



**IN THE COURT OF SENIOR CIVIL JUDGE &  
MACT AT TIPTUR**

**DATED: This the 06<sup>th</sup> day of JULY-2026**

**PRESENT:**

**Sri. Varadaraj.B., B.Sc., LL.B., M.L**  
Senior Civil Judge and  
MACT, Tiptur.

**MVC No.486/2024**

Petitioner:                      Lingaraju S/o Siddaramaiah,  
Aged about 49 years  
R/o.Madlehalli Village,  
Kuppalu Post,  
Kibbanahalli Hobli,  
Tiptur Taluk,  
Tumkur District.

(By Sri.H.R.K.,, Adv.,)

**V/s**



Respondents: 1. Vivek.H.K S/o Prakashkumar,  
H.K.Shambhavi Nilaya,  
6<sup>th</sup> Cross, Maruthinagara,  
Tumkur.

(Owner of the Car bearing Reg.  
No.KA-06-N-4985)

2. M/s.Universal Somp General  
Insurance Co Ltd, 3<sup>rd</sup> Floor,  
KVV Samrat, 217/A, 3<sup>rd</sup> Main Road,  
Outer Ring Road, Kasturinagara,  
Bangaluru-560043.  
Represented by its Manager  
Policy No.2311/03177388/00/000  
Valid from 23.10.2022 to 22.10.2023

(R.1 By B.G.K., Advocate)

(R.2 By B.K.C., Advocate)

### **J U D G M E N T**

This petition is filed on behalf of the petitioner u/sec.166 of IMV Act, seeking compensation of Rs.15,00,000/- with interest from the date of petition till realization with regard to the injuries sustained by him in the road traffic accident on 23.11.2023.



**2. The gist of the petition averments are as follows:**

That on 23.11.2023 at about 5.30 P.M., the petitioner along with his brother Pradeep went to Muddaranganapalya for house warming ceremony of their sister and after finishing the program, the petitioner was returning on his motor bike bearing Reg.No.KA-44-W-4312 to his native on B.H.Road from Tiptur side towards K.B.Cross and at that time, the driver of car bearing Reg.No.KA-06-N-4985 by driving it in a rash and negligent manner dashed to the motorbike of petitioner due to which petitioner fell down and sustained grievous injuries in the said accident.

3. After the accident, immediately the petitioner was taken to Government hospital, Tiptur wherein he took first aid treatment and he was shifted to District hospital, Hassan and he took treatment in the said hospital as a inpatient for



one day and thereafter, for further higher treatment he was shifted to M.S.Ramaiah hospital Bangalore where he took treatment for about one month and he underwent operation to his right hip joint. The petitioner was completely bed ridden due to injuries sustained in the accident. The petitioner is still taking treatment as an outpatient. The petitioner in total has spent more than Rs.2,00,000/- towards the medical expenses, food, treatment, traveling expenses, operation charges, conveyance and incidental expenses during hospitalization and has also spent Rs.3000/- towards taxi charge from accident place to Tiptur Government hospital and Rs.5000/- to Tiptur Government hospital to Hassan and Rs.6000/- from Hassan to M.S.Ramaiah Hospital, Bangalore and Rs.6000/- from M.S.Ramaiah Hospital to native place after discharge.



4. Petitioner further contends that, the petitioner is aged about 49 years at the time of the accident and he was an agriculturist and also doing coconut vending business and thereby totally he was earning Rs.30,000/- pm. He is the only earning member in the family and the entire family members are mainly depending upon the income of the petitioner for their livelihood. He took bed rest for a period of 6 months. Thus the petitioner has lost income for a period of 6 month. Prior to the accident the petitioner was hale and healthy and after the accident the petitioner is unable to do any work as he was doing prior to the accident. The first respondent being the owner of the Car bearing Reg No. KA-06-N-4985 and the 2<sup>nd</sup> respondent being insurer of the said vehicle as on the date of accident, are jointly and severally liable to pay the compensation and accordingly, on these grounds prays to allow this petition.



