

KARN020005892024



Presented on : 15-04-2024
Registered on : 16-04-2024
Decided on : 27-03-2026
Duration : 1 years, 11 months, 12 days

**BEFORE THE I ADDITIONAL MOTOR ACCIDENTS
CLAIMS TRIBUNAL AND I ADDL. SENIOR CIVIL JUDGE
& JMFC., AT RAMANAGARA.**

:PRESENT:

Smt.Niveditha.T.M., B.A.L., LL.B.,
Member, Additional M.A.C.T.,
1st Addl. Senior Civil Judge & JMFC.,
Ramanagara.

MVC.No:83/2024

DATED : THIS THE 27th OF MARCH, 2026

Petitioner : Smt.Sakamma,
W/o. Gaviyaiah
Aged about 43 years,
R/at: Chikkagangavadi Village,
Doddagangavadi Post,
Kutagal Hobli,
Ramanagara Taluk,
Ramanagara District.

(Rep by Sri.BPR., Advocate)

- V/s -

Respondents : The Managing Director,
KSRTC,
Divisional Controller,
Ramanagara Bus Station Building,
Ramanagara Town-562 159.

(Rep by Sri.TRG., Advocate)

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JUDGMENT

(Delivered on 27/03/2026)

This is the petition filed by the petitioner U/s.166 of MV Act, seeking compensation of Rs.25,00,000/- with interest at the rate of 18% per annum for the injuries sustained by her in a road traffic accident.

2. The brief fact of the petitioner case is as under;

That on 13.02.2024 at about 12-00 p.m., the petitioner was traveling on a Motor Cycle bearing Reg.No. KA-41-EA-1388 as a pillion rider and rider reached near Muneshwara Temple, Jalamangala-Akkuru Road, towards Akkuru side, Ramanagara Taluk, at the same time the driver of the KSRTC Bus bearing Reg.No.KA-42-F-0355 came from towards Akkuru to Jalamangala in a very rash and negligent manner endangering to human life and dashed against Motor Cycle, as a result of which the petitioner fell down from the motor cycle and sustained



grievous injuries.

3. Immediately, the petitioner was shifted to Government Hospital, Ramanagara and then shifted to Narayana Hospital, Ramanagara for higher treatment and she has spent more than Rs.3,00,000/- towards medicine, hospital charges, nourishment food and traveling expenses. The petitioner was very hale and healthy prior to the accident and she used to earn Rs.30,000/- per month as an Agriculturist and Dairy Framing. Due to the accident, the petitioner is unable to do her work and even today she is suffering from severe pain and mental agony.

4. That the accident has occurred due to the rash and negligent driving of KSRTC Bus bearing Reg.No.KA-42-F-0355 by it's driver. Ramanagara Rural Police have registered the case against the driver of the said bus. The respondent is the owner and authorized representative of the Corporation. Hence, he is liable to pay the compensation to



the petitioner.

5. After service of notice, respondent appeared before the Tribunal through his counsel. The respondent has filed the written statement. The respondent has denied the entire petition averments and according to the respondent No.2, the alleged accident was not due to the rash and negligent act driver of the offending vehicle. Apart from that, the alleged accident occurred due to the sole negligence of the rider of the motor cycle without observing the coming vehicle, the said rider of the motor cycle came in a rash and negligent manner and dashed against the bus. The petition is bad for non-joinder of necessary party as the owner of the Motor Cycle bearing Reg.No.KA-41-EA-1388 is not made party to the petition. The rider of the two wheeler vehicle at the time of the accident did not have possess valid and effective license to rode the same. The petitioner has colluded with the police and registered a false case against the driver of KSRTC Bus and the driver of the KSRTC bus



had valid and effective DL and he was very experienced driver and the said bus having speed controller. Hence, the respondent prayed for dismissal of the petition with costs.

6. The following Issues were framed by my learned predecessor in office:

1. *Whether the petitioner proves that on 13.02.2024 at about 12-00 p.m., the petitioner was traveling on a Motor Cycle bearing Reg. No. KA-41-EA-1388 as a pillion rider near Muneshwara Temple, Jalamangala-Akkuru Road, towards Akkuru side, Ramanagara Taluk, At the same time the driver of the KSRTC Bus bearing Reg. No. KA-42-F-0355 came from towards Akkuru to Jalamangala in a very rash and negligent manner endangering to human life and dashed against Motor Cycle, as a result of which the petitioner fell down from the motor cycle and sustained grievous injuries?*
2. *Whether the respondent proves that the petition is liable to be dismiss as non-joinder of necessary parties?*
3. *Whether the petitioner is entitled for compensation? If so, how much?*



4. *What Order or Award?*

7. The petitioner to substantiate his contention, has examined himself as Pw-1 and got marked ExP-1 to ExP-9. The doctor is examined as Pw-2 and marked ExP-10 and ExP-11. On the other hand, the respondent has not led any evidence.

