



**IN THE COURT OF THE II ADDITIONAL DISTRICT
JUDGE AND AMACT, TUMAKURU**

Dated this the 10th day of July 2026

Present : **Smt. N.Narasamma, B.A.L, LL.B.**
II Addl., District Judge & AMACT,
Tumakuru.

MVC No.950 of 2025

Petitioner: Sowbhagya. S.G.
W/o Yogananda. B.,
Aged about 44 years,
R/at Madeshwara
Badavane,
Chelur Village and Hobli,
Gubbi Taluk.
Now R/at Mashanapura
Village, Channenahalli Post,
Bellavi Hobli, Tumakuru
Taluk and District.
(By Sri. HVM., Advocate).

versus -

Respondent: The Divisional Manager,
K.S.R.T.C. Tumakuru Depot,
Ashoka Road, Tumakuru
City.



(Owner and maintainer of
the vehicle KSRTC Bus
bearing Reg. No.KA-57-F-
2546)

(By Sri. KSP., Advocate,)

Date of institution of
petition 18.07.2025

Nature of petition Grant of compensation

Date of commencement of
recording the evidence 24.02.2026

Date on which the Judgment
was pronounced 10.07.2026.

Total Duration	Year/s	Month/s	Day/s
	--	11	22

**II Addl. District Judge and AMACT,
Tumakuru.**

J U D G M E N T

The petitioner has filed this petition under
Section 166 of the Motor Vehicles Act against the



respondent, seeking compensation of Rs.30,00,000/- (Thirty Lakhs) along with interest at the rate of 12% per annum from the date of petition till its realization, on account of injuries sustained by her in a road traffic accident which was occurred on 30.03.2025.

2. The brief facts of the petitioner's case are as hereunder.

That on 30.03.2025 there was a cremation of petitioner's mother at Shankenahalli village, Koratagere Taluk, as such the claimant was proceeding to the said village in TATA ETIOS car bearing Registration No. KA-06-D-6918 along with said Raju G.V. and Priya M.Y.,and one Krishnamurthy was driving the said car and he was proceeding on in the said car on Dabaspete-Koratagere road with care and cautious manner by following the traffic rules and at about 10.00 a.m. when he reached near Achara Gudlu, Urdigere Hobli, Tumkur Taluk at that relevant point of time one KSRTC bus bearing Reg. No. KA-57-F-2546



being driven by its driver in rash and negligent manner in a high speed came from opposite side from Koratagere side and dashed against the car in which the claimant was proceeding as inmate of the said car and caused the accident. As a result of which, the claimant and other inmates of the car sustained fracture injuries. And the claimant sustained injuries as follows:-

1. Crush injury in right fore arm with exposed muscles & bones, tenderness injury and muscle loss with swelling of right hand. Fracture of right distal radius and Ulna 2, 3, 4, 5th Metacarpal.

2. Abdominal injury liver laceration, sub capsulns hemat Hempperitoneum and liver contusion.

3. Chest injury right 1st to 9th ribs fractures and left 1st to 8th ribs and 8th to 9th ribs fractures mild left Pneumothoear pulononacy contusion, left clavicle marmbrisum stunum fracture, T-4 to T-10 Vertebra fracture.



4. Head injury with LOC, VT Scan-WNL, CCW over right eyebrow 2x11 and also bleeding injury all over the body. Immediately the claimant was shifted to Renuka hospital, Koratagere and after first Aid as per the advice of doctor the claimant was shifted to Siddaganga hospital, Tumakuru wherein she has taken treatment for 1 month as inpatient. During the said period she has undergone for necessary treatment and was discharged with an advice to take treatment as out patient regularly and till today she is taking treatment at Tumakuru as out patient and till today she has spent more than Rs.3,00,000/- towards purchase of medicines. Operation charges, implant charges and other incidental charges. In future also the claimant has to spend amount towards medical treatment.

