



IN THE COURT OF THE MOTOR ACCIDENT CLAIMS

TRIBUNAL AT SINDHANUR

Present :- SRI. LAKSHMIKANTH JANAKIRAM MISKIN, M.A., LL.M
Senior Civil Judge & J.M.F.C.
Sindhanur

M.V.C. No. 65/2025

Dated: 01st day of July 2026

Petitioner: - K. Srinivas S/o K. Satyanarayan
Age: 41 years, Occ: Cooli, Milk vending and sheep
rearing now nil, R/o Sasalamari camp, Tq. Sindhanur,
Dist. Raichur

(Represented by: Sri.MAG Advocate)

-Versus-

Respondents: - 1) Parashuram @ Parasappa Gonal S/o Dariyappa Kurbar
Age: 39 years, Occ: Bus driver badge No.13185
KKRTC Devadurga depot, Dist. Raichur.
2) The Divisional controller,
KKRTC Mantralayam road, Raichur.

(R1 Placed exparte)

(R2 by: Sri. UKY Advocate)

~:: JUDGMENT ::~

This petition filed under Section 166 of Motor Vehicle Act claiming compensation from the respondents, in connection with the Road Traffic Accident dated 15.09.2024



2. **The brief facts of the petition:-**

On 15.09.2024 at about 11.45 AM the claimant was proceeding to Sindhanur town on his Motor cycle No. KA-36/HC-0357 driving the same slowly on the left side of the road by observing all traffic conditions and while he was on Sirguppa-Sindhanur main road near Sasaamari camp the respondent came driving his bus from an opposite direction in rash and negligent manner with high speed and thereby hit to the motor cycle of the claimant. As a result the claimant fell down and sustained grievous fracture injuries on below right leg knee, on the right little finger and other vital parts of body. The bones of the right leg below the knee and right little finger have been seriously fractured and the blood was oozing. Later he was taken to Govt Hospital at Sindhanur in 108 van and first aid was given and referred for higher treatment. The claimant was shifted to RENUKA HOSPITAL at Sindhanur and subsequently shifted to VIMS Bellari wherein he took treatment for one month as inpatient and has undergone major operation and thereafter he has admitted to Vcare hospital Hubli has undergone one more major operation wherein he took treatment for one month as inpatient and other private Hospitals and undergone surgeries by spending huge amount. With all this the injuries could not be cured and as such the claimant has been taking treatment even to this day. As such there is delay in filing the Police complaint. Due to effect of the injuries the claimant is feeling much pain often and on and off bed ridden. His movements are also restricted. He is unable to sit, stand, fold his leg and bear the weight and unable to answer the nature calls. As such he has given up his work once for all. He is the only earning person in his family having dependents to be looked after. He was attending to coolie work, vending Milk and also rearing the sheep and was earning in all Rs. 30,000/- pm. And contributing the same to his



family. Now because of said accident and sustaining grievous injuries, he has given up his work once for all and as such his family is suffering from serious financial set back. The said accident had occurred only due to rash and negligent driving of bus by the respondent No.1 in High speed. Hence, respondents are liable to pay compensation of Rs.40,00,000/-. With these averments the petitioners pray for allow the above petition.

3. In pursuance of notice, the respondent No.1 has not appeared before this court and placed *ex parte*. The respondent No.2 has appeared through his counsel. The respondent No.2 has filed written statement.

4. **The case of the respondent No.2 in brief:-**

This petition is not maintainable either in law or on facts. It is denied petition averments about accident, rash and negligent driving, injuries to the petitioner, medical expenses, loss of income etc., The rider of the offending vehicle did not possess valid and effective driving license at the time of alleged accident. There is a breach of terms and conditions of the policy. For that the respondent is not liable to pay the compensation to the petitioner. On these grounds the respondent No.2 prayed for dismissal of this petition.

5. In this background this tribunal has framed the following issues:-

ISSUES

1. Whether the petitioner proves that he sustained grievous injuries due to actionable negligent driving of the KKRTC bearing No.KA-36/F-1609 by its driver i.e., respondent No.1 in a Road Traffic



Accident which took place at about 11.45 AM, on 15.09.2024, on Sirguppa – Sindhanur main road, near Sasalamari camp, Tq. Sindhanur?

