



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. 616/2024

Dated: 02nd day of June 2026

Petitioners: - 1) Ananya D/o Virupakshayya
Age: 06 years, Minor
Rrepresented by her natural father and next friend
Virupakshayyya S/o Shivanagayya, Age: 42 years
Occ: Agri., R/o Gomarsi, Tq. Sindhanur, Dist. Raichur

(Represented by: Sri.SB., Advocate)

-Versus-

Respondents: - 1) Naveen S/o Earanna
Age: Major, Occ: Driver of NEKSRTC
Bus No.KA-35/F-401, Kudligi depot
R/o Gorkal, Tq. Manvi, Dist. Raichur.

2) The Divisional Controller,
NEKSRTC, Hosapete Division
Hosapete

(Owner and self-insurer of NEKRTC bus No.KA-35/F-401)

(R1 by: Sri.GVJ Advocate)

(R2 by: Sri.HP 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 16.08.2024

2. The brief facts of the petition:-

On 16.08.2024 this petitioner along with her grand parents were proceeded to Virupapur village tq. Sindhanur from Nagenahalli for attending the house opening ceremony on motor cycle bearing registration No.KA-35/EE-2945. The grandfather of petitioner was riding the said motor cycle. The petitioner and her grandmother were the pillion rider. At about 10.30 AM while they were passing near K.Basapur cross at Hanchinal Camp (K) on Sindhanur-Gangavathi main road, on left side of the road, in slow and cautious manner observing the traffic conditions, at that time the respondent No:1 i.e., driver of NEKRTC bus reg No: A-35/F-401 came driving his bus in high speed in rash and negligent manner, driving in zigzag manner, endangering to human life and thereby dashed his Bus to the said motor cycle from the Back Side. Due to the accident the the petitioner and her grandparents were fell on road. As such the petitioner sustained grievous injuries



on fracture of second toe of right foot, and other vital parts of body. Immediately the petitioner was shifted to Government Hospital, Sindhanur wherein after the first aide, doctors suggested for higher treatment as such the petitioner was admitted to Puttur Hospital, Hosapete, wherein the petitioner underwent treatment for a period of 8 days and incurred expense of Rs. 1.00 lakh and with all the petitioner not yet completely recovered yet. Before the accident the petitioner was hale and healthy and Academically intelligent. But, due to said accident, the petitioner is not as she was before the accident, the petitioner is unable to walk, att, muat unable to go nature call without aid, and she is Limping The petitioner is unable to do activities as children's of his age do. Due to accident and treatment, the petitioner has lost her valuable school education. But due to accident, the petitioner is unable to attend school and continue her education property, and the petitioner is always complaining of pain in her injured parts of body. Before the accident the petitioner was hale and healthy. But due to accident, the petitioner is unable to attend school and continue her education. That since petitioner is minor, she is suffered a lot due to pain. When other children of his age used to play this petitioner in running from one hospital to another for her treatment and thereby his precious childhood and education is severally affected. Due to this her future life is in blink. This being so all respondents are jointly and severally liable to answer the



claim. The particulars of the claim are as under. The above said accident was occurred only due to rash and negligent driving of Bus by respondent No.1. Therefore the respondent is liable to pay compensation of Rs.20,00,000/-. With these averments the petitioners pray for allow the above petition.

3. This tribunal issued notice to the respondents. The respondents have appeared through their 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 posses 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. Hence, respondent No.2 prays for dismissal of this petition.

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



1. Whether the petitioner prove she sustained in a road traffic accident which took place on 16.08.2024 at a grievous injuries due to actionable negligent driving of the KSRTC Bus bearing No.KA-35/F-4012 by its driver i.e., respondent No.1 about 10.30 AM, on Gangavathi – Sindhanur main road, near K. Basapur cross at K.Hanchinal camp (Shanthinagar), Tq. Sindhanur?
 2. Whether the petitioner is entitled for compensation? If, so, at what rate and from whom?
 3. What orders or award?
6. The natural father and next friend of petitioner has entered the witness box as PW-1 and got marked Ex.P1 to Ex.P11. The respondent No.1 himself examined as Rw-1 and no documents got marked and case posted for arguments.
7. 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 Partly Affirmative
ISSUE NO.3 : As per final order
for the following.

