

KATK800040712021



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

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

PRESENT

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

PRL. SENIOR CIVIL JUDGE & JMFC., SIRA.

DATED THIS THE 10th DAY OF AUGUST 2026

M.V.C./ 529 /2021

BETWEEN

Mohan Kumar @ Kumar,
S/o Panjappa,
Aged about 41 years,
R/o Benkipura village,
Chinaka Vajra,
Madhugiri Taluk,
Tumakuru District.
Also R/at Jyothi Nagara,
Sira town,
Tumakuru District.

(Rptd: By Sri.H.R., Adv)

Petitioner

AND

1. Umesha, S/o Kariyappa,
Aged about 39 years,



R/o No.27, Nagarathna Building,
Chamundeshwari Nagara,
Begur, Bengaluru - 560068.
(Owner of Tractor and Trailer
bearing Reg.No.KA.51.T.6263/6264)

2. The United India Insurance Co. Ltd.,
Jayadeva Complex, B.H.Road,
Tumakuru District.
(Policy No.0714003119P110614842)
Valid from 12.11.2019 to 11.11.2020)

(R1 placed exparte)
(Rptd: By Sri.SVM., Adv for R2)

Respondents

- : JUDGMENT :-

The petitioner has filed this petition U/s 166 of Motor Vehicles Act, against the respondents seeking compensation of Rs.10,00,000/- along with interest at 12% per annum, with respect to the injuries sustained by him in a road traffic accident.



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

That, on 18.03.2020 at about 7.45 p.m., when the petitioner was proceeding on his motorcycle bearing Reg.No.KA.64.L.2658 along with his friend by name Babu, who is seated as a pillion rider from Dharmapura to Changavara direction and when they reached near the land of Vishalamma on Sira - Changavara road, at that time, the driver of Tractor and Trailer bearing Reg.No.KA.51.T.6263/6264 **(here in after referred as Offending vehicle)** drove the same with high speed in a rash and negligent manner and dashed to the motorcycle bearing Reg.NO.KA.16.EJ.9750, which was coming in front of the above said tractor and then driver of the above said tractor drove his vehicle towards the left side of the road and dashed to the petitioner's bike and caused the accident.



Due to the impact the petitioner fell down and sustained grievous injuries and other injuries all over the body. Immediately he was taken First aid at General Hospital, Sira and then at Government Hospital, Tumakuru and treated as inpatient. The petitioner further contended that the accident caused due to the rash and negligent driving of the driver of the Tractor and trailer. The respondent No.1 being the owner and respondent NO.2 being the insurer of the offending vehicle respectively are jointly and severally liable to pay the compensation to the petitioner. Hence this petition.

3. In pursuance to the notices issued, to the respondents, respondent No.1 remained absent. Hence, placed exparte. Respondent No.2 placed its representation and filed its objection statement.



4. The respondent No.2 in its objection statement by denying the accident, age, income and occupation of the petitioner, contended that the 1st respondent has insured his Tractor and trailer bearing Reg.No.KA.51.T.6263 and KA.51.T.6264 with the 2nd respondent and policy was in force subjected to terms and condition of the policy. Further contended that, as per the FIR, complaint the alleged accident is caused due to unknown numbered tractor bearing Engine No.ZVZE00272 and Trailer bearing Reg.No.KA.06.T.9535 and Pattanayakanahalli police also seized unknown numbered Tractor bearing Engine No.ZVZE00272 and Trailer bearing Reg.No.KA.06.T.9535 as per their vehicle seizure mahazer and as per IMV report, RTO officer has inspected Tractor bearing Engine No.ZVZE00272/KA.51.T.6263 and Trailer bearing Reg.No.KA.06.T.9535 and given report in respect of alleged



accident. The FIR also lodged after lapse of one day and vehicle seizer and spot mahazer was drawn after two days of alleged accident and Pattanayakanahalli police has filed the charge sheet against the Tractor and Trailer bearing Reg.No.KA.51.T.6263/6264. All these facts clearly goes to show that petitioner in collusion with Pattanayakanahalli police and 1st respondent implicated the Tractor and Trailer in the alleged accident in order to get the compensation by illegal means. As per FIR, complaint, vehicle seizure mahazer and IMV report shown that on the date of alleged accident 1st respondent Tractor bearing Reg.No.KA.51.T.6263 is attached with Trailer bearing Reg.No.KA.06.T.9535 thereafter in the charge sheet Trailer bearing Reg.No.KA.51.T.6264 is implicated. Therefore, the owner and insurer of the Trailer bearing Reg.No.KA.06.T.9535 is the



necessary parties to this petition and this petition is bad for non-joinder of necessary parties. Further the IMV report and MLC records shows that, the alleged accident was occurred due to head on collusion between the petitioner's motorcycle and another motorcycle bearing Reg.No.KA.16.EJ.9750. The riders of both motorcycles are not having valid driving license to ride the said vehicles and hence the RC owners and insurers of both motorcycles are necessary parties to this petition. Further the 1st respondent vehicle i.e. tractor and trailer is not having permit to ply in the place of accident and the 1st respondent is by violation of permit issued to his vehicle, used the said vehicle for commercial purpose. Hence, respondent No.2 is not liable to indemnify the respondent No.1.The amount of compensation and interest claimed by the petitioner is highly excessive,



exorbitant and without any legal basis. On these grounds and such others, it prays to dismiss the petition.