2. Whether the respondent No.2 proves that petition is not maintainable for non joinder of necessary parties?
3. Whether the petitioner is entitled for compensation claimed? If so, what amount and from whom?
4. What orders or award?

7. In proof of the above issues the petitioner himself examined as PW1 and examined one witness as PW-2 and all documents got marked as ExP1 to Ex.P16 and closed his side evidence. The respondent side not lead the evidence and case is posted for arguments.

8. I have heard arguments on both sides. My findings on the above issues are as follows:-

- | | |
|--------------|--|
| ISSUE NO.1 : | In the Affirmative |
| ISSUE NO.2 : | In the Negative |
| ISSUE NO.3 : | In the Partly Affirmative |
| ISSUE NO.4 : | In the As per final order for the following. |

~::~ REASONS ::~

9. **ISSUE NO.1**:-This Court perused the material available on record. A perusal of the material available on record make it clear the that investigation officer filed charge - sheet marked at exhibit P-3 make it clear that, the investigation officer after making a thorough investigation has filed it . Thus in the considered opinion of this court, charge - sheet marked at exhibit P-3 is a



prima facie proof of negligence on the part of the deceased driver of the offending north-east Karnataka road transport corporation bus . It is to be noted that the investigation officer in a case files charge - sheet marked at exhibit P-3 after scientific investigation from all angles. Thus in the considered opinion of this court, charge - sheet marked at exhibit P-3 is a prima facie proof of negligence of the deceased driver of the offending vehicle. .In this regard it is beneficial to refer to the decision of the Hon'ble High Court of Karnataka reported in 2018 ACJ 91 =[2016 SCC ONLINE KAR 8864] in between Jacob Vs. The Managing Director, K.S.R.T.C. Depot , para No.8 reads as under.

M.F.A. No. 534 of 2012.
M.F.A. No. 533 of 2012.
M.F.A. No. 4066 of 2012 (MV).
M.F.A. No. 4065 of 2012 (MV).
M.F.A. No. 534 of 2012 :
M.F.A. No. 533 of 2012 :
M.F.A. No. 4066 of 2012 :
M.F.A. No. 4065 of 2012 :
Dated-18.11.2016.

8. RE: NEGLIGENCE:

The case of the Corporation is that IMV Report at Exhibit.P4 shows, the front right side corner and right side bumper of the bus was damaged and front side of the auto was damaged. The bus was moving on the main road, the auto in which the deceased was traveling was coming from opposite direction and took a right turn/'u' turn towards eastern side of the road without giving any signal and as such, the negligence ought to have been fixed on the driver of the auto. This argument of the Corporation is not



worthy of acceptance, the crucial witness to establish the factum of negligence would have been the driver, no driver of the offending vehicle was examined by the Corporation. In such circumstances, an adverse inference has to be drawn against the Corporation, more particularly, against the driver of the offending vehicle. Contributory negligence has to be proved on factual grounds. A mere allegation/accusation would not suffice to ascertain the contributory negligence on the part of the person. Contributory negligence has to be proved by leading direct and corroborating evidence which is conspicuously missing in the present case. **On the other hand, charge-sheet filed against the driver of the offending vehicle indicates negligence on the part of the driver of the offending vehicle. No case is made out by the Corporation to fix the negligence on the part of the driver of the auto.**

The ratio (underline emphasized by me) laid down by the Hon'ble High Court of Karnataka reported in 2018 ACJ 91 = [2016 SCC ONLINE KAR 8864] in between Jacob Vs K.S.R.T.C. Depot is that charge-sheet filed against the driver of the offending vehicle indicates negligence on the part of the driver of the offending vehicle . In the present case also as discussed above the investigation officer as shown at charge - sheet marked at exhibit P-3 filed it against the driver of the offending vehicle that he is solely negligence for causing the accident leading to the death of the deceased.



10. In this regard it is beneficial to refer to the decision of the Hon'ble Supreme Court of India reported in reported in 2025 SCC ONLINE SC 497 in between Ranjeet vs Abdul Kayam Neb, in para No.3 and para No.4 of the order of the Hon'ble Supreme Court of India reads as under.