~::~ REASONS ::~

8. **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 driver of the offending truck . 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 driver of the alleged truck .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 truck that he is solely negligence for causing the accident leading to the death of the deceased. In view of the law laid down by the Hon'ble High Court of Karnataka , it is the driver of the truck is alone responsible for the accident.



9. 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 himself 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.

10. In the present case it is the specific allegation of the claimant that he was on his way to attend house warming ceremony on the date of accident at night at that time, the driver of the offending vehicle suddenly dashed his motor bike from behind leading to accident which resulted in victim sustaining grievous injuries who succumbed to injuries later on. . It is the driver offending vehicle who tries to over take vehicle moving ahead of his vehicle has to be too cautious. If the rider who causes accident trying to overtake the vehicle and hit from behind, the driver of the vehicle who hit the another vehicle from behind is solely responsible for causing accident. In this regard it is beneficial to refer to the decision of the Hon'ble Supreme Court of India reported in 2011 AIR SC 2436 = [2011 (6) scc 425] = 2011 ACJ 1677] = [2011 AIR SCW 3625 in between Jawahar Singh vs. Bala Jain head Note A, para No.11 reads as under.

S.L.P. (Civil) 8660 of 2011.
With



S.L.P. (C) Nos. 864 to 865 of 2010.
Dated . 09.05.2011

11]. We cannot shut our eyes to the fact that it was Jatin, who came from behind on the motorcycle and hit the scooter of the deceased from behind. The responsibility in causing the accident was, therefore, found to be solely that of Jatin. However, since Jatin was a minor and it was the responsibility of the Petitioner to ensure that his motorcycle was not misused and that too by a minor who had no license to drive the same, the Motor Accident Claims Tribunal quite rightly saddled the liability for payment of compensation on the Petitioner and, accordingly, directed the Insurance Company to pay the awarded amount to the awardees and, thereafter, to recover the same from the Petitioner. The said question has been duly considered by the Tribunal and was correctly decided. The High Court rightly chose not to interfere with the same.

The ratio (underline emphasized by me) laid down by to refer to the decision of the Hon'ble Supreme Court of India reported in 2011 AIR SC 2436 = [2011 (6) SCC 425] = 2011 ACJ 1677] = [2011 AIR SCW 3625 in between Jawahar Singh vs. Bala Jain is that that it was rider of the motor bike who came from behind on the motorcycle and hit the scooter of the deceased from behind the responsibility in causing the accident was, found to be solely that of the motor cycle rider who came from behind. In the present case also the driver of the offending vehicle which who in a negligence manner driven his vehicle and hit the motor bike from behind alone is responsible for causing accident. In view of law laid down by to refer to the decision of the Hon'ble Supreme Court of India



reported in 2011 AIR SC 2436 = [2011 (6) scc 425] = 2011 ACJ 1677] =
[2011 AIR SCW 3625 IN BETWEEN Jawahar Singh vs. Bala Jain it is the
driver of the offending truck who hit from behind alone responsible for causing
accident. Hence, issue No.1 answered in Affirmative

11. **ISSUE NO.2:-** In the present case as per disability certificate marked at
Ex.P8 is assessed at 0.6% to 8%. The compensation can be determined on the
basis of some guess work. .In this regard it is beneficial to refer to the decision of
the Hon'ble Supreme Court of India reported in 1995 AIR SC 755 =[1995(1)
ACJ 366 = =[1995 (1) SCC 551 =[1995 AIR SCW 243] in between R.D.
Hattangadi vs. M/s. Pest Control (India) Pvt. The para No.12 reads as under.

Civil Appeal Nos. 1799-1800

and

Special Leave Petition (C) No. 4586 of 1989.

Dated-06.01.1995

12. 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.** But all the aforesaid elements have to
be viewed with objective standards.



The ratio (underline emphasized by me) laid down by the Hon'ble three Judges Bench of the Hon'ble Supreme Court of India reported in 1995 AIR SC 755 = [1995(1) ACJ 366 = [1995 (1) SCC 551 = = [1995 AIR SCW 243]] in between R.D. Hattangadi vs. M/s. Pest Control (India) Pvt., is that 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.

