

KATK800017132023



**BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL
AT SIRA.**

**(IN THE COURT OF PRL. SENIOR CIVIL JUDGE
AND JMFC., AT SIRA)**

PRESENT

Smt. ZARIFA BANU A.R.
B.A.L., LL.M.

PRL. SENIOR CIVIL JUDGE & JMFC., SIRA.

DATED THIS THE 13TH DAY OF AUGUST 2026

M.V.C./ 1283 / 2023

BETWEEN:

Ajaykumar,
S/o Ranganathappa,
Aged about 30 years,
R/o Kallukote Extension,
Sira town, Tumakuru District.
(petitioner is un-sound mind
represented by N/G)
Manjunatha,
S/o Ramachandrappa,
Aged about 38 years,
R/at Kallukote Extension,
Sira town,
Tumakuru District.
(Rptd: By Sri.JM., Adv)

Petitioner

**AND**

1. Guruprasad,
S/o late Srinivasa,
R/at Changavara Circle,
Jyothi Nagar,
Sira town, Tumakuru District.

(Owner of the Motorcycle bearing
Reg.No.KA.06.HD.7712)

2. Angini, Divisional Manager,
ICICI Lombard General Insurance
Co. Ltd., 9th Floor,
The Estate 121,
Dickenson Road, Mahatma Gandhi Road,
Bengaluru,
Karnataka - 560042.

(Policy No.3005/42570246/11731/000
Valid from 02.11.2018 to 01.11.2023)

**(R.1 Rptd: By Sri.J.A., Adv and
R.2 Rptd: By Sri.N.V.N., Adv)**

: Respondents

-: JUDGMENT :-

The petitioner has filed this petition
U/s 166 of Motor Vehicles Act, against
respondents seeking compensation of
Rs.50,00,000/- along with interest at the



rate of 12% p.a. with respect to injuries sustained by him in a road traffic accident.

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

That, on 24.06.2023 at about 8.00 p.m. when the petitioner was walking on the left side of the road to go to Sira town and when he reached near Preetham Store, Jyothi Nagar, Sira Town, at that time, the rider of the Motorcycle bearing Reg.No.KA.06.HD.7712 [**hereinafter referred as 'Offending vehicle'**] rode the same in a rash and negligent manner and dashed to the petitioner and caused the accident. As a result of it, the petitioner has sustained grievous injuries to all over the body. Immediately he was shifted to Government hospital, Sira and after taking preliminary treatment he was shifted to Srinivasa Hospital, Bengaluru. The accident caused



due to rash and negligent act on the part of rider of offending vehicle. The respondent No.1 and 2 being the owner and insurer of the offending vehicle are jointly and severally liable to pay compensation. Hence this petition.

3. In pursuance to the notice issued to the respondents the respondent No.1 and 2 appeared through their respective counsels and respondent No.1 did not chosen to file objection statement and respondent NO.2 has filed its objection statement.

4. In its objection statement, the respondent No.2 by denying the accident, age, occupation and income of the petitioner contended that, petition is barred by limitation in view of the amended to Central MV Act 2019 to the Sec.166(3). On the basis of the particulars furnished by the petitioner it has been noticed from the records of this respondent that no such



policy has been issued by this respondent company in favour of the 1st respondent in respect of the vehicle bearing Reg.No.KA.06.HD.7712, which is alleged to have caused the accident. Further contended that, the petitioner was a pedestrian crossing the road in a rash and negligent manner without following the traffic rules and without observing the ongoing vehicles on the road under the influence of alcohol, as a result of which he might have hit by unknown vehicle and sustained injuries. The 4 days delay in lodging the complaint and delay was not properly explained and in collusion with the jurisdictional police the respondent No.1 has implicated this vehicle only to get compensation. The rider of the offending vehicle does not possess valid and effective driving license at the time of alleged accident. The amount of compensation claimed by the petitioner is excessive, exorbitant and exaggerated and without any legal basis. On these grounds



and such others, it is prayed for dismissal of the petition.

