

KASM300001232025



**IN THE COURT OF PRL. SENIOR CIVIL JUDGE AND
ADDITIONAL MOTOR ACCIDENT CLAIM TRIBUNAL-11, AT
BHADRAVATHI.**

Dated this the 4th Day of August, 2026

PRESENT: Sri. Raghavendra.D, B.Com., LL.B.,
Prl. Sr. Civil Judge and Addl. MACT-11,
Bhadravathi.

M.V.C.No.27/2025

Petitioner: Sri.Shivakumar
S/o Sri.Chinnappa,
Aged about 45 years,
Cooli,
R/o 2nd Cross, Bhovi Colony,
Hosamane, Bhadra Colony,
Bhadravathi Town.

(By Sri.S.K.B., Advocate)

V/s

Respondents: 1. Sri.Harsha.S
S/o Sri.Shrinivas,
Aged about 20 years,
Rider of Honda Activa Scooter
bearing No.KA-14-EM-0503,
R/o #144/A, infront of Bhadra Nursing Home,
Gandhi Nagara,Bhadravathi.

2. Smt.Ravanamma
W/o Sri.Shrinivas,
Aged about 48 Years,
Owner of Honda Activa Scooter
bearing Regn.No.KA-14-EM-0503,
R/o #144/A, infront of Bhadra Nursing Home,
Gandhi Nagara, Bhadravathi.
3. Manager
The New India Assurance Co Ltd,
1st Floor, Mallappa Complex,
BH road, Shivamogga,
Policy No.67270131230200003178
Date: 16.02.2024 to 15.02.2025.

(R1 & 2 By Sri.L.K.S., Advocate)
(R3 By Sri.T.G.S., Advocate)

J U D G M E N T

This claim petition is filed by the petitioner under Section 166 of the Motor Vehicles Act, 1988 against the respondents, claiming compensation of ₹.30,00,000/- with respect to the injuries sustained by him in a road traffic accident.

2. The petition averments in brief is that on 14.07.2024 at about 9.15 p.m., when he was crossing the road infront of Udugamma Temple cross, Hosamane Main road at that time the Honda Activa Bike bearing reg. No.KA-14-EM-0503 rode by the

respondent No.1 dashed in a rash and negligent manner. Due to said impact, he fell down and sustained injuries to his mouth, teeth, lips and head. Immediately after the accident, he was shifted to Government Hospital, Bhadravathi. Further he was shifted to Mc. Gaan hospital, Shivamogga for higher treatment. He spent ₹.2,00,000/- for his treatment. Further he has stated that he was hale and healthy prior to accident and he was doing coolie and earning ₹.30,000/- per month and due to accidental injuries, he is unable to do his work as he did earlier. The respondent No.1 being the rider, respondent No.2 being the owner and respondent No.3 being the insurer of said vehicle, are jointly and severally liable to pay compensation to the petitioner.

3. On service of notice, the respondents appeared through their counsel and respondent No.1 filed objections and same was adopted by respondent No.2 by filing memo. Respondent No.3 filed his separate objections.

4. The respondent No.1 and 2 in their objections they have contended that the petition is not maintainable either in law or on facts. They have denied the petition averments made by the petitioner. There is no negligence on the part of respondent No.1

and he is having driving license at the time of accident. At the time of accident policy was in force. As such the insurance company is liable to pay compensation to the petitioner. Hence prays to dismiss the petition.

5. The respondent No.3 in his objections he denied the petition averments made by the petitioner. He has denied the age, occupation and income of the petitioner. The accident occurred at the middle of the road in busy area and it is not the safe place to cross the road for the pedestrian. Due to negligence of petitioner the accident occurred and the contributory negligence of the petitioner. Hence, prays to dismiss the petition.

6. On the basis of rival pleadings, this tribunal in office framed the following:

ISSUES

1) Whether petitioner proves that on 14/07/2024 at about 9.15 p.m., in front of Udugamma Temple cross, Hosamane main road, Bhadravathi Town, he had met with an accident and sustained injuries due to rash and negligent riding of Honda Activa bike bearing Regn.No.KA-14-EM-0503 by respondent No.1?

2) Whether the petitioner is entitled for compensation? If so, how much and from whom?

3) What order or award?

7. In order to prove the above issues, the petitioner himself examined as PW1 and got produced and marked 15 documents as per Ex.P1 to Ex.P15 and closed her side of evidence. On the other hand, the respondents neither adduced oral evidence nor produced any documents on their behalf.

8. Heard arguments on both side and perused the materials available on record.

9. Findings of this tribunal on the above issues are as follows:-

Issue No.1	:	In the affirmative;
Issue No.2	:	Partly in the affirmative;
Issue No.3	:	As per final order for the following

-.REASONS:-

10. **Issue No.1:-** The petitioner has contended that on 14.07.2024 at about 9.15 p.m., in front of Udugamma Temple cross, Hosamane main road, Bhadravathi Town, he met with an accident due to rash and negligent riding of Honda Activa bike bearing registration No. KA-14-EM-0503 by its rider he sustained injuries.

11. In order to prove rash and negligent riding of bike bearing registration No. KA-14-EM-0503 by its rider, the petitioner himself examined as PW1. In his chief-examination he has deposed that due to rash and negligent riding of bike by its rider the accident occurred. On perusal of cross-examination of PW1 nothing has been elicited from the mouth of PW1 to disprove the case of petitioner.