5. After filing of the petition, petition notice was issued to the respondents and In response to the notice, the respondents have made their appearance through their counsel and filed their written statement independently. The 1<sup>st</sup> respondent in his written statement has clearly denied the case of the petitioner and has contended that it is because of the negligence of the petitioner himself the accident has occurred. It is contended that the 1<sup>st</sup> respondent has insured the vehicle with 2<sup>nd</sup> respondent hence, the 2<sup>nd</sup> respondent alone is liable to pay the compensation if awarded by the tribunal. The 2<sup>nd</sup> respondent insurance company has filed his written statement interalia denying the cause and circumstances of the accident, injury sustained, treatment taken, amount spent towards medical expenses and towards other incidental expenses, need of the future medical expenses, age, occupation, income, loss of income, effect of



the injuries on the petitioner, as put up by the petitioner in toto subjecting the petitioner to strict proof of the allegations made in that regard. It is further contended that the driver of the offending vehicle car bearing No.KA-06-N-4985 was driving the same without having valid and effective license to drive the same.

6. It is also contended that, the compensation claimed by the petitioner on different heads is excessive, exorbitant and without any basis and also sought for contesting the petition on all grounds as provided u/sec.170 of IMV Act if the first respondent fails to contest the petition, Further, this respondent does not admits the policy and submits that the jurisdictional police as well as the owner of the vehicle have not complied the mandatory provisions provided under section 134(C) and 158(6) of the IMV Act and the owner also has not produced the vehicle and vehicular documents for



verifications and hence, the claim petition is liable to be rejected against this respondent and prayed for dismissal of the petition against it.

7. On the basis of the pleadings of the parties, following issues that would arise for my consideration :

- 1) Whether the petitioner proves that he has sustained injuries in the road traffic accident that occurred on on 23.11.2023 at about 5.30 P.M., he along with his brother Pradeep went to Muddaranganapalya for the opening ceremony of house of petitioner's sister and after finishing the program, the petitioner and his brother Pradeep were returning by his motor bike bearing Reg.No.KA-44-W-4312 and he left the Pradeep near Bommenahalli for his cooking work and petitioner was returning to his native on B.H.Road from Tiptur side towards K.B.Cross and at that time the driver of car bearing Reg.No.KA-06-N-4985 by driving it in a





rash and negligent manner dashed to the motorbike of petitioner due to this petitioner sustained grievous injuries in the said accident?

- 2) Whether the petitioner proves that he is entitled for compensation as prayed for? If yes to what extent and from whom?
- 3) What order or award?

8. In order to prove the case of the petitioner, the petitioner himself got examined as P.W.1 and got marked as many as 12 documents as per Ex.P.1 to Ex.P.12. He has also got examined the doctor who treated him as PW-2. On the other hand, respondents even though filed their objections they have not preferred to adduce any evidence and not marked any document.

9. Heard the arguments of the learned counsels for the petitioner and the respondents.



10. On perusal of the oral and documentary evidence coupled with the pleadings of the parties, the aforesaid issues are answered as under:

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

### **REASONS**

11.**Issue No.1:** It is the specific contention of petitioner that on 23.11.2023 at about 5.30 P.M., the petitioner after finishing house warming ceremony of his sister was returning to his home on his motor bike bearing Reg.No.KA-44-W-4312 on B.H.Road from Tiptur side towards K.B.Cross and at that time, the driver of car bearing Reg.No.KA-06-N-4985 by driving it in a rash and negligent manner dashed to the motorbike of petitioner due to which the petitioner fell down



of the road and sustained grievous injuries to the pelvic region in the said accident.

12. On the contrary the respondent has made bald denial of the contention raised by the petitioner. Be as it is, so far as the accident and injuries sustained by the petitioner is concerned, there is no dispute. So far as, the question as to whether the accident occurred due to the rash and negligent driving of the driver of the Car is concerned, I have gone through the entire records of the case meticulously.

13. To substantiate his contention, the petitioner has stepped into the witness box and has filed his affidavit in lieu of examination in chief and he has examined doctor who has treated him as P.W.2 and has produced 12 document as Ex.P.1 to P.12.

