

KARN020006782024



Presented on : 06-05-2024
Registered on : 06-05-2024
Decided on : 27-03-2026
Duration : 1 years, 10 months, 21 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:119/2024

DATED : THIS THE 27th OF MARCH, 2026

Petitioner : Sri.Sunil,
S/oRamachandra,
Aged about 33 years,
R/at: Brahmanipura,
Kasaba Hobli,
Channapattana Taluk,
Ramanagara District.

Also at No.4, Vinayakanagara,
RamanagaraTown,
Ramanagara.

(Rep by Sri.SYS., Advocate)

- V/s -

Respondents : 1. Sri.Pavan.S,
S/o Shivalinga,
R/at: No 55, 17th D Cross,
Basavaraja Layout,



Jaraganahalli,
JP Nagara,
6th Phase,
Bangalore South Taluk,
Bangalore-78.

(Owner of Honda Motor Cycle bearing
Reg.No.KA-05-HZ-7204)

2. The Manager,
Bajaj Alliance General Insurance Company,
4th Floor, Golden Heights Complex,
59th C cross, 4th M Block,
Industrial Saburb, Rajajinagar
Bangalore-5600010.

(PolicyNo.OG-24-9906-1802-00670375
Valid from 02.04.2024 to 01.04.2025)

(R-1 : Rep by Sri.SSG., Advocate)
(R-2 : Rep by Sri.SKK., 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 him in a road traffic accident.

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

That, on 20.04.2024 at about 1-15 p.m., the petitioner



was traveling on a Motor Cycle bearing Reg. No. KA-05-HZ-7204 as a pillion rider, when the rider reached near Kasi Topu, Shanumangala Village, Jayalamangala Road, Ramanagara Taluk, at the same time rider of the said Motor Cycle rode his vehicle in a very rash and negligent manner and to avoid a road pothole applied sudden break, due to impact the petitioner fell down from the motor cycle and sustained grievous injuries.

3. Immediately, the petitioner was shifted to the Ramakrishna Hospital, Ramanagara for treatment. The petitioner has spent more than Rs.2,00,000/- towards medicine, hospital charges, nourishment and traveling expenses. The petitioner was very hale and healthy prior to the accident and he is the only earning member of his family and he used to earn Rs.25,000/- per per month as an Agriculturist and Dairy Farming Work. Due to the accident, the petitioner is unable to do his work and suffering from severe pain and mental agony.



4. The accident was caused due to rash and negligent riding of the Motor Cycle bearing Reg. No. KA-05-HZ-7204 by it's rider. The Ramanagara Rural Police, have registered the case against the rider of the said vehicle.

5. That the respondent No.1 is the owner and the respondent No.2 is the insurer of the said vehicle and they are jointly and severally liable to pay the compensation to the petitioner. Hence, the petition.

6. After service of notice, the respondent No.1 appeared before the Tribunal but did not filed written statement. The Respondent No.2 appeared before the Tribunal through his counsel and filed written statement.

7. The respondent No.2 in his written statement denied the entire petition averments and contended, the Motor Cycle bearing Reg. No. KA-05-HZ-7204 was covered with the insurance subject to terms, conditions of the policy. According to the respondent No.2, the alleged accident was not due to the rash and negligent act rider of the offending



vehicle. Apart from that, the alleged accident occurred due to the sole negligence on the part of the petitioner. The rider of the offending vehicle at the time of the accident did not have possess valid and effective license to rode the same. Therefore, the respondent No.2 by denying the case of the petitioner prayed for dismissal of the petition with cost.

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

- 1) Whether the petitioner proves that on 20.04.2024 at about 1-15 p.m., the petitioner was traveling on a Motor Cycle bearing Reg. No. KA-05-HZ-7204 as a pillion rider, When the rider reached near Kasi Topu, Shanumangala Village, Jayalamangala Road, Ramanagara Taluk, at the same time rider of the said Motor Cycle ridden his vehicle in a very rash and negligent manner endangering to human life and to avoid a road pothole applied sudden break, due to impact the petitioner fell down from the motor cycle and sustained grievous injuries?
- 2) Whether the respondent No.2 proves that driver of the Motor Cycle bearing Reg. No. KA-05-HZ-7204 has no valid driving license as on the date of accident?
- 3) Whether the petitioner is entitled for compensation? If so, how much and from whom?
- 4) What Order or Award?

