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**IN THE COURT OF THE PRL.SENIOR CIVIL JUDGE &
JMFC, AT CHANNAPATNA**

: PRESENT :

SRI.VENKATESHAPPA V., B.A., L.L.B.,
Prl.Senior Civil Judge & JMFC,
Channapatna.

Dated this 09th day of April - 2026

M.V.C.No.218 Clubbed with M.V.C.No.404/2017

PETITIONER:

(In M.V.C.218/2017)

1. Sri. Paul Gnana Mithra S/o
Premaiah, Aged about 65 years.
R/at: No.2240/51, Karunya
Nilaya, 1st Cross, Church Road,
Channapatna Town,
Ramanagara District. **(Dead)**

1(a). Beaula Vijaya Rani W/o Late
Paul Gnana Mithra, aged about
58 years,

1(b). Mathew Ronald.P S/o Late
Paul Gnana Mithra, aged about
38 years,

1(c). Eviln Vidya Latha.P D/o
Late Paul Gnana Mithra, aged
about 36 years,



1(d). Jenet Merlin.P D/o Late Paul Gnana Mithra, aged about 34 years, All are R/at: 2240/51, 1st Cross, Hawarthapura Chruch Road, Channapantna Taluk, Ramanagara District.

(By Sri.M.K.N., Advocate)

PETITIONER:

(In M.V.C.404/2017)

Smt Beaula Vijayarani R W/o Paul Gnana Mithra, Aged about 50 years. R/at: No.2240/51, Karunya Nilaya, 1st Cross, Church Road, Channapatna Town, Ramanagara District.

(By Sri.M.K.N., Advocate)

-VS-

RESPONDENTS IN COMMON:

1. Sri.Venkatesh Byra Shetty S/o Byrashetty, R/at: No.755, 1st Floor, 4th Stage, 7th Main, BEML, Layout, Rajarajeshwarinagara, Bengaluru.

2. The Bajaj Allianz General Insurance Company Limited, Golden Heights, 4th Floor, No: 1/2, 59th 'C' Cross, 4th M Block, Rajajinagara, Bengaluru.

Policy No: OG-17-1701-1806-00001308
Valid From 06.07.2016 to 05.07.2017



**(Respondent No.1 is Rep. by Sri.
B.S.V., Advocate & Respondent No.2
is Rep by Sri. S.Y.S., Advocate)**

COMMON JUDGMENT

The M.V.C.No.404/2017 is clubbed with M.V.C.No.218/2017 as per Order on dt: 12.01.2023 as arising out of same accident for recording common evidence and disposal in accordance with provisions of law.

2. The case of the Petitioner of M.V.C.No.218/2017 in brief are as follows :

The petitioner has filed this petition U/Sec.166 of Motor Vehicles Act 1989 against the respondents for awarding compensation amount of Rs.20,00,000/- with the interest at the rate of 18% PA in view of grievous injuries sustained in road traffic accident.

On 01.01.2017 in the night at about 1.00 pm., when the petitioner was crossing the road near Appagere cross, Bengalur-Mysuru Road, the rider of Pulsar Motorcycle bearing Reg.No.KA-05-EX-3337 rode the said vehicle in rash and negligent manner as endanger to human life



without following road traffic rules and hit to the Petitioner. As a result of accident, the petitioner fell down and sustained injuries on his left hand and all over the body. Immediately, he was shifted to Government Hospital, Channapatna wherein provided first-aid treatment and thereafter admitted to Narayana Hospital, Ramanagara wherein underwent surgery. The petitioner has spent Rs.1,00,000/- for medical expenses.

3. The petitioner was hale and healthy, doing tailoring work and earning a sum of Rs. 20,000/- per month. The respondent Nos.1 and 2 are owner and insurer of offending vehicle, liable to pay compensation to the petitioners. Hence filed this petition.

4. **The case of the Petitioner of M.V.C.No.404/2017 in brief are as follows :**

The Petitioner has filed this petition U/Sec.166 of Motor Vehicles Act 1989 against the respondents for awarding compensation amount of Rs.20,00,000/- with the



interest at the rate of 18% PA in view of grievous injuries sustained in road traffic accident.