14. P.W.1 in his evidence has reiterated what is stated by him in the petition. P.W1 is cross examined by



learned counsel for the respondents. During the course of cross examination nothing much is elicited from the mouth of P.W.1 to show that the accident has not occurred due to the rash and negligent driving of the driver of the offending vehicle. On the contrary the Ex.P.1 is the FIR which shows that the police have registered the case against the driver of the offending vehicle for the offence punishable under section 279, 337 and 338 of IPC, based on the first information provided by the injured in the hospital. Ex.P.4 is the spot mahazar, which substantiate the place of accident as stated by the petitioner. He has also produced charge sheet which is exhibited at Ex.P.3 and as per the charge sheet, it is filed against the driver of the offending vehicle.

15. On going thorough the contents of Ex.P.1 FIR, it is clear that, on the basis of the statement of the injured himself the concerned police have registered the case against the



driver of the Car bearing Reg No.KA-06-N-4985 for the offense punishable under Section 279, 337 and 338 of IPC. On perusal of Ex.P.7 IMV report it is clear that, accident was not due to mechanical defect of the vehicle in question. On going through Ex.P.3 it is clear that, after due investigation the concerned police have filed the final report against the driver of the Offending vehicle. All these documents prima-facie supports the version of the petitioner so as to the cause of the accident. Under these circumstances, considering the oral and documentary evidence, this tribunal is of the considered view, that the materials placed are sufficient to accept the contention of the petitioner that, he has sustained injury in the road traffic accident on 23.11.2023 due to actionable rash and negligent driving act on the part of driver of the Car bearing Reg No.KA-06-N-4985. It is well settled principles of law that in a Motor vehicle accident compensation cases,



strict proof of negligence is not required. Unlike a criminal case where proof beyond reasonable doubt is required, in Motor vehicle accident compensation cases preponderance of probability is sufficient. This view is supported with the decision of the Hon'ble Supreme court in the case reported in **2009(13) SCC 530 between Bimal Devi and others V/s Himachalpradesh road transport corporation LTD**. Under these circumstances, in view of my above said discussion I can conveniently hold that the accident in question has occurred due to the rash and negligent driving of the driver of the offending vehicle. **Accordingly, I answer issue No.1 in Affirmative.**

**16. ISSUE NO.2:** As discussed by me supra while answering issue No.1, I have already observed that the petitioner sustained injuries due to the rash and negligent driving of the vehicle bearing Reg No.KA-06-N-4985. Hence,



certainly the petitioner is entitled for the injuries sustained by him. In so far as the question of quantum of compensation, it is discussed under the various head given below.

### **QUANTUM OF COMPENSATION**

17. **Pain and suffering:** As per the evidence available, the petitioner has examined himself as P.W-1. He has also examined the doctor who has treated him as PW-2. He has produced the wound certificate which is exhibited at Ex.P6. According to wound certificate issued by the doctor the petitioner sustained one grievous injuries and six simple injuries;

18. Ex.P.9 discharge summary reveals that the petitioner has taken treatment as inpatient from 24.11.2023 to 14.12.2023 at Ramaiah hospital, Bangalore. On careful analysis of Ex.P.9, discharge summary it reveals that the



petitioner had suffered right hip posterior dislocation + right acetabulum posterior column + wall fracture and he has undergone procedure of surgery such as right ORIF + Plating of Posterior wall and Posterior column (MERIL SPRING PLATE 3 Holed and Pelvic Plate 10 Holed X 2.. The petitioner was admitted in the hospital as inpatient for the injury sustained by him between 24.11.2023 to 4.12.2023. That is to say the petitioner has undergone treatment as in patient in total about 21 days. Admittedly as per Ex.P.6 wound certificate there is grievous injury and he has undergone operation on the vital part of the body.. This pain and sufferings needs to be compensated suitably. Having regard to above said aspects, in my opinion it is just and proper to **award a sum of Rs.50,000/- under this head.**

**19. MEDICAL EXPENSES, FUTURE MEDICAL EXPENSES, ATTENDANT CHARGES, CONVEYANCE,**





### **NOURISHING FOOD AND OTHER INCIDENTAL EXPENSES.**

The petitioner has produced in total 45 medical bills which are exhibited at Ex.P.10 and 11 and total medical expenses is calculated at **Rs.27,912/-**. Undisputed that the petitioner was treated as inpatient for about 21 days and he has under gone operation also. The respondents have not disputed medical bills and as such the petitioner is entitled for **Rs.27,912/-** for medical expenses.