Civil Appeal No. OF 2025
(Arising out of SLP(C), No. 10351/2019)
Dated-25-02-2025

3. In an accident which took place on 13.06.2006, one 'Ramkaran' was alleged to have been hit by the bus leading to his death. An FIR was lodged wherein charge sheet was submitted against the driver of the bus. On the claim being preferred to the Motor Accident Claims Tribunal¹, **since, the eye-witnesses were not produced, the Tribunal refused to grant any compensation.** The decision of the Tribunal was upheld by the High Court.

4. **It is settled in law that once a charge sheet has been filed and the driver has been hereinafter referred to as "the Tribunal". held negligent, no further evidence is required to prove that the bus was being negligently driven by the bus driver. Even if the eye- witnesses are not examined,** that will not be fatal to prove the death of the deceased due to negligence of the bus driver.

5. In view of the aforesaid facts, we are of the opinion that the Tribunal and the High Court



both manifestly erred in law in refusing to grant any compensation to the claimants.

The ratio (underline emphasized by me) laid down in the decision of the Hon'ble Supreme Court of India reported in reported in 2025 SCC ONLINE SC 497 in between Ranjeet vs Abdul Kayam Neb is that charge-sheet filed by the investigation officer is sufficient to prove negligent driving of the offending vehicle without examining eye-witnesses. More ever the petitioner herself is a witness to the accident as she has been hit by the offending vehicle. Thus there is nothing to disbelieve the version the petitioner that the offending vehicle is alone is responsible for causing accident. Hence issue No.1 is answered in affirmative.

11. **ISSUE NO.2**- The petitioner has impleaded all necessary parties to the petition hence this issue is answered in negative.

12. **ISSUE NO.3** :-For assessment of compensation, life cannot be valued. Similarly, no human being can put any monetary value of his limb or of any other human being. How does one assess the value of the loss of all faculties when some victim of an accident loses his moving mental faculties and lives in no motion, vegetative state. The courts can only grant compensation for the pecuniary and monetary loss caused and some other expenses, but no court can even attempt to grant compensation for loss of life or limb. Mainly pecuniary loss has to be assessed. Nominal damages for expenses, loss of consortium and conventional damages. Long expectation of life is connected with earning capacity. In its very nature whenever a Tribunal or a Court is required to fix the amount of



compensation in cases of accident, it involves some guess work, some hypothetical consideration, some amount of sympathy linked with the nature of the disability caused.

13. It is made clear by this court that while determining the amount of compensation which is to be in the real sense 'damages' which in turn appears to it to be 'just and reasonable'. It has to be borne in mind that compensation for loss of limb or life can hardly be weighed in golden scales. But at the it is made clear by this court that that the compensation is not expected to be a windfall for the victim. Statutory provisions clearly indicate that the compensation must be 'just' and it cannot be a bonanza not a source of profit but the same should not be a pittance. This court has a duty to weigh the various factors and quantify the amount of compensation, which should be just. What would be 'just' compensation is a vexed question. There can be no golden rule applicable to all cases for measuring the value of human life or a limb. Measure of damages cannot be arrived at by precise mathematical calculations.

14. Further the Hon'ble Supreme Court of India held that the court must take care to give him full and fair compensation for that he or she had suffered. In this regard it is beneficial to refer to the decision of the Hon'ble Supreme Court of India reported in reported in 2010 (10) SCC 254 =[AIR AIR SCW 6085] in between Arvind Kumar Mishra VS. New India Assurance Co. Ltd, the para No.7 reads as under.

Civil Appeal No. 5510 of 2005.



Dated-29.09.2010.

7. We do not intend to review in detail state of authorities in relation to assessment of all damages for personal injury. Suffice it to say that the basis of assessment of all damages for personal injury is compensation. The whole idea is to put the claimant in the same position as he was in so far as money can. Perfect compensation is hardly possible but one has to keep in mind that the victim has done no wrong; he has suffered at the hands of the wrongdoer and the court must take care to give him full and fair compensation for that he had suffered. In some cases for personal injury, the claim could be in respect of life time's earnings lost because, though he will live, he cannot earn his living. In others, the claim may be made for partial loss of earnings. Each case has to be considered in the light of its own facts and at the end, one must ask whether the sum awarded is a fair and reasonable sum. The conventional basis of assessing compensation in personal injury cases - and that is now recognised mode as to the proper measure of compensation - is taking an appropriate multiplier of an appropriate multiplicand.