8. Heard and perused materials available on record.

9. My answer to the above said Issues is as follows:

- Issue No.1** : *In the Affirmative;*
- Issue No.2** : *In the Negative;*
- Issue No.3** : *Partly in the Affirmative;*
- Issue No.4** : *As per final order
for the following:*

REASONS

10. **Issue No.1:** The petitioner to prove that, the accident had taken place due to the negligent driving of the offending vehicle by it's driver, has examined herself as Pw-1. She has



filed an affidavit in lieu of her examination-in-chief, wherein, she has reiterated the petition averments and she has produced ExP-1 True Copy of FIR, ExP-2 True Copy of Complaint, ExP-3 True Copy of Charge Sheet, ExP-4 True Copy of Spot Mahazar, ExP-5 True Copy of IMV Report.

11. As per the documents, the petitioner met with an accident and sustained grievous injuries in the said accident due to the rash and negligent driving of the offending vehicle by its driver. Though, the respondent has denied the case of the petitioner and also contended that, the insured vehicle is not involved in any accident. The petitioner by colluding with the police filed a false case against their vehicle. But, the respondent could not elicit anything favorable to its case in the cross-examination of Pw-1 and there is nothing on record to disbelieve the version of the petitioner that, the accident had occurred due to the negligent driving of offending vehicle by its driver. Further the documents



produced by the Pw-1 show that, the concerned police after investigation submitted charge sheet against the driver of the KSRTC bus. When the evidence placed on the record by the Pw-1 supports his case the Tribunal is of the view that, the alleged accident had taken place due to the negligence of the driver of the offending vehicle. Therefore, **Issue No.1 is answered in the Affirmative.**

12. **Issue No.2:** This issue casted burden putting on the respondent No.2 to prove the petition is bad for non-joinder of necessary party as the owner of the Motor Cycle bearing Reg. No. KA-41-EA-1388 is not made party to the petition. But, as per the ExP-3 true copy of charge sheet the driver of the offending vehicle is the accused and no case is registered against the said vehicle. Moreover, there is no evidence to show that, the Motor Cycle bearing Reg. No. KA-41-EA-1388 had contributed to the accident. Hence, the insurer and the insured of the said vehicle is not a



necessary parties. Hence, **Issue No.2 is answered in the Negative.**

13. **Issues No.3:** In view of the findings given in Issue No.1, it is clear that the petitioner sustained injuries due to the rash and negligent act by the driver of the KSRTC Bus bearing Reg. No. KA-42-F-0355.

14. For the injuries sustained in the road traffic accident, the petitioner has claimed compensation. So far as, expenses relating to treatment, hospitalization, medicines are concerned, the petitioner has produced 19 numbers medical prescriptions together marked as ExP-8 and also 20 medical bills together marked as ExP-9. The respondent No.2 has not disputed the medical bills are fake and also there is nothing on record to disbelieve the medical bills produced by the petitioner are fake.

15. Further on perusal of the ExP-7 discharge summary as



well as the medical bills it shows that, the petitioner took treatment at Narayana Hospital, Ramanagara on 11.03.2024 and she was discharged on 14.03.2024. On perusal of the ExP-9 In Patient Bill and Receipts it shows that, the petitioner has incurred Rs.59,288/- towards the expenses relating to treatment, hospitalization and medicines. Therefore, the petitioner is entitled for **Rs.59,288/-** towards compensation amount under the head expenses relating to treatment, hospitalization and medicines.

16. So far as loss of earnings during the time of treatment by the petitioner is concerned, she has produced discharge summary at Ex.P-7. The petitioner has examined one doctor Dr.Madhusudahan.S.N., as Pw-2, who has produced X-ray at ExP-10 and In-patient Case Sheet at Ex.P-11. These documents show that, the petitioner was admitted at Narayana Hospital, Ramanagara on 11.03.2024 and she



was discharged on 14.03.2024.

17. This Tribunal has to consider to what extent the petitioner is entitled for compensation for loss of future earnings on account of permanent disability. To assess compensation under this head, the evidence of the doctor has to be considered.

18. The Petitioner has examined Doctor Dr.Madhusudan.S.N as Pw-2. As per his evidence, the injured petitioner was treated in Narayana Hospital, Ramanagara from 11.03.2024 to 14.03.2024 as an inpatient and she came to the Hospital with the history of RTA. On examination the Pw-1 and also the medical documents including the wound certificate produced before the Tribunal, the petitioner sustained Swelling and tenderness over right shoulder, movements, Painful and reststricted, Deformity present and Tenderness over right side of chest. Pw-2 further deposed that, the patient was



diagnosed to have had Type 3 AC joint dislocation, right side. She was operated on 12.03.2024 and surgery (ORIF with LCP and screws (Hook Plate) right shoulder) was done. The patient was discharged from the Hospital and advised to come follow-up on OPD basis and obtain treatment.

19. Pw-2 further deposed that, on 29.08.2025 the petitioner was examined for disability assessment as per the format amended by the Ministry of Social Welfare and Empowerment the Government of India. According to the Pw-2, the petitioner complained pain and stiffness in the right shoulder and right shoulder movements and implants in situ. Pw-2 in the affidavit has stated that, the permanent disability for the whole body is 32%, for the whole body $1/3^{\text{rd}}$ of the said disability has to be considered, which amounts to **11%**.