On 01.01.2017 in the night at about 1.00 pm., when the petitioner was crossing the road near Appagere cross, Bengalur-Mysuru Road, the rider of Pulsar Motorcycle bearing Reg.No.KA-05-EX-3337 rode the said vehicle in rash and negligent manner as endanger to human life without following road traffic rules and hit to the Petitioner. As a result of accident, the petitioner fell down and sustained injuries on his head, left leg, right leg and all over the body. Immediately, she was shifted to Government Hospital, Channapatna wherein provided first-aid treatment and thereafter admitted to Narayana Hospital, Ramanagara. The petitioner has spent Rs.2,00,000/- for medical expenses.

5. The petitioner was hale and healthy, doing tailoring work and earning a sum of Rs. 20,000/- per month. The respondent Nos.1 and 2 are owner and insurer of offending



vehicle, liable to pay compensation to the petitioners. Hence filed this petition.

6. After service of notice the respondent No.2 appeared before this court through its counsel and filed Written Statement stating that denied the averments of petition. The date, time, place and the manner of the accident are also denied. The policy of the offending vehicle is admitted. The alleged accident was occurred due to the negligent act of the petitioners. The driver of the offending vehicle had no valid and effective driving license at the time of accident. The medical expenditure and the expenses regarding the diet, conveyance etc., and the requirement of amount for follow up treatment are all denied. The injury, disability suffered by the petitioners is denied. Therefore the respondent No.2 prays for dismissal of the petition.

7. After service of notice, the Respondent No.1 the owner of the offending vehicle appeared before this court through counsel and filed objections stating that denied the



averments of petition. The date, time, place and the manner of the accident are also denied. The alleged accident was occurred due to the negligent act of the petitioner. Therefore the Respondent No.1 prays for dismissal of the petition.

8. On the basis of the above said pleadings of the parties, following issues have been framed in

M.V.C.No.218/2017:

ISSUES

1. Whether the petitioner proves that he met with an RTA that occurred on 01.01.2017 at 1.00 a.m, near Appagere Cross, B.M Road, Channapatna Town and the Petitioner sustained injuries due to rash and negligent riding of Pulsar Motorcycle bearing No.KA-05-EX-3337 by it's rider ?
2. Whether the petitioner is entitled to compensation? If so how much and from whom?
3. What order or award ?

9. Issues in **M.V.C. No.404/2017:**

ISSUES

1. Whether the petitioner proves that he



sustained injuries in a road traffic accident that occurred on 01.01.2017 at midnight 1.00 a.m, near Appagere Cross, B.M Road, Channapatna Town due to the rash and negligent driving by the rider of the Pulsar motorcycle bearing Regn. No. KA-05-EX-3337 ?

- 2 Whether the petitioner is entitled to compensation? If so how much and from whom?
- 3 What order or award ?

Addl.Issues in M.V.C. No.404/2017:

- 1 Whether the 2nd Respondent proves that the driver of the Tractor bearing Reg No.KA-05-T-2835 and Trailer bearing Reg No.KA-05-T-2836 was not having valid driving licesse on the date of the accident ?

10. In order to prove their case, the Petitioner in M.V.C.No.218/2017 examined as PW1 and got marked Exs.P1 to P11.

11. The petitioner in M.V.C.No.404/2017 examined as PW1 & one witness examined as PW.2 and got marked Exs.P1 to P69. On the other hand, the respondent No.1



examined as RW3 and the respondent No.2 examined as RW1 and two witnesses examined as RW.2 & RW.4 and got marked Ex.R1 to R20.