The ratio (underline emphasized by me) laid down by the decision of the Hon'ble Supreme Court of India reported in reported in 2010(10) SCC 254 = [AIR AIR SCW 6085] in between Arvind Kumar Mishra VS. New India Assurance Co. Ltd is that intention behind awarding of compensation is to put the claimant in the same position as he was in so far as money can. Further the Hon'ble Supreme Court of India held that the court must take care to give him full and fair compensation for that he or she had suffered.



15. In view of the said legal position, the compensation can be assessed in pecuniary heads i.e. the loss of future earning, medical expenses including future medical expenses, attendant charges and also in the head of transportation including future transportation. In the non-pecuniary heads, the compensation can be computed for the mental and physical pain and sufferings in the present and in future, loss of amenities of life , loss of expectancy in life, inconvenience, hardship, discomfort, disappointment, frustration, mental agony in life, etc.

16. The Hon'ble Supreme Court of India held in between sidram Vs. Divisional manager, United India Insurance Co. Ltd and another] held that the process of determining the compensation involves approximation and in any case, disability can never be assessed in terms of money since the 'money cannot renew a physical frame that has been battered. .The Hon'be Supreme Court in its verdict reported in 2022 Live Law (SC) 968 in between Sidram vs. The Divisional Manager, United India Insurance Co.Ltd., and Anr has held that the process of determining compensation by the Court is essentially a very difficult task and can never be an exact science. Perfect compensation is hardly possible, more so claims of injury and disability point out that 'money cannot renew a physical frame that has been battered. In this regard it is beneficial to refer a decision of Hon'ble Supreme Court in reported in (2023) 3 SCC 439 =[AIRONLINE 2022 SC 890] =[2022 LIVE LAW (SC) 968] in between Sidram vs. Divisional Manager, United India Insurance Co. Ltd the para No.29 reads as under.

CIVIL APPEAL - 8510 of 2022,



decided on 16/11/2022

29. The process of determining the compensation by the court is essentially a very difficult task and can never be an exact science. Perfect compensation is hardly possible, more so in claims of injury and disability. As rightly pointed out in H. West and Son Ltd. v. Shephard, (1958) 65 ACJ 504 (HL, England):
"...money cannot renew a physical frame that has been battered."

The ratio laid down by the Hon'ble Supreme Court in reported in (2023) 3 SCC 439 =[AIR ONLINE 2022 SC 890] =[2022 LIVE LAW (SC) 968] in between Sidram vs. Divisional Manager, United India Insurance Co. Ltd is that the process of determining compensation by the Court is essentially a very difficult task and can never be an exact science. Perfect compensation is hardly possible, more so claims of injury and disability point out that 'money cannot renew a physical frame that has been battered.

17. Future prospects is not restricted only to death case of MACT. IT can be extended to injury cases of permanent disability. . IT can be extended to injured having permanent disability. In a decision of the Hon'ble three Judges Bench decision of the Hon'ble Supreme Court of India reported in reported in AIR 2020 SC 4284 in between Erudhaya Priya VS State Express Transport Corporation Ltd, 'future prospects' was added even where physical disability was as low as 31.1% In this regard it is beneficial to refer to the decision of the Hon'ble three Judges Bench decision of the Hon'ble Supreme Court of India reported in reported in AIR



2020 SC 4284 in between Erudhaya Priya VS State Express Transport Corporation Ltd the para No.7 and para No.8 read as under.

Civil Appeal Nos. 2811-2812 of 2020
(Arising out of SLP (C) Nos.8495-8496 of 2018),,
Dated- 27/07/2020

7. There are three aspects which are required to be examined by us:

(a) the application of multiplier of '17' instead of '18';

The aforesaid increase of multiplier is sought on the basis of age of the appellant as 23 years relying on the judgment in National Insurance Company Limited v. Pranay Sethi and Others. In para 42 of the said judgment, the Constitution Bench effectively affirmed the multiplier method to be used as mentioned in the table in the case of Sarla Verma (Smt) and Others. v. Delhi Transport Corporation and Another. In the age group of 15-25 years, the multiplier has to be '18' along with factoring in the extent of disability.

The aforesaid position is not really disputed by learned counsel for the respondent State Corporation and, thus, we come to the conclusion that the multiplier to be applied in the case of the appellant has to be '18' and not '17'.

