



**IN THE COURT OF 2nd ADDL. SENIOR CIVIL
JUDGE & AMACT, RANEBENNUR.**

PRESENT: Sri. MANJUNATHA M.S., B.A. LL.B.
2nd Addl. Senior Civil Judge & AMACT,
Ranebennur.

DATED THIS 2nd DAY OF JUNE, 2026

MVC NO.272 / 2019

PETITIONER :

Sri. Veeresh D.L
S/o: Devendrappa Lokkoli, Age: 53
yrs, R/o: # 157/9, 5th cross, Friends
Circle, Rajarajeshwari nagar,
Laggere, Bengaluru north,
Bengaluru.

Now at: 1st main road, Vinayaka
Nagar, Ranebennur, Tq: Haveri.

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

V/S

RESPONDENTS : 1. Mr. Basavaraj Umesh Lakkolli, Age:
Major, R/o: Shiragonda Post, Tq:
Hangal, Dist: Haveri.

(Owner of Motor Cycle bearing
Reg.No.KA.27-EA-9731).

2. The Legal Manager, Bharati Axa
General Insurance Co. Ltd.,
Reliance Digital Building, 1st Floor,
Opp: Vidyanagar police station,

Vidyanagar, Hubballi.

Policy No: S8613768.

Valid from: 09-08-2017 to 08-08-2018.

3. Sri. Nancharaiah
S/o: Venkateshwararao Kalpal, Age:
42 yrs, R/o: Bapuji N.G. Godavari
Kani, State: Telangana.
(Owner of Eicher vehicle No.TS/02-
UA-9911).

(R.1 by Sri. P.S.M, Advocate.

R.2 by Sri. S.S.K, Advocate.

R.3 placed exparte.

R.4 by Sri. N.D, Advocate).

J U D G M E N T

This petition is filed by the petitioner U/Sec.166 of Motor Vehicles Act, 1994, claiming compensation of ₹.25,00,000/- along with interest on account of injuries sustained in the motor vehicle accident.

2. The case of the petitioner in brief is as follows:

That, on 06-05-2018 at about 9-00 a.m., the petitioner was going on his Motor Cycle bearing Reg.No.KA.27/EA-9731 towards Holalu village, at that time the driver of one Eicher vehicle bearing Reg.No.TS.02/UA-9911 drove the same with high speed in a rash and negligent manner without following the rules and regulations and suddenly applied brake near the road humps without giving any signal, due to which the petitioner who was going back side of the said vehicle, dashed to the said vehicle and sustained grievous injuries.

Immediately, he was taken first aid treatment at Government Hospital, Guttal and as per the advise of the doctors, he was shifted to Super Specialty Hospital, Hubballi for higher treatment and he was taken treatment as inpatient for about 15 days and spent amount of ₹.5,00,000/-. Based on the complaint, a case has been registered in Cr.No.170/2018 at Guttal police station against the driver of the said Eicher vehicle and the petitioner.

3. Further it is contended that, the petitioner was aged about 53 years, prior to the accident he was hale and healthy and he was earning more than ₹.30,000/- p.m., by doing private work. Due to accidental injuries, he become permanently disabled and unable to walk far away, not possible to work, dizziness, headache and there is blurring of eyes. The respondent No.1 and 2 are the owner and insurer of Motor Cycle bearing Reg.No.KA.27/EA-9731, the respondent No.3 and 4 are the owner and insurer of the said Eicher vehicle bearing Reg.TS.02/UA-9911, who are jointly and severally liable to pay the compensation. On these grounds, the petitioner sought to allow the petition with costs.

4. In pursuance of notice the respondent Nos.1, 2 and 4 were appeared through their respective counsels. The respondent No.3 not chosen to appear. Hence, he placed exparte. The respondent No.1 has not filed any objection statement to the said petition. The respondent nos.2 and 4 have filed their

separate objection statements to the claim petition. The respondent No.2 in his objection statement has contended that, the petition is false, baseless, created, concocted and vexatious and against to the provisions of law. As such, the same is not maintainable either in law or on facts. He denied the existence of Smart Drive Two Wheeler comprehensive insurance policy No. S8613768 to the Bajaj Discover Motor Cycle bearing Reg.No.KA.27/EA-9731 in the name of Basavaraj Lakkolli and if the petitioner and respondent No.1 proves the existence of the policy on the material time of the alleged accident, then the same is subject to terms, exceptions, conditions and limitations of the policy and subjected to valid, effective and legal DL to the rider and RC, FC and Emission certificate issued by the competent authority to the respondent No.1. The documents produced by the petitioner disclose that, the driver of the TP truck had applied the brake without giving signal to the back coming vehicle and the police after thorough investigation have falsely filed A.B. charge sheet against the rider and the driver of both the vehicles instead of filing charge sheet against the driver of the TP Eicher Truck. This respondent denied the age, occupation and income of the petitioner and also denied the date, time and manner of the accident, injuries sustained by the petitioner, his hospitalization and expenses incurred towards his treatment. That there is no nexus between the alleged accident and the injuries sustained by the petitioner. Further submits that, in