12. Heard the arguments of the learned counsel for petitioner and respondents.

13. My findings on the above said Issues are as under in

M.V.C.No.218/2017:

Issue No.1	:	In the Affirmative.
Issue No.2	:	In the Partly Affirmative.
Issue No.3	:	As per final order passed below for the following:

14. My findings on the above said Issues are as under in

M.V.C.No.404/2017:

Issue No.1	:	In the Affirmative.
Issue No.2	:	In the Partly Affirmative.
Addl Issue No.1:		In the Negative.
Issue No.3	:	As per final order passed below for the following:



REASONS

15. ISSUE NO.1 in M.V.C.No.218/2017 and M.V.C. No.404/2017:

The petitioners in above both cases PW-1 & PW.1 deposed in their evidence that the petitioners have filed this petition on account of injuries in the road traffic accident occurred on 01.01.2017. The injuries suffered in the accident by the petitioners is not disputed by the respondents. In support thereto, the petitioners/PW-1 produced FIR, Complaint, Wound certificates, Spot Mahazar, IMV Report, Charge sheet and Discharge summary marked as Ex.P-1 to P-6 and Ex.P.1 to P.8 respectively. All these documents clearly discloses that the accident was taken place due to rash and negligent riding of rider of Pulsar Motorcycle bearing No.KA-05-EX-3337. The respondent admitted the accident and criminal case was registered against the driver of said offending vehicle. After perusal of cross-examination of PW1, it appears that the petitioners have denied the suggestions made by the



counsel for respondent. After perusal of evidence of PW1 and documents produced by PW1, I hold that the accident was occurred due to the rash and negligent riding of rider of offending vehicle and the respondent failed establish before this court that the accident was occurred due to the negligent act of the petitioner. ***Hence I answer Issue No.1 in M.V.C.No.218/2017 & M.V.C.No.404/2017 in Affirmative.***

16. ISSUE NO.2 in M.V.C.No.218/2017 and M.V.C.No.404/2017:

The Respondent No.2 took contention that disputed involvement of vehicle and the Channapatna traffic police have filed charge sheet against Sharath K S/o Krishnamurthy who had given statement before insurance policy company investigator that he was not driving motorcycle bearing No.KA-05-EX-3337 on 01.09.2017 and actually Hero Honda Karizma black colour driven by Mr.Sridhar @ Siddarth was caused accident without insurance policy and the said statement was video



recorded. In support thereto, the investigator of Respondent No.2 examined as RW.2 and produced investigation report marked Ex.P1 and director of Forensic lab of clufore examined as RW.4 who confirmed the video recording of CD and pen drive marked as Ex.R8 to R10. In this case no evidence of Mr.Sridhar @ Siddarth before this court. No robust evidence before this court regarding involvement of vehicle Hero Honda Karizma black colour driven by Mr.Sridhar @ Siddarth. Mere evidence of video record of Sharath K S/o Krishnamurthy does not come conclusion that the vehicle Hero Honda Karizma black colour involved in this case. Therefore, Ex.R7 to R10 cannot be considered as charge sheet filed by the police against accused person. Moreover, the documentary evidence i.e., charge sheet stood more than oral evidence i.e., evidence of video record of Sharath K S/o Krishnamurthy. Therefore, the contention of Respondent No.2 cannot be accepted and considered as documentary evidence in favour of Petitioner.



Now coming to the determination of awarding compensation to the petitioner in MVC No.218/2017 is concerned, the petitioner/PW-1 deposed before this Court that on account of the above said road traffic accident, he had sustained injuries. The petitioner/PW-1 produced wound certificate issued by General Hospital, Channapatna marked as Ex.P5, wherein reveals that the petitioner/ PW-1 sustained grievous injuries on account of road traffic accident and he was aged about 68 years.

Now coming to the determination of awarding compensation to the petitioner MVC No.404/2017 is concerned, the petitioner/PW-1 deposed before this Court that on account of the above said road traffic accident, he had sustained injuries. The petitioner/PW-1 produced wound certificate issued by General Hospital, Channapatna marked as Ex.P3, wherein reveals that the petitioner/ PW-1 sustained grievous injuries on account of road traffic accident and she was aged about 50 years.



17. **PAIN AND SUFFERING:** On perusal of the oral evidence and documentary evidence on record it clearly demonstrates that the petitioners were sustained grievous & simple injuries. The said facts clearly demonstrates that the petitioners have suffered pain and suffering on account of accident. Therefore, I am of the considered opinion that the petitioners are entitled for compensation of **Rs.25,000/- each** for pain and suffering.