5. On the above pleadings, the following issues have been framed:

I S S U E S

- 1) Whether the petitioner proves that, the accident in question was occurred on 24.06.2023 at about 8.00 p.m. on Amarapura - Sira road, near Preetham Store, Jyothi Nagara, Sira town, Tumakuru District, due to rash and negligent riding of motorcycle bearing Reg.No.KA.06.HD.7712 by its rider?
- 2) Whether the petitioner is entitled for compensation? If so, at what rate and from whom?
- 3) What Order or award?

6. To prove the averments of petition, the natural guardian of the petitioner



examined himself as PW.1 who produced and got marked Ex.P1 to 15 documents. In order to examine treating doctor advocate by name Sri.S.G.Shashidhar has been appointed as court commissioner. Court commissioner after examining treating doctor has furnished commissioner report wherein Dr.Sri Hari B.G. Consultant Neuro surgeon, working at Supra Hospital, Kengeri, Bengaluru examined as C.w.1 who produced and got marked Ex.C.1 to C.4 documents and closed his side evidence. On the other hand, respondents have not examined and also not marked any documents and closed their side evidence.

7. Heard arguments of both sides and perused materials available on record.

8. On consideration of the oral and documentary evidence placed on record, this



tribunal answers the aforesaid issues as hereunder:

Issue No.1 - In the affirmative.

Issue No.2 - Partly in the affirmative.

Issue No.3 - As per final orders
for the following,

-: R E A S O N S :-

9. Issue No.1:- According to the petitioner the accident occurred due to the rash and negligent driving of driver of offending vehicle. To substantiate the same the petitioner placed reliance upon Ex.P1 to 7 documents. Wherein, Ex.P1 is FIR, Ex.P2 is complaint, Ex.P3 is spot mahazar, Ex.P4 is seizure mahazar, Ex.P5 is IMV report, Ex.P6 is wound certificate and Ex.P7 is charge sheet. In objection statement the respondent had disputed the genesis of case of the petitioner. However, in his cross examination it was suggested to PW-1 that the accident occurred due to his negligence who was walking on the road



under the influence of alcohol and unknown vehicle hit him, in order to make a false claim the offending vehicle implicated in the alleged accident. The said suggestion has been denied by PW-1. Except the said suggestion the respondent No.2 has not produced any material evidence, to substantiate their contention.

10. Apart from the said contention the respondent No.2 also taken a specific contention that the offending vehicle implicated after 4 days delay in lodging FIS. It is pertinent to note here that the alleged accident had occurred on 24.06.2023. The FIR came to be registered on 28.06.2023. Admittedly there is a delay of 04 days in registration of the report. However, the delay caused in lodging the first information is always not fatal to the case of the petitioner. In accident cases, the priority of the injured or her family members would be of giving medical



treatment to the injured. The materials placed on record clearly go to show that the petitioner has taken treatment at Geneal hospital, Sira on the same day. Even the contents of the first information statement, explains the delay and suggests that the delay has been caused only on account of the treatment being undergone by the petitioner. When the priority of the family members of any injured would be saving of the life of injured, the said delay cannot be construed to be inordinate. As held by the Hon'ble Apex Court in ***Ravi Vs. Badrinarayan & Ors.*** reported in **(2011) 4 SCC 693**, the significance of FIR is to prove the factum of accident and delay in lodging FIR should not be treated to be fatal in genuine cases. Thus this Tribunal is of the opinion that the delay caused in lodging the first information is natural and stands duly explained.



11. Furthermore, the police after conducting a detailed investigation, has placed the charge sheet against the Ramesh/rider of the offending vehicle for the offences punishable U/Sec.279 and 338 of IPC and U/Sec.187 of IMV Act. Said charge sheet has not been disputed. As discussed supra, the petitioner by leading her evidence and by producing the relevant documents is able to establish the factum of accident, which had occurred due to actionable negligence of the rider of the offending vehicle. **Thus for all these reasons this tribunal answers issue No.1 in the affirmative.**

12. **Issue No.2:** The next question which arises for the consideration of the tribunal is as to what should be the quantum of compensation to be awarded to the petitioner. The petitioner in the petition has stated that she took first AID



at General Hospital, Sira and thereafter took treatment at Srinivasa Hospital, Bengaluru and wherein treated as inpatient from 25.06.2023 to 14.07.2023. The said fact substantiated by wound certificate/Ex.P.6 and discharge summary/Ex.P9. As per the wound certificate, the petitioner has sustained injuries i.e. 1) Abrasion over right side forehead 2) Fracture clavicle on right side 3) Right tempero parietal extradural hemorrhage 4) Left high fronto parietal and left temperoparietal 5) Multiple hemorrhagic contusions in both sides of brain 6) Sphenoidal hemosinus right hemotymphanum 7) Fracture of right temporo-parietal bone. Injury NO.1, 5 & 6 are simple in nature and injury No.2, 3, 4 & 7 are grievous in nature.