(b) Loss of earning capacity of the appellant with permanent disability of 31.1%



In respect of the aforesaid, the appellant has claimed compensation on what is stated to be the settled principle set out in Jagdish v. Mohan and Others³ and Sandeep Khanuja v. Atul Dande and Another⁴ . We extract below the principle set out in the Jagdish case (supra) in para 8:

"8. In assessing the compensation payable the settled principles need to be borne in mind. A victim who suffers a permanent or temporary disability occasioned by an accident is entitled to the award of compensation. The award of compensation must cover among others, the following aspects:

- (i) Pain, suffering and trauma resulting from the accident;
- (ii) Loss of income including future income;
- (iii) The inability of the victim to lead a normal life together with its amenities;
- (iv) Medical expenses including those that the victim may be required to undertake in future; and
- (v) Loss of expectation of life."

[emphasis supplied]

The aforesaid principle has also been emphasized in an earlier judgment, i.e. the Sandeep Khanuja case (supra) opining that the multiplier method was logically sound and legally well-established to quantify the loss of income as a result of death or permanent disability suffered in an accident.

In the factual contours of the present case, if we examine the disability certificate, it shows the admission/hospitalization on 8 occasions for various number of days over 1½ years from



August 2011 to January 2013. The nature of injuries had been set out as under:-

"Nature of injury:

- (i) compound fracture shaft left humerus
- (ii) fracture both bones left forearm
- (iii) compound fracture both bones right forearm
- (iv) fracture 3rd , 4th and 5th metacarpals right hand
- (v) subtrochanteric fracture right femur
- (vi) fracture shaft left femur
- (vii) fracture both bones left leg"

We have also perused the photographs annexed to the petition showing the current physical state of the appellant, though it is stated by learned counsel for the respondent State Corporation that the same was not on record in the trial court. Be that as it may, this is the position even after treatment and the nature of injuries itself show their extent. Further, it has been opined in para 12 of Sandeep Khanuja case (supra) that while applying the multiplier method, future prospects on advancement in life and career are also to be taken into consideration.

We are, thus, unequivocally of the view that there is merit in the contention of the appellant and the aforesaid principles with regard to future prospects must also be applied in the case of the appellant taking the permanent disability as 31.1%. The quantification of the same on the basis of the judgment in National Insurance Co. Ltd. case (supra), more specifically para 59.3,



considering the age of the appellant, would be 50% of the actual salary in the present case.

(c)The third and the last aspect is the interest rate claimed as 12%

In respect of the aforesaid, the appellant has watered down the interest rate during the course of hearing to 9% in view of the judicial pronouncements including in the Jagdish case (supra). On this aspect, once again, there was no serious dispute raised by the learned counsel for the respondent once the claim was confined to 9% in line with the interest rates applied by this Court.

CONCLUSION

8.The result of the aforesaid is that relying on the settled principles, the calculation of compensation by the appellant, as set out in para 5 of the synopsis, would have to be adopted as follows:

HEADS	AMOUNT (INR.)
LOSS OF EARNING POWER ($14648 \times 12 \times 18 \times 31.1 / 100$)	9,81,978.76
TOWARDS FUTURE PROSPECTS (50% ADDITION)	4,90,989
MEDICAL EXPENSES INCLUDING TRANSPORT CHARGES, NOURISHMENT ETC.	18,46,864
LOSS OF MATRIMONIAL ASPECTS	5,00,000
LOSS OF COMFORT, AMENITIES AND MENTAL AGONY	1,50,000
PAIN AND SUFFERING	2,00,000
TOTAL	41,69,831

The appellant would, thus, be entitled to the compensation of Rs. 41,69,831/- as claimed along with simple interest at the rate of 9% per



annum from the date of application till the date of payment.

The ratio (underline emphasized by me) laid down in the decision of the Hon'ble Supreme Court of India reported in reported in AIR 2020 SC 4284 in between Erudhaya Priya VS State Express Transport Corporation Ltd that, 'future prospects' can be added even where physical disability was as low as 31.1% .

18. In this regard it is beneficial to refer to the Division decision of the Hon'ble High Court of Karnataka (DHARWAD BENCH) reproted in AIRONLINE 2022 KAR 3415 (DB) [2022 AAC 1139 KAR (DB)) in between New India Assurance Company Limited, Hubballi Vs. Abdul Mehaboob Tahasildar, Hubballi the para No.31 reads as under.