18. **MEDICAL BILLS AND FOR TREATMENT IN M.V.C.No.218/2017:**

It is significant fact to note that, the petitioner might have spent some amount for his treatment, checkup and for medical expenses. In this regard the petitioner has specifically contended that he had spent Rs.1,00,000/- for medical check up and treatment. In this regard, the petitioner produced medical bills marked as Ex.P-7. I Perused the medical bills produced by the petitioner/PW-1. The medical bills duly signed by the authorities of hospital,



sealed and duly certified regarding payment of bills are to be considered. Otherwise cannot be considered. On perusal of these documents coupled with oral evidence on record, I am of the opinion that the petitioner might have spent some amount for purchase of medicines and some amount for his treatment. Therefore, the petitioner is entitled for compensation of **Rs.10,964/-** for checkup, medicines and treatment on the basis of duly certified medical bills only.

19. **MEDICAL BILLS AND FOR TREATMENT IN M.V.C. No.404/2017:**

It is significant fact to note that, the petitioner might have spent some amount for his treatment, checkup and for medical expenses. In this regard the petitioner has specifically contended that she had spent Rs.2,00,000/- for medical check up and treatment. In this regard, the petitioner produced medical bills marked as Ex.P-9 to 64. I Perused the medical bills produced by the petitioner/PW-1.



The medical bills duly signed by the authorities of hospital, sealed and duly certified regarding payment of bills are to be considered. Otherwise cannot be considered. On perusal of these documents coupled with oral evidence on record, I am of the opinion that the petitioner might have spent some amount for purchase of medicines and some amount for his treatment. Therefore, the petitioner is entitled for compensation of **Rs.43,850/-** for checkup, medicines and treatment on the basis of duly certified medical bills only.

20. **FOOD, NOURISHMENT AND ATTENDANT CHARGES:**

The petitioners might have spent some amount for attendant charges, conveyance, special diet, food and nourishment during the hospitalization period and rest and follow-up treatment. Therefore, the petitioners are entitled for compensation amount of **Rs.15,000/- each** for attendant charges, food, nourishment and for special diet and for conveyance.



21. LOSS OF INCOME DURING HOSPITALIZATION AND REST PERIOD:

In support thereto, the petitioners in M.V.C No.218/2017 there is no discharge summary produced by the petitioner. Therefore the compensation under this head cannot be considered.

In support thereto, the petitioners in M.V.C No.404/2017 produced discharge card marked at Ex.P.7 & P.8 which clearly shows that the petitioner was admitted as in-patient in Narayana Hospital, Ramanagara on 01.01.2017 and discharged on 06.01.2017 (06 days) and again admitted on 13.03.2017 and discharged on 15.03.2017 (03 days) Therefore, the petitioner is entitled for **Rs.2,700/-** compensation amount for loss of income during the period of treatment, hospitalization and rest.

22. LOSS OF AMENITIES:

It is significant fact to note that, on account of grievous injuries, it is crystal clear that, the petitioners



have suffered pain and suffering already undergone and to be suffered in future mental and physical shock, hardship, inconvenience and discomforts and loss of amenities in life on account of disability. Therefore, petitioners are entitled for compensation of Rs. **10,000/- each** for loss of amenities.

23. LOSS OF FUTURE EARNINGS IN M.V.C.

No.218/2017: There is no disability certificate produced by the petitioner. Therefore the compensation under this head cannot be considered.

24. LOSS OF FUTURE EARNINGS IN M.V.C.

No.404/2017:

It is significant fact to note that, the doctor who has given treatment, observed in his evidence that the petitioner had suffered and sustained permanent physical disability extent of 43% which corresponds to 10%. Therefore, considering totality of the situation and the facts and circumstances of the case and the disability suffered



by the petitioner, I am of the considered opinion that the petitioner might have suffered disability to the extent of 43% which corresponds to 10% on account of the road traffic accident. The age of petitioner is accepted as 50 years as per the wound certificate marked as Ex.P3. The petitioner/PW-1 took contention that she was earning Rs.20,000/- per month. In support thereto, no documents produced. Therefore the petitioner is entitled for compensation by applying proper and correct multiplier considering his age as per **Sarla Verma's case** income per month Rs.11,000 x 12 x 10% x 13 = Rs.1,71,600/-. Therefore, the petitioner is entitled for compensation amount of **Rs.1,71,600/-** for his loss of future income and petitioner is entitled to amount a sum of **Rs.30,000/-** for removal implant.