13. To substantiate this aspect the petitioner has got examined the treating



doctor by name Dr.Sri Hari B.G. working as Neuro Surgeon at Supra Hospital, Kengeri, Bengaluru as CW-1. He has clearly deposed that he has examined the petitioner at his hospital exclusively for disability assessment and he has not his treating doctor. Further he has deposed that, on examination with his alleged history he had GCS of E4VM-5. CT brain showed, EDH, left SDH. The petitioner was treated conservatively with antioedema, antiepileptic and antibiotics. Further patient complains of irritability for 3 years and memory loss 3 years and difficulty in comprehension of speech. On examination patient has sensory dysphasia and higher mental function deficits. Patient was advised MRI brain and Neuropsychologist opinion. This report is prepared based on a review of the discharge summaries of the Sreenivasa Hospital. Further the Ex.C.1 to C.4 documents are marked to the instances.



14. The duration of the treatment and nature of the treatment undergone by the petitioner has not been disputed by the respondents. Thus this tribunal can accept the factum of period of hospitalization and the nature of treatment undergone by the petitioner, without any further discussions. Now the tribunal needs to look into other aspects involved.

15. Disability suffered by the petitioner: C.w.1 has assessed the disability as per the Central Government guidelines 2018 and as per formula given $a+b(90-a)/90$, and has assessed disability at 34% with respect to whole body. No independent disability certificate has been issued.

16. As held by the Hon'ble Apex court in *Rajkumar Vs. Ajay Kumar & Anor.* reported in (2011) 1 SCC 343, "the doctor who



treated an injured claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard to the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the tribunal with reference to the evidence in entirety". Thus, the duty to assess the functional disability is casted upon the tribunal.

17. In this backdrop, the functional disability is to be assessed by the tribunal. The doctor/CW1 during his cross examination has deposed that the petitioner had loss of his memory and not able to understand the things and has assessed the disability of the petitioner at 34% for whole body. Further the petitioner deposed that he was an agriculturist and Diploma Engineering holder. However, no documents produced to that effect. Though, the



petitioner is suffering from mental illness at this younger age of 34 and also suffering from the neuropsychological disorder due to the accident and unable to do work as he was doing earlier to the accident and he is not in a position to pursue his routines as he used to do earlier. Thus, taking into consideration all these aspects, this tribunal is of the considered opinion that if the functional disability of the petitioner is assessed at 34%, the same would mete the ends of justice. Accordingly, this tribunal assesses the functional disability of the petitioner at 34%.

18. Age of the petitioner & Multiplier to be applied: The next aspect to be considered by the tribunal is the age of the petitioner. As per Adhar card/Ex.P.8 he was born in the year 1989 and on the date of alleged accident he was aged about



34 years. Hence, the age of the petitioner is 34 years. The respondent No.2 has not disputed the age of the petitioner. Thus, it transpires that the age of the petitioner was 34 years as on the date of the accident.

19. Now in view of the dictum of Hon'ble Supreme court reported in *Smt. Sarala Verma & Ors. V/s Delhi Transport Corp. & Anor.* reported in (2009) 6 SCC 121 and in *National Insurance Company Ltd., V/s Pranay Sethi & Ors.* reported in (2017) 16 SCC 680, just compensation is to be awarded by applying appropriate multiplier. Now this tribunal has to assess the compensation to be awarded on the basis of the yardstick given in the aforesaid decisions.

20. As per the decision of Hon'ble Apex court in the case of *Smt.Sarala Verma & Ors, V/s Delhi Transport Corp & Anor.,*



reported in (2009) 6 SCC 121, the multiplier of 16 is to be applied, when the age group of the claimant/deceased is between 31 to 35 years. Thus the multiplier of 16 is to be applied to the case on hand.