5. On the above rival pleadings, issues have been framed as follows:

I S S U E S

- 1) Whether the petitioner proves that, the accident in question was occurred on 18.03.2020 at about 7.45 p.m. near the land of one Vishalamma, on Sira - Changavara road, Changavara village, Sira Taluk, due to rash and negligent driving of Tractor and Trailer bearing Reg.No.KA.51.T.6263/6264 by its driver?
- 2) Whether the petitioner is entitled for any compensation? If so, at what extent and from whom?
- 3) What Order or relief?



6. To prove the averments of petition, the petitioner examined himself as PW.1 who produced and got marked Ex.P1 to 9 documents and closed his side evidence. On the other hand, respondent No.2 company examined as RW-1 and got marked Ex.R1 & R2 and closed their side evidence.

7. Heard arguments of both sides and perused the materials placed 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 the offending vehicle. To substantiate his case the petitioner filed his affidavit in lieu of examination in chief and examined as PW-1 placed reliance on Ex.P1 to 6 documents. Wherein, Ex.P1 is FIR, Ex.P2 is complaint, Ex.P3 is spot mahazar, Ex.P4 is MVA report, Ex.P5 is wound certificate and Ex.P6 is charge sheet. In objection statement the respondent No.2 has disputed the genesis of case of the petitioner. The Respondent No. 2 specifically contended that, in FIR and FIS unknown numbered Tractor bearing Engine No. ZVZE00272 and Trailer No. KA.06.T.9535 has been mentioned, however in charge sheet insured vehicle Tractor and Trailer bearing No.KA.06.T.6263/6264 has been implicated to make a false claim. In order to



substantiate its contention, the respondent No.2 examined its official as RW-1 who deposed to the tune of its objection statement, however in his cross examination he has admitted that the insured vehicle Tractor and Trailer bearing No. KA.06.T.6263/6264 was in force at the time of accident and the driver was holding D.L as on the date of accident. He has also admitted that during IMV inspection the Tractor bearing No.KA.06.T.6263 has been inspected along with its Engine and his company as to whom the Trailer bearing No. KA.06.T.9535 is belonging to, was not been enquired. Further he admitted that the accident occurred between two-wheelers and Tractor and Trailer. Further he denied that, by over sight Trailer No.KA.06.T.9535 has been written in FIR and FIS instead of KA.06.T.6264.



10. In this regard it is pertinent to refer judgment of the Hon'ble supreme court in Musstt Rehana Begum V/s State of Assam and another reported in 2022 SCC online 82 it has been held that *"The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported, therefore when the investigation by the police is in progress, the court should not go in to the merits of the allegations in the FIR, police must be permitted to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law, during or after investigation, if the investigating officer finds that there is no substance in the complaint, he may file an appropriate report before the magistrate which may be considered by the magistrate in accordance with law"*.



11. In the case on hand the police soon after the FIS lodged has registered FIR against Tractor Engine No.ZVZE0072 and its Reg No. KA.06.T.6263, after conducting a detailed investigation traced the offending vehicle and filed charge sheet against its driver. Therefore, as per the dictum of aforesaid judgment of apex court the contention of the respondent No. 2 that the FIR/EX.P1 lodged against unknown vehicle which hit to the petitioner later in charge sheet the offending vehicle falsely implicated cannot be accepted. Furthermore, the accident occurred between the two-wheeler and Tractor head on collusion, as such there is nothing to do with the trailer as it taken contention that the trailer No.KA.06.T.9535 and later implicated KA.06.T.6264 to make a false claim cannot be accepted. Furthermore, except self-serving testimony of RW-1, the



respondent No.2 company has not produced any cogent material to substantiate that the offending Trailer is implicated in the alleged accident.

12. Furthermore, the respondent No. 1 being the owner of the offending vehicle not denied the involvement of his vehicle in the accident and damages occurred to his vehicle as mentioned in IMV report. Thus, for all these reasons this tribunal construed to be hold that the petitioner sustained injuries in the aforesaid accident arises out of the offending vehicle.

13. So far as delay in lodging FIR is concerned the alleged accident had occurred on 18.03.2020. The FIR came to be registered on 19.03.2020. Admittedly there is a delay of one day 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 Ex.P-5 clearly goes to show that the petitioner was admitted at General Hospital, Sira on the same day of the accident. 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 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.