12. In this regard it is beneficial to refer to the decision of the Hon'ble Supreme Court of India reported in (2018) 15 SCC 654] = [2017 SCC ONLINE SC 1769] [2018 ACJ 5] in between HEM RAJ Versus ORIENTAL INSURANCE COMPANY LIMITED AND OTHERS head note B, para NO.10 to para No.13 read as under.

SLPs (C) No. 22134 of 2016

with

Nos. 24163, 29520-21, 34237, 36072 of 2016, 8306 of 2017, Civil Appeals Nos. 19603 of 2017⁺, 19605 of 2017⁺⁺, 19606 of 2017⁺⁺, 12046 and 8611 of 2017,

Dated 22-11-2017

10.The matter was earlier deferred to await the judgment of the Larger Bench which is now reported in 2017(13) Scale 12-National



Insurance Company Limited v. Pranay Sethi
and Ors.

11. The contention raised on behalf of the appellants is that in the light of the said judgment 40% increase on estimated income towards future prospects is required to be taken into account as the deceased was 40 years of age.

12. Learned Counsel for the Insurance Company submitted that in absence of actual evidence of income the principle of adding on account of future prospects cannot be applied where income is determined by guess work.

13. We are of the view that there cannot be distinction where there is positive evidence of income and where minimum income is determined on guess work in the facts and circumstances of a case. Both the situations stand at the same footing. Accordingly, in the present case, addition of 40% to the income assessed by the Tribunal is required



to be made. The Tribunal made addition of 50% while the High Court has deleted the same.

The ratio (underline emphasized by me) laid down by the Hon'ble Supreme Court of India reported in (2018) 15 S C C 654]: =[2017 SCC OnLine SC 1769] [2018 A C J 5] in between HEM RAJ Versus ORIENTAL INSURANCE COMPANY LIMITED AND OTHERS is that compensation can be determined on the basis of guess work in the facts and circumstances of a case._

13. In this regard it is beneficial to refer to the decision of the Hon ble Supreme Court of India reported in (2012) 12 SCC 274 in between K. Suresh vs New India Assurance Company Ltd. and Ors the para NO.2, para NO.7 reads as under.

Civil Appeal No. 7603 of 2012,
Dated-19-10-2012

7. While assessing the damages there is a command to exclude considerations which are in the realm of speculation or fancy though some guesswork or some conjecture to a limited extent is inevitable. That is what has been stated in *C.K. Subramania Iyer VS . T. Kunhikuttan Nair*-. **Thus, some guesswork, some hypothetical considerations and some**



sympathy come into play but, a significant one, the ultimate determination is to be viewed with some objective standards. To elaborate, neither the Tribunal nor a court can take a flight in fancy and award an exorbitant sum, for the concept of conventional sum, fall of money value and reasonableness are to be kept in view. Ergo, in conceptual eventuality “just compensation” plays a dominant role.

The ratio (underline emphasized by me) laid down by the Hon ble Supreme Court of India reported in (2012) 12 SCC 274 in between K. Suresh vs New India Assurance Company Ltd. and Ors while computing compensation the court shall adopt some guesswork, some hypothetical considerations and some sympathy come into play.

14. Thus In view of law laid down in the Hon'ble Supreme Court of India reported in 1995 AIR (SC) 755 = [1995(1) ACJ 366 = : : = [1995 (1) SCC 551 = = [1995 AIR (SCW) 243]] in between R.D. Hattangadi vs. M/s. Pest Control (India) Pvt and also the the Hon'ble Supreme Court of India reported in (2018) 15 SCC 654]: = [2017 SCC OnLine SC 1769] [2018 A C J 5] in between HEM RAJ Versus ORIENTAL INSURANCE COMPANY LIMITED AND OTHERS and also laid down by the Hon ble Supreme Court of India reported in (2012) 12 SCC 274 in between K. Suresh vs New India Assurance



Company Ltd this court would also shall adopt some guesswork, some hypothetical considerations and some sympathy.

