

KARN020006992023



Presented on : 27-05-2023
Registered on : 27-05-2023
Decided on : 28-04-2026
Duration : 02 years, 11 month, 01 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:207/2023

DATED : THIS THE 28th OF APRIL, 2026

Petitioner : Sri.Guruswamy Naik,
S/o. Soma Naik,
Aged about 49 years,
R/at: Doredoddi Village,
Dhinnahalli Post,
Kollegala Taluk,
Chamarajnaragara District.

Also R/at: Jayapura Village,
Kootagal Hobli,
Ramanagara Taluk and District.

(Rep by Sri.TKS., Advocate)

- V/s -

Respondents : 1. Sri.Balu Naik,
S/o. Bheema Naik,



R/at Domman Gadde Village,
Ajjipura Post,
Hanur Taluk,
Chamarajanagara District.

(Owner of Tractor vehicle bearing
Reg.No.KA-17-TA-4709)

2. T.P.Prasad,
S/o. Puttaiah,
R/at: No.83, Thigalahalli,
Kanakapura Taluk,
Ramanagara District.
3. The Manager,
ICICI Lambord Insurance Co. Ltd.,
O/at 9th Floor, The Estate,
121, Dickenson Road,
M.G.Road,
Bangalore-560 042.

(Policy No.3008/240728547/00/B00 Valid
from 25.02.2022 to 24.02.2023)

(R-1 & 2 : Exparte)
(R-2 : Rep by Sri.KNS., Advocate)

JUDGMENT

(Delivered on 28/04/2026)

This is the petition filed by the petitioner U/s.166 of
MV Act, seeking compensation of Rs.20,00,000/- with



interest at the rate of 25% 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 20.02.2023 at about 10.45 a.m., the petitioner was walking beside of the road near S.S. convention hall, Jayapura Gate, Ramanagara, At time the driver of the Tractor bearing Reg.No.KA-17-TA-4709 in a very rash and negligent manner endangering to human life and dashed against petitioner, as a result of which petitioner sustained grievous injuries.

3. Immediately, the petitioner was shifted to the Ramakrishna Hospital, Ramanagara for treatment. The petitioner has spent more than Rs.3,00,000/- 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.1,000/- per day as a Collie. 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 driving of the Tractor bearing Reg.No.KA-17-TA-4709 by its driver. The Ramanagara Rural Police, have registered the case against the driver of the said vehicle.

5. That the respondent No.1 is the owner, the respondent No.2 is the insured of the said vehicle and the respondent No.3 is the insurer of the said vehicle and all are jointly and severally liable to pay the compensation to the petitioner. Hence, the petition.

6. After service of notice, the respondents No.1 and 2 did not appear before the Tribunal and were placed ex parte. The respondent No.3 appeared before the Tribunal through his counsel and filed written statement.

7. The respondent No.3 in his written statement denied the entire petition averments and contended, the Tractor bearing Reg.No.KA-17-TA-4709 was covered with the



insurance subject to terms, conditions of the policy. According to the respondent No.2, the driver of the offending vehicle at the time of the accident did not have possess valid and effective license to drove 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 20.02.2023 at about 10.45 a.m., the petitioner was walking beside of the road near S.S. convention hall, Jayapura Gate, Ramanagara, At time the driver of the Tractor bearing Reg. No. KA-17-TA-4709 in a very rash and negligent manner endangering to human life and dashed against petitioner, as a result of which petitioner sustained grievous injuries?
- 2) Whether the respondent No.3 further proves that driver of the Tractor vehicle 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-11, ExP-18 and ExP-19. The doctor is examined as Pw-2



and marked ExP-12 to ExP-17. 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, Tractor bearing Reg.No.KA-17-TA-4709 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 driver, the petitioner examined himself as Pw-1. He has filed an affidavit in lieu of her 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 of IMV Report and ExP.6-True Copy of Wound Certificate.

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 driving of the offending vehicle by it's driver. The respondent No.1 is the owner of the offending vehicle and respondent No.2 is the insured of the said offending vehicle and they did not appear before the Tribunal and were placed exparte. Furthermore, the respondent No.3 has denied the case of the petitioner and also the respondent No.2 could not elicit anything favorable to it's case in the cross-examination of Pw-1.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 driver. Hence, I answer **Issue No.1 in the Affirmative.**

15. **Issue No.2:** The respondent No.3 had taken up the defence that, the drivers of the vehicle of the Tractor bearing Reg.No.KA-17-TA-4709 i.e., had no valid driving license. However, the respondent No.3 has not adduced any evidence to establish it's contention. Hence, the respondent No.3 has failed to establish it's defense that, the driver of the Tractor bearing Reg.No.KA-17-TA-4709 i.e., had no valid DL to drove 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 driver. There is no specific section regarding non-possession of DL. Hence, **Issue No.2 is answered in the Negative.**

16. **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 driver of the Tractor bearing Reg.No.KA-17-TA-4709.

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 27 medical bills together marked as Exp-10. Though, the respondent No.3 has disputed the medical bills are fake, but there is nothing on record to disbelieve the medical bills produced by the petitioner are fake.