MFA No. 103807 of 2016,,
Dated-27-05-2022

31. Resultantly we are constrained to reject the contention of Sri. G. N. Raichur, learned counsel for the Insurance Company. 'Loss of future prospects' also has to be factored in notwithstanding the fact that this is not a case of death but **a case of injury without amputation resulting in whole body disability to the extent of 20% which ultimately has a bearing on the reduced earning capacity.** It is essentially on account of the fact that money value does not remain constant over a long spell of years and thus claimant being aged only 40 years, he has long years ahead of him to look forward to, the sliding value of the money will have adverse impact on his future prospects. **Accordingly,**



having due regard to the fact that he was aged about 40 years at the time of the accident, 25% of his established income will have to be factored in towards compensation for 'loss of future prospects'. Therefore, 'loss of earning capacity' is recomputed as follows:
$$\text{Rs.6,000/-} + 25\% (\text{Rs.1,500/-}) = \text{Rs.7,500/-}$$
$$\text{Rs.7,500} \times 12 \times 15 \times 20\% = \text{Rs.2,70,000/-}.$$

The ratio laid down by the Hon'ble High Court of Karnataka (DHARWAD BENCH) reported in AIR ONLINE 2022 KAR 3415 (DB) [2022 AAC 1139 KAR (DB)] in between New India Assurance Company Limited, Hubballi Vs. Abdul Mehaboob Tahasildar, Hubballi is that loss of future prospects to be awarded in spite of fact that case is not of a death claim but of injury without amputation resulting in whole body disability to extent of 20% which ultimately has a bearing on reduced earning capacity.

19. In the present case, as per discharge summary of V care super speciality hospital dated 28-12-2024 marked at exhibit the petitioner suffered fracture of right lower and tibia and tens nail in fibula insitu of right leg. The injuries as shown discharge summary of V care super speciality hospital dated 28-12-2024 the petitioner suffered fracture of right lower and tibia and tens nail in fibula insitu of right leg are serious in nature. Due to injuries as shown at discharge summary of V care super speciality hospital dated 28-12-2024 the petitioner suffered fracture of right lower and tibia and tens nail in fibula insitu of right leg the day to day agricultural work is affected. Due to injuries at discharge summary of V care super speciality hospital dated 28-12-2024 the petitioner suffered fracture of right lower



and tibia and tarsal nail in fibula insitu of right leg the petitioner is unable to do his day to day work agricultural work.

20. In the present case disability is assessed at 33% by the orthopaedic at the disability certificate dated- 11-07-2025 issued by Dr.Ramakrishna, orthopaedic, at Gangavati, marked at exhibit P-15 . In view of law laid down by the Hon'ble Supreme Court of India reported in reported in AIR 2020 SC 4284 in between Erudhaya Priya VS State Express Transport Corporation Ltd, and also the Division decision of the Hon'ble High Court of Karnataka (DHARWAD BENCH) reported in AIR ONLINE 2022 KAR 3415 (DB) [2022 AAC 1139 KAR (DB)] in between New India Assurance Company Limited, Hubballi Vs. Abdul Mehaboob Tahasildar, Hubballi in the present case also the petitioner is entitled for future prospectus.

21. In the absence of income proof, the notional income as per the notional income chart fixed by the Karnataka State Legal Services Authority shall be taken . In this regard it is beneficial to refer to the decision of the Hon'ble High Court of Karnataka (KALABURAGI BENCH) reported in AIR ONLINE 2022 KAR 921 (DB) in between Managing Director NEKRTC, Sarige Sadan, Central Office, Kalaburagi. VS Rachamma Subash Jaishetty Since Deceased By Her LR's the para No.13 reads as under.