2(i) The claimant was hale and healthy before the accident and she was doing milk vending business apart from household work and was earning



Rs.25,000/- per month and was maintaining the family. Due to the accident the claimant could not do her work as she was doing earlier and she is unable to lift heavy substances and further she suffers pain for standing, sitting and walking for long time. The accident is caused only due to the rash and negligent driving of KSRTC bus by its driver bearing Reg. No. KA-57-F-2546. And the jurisdictional traffic police have registered a case against the driver of KSRTC bus driver in Crime No.90/2025 for the offences u/S.281, 125(a), 125(b) of BNS-2023.

2(ii). The Respondent is the owner of KSRTC Bus and it is maintaining the bus. Hence the respondent is liable to pay the compensation. Hence the petition.

3. In pursuance to the summons, the respondent has appeared before the court, and filed objections by contending that the claim petition is not maintainable either in law or on facts and one Raju



himself was driving the yellow board Motor car bearing Reg. No. KA 06 D 6918 TATA ETIOS GD Car came from the opposite direction from Dabaspet in a rash and negligent manner with high speed without following the traffic rules and dashed his car to the front side of the bus. And the accident is caused only due to the rash and negligent driving of the claimant himself and the accident is occurred head on collusion and the claimant has given false complaint against the respondent. Mere filing of charge-sheet against the respondent is not the gospel truth. Accordingly, respondent has prayed to dismiss the petition.

4. On the basis of the rival pleadings, following issues were framed.

1. Whether the petitioner proves that, on 30.03.2025 there was a cremation of petitioner's mother at Shankenahalli village, Koratagere Taluk, as such the claimant was proceeding to the said village in TATA Etios CD Car bearing Reg No.KA.06-D.6918 along with the said RajuG.B and Priya M.Y, and one Krishnamurthy was driving



the said car and he was proceeding on Dabaspete- Koratagere road with care and cautious manner by following traffic rules and at about 10.00 a.m. when he reached near Achara Gudlu, Urdigere Hobli, Tumakuru Taluk, at the relevant point of time one KSRTC Bus bearing Reg No.KA-57-F-2546 being driven by its driver with high speed in a rash and negligent manner without following the traffic rules came from opposite side i.e., from Koratagere side and dashed against the car in which the claimant was proceeding as inmate of the said car and caused the accident, due to said accident, the claimant and other inmates of the car sustained fracture and injuries and the claimant had sustained grievous injuries in the accident?

2. Whether the petitioner is entitled for the compensation? If so, what is the quantum of compensation and from whom?
3. What order or award?



5. The petitioner, in support of her case, has got examined herself as P.W.1 and got marked 15 documents as Ex.P.1 to P.15. On the other hand, the driver of the KSRTC bus himself examined as RW.1 and no documents are marked on his behalf.

6. Heard the arguments addressed by all the counsels.

7. Perused the materials on record.

8. My findings on the above issues are as hereunder.

Issue No.1: In the Affirmative.

Issue No.2:Yes, petitioner is entitled for a total compensation amount of **Rs.08,01,994/-** and interest at the rate of 6% per annum from the date of petition till realization from the respondent.

Issue No.3: As per final order for



the following:

REASONS

9. **Issue No.1:-** The facts of the case has already been mentioned above, and there is no need to repeat the same again.

10. The petitioner, in support of her case, got examined herself as PW.1 and deposed in accordance with her petition averments, in the affidavit filed in lieu of her chief examination. In support of her oral testimony, she has also produced copies of FIR, Complaint, Mahazar, wound Certificate, Aadhar card, PAN card, Bank passbook, Charge-sheet, Prescriptions and medical bills, Recent examination report, discharge summary, Case sheet and X-Rays at Ex.P.1 to P.15.

11. In her cross-examination nothing has been elucidated from her mouth to disbelieve the evidence deposed by her in the chief-examination. So the oral



and documentary evidence remained unchallenged by the respondent. The police documents at Ex.P.1 to P.4, and P.8 clearly establishes that the petitioner sustained injuries as mentioned in the wound certificate in a road traffic accident occurred on 30.03.2025. The respondent though filed the written statement but has not entered into the witness box and had not spoken anything regarding the contents of written statement.