case any award, the rate of interest at 4% p.a. only and interest not payable on the amount of future expenditure, interest is to be paid only over the amount which has become payable on the date of award from respondent No.4 as per law laid down by the Hon'ble SCI in AIR 1995 SC 755 (R.D.Hattangadi V/s Pest Control (India) Ltd) from respondent No.4 alone. They also submits that, the compensation claimed by the petitioner is highly excessive, exaggerated and arbitrary. Hence, prays to dismiss the claim petition against them.

5. The respondent No.4 in the objection statement has contended that, the petition filed by the petitioner is not maintainable either under law or on facts is liable to be dismissed in limine. They submits that, the respondent No.3 who is the owner of the said Eicher vehicle has insured his Eicher lorry with their company is valid as on the date of the accident. The product of said policy is Motor Commercial Vehicle Package policy. The said policy is issued subject to the various terms, conditions, limitations and exceptions of the policy. Therefore, as per the terms and conditions of the said policy, this respondent is not liable to pay compensation to the petitioner. This respondent further submits that, the petitioner to prove that, the alleged driver of the insured vehicle had valid and effective driving license to drive the class of the vehicle and that he was not disqualified to drive the same at the time of the alleged accident. The respondent knowingly

entrusted the said lorry to the driver who had no valid and effective driving license to the class of vehicle and hence, consciously breached the terms and conditions of the policy and law. They further submits that, the alleged accident had occurred due to the negligent act of the rider of the Motor Cycle himself, he is the wrong doer. The rider of the Motor Cycle is not having driving license and his vehicle is not having insurance. Therefore, they pressurized the police and registered the false complaint and false charge sheet against the driver of the lorry. They submits that, the Guttal police filed charge sheet against the drivers of both the vehicles. Hence, this respondent is not liable to pay any compensation to the petitioner. They denied that, the alleged accident is caused due to the rash and negligent driving of driver of Eicher Lorry. There was no rash and negligent driving of the said Lorry by its driver and there is no accident as mentioned in the petition. Further there is a delay of three days in filing the complaint. The spot panchanama clearly reveals that, the alleged accident has occurred on the left part of the road towards Guttal side and at the time of the accident, the Eicher lorry was moving on the left side of the road towards Guttal with following the traffic rules and regulations. But the petitioner rode his Motor Cycle without following the traffic rules and regulations not following the fair distance in between the two vehicles and lorry was suddenly applied the brake due to road humps, the two wheeler dashed to the ongoing lorry and as such, the

accident was happened due to rash and negligence on the part of the petitioner himself. Therefore, the alleged accident caused solely due to rash and negligent act of the petitioner himself. Hence, the petitioner himself is responsible for the said accident. The petitioner in order to make unlawful gain has tried to project a story that, the driver of the said lorry was negligent in causing the accident. Therefore, this is a patent misrepresentation on the part of the petitioner which amounts to fraud. The petitioner is the victim of his own action and himself is the wrong doer. Hence, they are not liable to pay compensation to the petitioner. Further there is no nexus between the injuries sustained by the petitioner and the alleged accident. The respondent No.4 has denied all the averments made in the petition in respect of the age, occupation, income of the petitioner and also denied the date, time and manner of the accident, injuries sustained by the petitioner in the said accident and his hospitalization and expenses incurred towards his treatment. Further contended that, if there is any liability to pay the compensation to the petitioner that, if the petitioner found entitled for any interest, then it should be payable at the rate of 6% p.a. only as per the provisions of Sec.171, 149(I) of MV Act R/W Sec.34 of CPC and as per the provisions of Interest Act, 1978 and the payment of such interest is subject to the provisions of Sec.193A (3) (ix), Sec.64(1-A) and Sec.206 AA of Income Tax Act, 1961. They are not liable to pay compensation unless and until it is proved that, the

registration certificate, permit, fitness certificate and the driver of the said lorry was having the valid and effective driving license to drive the said lorry as on the date of the alleged accident. Further contended that, the compensation claimed by the petitioner is highly excessive, exorbitant and calculated without any legal basis. Hence prays to dismiss the claim petition against them.