17. Further on perusal of the Exp-7 to Exp-9 are the Discharge Summaries and Exp-10 Final bill and medical bills, it shows that, the petitioner was took treatment at Ramakrishna Hospital, Ramanagara on 20.02.2023 and he was discharged on 27.02.2023 and again admitted the Hospital on 10.04.2023 and was discharged on 17.04.2023 and also again he admitted to the Hospital on 19.07.2023 to 28.07.2023 and again the petitioner has admitted



29.08.2023 to 07.09.2023 for treatment from suffering injuries in the said accident. Further on careful perusal of the 18 the petitioner has again admitted to the Narayana Hospital on 03.04.2025 and he was discharged on 07.04.2025 for implant removal. On perusal of the ExP-10 and ExP-19 are the medical bills and also final bills it shows that, the petitioner has incurred Rs.4,26,371/- towards the expenses relating to treatment, hospitalization and medicines. Therefore, the petitioner is entitled for **Rs.3,91,655/-** towards compensation amount under the head expenses relating to treatment, hospitalization and medicines.

18. 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.K., he has examined as Pw-2 and got marked ExP-13 Inpatient case records, ExP-14 Out Patient case records, ExP-15 MLC Reporty and ExP-16 and ExP-17 are the X-rays. In his affidavit Pw-2 stated that, Mr.Guruswamy Nayak, aged



about 49 years male came to the Hospital History of an alleged RTA on 20.02.2023¹ as an inpatient and he sustained following injuries.

Type III open fracture of Left Tibia, distal one third with soft tissue loss.

THE FOLLOWING ARE THE DETAILS OF HIS

TREATMENT AS IN-PATIENT ON SEVERAL OCCASIONS:

- a. 20.02.2023 to 02.02.2023: Type III open fracture of Left Tibia-Wound debridement and External fixation done.
- b. 10.04.2023 to 17.04.2023: External fixator removal and IL nail fixation done.
- c. 19.07.2023 to 28.07.2023: Infective nonunion of tibia with implant in situ. Implant removal, antibiotic cement beads application and fibular strut grafting done.
- d. 29.08.2023 to 04.09.2023: Cement beads removal, bone



grafting and bridge plating
done.

e. 22.11.2023: Implant was found to be exposed. Key stone
flap Coverage done.

19. On careful perusal in the above discussion the
petitioner has admitted to the Hospital on several occasion
for the purpose of the treatment and also the patient was
discharged every time with an advice to be on regular
followup and also the patient made several visits to our OPD
after his discharge.

20. Further on 07.10.2024 he examined the petitioner for
disability assessment and the following observation was
made, Malunion of fracture of Left tibia with implants in
situ, Restriction of Lt ankle and foot movements and
Difficulty in walking over irregular surfaces and squatting.
Further on recent X-ray shows that Malunited fracture of
Left Tibia with 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 **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 Coolie and was earning Rs.1,000/- per month. However, no document is produced to establish the income of the petitioner. The accident having taken place in 2023, the notional income of the petitioner is considered as **Rs.15,500/-** 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 49 years and age of the petitioner is disputed by the respondent No.2 and also Pw-1 in the cross examination denied that, his age 65 and he received the old age pension. The medical records reveal that, the petitioner was aged 49 years at the



time of accident. Hence, the age of the petitioner is considered as **49 years**. Therefore, the multiplier applicable to the petitioner is **13**. Hence, Rs.15,500 x 12 x 13 is Rs.24,18,000/-. The percentage of disability for the whole body is taken as **15%**. Therefore, the future loss of income would be Rs.24,18,000 x 15 / 100 = Rs.3,62,700/-. 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.3,62,700/-** 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.30,000/-** towards loss of amenities of life and **Rs.10,000/-** 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.	3,62,700-00
2.	<i>Nourishment and attendant charges</i>	Rs.	20,000-00
3.	<i>Pain and suffering</i>	Rs.	50,000-00
4.	<i>Loss of amenities and enjoyment of life</i>	Rs.	30,000-00
5.	<i>Medical expenses</i>	Rs.	3,91,655-00
6.	<i>Travelling Expenses</i>	Rs.	10,000-00
	Total	Rs.	8,64,355-00

24. Therefore, the petitioner is entitled for compensation of **Rs.8,64,355/-**, which is rounded off to **Rs.8,65,000/- (Rupees Eight Lakh Sixty Five Thousand Only)** for the injuries sustained by him 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, the respondent No.2 is the insured and the respondent No.3 is the insurer of the offending vehicle. The respondent No.3 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, respondent No.2 is the insured and the respondent No.3 the insurer of the offending vehicle are jointly and severally liable to pay compensation to the petitioner. However, the respondent No.3 has to indemnify the respondent No.3 and the respondent No.3 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.8,65,000/- (Rupees Eight Lakh Sixty Five 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 3 are jointly and severally liable to pay the compensation to the petitioner. However, the respondent No.3 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 28th day of April 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.Guruswamy Nayaka;
Pw-2 : Dr.Venkatram Kumar.K.

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 IMV Report;



- Exp-6 : True Copy of Wound Certificate;
- Exp-7 to 9 : Discharge Summaries;
- Exp-10 : 27 Nos of Medical Bills;
- Exp-11 : X-ray;
- Exp-12 : Discharge Summary;
- Exp-13 : In-patient Case Sheet;
- Exp-14 : Out-patient File;
- Exp-15 : MLC Report;
- Exp-11 & 17: X-rays;
- Exp-18 : Discharge Summary;
- Exp-19 : Medical Bills.

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.