12. So the documents relied by the petitioner and the oral evidence of the petitioner infer that the alleged accident took place only due to the rash and negligent driving of the KSRTC BUS bearing Reg. No. KA-57-F-2546 by its driver and that the injury sustained by the petitioner is on account of the said accident. Hence, the petitioner by way of adducing the evidence of PW.1 and producing the documents at Ex.P.1 to P.15, particularly Ex.P.1 to P.4 and P.8, has prima facie proved her case. And it is well settled law



that in a motor vehicle claim cases, the rash and negligence need not be proved beyond reasonable doubt and it is sufficient if it is proved prima facie. Under all the above facts and circumstances, I answer Issue No.1 in the **Affirmative**.

13. **Issue No.2:-** For the reasons discussed under Issue No.1, the petitioner is entitled for compensation. As it is not in dispute that, the respondent is the owner and is having internal insurance in respect of KSRTC bus. Hence the KSRTC department i.e., the respondent itself is liable to pay the compensation to be determined hereinafter.

14. The petitioner has produced wound certificate at Ex.P.4, in which it is mentioned in wound certificate i.e.,

1.Crush injury in right fore arm with exposed muscles & bones, tenderness injury and muscle loss with swelling of right hand. Fracture of right distal radius and Ulna 2, 3, 4, 5th Metacarpal.



2. Abdominal injury liver laceration, sub capsulns hemat Hempperitoneum and liver contusion.

3. Chest injury right 1st to 9th ribs fractures and left 1st to 8th ribs and 8th to 9th ribs fractures mild left Pneumothoear pulononacy contusion, left clavicle marmbrisum stunum fracture, T-4 to T-10 Vertebra fracture.

4. Head injury with LOC, VT Scan-WNL, CCW over right eyebrow 2x11. And the Doctor has opined that all the injuries are grievous in nature. Hence, by looking into the nature of injuries, I reasonably award a sum of **Rs.2,00,000/- under the head 'pain and suffering'.**

15. The claimant has contended and deposed that at the time of accident she was doing milk vending business apart from house holding work and was earning Rs.25,000/- per month and out of the said income she was maintaining her family. But in support of this the claimant has not adduced or produced any document before court. Due to the fracture injuries



the petitioner might have taken rest at least for a period of 3 months. As such petitioner is awarded a sum of **Rs.75,000/- under the head 'loss of income during the laid period'**

16. The petitioner in the petition has not mentioned anything about her age but in the claim petition it is shown in the cause title that she is aged about 44 years and wound certificate at Ex.P.4 also speaks that the petitioner is aged about 44 years. The petitioner has produced Ex.P.5 Aadhar card to show her age in which the date of birth of petitioner is mentioned as 06.03.1981. Admittedly the accident was taken place during 2025. So as per Ex.p.5, on the date of accident the petitioner was aged about 44 years. And as per Sarala Verma case the suitable multiplier is 14.

17. The petitioner has contended and deposed that she has become permanently disabled due to the fracture sustained in the alleged accident. In support



of her contention, she has got examined the doctor i.e., PW.2 wherein he has deposed that the claimant Sowbhagyama came to his hospital for assessment of injury that she sustained in the RTA on 30.03.2025 at 10.00 a.m. near Urdigere and she was treated by him and his colleges at Siddaganga hospital, Tumakuru and the claimant was admitted to the said hospital on 30.03.2025 X-rays were done and she was treated with open reduction and external fixation of right distal radius and Ulna shaft with external fixator and K wires, closed reduction internal fixation with K wires for right 2nd, 3rd, 4th and 5th meta carpal bones, debridement of right hand crush injury. He further deposed that the claimant further underwent plastic surgery (abdominal flap) for crush injury overhand. And recently he examined the claimant on 06.06.2026 at Siddaganga Medical College, Tumakuru, wherein the disability to the claimant for the particular limb i.e., right upper limb is 47% and to the whole body 15% was assessed. So this disability given by PW.2



appears to be reasonable. And in the cross-examination of PW.2 nothing has been revealed to disbelieve the disability given by PW.2. In support of that PW.2 has produced recent examination report at Ex.P.12, X-rays at Ex.P.13 to 15.

