The documentary evidence i.e., copies of FIR, complaint, mahazars and charge sheet prima facie establish the occurrence of accident due to the actionable negligence of the rider of Lorry bearing No. KA-25/A-3352. The police have registered a criminal case against the rider of the offending vehicle of respondent No.1. Thereafter, the police being the statutory investigating authority have filed charge sheet against the rider of the offending vehicle of respondent No.1. Hence all these documentary evidence support the

**Judgement in MVC No.393/2020**

case of the claimant to prove that the accident was caused due to the actionable negligence of the rider Lorry bearing No. KA-25/A-3352, resulting into the damage of motor cycle of claimant. Hence point No.1 is answered in the Affirmative.

11. Point No.2:- The claimant has stated that he has incurred Rs.85,000/- to get repair his motor cycle. But no such bills produced by the claimant. However the I.M.V report and police report like FIR, charge sheet reveals that the motor cycle of claimant totally damaged. In absence of repair bills the reasonable compensation can be awarded. Hence I answer the point no.2 in the partly affirmative.

12. Point no.3: For the aforesaid reasons and findings on points 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 petitioner is entitled for compensation of Rs.30,000/- with interest at the rate of 9% P.A., from



Judgement in MVC No.393/2020

the date of petition till realization of entire compensation amount.

The respondent No.3 is directed to deposit the entire compensation amount with interest within 3 months from the date of drawing the award.

It is directed to office release entire amount to petitioner if respondent no.3 deposited the amount.

Advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to the stenographer, directly typed and print out taken by him and then corrected, signed and then pronounced by me in the open court on this the **24th day of June 2026.**)

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

ANNEXURE

List of Witnesses examined on behalf of the claimants:

PW.1 Nataraj S/o Sharanappa Balegouda.

List of Documents marked on behalf of the claimants:

Ex.P.1 True Copy of FIR

Ex.P.2 True Copy of Complaint

Ex.P.3 True Copy of crime details form.



Judgement in MVC No.393/2020

- | | |
|---------|--|
| Ex.P.4 | True Copy of charge-sheet. |
| Ex.P.5 | True Copy of motor vehicle accident. |
| Ex.P.6 | Attested copy of Driving license. |
| Ex.P.7 | Attested copy of application for service on driving license and Attested copy of police schedule cum certificate of insurance. |
| Ex.P.8 | Attested copy of certificate of fitness. |
| Ex.P.9 | Attested copy of aadhar card of deceased claimant. |
| Ex.P.10 | Attested copy of I.D., card of deceased claimant. |
| Ex.P.11 | Attested copy of salary slip of deceased claimant. |
| Ex.P.12 | Certified copy of Bio-data form no.18 in service record. |
| Ex.P.13 | Certified copy of half pay leave in service record. |
| Ex.P.14 | Attested copy of certificate of registration. |
| Ex.P.15 | Report from Vijay Automobiles & Service center. |

List of Witnesses examined on behalf of the Respondents: -

-Nil-

List of Documents marked on behalf of the Respondents:-

-Nil-

Senior Civil Judge & Member,
MACT, Lingasugur.