9. 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 to ExP-13. On the other hand, the respondent No.2 has not led any evidence.

10. Heard and perused materials available on record.

11. 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

12. **Issue No.1:** The admitted fact is that, Motor Cycle bearing Reg. No. KA-05-HZ-7204 i.e., the offending vehicle was covered by insurance policy of 2nd respondent company during the period of accident.

13. The petitioner to prove that the accident had taken place due to the negligent driving of the offending vehicle by



it's rider, the petitioner examined himself as Pw-1. He has filed an affidavit in lieu of his examination-in-chief, wherein, he has reiterated the petition averments and Pw-1 has produced ExP.1- True Copy of FIR, ExP.2- True Copy of Complaint, ExP.3- True Copy Charge Sheet, ExP.4-True Copy of Spot Mahazar, ExP.5-True Copy of Wound Certificate, ExP.6-Discharge Summary and ExP.7-True Copy of of IMV Report .

14. As per the documents, the petitioner met with an accident and sustained grievous injures in the said accident due to the rash and negligent riding of the offending vehicle by it's rider. The respondent No.1 is the owner of the offending vehicle appeared before the Tribunal but did not filed written statement.. Furthermore, the respondent No.2 has denied the case of the petitioner and according to the respondent No.2, the alleged accident was not due to the rash and negligent act rider of the offending vehicle. Apart from that, the alleged accident occurred due to the sole negligence of the petitioner's and negligent manner



contributed for the accident. Further in the cross examination Pw-1 denied that he has not haivng DL at the time of the accidnet and he rode the same because of the said accident occurred. Furthermore, the respondent No.2 could not elicit anything favorable to it's case in the cross-examination of Pw-1.

15. Further the respondent No.2 has attributed negligence to the petitioner in the occurrence of the accident. But, the said contention of the respondent No.2 is not proved. Because, the documents produced by the Pw-1 support the version of the petitioner. Such being the case, this Tribunal is of the view that, the alleged accident had taken place due to the negligent driving of the offending vehicle by it's rider. Hence, I answer **Issue No.1 in the Affirmative.**

16. **Issue No.2:** The respondent No.2 had taken up the defence that, the rider of the vehicle of the Motor Cycle bearing Reg. No. KA-05-HZ-7204 had no valid driving license. However, the respondent No.2 has not adduced any



evidence to establish its contention. Hence, the respondent No.2 has failed to establish its defense that, the rider of the Motor Cycle bearing Reg. No. KA-05-HZ-7204 had no valid DL to ride the vehicle at the time of accident. Even the IO at the time of filing charge sheet had not mentioned anything about the possession of the DL by the rider and also there is no specific section regarding non-possession of DL. Hence, **Issue No.2 is answered in the Negative.**

17. **Issue 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 rider of the Motor Cycle bearing Reg. No. KA-05-HZ-7204.

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 medical prescriptions together marked at ExP-8 and 7 numbers of medical bills together marked at ExP-9. Though, the



respondent No.2 has disputed the medical bills are fake, but there is nothing on record to disbelieve the medical bills produced by the petitioner are fake.

18. Further on perusal of the ExP-6 Discharge Summary and ExP-9 Final bill and medical bills, it shows that, the petitioner was took treatment at Ramakrishna Hospital, Ramanagara on 20.04.2024 and he was discharged on 24.04.2024. On perusal of the ExP-9 are the medical bills and also final bill it shows that, the petitioner has incurred Rs.1,34,637/- towards the expenses relating to treatment, hospitalization and medicines. Therefore, the petitioner is entitled for **Rs.1,34,637/-** towards compensation amount under the head expenses relating to treatment, hospitalization and medicines.

19. So far as loss of future earnings on account of permanent disability is concerned, it is necessary to rely upon the evidence of the Dr.Venkataram Kumar., he has examined as Pw-2 and got marked ExP-10 Inpatient case



records, ExP-11 Out-patient Case Sheets and ExP-12 and ExP-13 are the X-rays. In his affidavit Pw-2 stated that, Sunil, aged about 33 years came to the Hospital with a History of an alleged RTA on 20.04.2024 as an inpatient and he sustained Multi Ligamentous injury of Right knee. The patient was underwent Arthroscopic ACL Reconstruction of Right knee on 23.04.2024 and the patient was discharged on 27.04.2024 with appropriate advice to follow up regularly on tan out patient basis.