20. According to the petitioner he has to under go another surgery for removal of the implants and PW-2 doctor has also deposed that PW-1 requires about Rs.3,00,000/- for further surgery to remove the implants. On going through the documents produced by the petitioner the medical expenses has come only to Rs.28,000/-. Such being the case, in my opinion sum of Rs.25,000/- would be appropriate as



compensation for future medical expenses. Hence I am inclined to grant **Rs.25,000/-** compensation under this head.

21. The petitioner has contended that he has spent Rs.3000/- for taxi from the accident place to the government hospital Rs.5000/- from Tiptur Government hospital to Hassan and Rs.6000/- from Hassan to M.S.Ramaiah and thereafter, Rs.6000/- to M.S. Ramaiah hospital to his native. In the present day scenario it is always probable that certain amount is spent by the injured for his transportation which I can fairly asses at **Rs.10,000/-** for conveyance.

22. As can be seen from the records as I have already observed the petitioner has under gone surgery which has made him to lay down in the hospital for the 21 days. Needless to say during that period and also during stay at the house he requires assistant of somebody to take care of him.



As can be seen from the records he might not have been in position to take care of himself independently at least for a period of 4 months. In my opinion if a medical attendant charges of **Rs. 3,000/- per month which at Rs.12,000/- for four months** is fixed that would be fair and just compensation under this head.

23. Since the petitioner has met with the accident and under gone surgery he might have incurred certain expenses for recovery by taking nourishing food which incurred some expenses. Hence, I am inclined to give **Rs.8,000/-** under this category.

In total the petitioner is entitled for **Rs.82,912/-** as compensation under this various head.

24. **LOSS OF INCOME DURING LAID UP PERIOD.**

According to the petitioner he is an agriculturist and and also coconut vending business and was earning



Rs.30,000/- p.m, but he has not substantiated the same with any cogent and relevant evidence. As per Ex.P.8 notarized copy of Aadhaar card which shows that the petitioner was aged about 51 years at the time of accident. However, a person aged about 51 years which is clear in medical records would be deprived of certain earnings. As per the chart circulated by Hon'ble KSLSA notional income is fixed up to 2022 which is 15,500/-. Then as on 2023 when the accident occurred the notional income can be calculated at Rs.16,000/- and hence I can fairly assess the income of petitioner at Rs.16,000/- pm notionally. As I have observed at least for 4 months the petitioner was not in a position to take care of his avocation personally. Under these circumstances the petitioner is entitled for compensation of **Rs.16,000X4=64,000/-** on the above said head.



25. **LOSS OF FUTURE INCOME ON ACCOUNT OF PERMANENT DISABILITY.**

The petitioner in his petition has claimed that he has suffered permanent disability due to the accident. The petitioner has also reiterated this facts when he was examined as P.W.1 when I analyze the cross examination of P.W-1 nothing much is elicited to disprove the contention of the petitioner. On the other hand the petitioner has examined the Doctor who is said to have treated him as PW-2. The doctor is examined and he has assessed the disability of right lower limb, mobility component, right hip joint affected. The Doctor is cross examined by the learned counsel for the respondent No.2 and in the evidence it is suggested to the doctor that no disability is suffered by the petitioner. When I analyze the evidence of doctor, the doctor has assessed the whole body disability of petitioner at 21.66%. In the evidence



the doctor has stated as how he has assessed the disability wherein the loss of mobility component of left lower limb, muscles strength and stability component is assessed and the doctor has given a conclusion. Now whether this assessment of the doctor has to be accepted as it is or it requires to be re-appreciated is another question. In assessing the evidence of the doctor the parameters are laid down by the ***Hon'ble Supreme Court in the case reported in 2011(1) SCC 343 between Rajkumar V/s Ajaykumar*** wherein their lordships have given a dictum as follows,