25. Hence taking into consideration of nature of injuries, type of treatment, period of treatment and the distance



from the hospital to his village, the compensation amount has been awarded under the following head :

So, the petitioner **(M.V.C. No.218/2017)** is entitled for total compensation under different heads as under:

Sl.No.	Head of Compensation	Amount in Rs.
I.	Pecuniary Damages (Special Damages)	
1.	Expenses relating to :	
	a)To treatment, hospitalization, medicines, transportation (Rs.00-00)	10,964-00
	b) Nourishments food and miscellaneous expenditure	15,000-00
2.	Loss of earnings which the injured would have made had he had not been injured, comprising :	00-00
	a) Loss of earnings during period of treatment.	00-00
	b) Loss of future earnings on account of disability (Rs.00 x 12 x % x =00/-)	00-00
3.	Future medical expense	00-00
II	Non Pecuniary Damages (General Damages)	
4.	Damages for pain, suffering and trauma as a consequence of the injuries	25,000-00
5.	Loss of amenities (and/or loss of prospects of marriage)	10,000-00



6.	Loss of expectation of life (Shortening of normal longevity)	00-00
	Total	60,964=00

Therefore, in all, the petitioner is entitled for total compensation amount of Rs.**60,964/-** rounded up to **Rs.61,000/-**.

So, the petitioner (**M.V.C. No.404/2017**) is entitled for total compensation under different heads as under:

Sl.No.	Head of Compensation	Amount in Rs.
I.	Pecuniary Damages (Special Damages)	
1.	Expenses relating to :	
	a)To treatment, hospitalization, medicines, transportation (Rs.00-00)	43,850-00
	b) Nourishments food and miscellaneous expenditure	15,000-00
2.	Loss of earnings which the injured would have made had he had not been injured, comprising :	00-00
	a) Loss of earnings during period of treatment.	2,700-00
	b) Loss of future earnings on account of disability (Rs.11,000 x 12 x 10% x 13= 1,71,600/-)	1,71,600-00
3.	Future medical expense	30,000-00



II	Non Pecuniary Damages (General Damages)	
4.	Damages for pain, suffering and trauma as a consequence of the injuries	25,000-00
5.	Loss of amenities (and/or loss of prospects of marriage)	10,000-00
6.	Loss of expectation of life (Shortening of normal longevity)	00-00
	Total	2,98,150=00

Therefore, in all, the petitioner is entitled for total compensation amount of Rs.**2,98,150/-** rounded up to **Rs.2,98,200/-**.

Now the tribunal has to determine as to who is responsible for payment of interest on the compensation amount to the petitioner. The learned counsel for the petitioners requested to award interest at 18% P.A., from the date of accident till its realization. The learned counsel appearing on behalf of the respondent has contended that the award of interest on compensation shall not exceed 6% P.A., It is significant fact to note that there are no hard and fast rules so far as awarding interest is concerned. It is the discretion of the Tribunal, of course, the discretion has to



be exercised judicially. Therefore, it is proper to award interest at the rate of 6% p.a., from the date of petition till its realization.

26. The respondent No.2 admitted the insurance policy of offending vehicle. The respondents are responsible for payment of compensation amount. ***Therefore, I answer Issue No.2 in M.V.C.No.218/2017 C/W M.V.C.No.404/2017 in Partly Affirmative.***

27. **ADDL ISSUE NO.1 in MVC NO.404/2017:** The Respondent took contention that driver of the offending vehicle was not having valid and effective driving licence as on the date of accident. MOTOR VEHICLES ACT, 1988 – Section 147 – insurer's liability – Driver of offending vehicle not having valid driving license at relevant point of time – there was violation of permit conditions as well – on facts and circumstances insurer directed to pay and then recover from owner of vehicle. ***Hence, I answer Addl.Issue No.1 in Negative.***



28. **ISSUE NO.3 in M.V.C.No.218/2017 C/W**
M.V.C.No.404/2017: In view of my findings on the above issues, this tribunal proceeds to pass the following:

ORDER

The claim petition filed by the petitioners U/sec.166 of Motor Vehicles Act is allowed in part with cost.