18. The petitioner has not produced any document to prove the salary and has not examined any witness in this regard. But she deposed that she was getting salary of Rs.25,000/- per month out of the milk vending business. So in the absence of any documentary evidence with regard to the salary, as per the KSLSA chart during 2025 the notional income of the petitioner to be taken into consideration at Rs.18,000/- (18,000x12+Rs.2,16,000/-). So the annual income of the petitioner comes at Rs.2,16,000/-. Hence the petitioner is entitled for **Rs.4,53,600/-** (Rs.2,16,000x14x15/100) under the head loss of future income due to permanent disability.



19. The petitioner has produced various medical bills and prescriptions at Ex.P.9 & 10. After considering all the relevant medical bills, the total of all the medical bills come to Rs.70,394/-. Hence, I award a sum of **Rs.70,394/- under the head 'medical expenses'**.

20. Thus the petitioner is entitled for a total compensation under the following headings.

A	Pain and suffering	Rs. 2,00,000/-
B	Loss of income during hospitalization	Rs. 75,000/-
C	Loss of income due to permanent disability	Rs. 4,53,600/-
D	Medical expenses	Rs. 73,394/-
	Total	Rs. 08,01,994/-

21. The petitioner has claimed an interest at the rate of 12% per anum. However in view of



principles and guidelines laid down by the Hon'ble Supreme Court and Hon'ble High Court has reported in various decisions, the petitioner is entitled for an interest at the rate of 6% per annum only, on the compensation amount of **Rs.08,01,994/-** as held above.

22. With regard to liability, as discussed above, the respondent is liable to pay the compensation amount of **Rs.08,01,994/-** as determined above to the petitioner. Hence, I answer this issue accordingly.

23. Issue No.3 :- In view of the reasons discussed above, I proceed to pass the following :

ORDER

The claim petition is partly allowed.

Petitioner is held to be entitled for a total compensation amount of **Rs.08,01,994/-** from respondent.

The petitioner is also held to be entitled for an interest at the rate of **6%**



per annum from the date of petition till realization, on the compensation amount.

The respondent is directed to deposit the entire compensation amount within three months from today.

After deposit of the compensation amount, office is directed to release entire compensation amount in favour of petitioner on proper identification through E- payment.

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

Office to draw award accordingly.

(Dictated to the stenographer directly, typed copy corrected and then pronounced by me in the open court on this the 10th day of July 2026).

(N.Narasamma)

II Addl. District Judge
and MACT-2, Tumakuru.



ANNEXURE

List of witness examined for the petitioner:

P.W.1 - Sowbhagya
PW.2 - Dr. Karthik

List of documents exhibited for the petitioner:

Ex.P.1 - FIR
Ex.P.2 - Complaint
Ex.P.3 - Mahazar
Ex.P.4 - Wound Certificate
Ex.P.5 - Copy of Aadhar card
Ex.P.6 - Copy of PAN card
Ex.P.7 - Copy of bank pass book
Ex.P.8 - Charge- sheet
Ex.P.9 - Prescriptions
Ex.P.10 - Medical bills
Ex.P.11 - 2 X rays
Ex.P.12 - Recent examination report
Ex.P.13,14 - 2 X rays
Ex.P.15 - 2 X rays

List of witnesses examined for the respondent: -

RW.1 - D.S.Revanasiddappa

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List of documents exhibited for the respondent:

- Nil - .

II Addl. District Judge
and MACT-2, Tumakuru.