***“ Where the claimant suffers a permanent disability as a result of injuries, the assessment of compensation under the head of loss of future earnings would depend upon the effect and impact of such permanent disability on his earning capacity. The tribunal should not***



*mechanically apply the percentage of permanent disability as the percentage of economic loss or loss of earning capacity. In most of the cases the percentage of economic loss, i.e., the percentage loss of earning capacity arising from a permanent disability will be different from the percentage of permanent disability.”*

*In the same decision it is further held as follow,*

*“ What requires to be assessed by the tribunal is the effect of the permanent disability on the earning capacity of the injured and after assessing the loss of earning capacity in terms of the percentage of the income it has to be quantified in terms of money to arrive at future loss of earnings”.*



Keeping this guidelines given by the Supreme court in my mind now let me analyze the permanent disability as contended by the petitioner in respect of his loss of earning capacity. Admittedly the petitioner was agriculturist and coconut business. As per the records the age of the petitioner as on the date of the accident was 51 years. No doubt the petitioner has suffered disabilities but there is no substantiation that his functional ability is reduced to 21.66%. In view of these facts, even though the Doctor has assessed the whole body disability at 21.66%, as an agriculturist it is always possible for the petitioner to continue with his avocation if not to the full extent with a reduction of ability also. That is to say only to some extent the disability that has crept in to the petitioner would be responsible for the hindrance of his earning capacity. Keeping these facts in my mind I can safely assess the disability of the





petitioner at 12% rather than 21.66% as assessed by the doctor.

26. I have already assessed the income of the petitioner at Rs.16,000/- pm. The loss of earning due to functional disability would be 12% of Rs.16,000/- which is 1920/- . The age of the petitioner at the time of the accident was 51 years . Therefore the multiplier would be 11 as envisaged in Saralavarma case. Now the formula for calculation as follows,

$$16,000 \times 12 \times 12 / 100 \times 11 = 2,53,440/-$$

Thus , the loss of future income of the petitioner would be **Rs.2,53,440/-**.

27. **LOSS OF AMENITIES, LIFE COMFORTS AND EXPECTANCY OF LIFE.**

According to the petitioner he has got family and the entire family members are depending upon the income of the



petitioner for their livelihood. With the assessment of the permanent disability certainly the petitioner has lost life comforts and also the pelvic region being the vital part of the body, when the petitioner sustained injuries on the vital part of the body and he has sustained fracture due to the accident he has lost life comforts. With the analysis of permanent disability to the petitioner he has suffered loss of amenities which requires to be compensated suitably. Accordingly I am inclined to grant the compensation of **Rs.50,000/-** under this head.

28. After analyzing all the aforesaid reasoning, the petitioner is entitled for compensation under the following heads as discussed above;

| Sl. No. | Heads                       | Compensation  |
|---------|-----------------------------|---------------|
| 1.      | Towards pain and sufferings | Rs. 50,000/-  |
| 2.      | Towards medical expenses,   | Rs. 27,912/-+ |



|              |                                                                                                        |                                                                        |
|--------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
|              | future medical expenses                                                                                | Rs. 25,000/-<br>= <b>52,912/-</b>                                      |
| 3.           | Towards attendant charges, conveyance, nursing care, nourishment and towards other incidental expenses | Rs. 8,000/- +<br>Rs. 12,000 /-+<br>Rs. 8000/-<br>Rs. = <b>28,000/-</b> |
| 4.           | Towards loss of income during laid up period                                                           | Rs. 64,000/-                                                           |
| 4.           | Towards loss of future income due to permanent disability                                              | Rs. 2,53,440/-                                                         |
| 5.           | Towards physical disability affecting future amenities in the life of the petitioner                   | Rs. 50,000/-                                                           |
| <b>Total</b> |                                                                                                        | <b>Rs. 4,98,352/-</b>                                                  |

Thus, the petitioner is entitled for total compensation which could be for **Rs.4,98,352/-**.