The petitioner in M.V.C.218/2017 is entitled compensation amount of **Rs.61,000/-** with interest at 6% pa. from the date of petition till its realization.

The petitioner in M.V.C.404/2017 is entitled compensation amount of **Rs.2,98,200/-** with interest at 6% pa. from the date of petition till its realization.

The respondent No.2 is legally liable to pay the compensation amount to the petitioner. The respondent No.2 shall deposit the entire compensation amount in terms of this award with interest at 6% pa. from the date of filing of the petition till its realization within two months from the date of passing of this award.



Entire compensation amount shall be released in favour of petitioners.

Advocate's fee is fixed at Rs.500/-.

Draw award accordingly.

Keep the original Judgment in M.V.C.218/2017 and its Copy in M.V.C.404/2017.

(Dictated to the Stenographer on line over computer script revised later and then pronounced by me in the open court on this day **09th day of April - 2026**)

(VENKATESHAPPA V)

Prl. Sr.Civil Judge & JMFC
Channapatna

ANNEXURE

**List of the witnesses examined on behalf of
Petitioner :- (in MVC No.218/2017)**

PW.1 : Sri.Paul Gnana Mithra

**List of the witnesses examined on behalf of
Petitioner :- (in MVC No.404/2017)**

PW.1 : Smt Beaula Vijayarani R

PW.2 : Dr. Madhusudan S.N



**List of the documents exhibited on behalf of
Petitioner :- (in MVC No.218/017)**

Ex.P-1	:	FIR
Ex.P-2	:	Complaint
Ex.P-3	:	Mahazar
Ex.P-4	:	I.M.V. report
Ex.P-5	:	Wound Certificate
Ex.P-6	:	Charge sheet
Ex.P-7	:	Medical Bills
Ex.P-8	:	Doctor Prescription
Ex.P-9	:	Out Patient Record
Ex.P-10	:	Lab Report
Ex.P-11	:	X-ray

**List of the documents exhibited on behalf of
Petitioner :- (in MVC No.404/2017)**

Ex.P-1	:	FIR
Ex.P-2	:	Complaint
Ex.P-3	:	Wound Certificate
Ex.P-4	:	Spot Mahazar
Ex.P-5	:	IMV Report
Ex.P-6	:	Charge Sheet
Ex.P-7 & 8	:	Discharge Summary
Ex.P-9 to 64	:	Medical Bills
Ex.P-65	:	Out Patient Record
Ex.P-66	:	X-Ray
Ex.P-67	:	Case Sheet
Ex.P-68	:	X-Ray
Ex.P-69	:	OPD Slip

**List of the witnesses examined on behalf Respondents:**

RW.1 : Sri. Sunay D.S
RW.2 : Sri. Hemanth Kumar
RW.3 : Sri. Venkatesh Byrashetty
RW.4 : Sri. Phaneendar B N

List of the documents marked on behalf of Respondents :

Ex.R.1 : Adhara Card
Ex.R.2 : Authorization letter
Ex.R.3 : Policy Copy
Ex.R.4 : letter of RW.1
Ex.R.5 : Postal Receipt
Ex.R.6 : Postal Acknowledgment
Ex.R.7 : Forensic Lab Report
Ex.R.8 & 9 : CD
Ex.R.10 : Pen drive data
Ex.R.11 : Investigation Report
Ex.R.12 : U/s.65 B (4) of the evidence
Ex.R.13 : Certified Copy of order Sheet
CCNo. 631/2017
Ex.R.14 : CC of FIR
Ex.R.15 : CC of Mahazar
Ex.R.16 : Charge Sheet
Ex.R.17 & 18 : Wound Certificates
Ex.R.19 : Indemnity Bond
Ex.R.20 : Charge of IPC. 251

(VENKATESHAPPA V.)

Prl. Sr.Civil Judge & JMFC
Channapatna