12. Further, in order to prove accident, the petitioner has produced Ex.P1 certified copy of FIR and Ex.P2 certified copy of first information. On perusal of Ex.P2, the petitioner has lodged a complaint with police on 15.07.2024. Ex.P2-first information, wherein it is stated that as the petitioner was taking treatment in hospital there was delay in lodging first information. After registering the case, police visited the place of accident and drew up spot panchanama and sketch as per Ex.P3 and Ex.P4 narrating the place of accident. Ex.P6 is the Wound Certificate issued by Government Hospital, Bhadravathi which shows petitioner has sustained simple and grievous injuries due to RTA. As per Ex.P7 order sheet in CC.No.6734/2024, accused pleaded guilty and paid fine amount. Except oral contention of the respondent, the

respondent did not place any material to prove negligence of the petitioner.

13. Under these circumstances, relying upon the oral evidence of PW1 coupled with the documents produced by the petitioner this tribunal is of the opinion that the accident occurred due to rash and negligent riding of bike bearing registration No. KA-14-EM-0503 by its rider and same has resulted in injuries to the Petitioner.

Accordingly, Issue No.1 held in the affirmative.

14. **Issue No.2:-** In view of held issue No.1 in the affirmative, the petitioner is entitled for compensation. To assess the compensation, the Tribunal has to look into several factors like injury, pain and suffering sustained by the petitioner and amount spent by the petitioner towards medical expenses, food and extra nourishment and medical attendants, conveyance, loss of income during treatment, disability, loss of amenities etc., let me discussion one by one.

15. The petitioner contended that due to accident he sustained injuries and he produced Ex.P6 wound certificate. As per said document injuries are simple and grievous in nature. The petitioner has produced medical bills for ₹.3,300/- marked at Ex.P.15.

16. In order to prove disability, the petitioner neither produced disability certificate nor examined the doctor to show that he has permanent disability. So, when the petitioner has not proved permanent disability, the petitioner not entitled for compensation under the head of future loss of income and other heads. By considering the facts and circumstances of the case and also injuries sustained by the petitioner, the petitioner is entitled for Global compensation of ₹.50,000/- including medical bills.

17. In **MFA.No.100090 of 2014 C/w. MFA.No.25107 of 2013** between Vijay Ishwar Jadhav and others Vs. Ulrich Belchior Fernandes and another, the Hon'ble High Court of Karnataka at Page No.7 at Para No.15 held as follows:

"However, the provisions of Section 149(1) of the Act to the extent they speak of interest payable on the compensation amount is in the nature of an exception to the general law enacted in 169 of the M.V.Act and therefore, the provisions of Section 34 of CPC to that extent become invocable on the general principles of construction of statutes namely the special law overrides the general law. Therefore, in the absence of any other law relating to interest on Judgments, the MACT has to follow the provisions of Section 34 of CPC, 1908. Thus, in the given circumstances of this case, interest at the rate of more than 6% could not have been awarded."

In view of ratio and dictum laid down by the Hon'ble High Court of Karnataka in the above judgment, the petitioner is entitled for interest @ 6% per annum from the date of petition till its realization.

18. It is already held that the accident occurred due to rash and negligent riding of bike bearing registration No. KA-14-EM-0503 its rider. The respondent No.2 being the owner and respondent No.3 being the insurer of the offending vehicle are jointly and severally liable to pay compensation to the petitioner. **Hence, Issue No.2 answered Partly in the Affirmative.**

19. **Issue No.3:** In view of the findings given on the above said issues, I proceed to pass the following:

ORDER

The claim petition filed by the petitioner Under Section 166 of Motor Vehicles Act is hereby partly allowed with cost.

The petitioner is entitled for Global compensation amount of **₹.50,000/- (Rupees fifty thousand only)** with interest at 6% p.a., from the date of petition till realization.

Respondent No.2 and 3 are jointly and severally liable to pay compensation to the

petitioner. Respondent No.3 being the insurer is primarily liable to deposit the said compensation amount within a period of one month from the date of award.

Entire compensation amount shall be released in favour of petitioner as amount is meager one.

After deposit of compensation amount with interest thereon disburse amount as mentioned above as per guidelines laid down by Hon'ble High Court in MFA No.2509/2019 (ECA) and as per General Circular No.2/2019 dated 19.8.2019.

The petitioner hereby directed to produce particulars of his Bank Account, with name of Bank, IFSC Code, Account Number with copy of First Page of Bank Pass Book which contained compulsorily photographs of petitioner, which is duly attested by concerned Bank.

In case of deposit of awarded amount with interest thereon by respondent No.3, the petitioner is entitled to receive amount as mentioned above after expiry of period provided for filing an appeal.

The Advocate fee is fixed at ₹.1,000/-.

Draw up award accordingly.

(Directly dictated to the Stenographer on computer, typed by her, corrected and then pronounced in open Court on this the 4th Day of August, 2026)

(Raghavendra.D)
Prl. Sr. Civil Judge and Addl. MACT-11,
Bhadravathi.

ANNEXURE

WITNESS EXAMINED FOR THE PETITIONER:

PW.1 Sri.Shivakumar

WITNESS EXAMINED FOR THE RESPONDENTS:

-Nil-

DOCUMENTS EXHIBITED FOR THE PETITIONER:

Ex.P.1	C/c of FIR
Ex.P.2	C/c of First information
Ex.P.3	C/c of spot mahazar
Ex.P.4	C/c of sketch
Ex.P.5	C/c of IMV report
Ex.P.6	C/c of wound certificate
Ex.P.7	C/c of charge sheet
Ex.P.8	Notarized Copy of Aadhar card
Ex.P.9	C/c of order sheet of C.C.No.6734/2024
Ex.P.10	Copy of Certificate of Registration
Ex.P.11	Copy of insurance policy
Ex.P.12	Copy of driving license
Ex.P.13	City Scan report (CT brain plain)
Ex.P.14	Out patient record
Ex.P.15	Medical bills

DOCUMENTS EXHIBITED FOR THE RESPONDENTS:

-Nil-

**(Raghavendra.D)
Prl. Sr. Civil Judge and Addl. MACT-11,
Bhadravathi.**