## INTEREST

29. So far interest is concerned, the petitioner has not claimed any interest in his petition. However, in a recent decision of the the Hon'ble high court of Karnataka **in the case MFA no 100090/14 between Vijay Eshwar jadav and**



**others V/S Ulrich Beichior Fernandis and others**, the Hon'ble high Court has held as under

***“15. 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 on the general law enacted in 169 of the M.V. act and therefore, the provisions of section 34 of CPC to that extent becomes invocable on the general principles of construction of status namely the special law overrides the general law. Therefore, in the absence of any other law relating to interest on judgment, the MACT has to follow the provisions of section 34 of CPC. Thus in the given circumstances of this case, interest at the rate of more than 6 % could not have been awarded”***

Thus, considering the dictum of the Hon'ble High court,



I deem it proper to award interest at the rate of 6% PA on the above said compensation amount.

### **30. LIABILITY**

The insurance company has failed to prove that the accident has occurred not due to the fault of the driver of the insured vehicle. Hence, the RC owner is liable for the payment of compensation and the insurance company i.e, 2<sup>nd</sup> respondent is liable to indemnify the RC owner. Thus, the first respondent being the owner and the 2<sup>nd</sup> respondent being the insurer are jointly and severally liable to pay compensation to the petitioner and the 2<sup>nd</sup> respondent shall indemnify the 1<sup>st</sup> respondent by paying the compensation amount. Under this circumstance issue no.2 is answered **partly in affirmative.**

31. **ISSUE NO.3:** For the aforesaid reasons, this tribunal pass the following:



### **ORDER**

The petition filed by the petitioner u/sec.166 of Motor Vehicles Act, 1988 is hereby partly allowed with cost.

The petitioner is entitled for a sum of **Rs.4,98,352/-** as compensation with cost and interest @ 6% p.a., from the date of petition till date of deposit. The compensation under the head future medical expenses shall not carry any interest.

Both respondents are jointly and severally liable to pay the compensation to the petitioner. However, the 2<sup>nd</sup> respondent, being the insurer is bound to indemnify the first respondent and shall deposit the said



amount with interest within expiry of appeal period.

Out of the compensation amount 50% is ordered to be kept in fixed deposit in the name of petitioner in any nationalized bank for a period of 3 years. The petitioner is entitled for accrued interest periodically thereon. The remaining amount along with the interest is order to be released in favor of the petitioner as and when the respondent no 2 deposits the same before the court.

Draw award accordingly.

(Dictated to the Stenographer directly in the computer, corrected and then pronounced by me in the open court on this the 06<sup>th</sup> day of July -2026)

Sd/-  
**(Varadaraj.B)**  
**Senior Civil Judge & MACT,**  
**Tiptur.**

**ANNEXURE****List of witness examined for the petitioner:-**

PW.1 : Lingaraju  
PW2 : Dr.H.A.Ramegowda

**List of documents got marked for the petitioner:-**

Ex.P.1 : Copy of FIR  
Ex.P.2 : Copy of Complaint  
Ex.P.3 : Copy of Charge sheet  
Ex.P.4 : Copy of Spot mahazar  
Ex.P.5 : Copy of Seizure mahazar  
Ex.P.6 : Copy of wound certificate  
Ex.P.7 : Copy of IMV report  
Ex.P.8 : Notarized copy of Aadhaar card  
of petitioner  
Ex.P.9 : Discharge summary  
Ex.P.10 : Medical bills  
Ex.P.11 : 17 Medical bills  
Ex.P.12 : X-ray

**List of witnesses examined on behalf of the respondents:-**

NIL

**List of documents got exhibited on behalf of respondents:-**

NIL

Sd/-

**Senior Civil Judge & MACT,  
Tiptur.**