14. Furthermore, the police after a detailed investigation has placed charge sheet against the Umesh/driver of the Tractor and Trailer for the offences punishable U/Sec. 279, 337 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 his evidence and by producing the relevant documents is able to establish the factum of accident, which had occurred due to the actionable negligence of the driver of the Tractor and Trailer. **Thus for all these reasons this tribunal answers issue No.1 in the affirmative.**



15. 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. After the accident the petitioner was taken to General hospital, Sira and then to Government Hospital, Tumakuru and treated as inpatient between 18.03.2020 to 23.03.2020. The aforesaid fact substantiated by discharge summary/Ex.P7. As per wound certificate the petitioner has sustained following injuries as under:-

(a) Laceration 6X4 cm over the upper lip.

(b) Dismantal of upper incise blood clot.

(c) abrasion 4X3 cm over the right side of forehead.



(d) Abrasion 3X3 cm over the right cheek.

(e) abrasion 4X3 cm over the right head.

(f) abrasion 7X3 cm over the right forearm

(f) right parasymphysis quardmans fracture.

The injury (b) & (f) are grievous in nature and other injuries are simple in nature.

16. The duration of the treatment and nature of the treatment undergone by the petitioner has not been disputed by the respondent No.2. 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.

17. Disability suffered by the petitioner: It is the contention of the petitioner that he has suffered permanent physical disability due to the grievous injuries sustained by him. However no doctor has been examined by the petitioner to show that he has sustained any functional disability. The petitioner has not made any efforts to appear before medical board also. Had he suffered any functional disability, the petitioner would have got the doctor examined or got him referred to medical board. In the absence of any such efforts on part of the petitioner, the only inference which could be drawn is that the petitioner has not suffered any functional disability due to



the injuries sustained by him. As such no compensation is awarded under the head of loss of future earnings due to disability.

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

The discharge summary/Ex.P7 suggest that the petitioner has sustained grievous and fracture injuries and underwent for treatment. Thus, taking into account the treatment undergone by the petitioner and the duration of treatment, this tribunal is of the opinion that if an amount of Rs.1,00,000/- is awarded the same will suffice the cause of justice. Accordingly this tribunal awards an amount of **Rs.1,00,000/-** towards damages for pain, suffering and trauma as a consequence of the injuries.

19. 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 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.50,000/-** under this head.

20. Transportation, Nourishment, attendant and Miscellaneous Expenditures: As

stated *supra*, the petitioner was under treatment at Tumakuru between 18.03.2020 to 23.03.2020. Thus taking into consideration, the duration of hospitalization, if a lump-sum amount of **Rs.25,000/-** is awarded towards the



transportation, nourishment and miscellaneous expenditures, the same would suffice the cause of justice.

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

Sl. No.	Heads	Amount of Rs.
1.	Damages for pain, suffering and Trauma as a consequence of the injuries	Rs.1,00,000/-
3.	Loss of Amenities	Rs.50,000/-
4.	Transportation, Nourishment, attendant and Miscellaneous Expenditure	Rs.25,000/-
TOTAL		Rs.1,75,000/-

Thus, the petitioner is entitled for compensation of **Rs.1,75,000/-**.



22. Interest: In so far as award of interest is concerned, the petitioner has claimed an interest at the rate of 12% p.a. from the date of petition. In so far as award of interest is concerned, In view of decision of the 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.

23. Liability: The fact that the offending vehicle was insured with respondent No.2 company is not disputed. The offending vehicle was injured vide policy bearing No.0714003119P110614842 valid from 12.11.2019 to 11.11.2020. The alleged



accident occurred on 18.03.2020. Thus, the policy is under the period of validity at the time of accident. Hence, the respondent No.2 being insurance company is liable to indemnify the respondent No.1. Therefore, the respondent No.2 is liable to pay compensation to the petitioner. **Accordingly issue No.2 is answered partly in the affirmative.**

24. 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 with cost.

*Petitioner is entitled for compensation of **Rs.1,75,000/-**
[Rupees One Lakh seventy five*



thousand only] along with interest at the rate of 6% p.a. from the date of the petition till realization of entire amount.

*The respondents Nos.1 and 2 are jointly liable to pay the compensation amount. 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.*

Considering the amount spent towards medical expenses there shall be no order for investment, accordingly on deposit being made, office is directed to release the entire amount to the petitioner on proper identification.

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 10th day of August 2026).

(ZARIFA BANU A.R.)
Prl. Senior Civil Judge & MACT.,
Sira.

A N N E X U R E

List of witnesses examined on behalf of petitioner:

PW.1 Mohan kumar @ Kumar

List of witnesses examined on behalf of respondents:

RW.1 Abijith R.

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 MVA report



Ex.P5	Copy of wound certificate
Ex.P6	Copy of charge sheet
Ex.P7	Discharge summary
Ex.P8	Notarized copy of Adhar card.
Ex.P9	Notarized copy of PAN card.

List of documents marked on behalf of respondents:

Ex.R1	Authorization letter.
Ex.R2	Copy of insurance policy.

(ZARIFA BANU A.R.)
Prl. Senior Civil Judge & MACT.,
Sira.