Miscellaneous First Appeal - 201591 of 2021,
Dated-08/12/2022

13. It is not in dispute that Smt. Rachamma met with an accident on 11.04.2018 and sustained grievous injuries and she succumbed to the



injuries. The legal representatives filed a claim petition contending that the deceased was aged about 60 years at the time of accident and was doing agriculture and getting income of Rs.9,000/- per month. In order to substantiate the contention of the petitioners, the petitioners have not produced any income proof of the deceased Rachamma. **In the absence of income proof, the Tribunal, taking into consideration the notional income of the year 2018, as per the chart fixed by the Karnataka State Legal Services Authority** and also considering the age of deceased Rachamma has considered the notional income of the deceased as Rs.9,000/- per month and further considering the age of the deceased as 65 years, awarded a compensation under the head of loss of dependency at Rs.6,04,800/- and also awarded compensation under the head of loss of consortium and loss of estate and funeral expenses and medical expenses and nursing charges. The petitioners have not placed any material to show the income of the deceased. On the contrary, the petitioners themselves have admitted that deceased Rachamma was getting income of Rs.9,000/- per month. Considering the admission of the petitioners, the Tribunal was justified in considering the notional income of the deceased Rachamma at Rs.9,000/- p.m. Hence, in view of the above discussion, the petitioners have not made out any ground for enhancement of compensation.

Accordingly, we answer point No.1 in negative.



The ratio (Under line emphasized by me) the Hon'ble High Court of Karnataka (KALABURAGI BENCH) reported in AIRONLINE 2022 KAR 921 (DB) in between Managing Director NEKRTC, Sarige Sadan, Central Offices, Kalaburagi VS Rachamma Subash Jaishetty Since Deceased By Her LR's is that In the absence of income proof, the notional income as per the chart fixed by the Karnataka State Legal Services Authority shall be taken.

22. A perusal of disability certificate make it clear that the petitioner sustained injuries are grievous. The disability assessed by by orthopedic as shown at physical disability certificate 11-01-2026 marked at exhibit P-11 of 41% is excessive one. Hence it is just and proper for this court to assess the disability of the petitioner at 30%.

23. A perusal of the physical disability certificate 11-01-2026 marked at exhibit P-11, it is clear that implants are still in existence in the body of the petitioner. Thus the petitioner is require to undergo one or two surgeries for removal of the implants in his body. Future medical treatment expenses can be granted by this court for the removal of implants. Thus the victim injured entitled for said amount of Rs.7,5000=00 towards removal of implants. There is no bar for this court to award future medical treatment if required. In this regard it is beneficial to refer to the decision of the Hon 'le Supreme Court of India reported in (2018) 13 SCC 119 =[2017 SCC ONLINE SC 888] Afnees (UNCONSCIOUS) represented through mother Vs. Oriental Insurance Company Limited, Vadakara and ot others the para NO.13 reads as under. .



Civil Appeals Nos. 6445-46 of 2017[†],
Dated-03-05-2017

13. The personal sufferings of the survivors and disabled persons are manifold. Sometimes they can be measured in terms of money but most of the times it is not possible to do so. If an individual is permanently disabled in an accident, the cost of his medical treatment and care is likely to be very high. In cases involving total or partial disablement, the term “compensation” used in Section 166 of the Motor Vehicles Act, 1988 (for short “the Act”) would include not only the expenses incurred for immediate treatment, **but also the amount likely to be incurred for future medical treatment/care necessary for a particular injury or disability caused by an accident.**

The ratio laid down by the Hon'ble Supreme Court of India reported in (2018) 13 SCC 119 =[2017 SCC ONLINE SC 888] the Hon 'le Supreme Court of India reported in (2018) 13 SCC 119 =[2017 SCC ONLINE SC 888] Afnees (UNCONSCIOUS) represented through mother Vs. Oriental Insurance Company Limited, Vadakara and ot others is that cost of future medical treatment for a particular injury or disability caused by an accident can be awarded. In view of law laid down by the Hon'ble Supreme Court of India in the present case the victim injured required 75,000=00 towards removal implants as per evidence of P.W.2 Dr Lokesh. . Thus the victim injured entitled for said amount of Rs. 75,000=00 =00 towards removal of implants



24. There is no material to show the exact income of injured. Thus this court would have to rely on notional income fixed by the KSLSA vide direction letter dated 26-02-2022 at Bangalore . Admittedly the accident took place in the year of 2024. The notional income for the year 2022 fixed by the KSLSA vide direction letter dated 26-02-2022 at Bangalore is Rs. 14,750/- for the districts coming under the jurisdiction of the Hon'ble High Court of Karnataka, (KALABURGI), This court would add Rs.500 for the year 2023 and 500 for the year 2024 and assess the notional income at Rs.15,750 for the accident taking place in the year 2024.