20. The next question that has to be considered is what



was the avocation of the petitioner. The petitioner has contended that, she was Agriculturist and engaged in Dairy Farming and use to earn Rs.30,000/- per month. However, no document is produced to establish that, she was earning Rs.30,000/- per month. The accident having taken place in 2024, the notional income of the petitioner is considered as **Rs.17,000/-**.

21. The next question would be what the age of the petitioner is. It must be noted that in this case the petitioner has stated in the petition that, she is aged around 43 years. The medical records reveal that, he was aged 45 years. Further, the age of the petitioner is not disputed by the respondent No.2. Therefore, the age of the petitioner is considered as 45 years. Therefore, the multiplier applicable to the petitioner is **14**. Hence, $\text{Rs.17,000} \times 12 \times 14 = \text{Rs.28,56,000/-}$. The percentage of disability for the whole body is taken as **11%**. The future loss of income would be $\text{Rs.28,56,000} \times 12\% = 3,14,160/-$. This amount is the loss



of future earnings on account of permanent disability. Hence, this Tribunal is convinced that, the petitioner is entitled for compensation towards future earnings on account of permanent disability. As such the petitioner is entitled for **Rs.3,14,160/-** towards loss of future earnings on account of permanent disability.

22. If **Rs.60,000/-** is awarded for pain and suffering, **Rs.30,000/-** towards attendant charges and nourishment and **Rs.20,000/-** towards loss of amenities of life and **Rs.6,000/-** toward travelling expenses, it would meet the ends of justice. Therefore, the petitioner is entitled for compensation under the following conventional heads:

1.	<i>Future loss of future earnings on account of permanent disability</i>	Rs.	3,14,160-00
2.	<i>Nourishment and attendant charges</i>	Rs.	30,000-00
3.	<i>Pain and suffering</i>	Rs.	60,000-00
4.	<i>Loss of amenities and</i>	Rs.	20,000-00



	<i>enjoyment of life</i>		
5.	<i>Medical expenses</i>	<i>Rs.</i>	<i>59,288-00</i>
6.	<i>Travelling Expenses</i>	<i>Rs.</i>	<i>6,000-00</i>
	<i>Total</i>	<i>Rs.</i>	<i>4,89,448-00</i>

23. Therefore, the petitioner is entitled for compensation of **Rs.4,89,448/-**, which is rounded off to **Rs.4,90,000/- (Rupees Four Lakh Ninety Thousand Only)** for the injuries sustained by her in a road traffic accident. In my opinion, the above said compensation awarded to petitioner is just, fair and proper under the facts and circumstances of the case. Looking to the facts and circumstances of the case, it is just and proper to award interest at the rate of 6% p.a., on the above said compensation amount awarded in this case from the date of petition till the date of deposit or realization. As far as liability to pay compensation is concerned, admittedly, the respondent is the owner cum insurer of the KSRTC bus. Hence, the respondent is liable to



pay compensation to the petitioner. With this observation,

Issue No.3 is answered Partly in the Affirmative.

24. **Issue No.4:** Based on the above said reasoning, I proceed to pass the following:

ORDER

The petition filed by the petitioner U/s.166 of Motor Vehicle Act is allowed in part with costs.

The petitioner is awarded compensation amount of **Rs.4,90,000/- (Rupees Four Lakh Ninety Thousand Only)** together with interest thereon at the rate of 6% per annum from the date of petition till the date of realization.

The respondent is held liable to pay compensation amount awarded in this case and directed to deposit the amount within 60



days from the date of this order.

After such deposit, the petitioner is entitled for 50% release and the remaining 50% of the amount deposited shall be kept in F.D. in the name of the petitioner in any nationalized bank for a period of 3 years with liberty to withdraw interest.

Advocate fee is fixed at Rs.2,000/-.

Draw award accordingly.

(Dictated to the Stenographer in part and dictated directly on the computer and computerized by him, corrected, signed and then pronounced by me in the Open Court on this the 27th day of March 2026)

(Smt.Niveditha.T.M)
I Addl. Senior Civil Judge & JMFC.,
Member, Additional M.A.C.T.,
Ramanagara.

ANNEXURE

1. List of witnesses examined on behalf of the petitioner:

Pw-1 : Smt.Sakamma;
Pw-2 : Dr.Madhuhsudan.S.N.

2. List of documents marked on behalf of the petitioner:

Exp-1 : True Copy of FIR;
Exp-2 : True Copy of Complaint;
Exp-3 : True Copy of Charge Sheet;
Exp-4 : True Copy of Spot Mahazar;



- Exp-5 : True Copy of Wound Certificate;
- Exp-6 : True Copy of IMV Report;
- Exp-7 : Discharge Summary;
- Exp-8 : 19 Nos Medical Prescriptions;
- Exp-9 : 20 Nos Medical Bills;
- Exp-10 : X-ray;
- Exp-11 : In-patient Case Sheet.

3. List of witnesses examined on behalf of the respondents:

-Nil-

4. List of documents marked on behalf of the respondents:

-Nil-

(Smt.Niveditha.T.M)
1st Addl. Senior Civil Judge & JMFC.,
Member, Additional M.A.C.T.
Ramanagara.