20. Further on 29.08.2025 he examined the petitioner for disability assessment and the following observation was made, Stiffness of Rt. Knee with implants in situ, Restriction of Right Knee movements and Difficulty in walking over irregular surfaces and squatting. Further on recent X-ray shows that Right Proximal Tibial implants in situ. Therefore, this Tribunal is of the view that, there is nothing on record to disbelieve the assessment made by the doctor. Hence, disability to whole body is considered as **14%**. Further on careful perusal of the case files it found that, the Bowring



and Lady Curzon Hospitals, Bengaluru has given the Disability Assessment to the petitioner, it shows that, disability to whole body is considered as 15%. Hence, disability to whole body is considered as **15%**.

21. The next question that has to be considered is what was the occupation of the petitioner. The petitioner has contended that, he was doing Agriculturist and Dairy Farming Work and was earning Rs.25,000/- per month. However, no document is produced to establish the income of the petitioner. The accident having taken place in 2024, the notional income of the petitioner is considered as **Rs.16,000/-** per month.

22. The next question would be, what is the age of the petitioner. It must be noted that in this case the petitioner has stated in the petition that, he is aged around 33 years. The medical records shows that, the age of the petitioner is 33 years. Hence, the age of the petitioner is considered as **33 years**. Therefore, the multiplier applicable to the



petitioner is **16**. Hence, Rs.17,000 x 12 x 16 is Rs.28,80,000/-. The percentage of disability for the whole body is taken as **15%**. Therefore, the future loss of income would be Rs.28,80,000 x 15 / 100 = Rs.4,32,000/-. 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, he is entitled for **Rs.4,32,000/-** towards loss of future earnings on account of permanent disability.

23. Further, **Rs.50,000/-** is awarded for pain and sufferings and **Rs.20,000/-** towards attendant charges and nourishment and **Rs.20,000/-** towards loss of amenities of life and **Rs.5,000/-** 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.	4,32,000-00
2.	<i>Nourishment and attendant</i>	Rs.	20,000-00



	<i>charges</i>		
3.	<i>Pain and suffering</i>	<i>Rs.</i>	<i>50,000-00</i>
4.	<i>Loss of amenities and enjoyment of life</i>	<i>Rs.</i>	<i>20,000-00</i>
5.	<i>Medical expenses</i>	<i>Rs.</i>	<i>1,34,637-00</i>
6.	<i>Travelling Expenses</i>	<i>Rs.</i>	<i>5,000-00</i>
	Total	Rs.	6,61,637-00

24. Therefore, the petitioner is entitled for compensation of **Rs.6,61,637/-**, which is rounded off to **Rs.6,62,000/- (Rupees Six Lakh Sixty Two Thousand Only)** for the injuries sustained by her in a road traffic accident. In my opinion, the said compensation awarded to the 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.



25. As regards liability to pay compensation to the petitioner is concerned, the respondent No.1 is the owner and the respondent No.2 is the insurer of the offending vehicle. The respondent No.2 has admitted issuance of policy to the vehicle of respondent No.1. Hence, this Tribunal is of the view that, the respondent No.1 the owner of the offending vehicle and respondent No.2 the insurer of the offending vehicle are jointly and severally liable to pay compensation to the petitioner. However, the respondent No.2 has to indemnify the respondent No.1 and the respondent No.2 is directed to pay the entire compensation together with 6% interest per annum and costs to the petitioner. With this observation, **Point No.3 is answered Partly in the Affirmative.**

26. **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.6,62,000/- (Rupees Six Lakh Sixty Two Thousand Only)** together with interest thereon at the rate of 6% per annum from the date of petition till the date of realization.

The respondents No.1 and 2 are jointly and severally liable to pay the compensation to the petitioner. However, the respondent No.2 insurance company has to indemnify the respondent No.1 owner of the offending vehicle and shall deposit the said amount within 60 days from the date of this award.

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 once in 3 months.

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 : Sri.Sunil;
Pw-2 : Dr.Venkatram Kumar.

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 : Discharge Summary;
ExP-7 : True Copy of IMV Report;
ExP-8 : Medical Prescriptions;
ExP-9 : 7 Numbers Medical Bills;
ExP-10 : In-patient Case Sheets;
ExP-11 : Out-patient Case Sheets;
ExP-12 & 13: X-rays;



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.**