25. As per ratio laid down by the Hon'ble Supreme Court of India in National Insurance Company Limited Vs. Pranay Sethi , AIR 2017 SC 5157 as the age of the petitioner is 41 years the future prospectus of 25% could be added.

26. In view of law laid down by the Hon'ble Supreme Court of India reported in 2009 AIR SC 3104 = [2009 SCC (6) 121] Smt. Sarla Verma vs. Delhi Transport Corporation, for age group of 41-46 years, multiplier of 14 should be applied,

The proper multiplier is as under.

$$\frac{\text{Rs.15,750} \times 25}{100} = \text{Rs.3,937/- (25\% future prospects added)}$$

$$\begin{array}{l} \text{Rs.15,750/-} \\ + \text{Rs. 3,937/-} \\ \hline \text{Rs.19,687/-} \end{array} \quad (\text{ after adding 25\% future prospects})$$



$$\frac{\text{Rs.19,687} \times 12 \times 14 \times 30}{100} = \text{Rs.9,92,224/-}$$

HEADS

Sl. No.	Particulars	Amount of compensation
1	Loss of future income due to disability	Rs 9,92,224=00
2	Loss of income during period of treatment	Rs. 40,000=00
3	Pain and suffering	Rs. 60,000=00
4	Loss of amenities	Rs.60,000=00
5	Attendant charges, rest , and nourishment.	Rs.20,000=00
6	Transportation charges during the period of treatment	Rs.20,000=00
7	Medical Expenses	Rs.2,13,653=00
8	Future medical expenses	Rs.75,000=00
	TOTAL	Rs.14,80,877=00.....

27. This court opined that the claimants entitled for 6% interest on the compensation amount **Rs.14,80,877/-** to be awarded. Hence issue No.3 is answered partly affirmative.

28. **ISSUE NO.4:-** In view of the findings on issues , I proceed to pass the following order:-



~:: ORDER ::~

The petition filed under Section 166 of the Indian Motor Vehicle Act is partly allowed in following terms:-

The petitioner is awarded with the compensation of **Rs.14,80,877/- (Rupees Forteen Lakhs Eighty Thousand Eight Hundred Seventy Seven only)** with interest at the rate of 6% per annum from the date of petition till realization.

The respondent No.2 liable to pay compensation amount and he directed to deposit the compensation amount with in 30 days from the date of this Judgment to this tribunal.

Out of compensation 50% of the amount with proportionate interest of petitioner shall be fixed deposit in any nationalized bank in his name for a period of 05 years free from all encumbrances. The remaining 50% of amount with proportionate interest shall be disbursed to the petitioner by preparing K-II bill on his proper identification.

Advocate fee fixed at Rs.1000/- only

Draw award accordingly.

(Dictated to the Stenographer directly on computer, computerized by him and corrected and then pronounced by me in the open court on 01st day of July 2026)

(Lakshmikant Janakiram Miskin)
Senior Civil Judge & M.A.C.T
Sindhanur

ANNEXURE



I) Witnesses examined on behalf of Petitioner.

PW-1 : K. Srinivas
PW-2 : Dr.Ramakrishna H

II) Documents exhibited on behalf of Petitioner:

Ex.P1 : Certified copy of FIR
Ex.P2 : Certificate copy of Complaint
Ex.P3 : Certified copy of Charge sheet
Ex.P4 : Certified copy of Spot panchanama
Ex.P5 : Certified copy of Seizer panchanama
Ex.P6 : Certified copy of statement
Ex.P7 : Certificate under Sec.63
Ex.P8 : Certified copy of IMV report
Ex.P9 : Certified copy of Wound Certificate
Ex.P10 : 2 Discharge letters
Ex.P11 : Disability certificate
Ex.P12 : 16 Medical prescriptions
Ex.P13 : 51 Medical bills
Ex.P14 : 15 X-ray films
Ex.P15 : 2 Driving license
Ex.P16 : 2 Photographs

III) Witnesses examined on behalf of Respondents:

---NIL ---

IV) Documents exhibited on behalf of Respondents:

---NIL ---

(Lakshmikant Janakiram Miskin)
Senior Civil Judge & M.A.C.T
Sindhanur.