21. This Tribunal has carefully perused the entire records. Now the quantum of compensation is to be adjudicated under aforesaid various head.

22. Loss of earnings/future earnings on account of disability: As stated supra, the petitioner claims that he was an agriculturist and Engineering degree holder was earning Rs.30,000/- per month. To prove this aspect, no documents have been placed on record by the petitioner. As no materials are placed on record to show the exact earning of the petitioner, the tribunal has to adjudicate the quantum of income, considering the notional income.



For the fixation of the notional income of the petitioner, this tribunal takes recourse to revised chart prepared by the Hon'ble Karnataka State Legal Services Authority, Bengaluru dated 30.06.2026. As per the said chart, for all the districts coming under the Hon'ble High Court of Karnataka, Principal Bench, Bengaluru the notional income suggested for the year 2023 is Rs.16,250/-. Taking into account all these aspects, this tribunal considers notional income of the petitioner to be Rs.16,250/-.

23. As mentioned supra, the tribunal has accepted the notional monthly income of the petitioner to be Rs.16,250/-. The annual income of the petitioner would be Rs.16,250/- X 12, which is Rs.1,95,000/-. Thus the annual income of the petitioner would be Rs.1,95,000/-. The loss of earning is to be calculated by multiplying the



annual income with appropriate multiplier and with the percentage of disability. As stated *supra* the annual income of petitioner is Rs.1,95,000/-. The multiplier to be applied is 16. Thus, the total percentage of functional disability is accepted to be at 34%. Thus, the calculation would be **Rs.1,95,000/- x 16 x 34% = Rs.10,60,800/-**.

24. Loss of earnings during laid up period: As stated *supra*, the tribunal has considered the notional income of the petitioner to be at Rs.16,250/-. The petitioner was admitted to the hospital from 25.06.2023 to 14.07.2023 i.e. for 20 days. Hence, another two months could be considered for recovery of the petitioner post discharge. The petitioner could have suffered loss of income, at least for a period of three months. Thus, under this



head the tribunal awards an amount of
Rs.16,250/- X 3 = Rs.48,750/- .

25. Damages for pain suffering and trauma as a consequences of the injuries:

The petitioner has suffered functional disability of 34%. The petitioner has already undergone for surgery. Taking into account the injuries, and disability sustained the petitioner this tribunal is of the opinion that if an amount of Rs.1,50,000/- is awarded the same will suffice the cause of justice. Accordingly, this tribunal awards an amount of **Rs.1,50,000/-** towards damages for pain, suffering and trauma as a consequence of the injuries.

26. Loss of amenities: In so far as loss of amenities is concerned, while granting the loss of amenities, the tribunal is under the obligation to



consider how the quality of life has been affected by an injury. This is a feature of a personal injury claim, which acknowledges personal adjustments that have been made to the work, social and domestic lifestyle, which are not financial. As aforesaid the petitioner has sustained grievous injuries, which would cause impact on his normal life as he had lived prior to the accident. Taking note of all these aspects, this tribunal awards **Rs.2,00,000/-** under this head.

27. Transportation, Nourishment, Attendant and Miscellaneous Expenditures:

As stated *supra*, the petitioner was under treatment for total period of 20 days i.e. from 25.06.2023 to 14.07.2023 Thus taking into consideration, the duration of hospitalization, the fact that the petitioner has taken treatment, and was in requirement of an attendant during the laid



up period, if a lump-sum amount of **Rs.50,000/-** is awarded towards the transportation, nourishment, Attendant and miscellaneous expenditures, the same would suffice the cause of justice.

28. Expenses relating to treatment, hospitalization and medicines:- The petitioner claims that he had incurred expenses of 6,50,000/- for his treatment. Absolutely no documents are placed on record by the petitioner to substantiate this fact except the medical bills which are marked at Ex.P10 and 11. The total amount due under these bills is Rs.4,69,053/-. The petitioner is entitled for the said amount of Rs.4,69,053/- and which is rounded off to **Rs.4,70,000/-**.