15. A perusal of the wound certificate dated 25.09.2024 issued by duty medical officer, Taluka hospital, Sindhanoor marked at exhibit P-5 it is clear that the claimant sustained swelling at right ankle joint, abrasion at 2x14th cms at left mediol side at foot injures. A perusal of wound certificate dated 25.09.2024 issued by duty medical officer, Taluka hospital, Sindhanoor marked at exhibit P-5 it is clear that injuries sustained by the claimant are simple in nature. Further there are no medical bills produced by the claimant. Thus, this court has to award global compensation.

16. The [Motor Vehicles Act, 1988](#) is a beneficial and welfare piece of legislation and, hence, it deserves liberal construction with a view to implementing the said legislative intent. In this regard it is beneficial to refer to the decision of the three judges Bench decision of the Hon ble Supreme Court of India reported in AIR 2004 SC 2107 =[2004 AIR SCW 1864] in between Deepal Girishbhai Soni and others VS United Insurance Co. Ltd., Baroda para No.53 of the judgment reads as under.

C. A. No. 3126 of 2002
with C. A. No. 3127 of 2002,
R. P. (C) No. 160 of 2002 in
C. A. No. 2573 of 2001,
R. P. (C) No. 161 of 2002
in C. A. No. 2572 of 2001



and C. A. No. 1680 of 2004
(arising out of SLP (C) No. 708 of 2003),,
decided on 18/03/2004

53. **Although the Act is a beneficial one and, thus, deserves liberal construction with a view to implementing the legislative intent** but it is trite that where such beneficial legislation has a scheme of its own and there is no vagueness or doubt therein, the Court would not travel beyond the same and extend the scope of the statute on the pretext of extending the statutory benefit to those who are not covered thereby.

The ratio (underline emphasized by me) laid down by the the Hon ble Supreme Court of India reported in AIR 2004 SC 2107 =[2004 AIR SCW 1864] in between Deepal Girishbhai Soni and others VS United Insurance Co. Ltd., Baroda is that the Motor Vehicles Act, 1988 is a is a beneficial one and, thus, deserves liberal construction. In view of law laid down by the Hon ble Supreme Court of India, it is just proper to consider the case of the claimant liberally and award global compensation of Rs.1,00,000=00. Hence Issue No.2 answered in partly affirmative.

17. **ISSUE NO.3:-** In view of the findings on issues, I proceed to pass the following order:-



~:: ORDER ::~

The petition filed by the petitioners under Section 166 of Motor Vehicle Act is **partly** allowed with costs.

The respondent The Divisional Controller, NEKRTC, Hosapete division is directed to pay sum of **Rs.1,00,000=00 (One Lakhs only)** to the petitioners with interest at the rate of 6% per annum from the date of petition till realization.

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

Entire amount of petitioner shall be kept in the fixed deposit in her name in any nationalized Bank of her choice till attaining her majority and no premature withdrawal and loan on the said fixed deposit is permitted without the prior permission from this Tribunal. However, it is permitted the father of the petitioner i.e., Virupakshayya for withdrawal of occurred interest on the above said FD's to the welfare of minors.

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 02nd day of June 2026)

(Lakshmikanth J Miskin)
Senior Civil Judge & M.A.C.T
Sindhanur



ANNEXURE

I) Witnesses examined on behalf of Petitioner.

PW-1 : Virupakshayya

II) Documents exhibited on behalf of Petitioner:

Ex.P1 : Certified copy of FIR
Ex.P2 : Certified copy of Complaint
Ex.P3 : Certified copy of Charge sheet
Ex.P4 : Certified copy of Spot panchanama
Ex.P5 : Certified copy of Wound certificate
Ex.P6 : Certified copy of IMV report
Ex.P7 : Discharge summary
Ex.P8 : Disability certificate
Ex.P9 : 9 Medical bills
Ex.P10 : 4 Medical prescriptions
Ex.P11 : 3 X-ray films

III) Witnesses examined on behalf of Respondents: -

RW-1 : Naveen

IV) Documents exhibited on behalf of Respondents:

--NIL--

(Lakshmikanth J Miskin)
Senior Civil Judge & M.A.C.T
Sindhanur.