29. Thus the petitioner is entitled for compensation under aforesaid heads summarized as hereunder:



Sl. No.	Heads	Amount of Rs.
1.	Loss of Earnings/Future earnings on account of disability	Rs.10,60,800/-
2.	Loss of Earnings during treatment (<i>laid up period</i>)	Rs.48,750/-
3.	Damages for pain, suffering and Trauma as a consequence of this injuries	Rs.1,50,000/-
4.	Loss of Amenities	Rs.2,00,000/-
5.	Transportation, Nourishment, Attendant and Miscellaneous Expenditure	Rs.50,000/-
6.	Expenses relating to Treatment Hospitalization and Medication	Rs.4,70,000/-
TOTAL		Rs.19,79,550/-

The petitioner is entitled for compensation of **Rs.19,79,550/-**.

30. Interest: In so far as award of interest is concerned, the petitioner has claimed an interest at the rate of 128%



p.a. from the date of petition. In view of decision of Hon'ble High Court of Karnataka, in ***Vijay Ishwar Jadhav & Ors. V/s Ulrich Belchior Fernandes & Anor.*** i.e. in **M.F.A.No.100090/2014** [MV] dated 07.03.2018, it is held that "***in the absence of any law relating to interest on judgment, the MACT has to follow the provision of Sec.34 of CPC***". Thus this tribunal deems it proper to award interest at the rate of 6% p.a. on the aforesaid compensation amount.

31. Liability: The fact that as on the date of accident, the offending vehicle was insured with it, is not disputed by the respondent No.2. The offending vehicle was insured with respondent No.2 company vide policy bearing No.3005/42570246/11731/000 valid from 02.11.2018 to 01.11.2023. The accident occurred on 24.06.2023. As such, the policy of the offending vehicle is



under the period of validity as on the date of accident. The respondent No.2 failed to prove that the rider of offending vehicle did not possess valid driving license as on the date of accident and also failed to prove that the accident caused due to the negligence of the petitioner. As such, it is the respondent No.2 Company, which needs to indemnify the respondent No.1. **Accordingly, issue No.2 answered partly in the affirmative.**

32. Issue No.3: In the light of foregoing discussions, this tribunal proceeds to pass the following:

O R D E R

The petition filed under section 166 of the Motor Vehicles Act is hereby allowed in part.

Petitioner is entitled for total compensation of



Rs.19,79,550/- [Rupees Nineteen lakhs Seventy nine thousand and five hundred and fifty only] along with interest at the rate of 6% p.a. from the date of the petition till realization entire amount.

The respondent No.1 and 2 are jointly liable to pay the compensation amount to the petitioner. The respondent No.2 being the insurer is liable to indemnify the respondent No.1 and to deposit the compensation awarded within a period of 30 days.

On being deposited out of the compensation amount, 75% shall be released in favour of the petitioner, owing to the medical expenses incurred by him.



Remaining 25% of the award amount shall be deposited in petitioner's name in any nationalized or scheduled bank of his choice, for a period of five years. The petitioner shall be entitled to draw the accrued interest on the said deposit.

Advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

(Dictated to the Stenographer directly on computer, typed by her, corrected by me and then pronounced in the Open Court on 13th day of August 2026).

(ZARIFA BANU A.R.)
PRL. SENIOR CIVIL JUDGE AND MACT.,
SIRA.



: A N N E X U R E :

List of witnesses examined on behalf of petitioner:

PW.1 Manjunatha

CW.1 Dr.Sri Hari

List of witnesses examined on behalf of respondent:

-Nil-

List of documents marked on behalf of petitioner:

Ex.P1	Copy of FIR
Ex.P2	Copy of complaint
Ex.P3	Copy of spot Mahazar
Ex.P4	Copy of seizure mahazar
Ex.P5	Copy of MVA report
Ex.P6	Copy of wound certificate
Ex.P7	Copy of charge sheet
Ex.P8	Notarized copies of Adhar cards of petitioners
Ex.P9	Discharge summary
Ex.P10	Inpatient bill
Ex.P11	Medical bills
Ex.P12	Scan reports



Ex.P13	Lab reports.
Ex.P14	Medical prescriptions
Ex.P15	X-Ray films
Ex.C.1	OPD receipts
Ex.C.2	MRI brain report
Ex.C.3	CD
Ex.C.4	Neuropsychologist report.

List of documents marked on behalf of respondent:

-NIL-

(ZARIFA BANU A.R.)
PRL. SENIOR CIVIL JUDGE AND MACT.,
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