6. On the basis of the above pleadings, this Tribunal has framed the following :

ISSUES

- 1. Whether the petitioner proves that, he has sustained grievous injuries in an accident took place on 06-05-2018 at 09-00 hours, near Guttal Dhabha on Haveri-Guttal road due to rash and negligent driving of driver of Eicher No.TS-02/UA-9911 belonging to the respondent No.1 ?*
- 2. Whether the respondent No.2 proves that, the respondent No.1 has violated the policy conditions ?*
- 3. Whether the respondent No.2 further prove that, the driver of Bike No.KA.27/EA-9731 sole responsible for the accident ?*
- 4. Whether the petitioner entitle for compensation ? If so how much ? From whom ?*
- 5. What order or Award ?*

RECASTED ISSUES

- 1. Whether the petitioner proves that, he has*

sustained grievous injuries in an accident took place on 06-05-2018 at 11-20 a.m., near Guttal Dhabha on Haveri-Guttal road due to rash and negligent driving of driver of Eicher No.TS-02/UA-9911 belonging to the respondent No.1 ?

- 2. Whether the respondent Nos.2 and 4 are entitled for exoneration from the liability on the grounds urged in their objection statements ?*
- 3. Whether the petitioner entitle for compensation ? If so how much ? From whom ?*
- 4. What order or award ?*

7. The petitioner himself examined as PW.1 and got examined a Doctor as PW-2 and in all 14 documents got marked at Ex.P-1 to P-14 and closed his side. On the other hand, the respondent No.4 examined its Senior Executive Manager, Legal as RW.1 and got marked three documents as Ex.R.1 to R.3.

8. Heard arguments of learned counsel for the petitioner and respondent No.4. The learned counsel for the respondent No.2 submitted written arguments. The respondent No.1 not addressed their side of arguments. Hence, arguments of respondent No.1 taken as nil. I have perused the records carefully. The learned counsel for the petitioner has relied on the judgments in CMA No.2371/06 and CMA No.210/2018 of Hon'ble Madras High Court. The learned counsel for the

respondent No.2 has submitted the citation reported in AIR 2020 SC 527. The learned counsel for the respondent No.4 has relied on the decision reported in Civil Appeal No.14988 of 2023 (MV-I) SC.

9. My findings to the above Recasted Issues are as under :

Issue No.1 : Partly in the Affirmative.

Issue No.2 : Partly in the Affirmative.

Issue No.3 : Partly in the Affirmative.

Issue No.4 : As per final order, for the

following:

REASONS

10. **RECASTED ISSUE NO.1** : According to the petitioner, in the accident he has sustained grievous injuries due to rash and negligent driving of driver of the Eicher Lorry bearing Reg.No.TS.02/UA-9911, who caused the accident. The respondent No.2 also contended that, the driver of the TP Truck had applied the brake without giving signal to the back coming petitioner. Hence there is no negligence on the part of the petitioner. But the respondent No.4 contended that, the alleged accident had occurred due to the negligent act of the petitioner in riding the motor cycle himself is the wrong doer. The petitioner rode his Motor Cycle without maintaining fair distance in between the two vehicles and lorry was suddenly applied the brake due to road humps, the petitioner dashed to

the ongoing lorry and as such, the accident was happened due to rash and negligence on the part of the petitioner himself. Therefore, the alleged accident caused solely due to rash and negligent act of the petitioner himself.

11. To prove petition averments, the petitioner entered into the witness box and filed his affidavit evidence by reiterating the petition averments. On the other hand, the respondent No.4 examined its Senior Executive Manager, Legal as RW.1 and got marked Ex.R.1 to R.3. RW.1 in his affidavit of chief examination has reiterated the contention taken in their objection statement.

12. The petitioner in support of his oral testimony, has produced documents such as complaint, further statement of the complainant, spot panchanama, IMV report, wound certificate, charge sheet, FIR and vehicle seizure panchanama etc., which are marked at Ex.P1 to P6, Ex.P.12 and P.13. Among them, Ex.P1-complaint, Ex.P2-further statement of the complainant, Ex.P3-spot panchanama, Ex.P4-IMV report, Ex.P5-wound certificate, Ex.P-6 charge sheet, Ex.P12-FIR and Ex.P13-vehicle seizure panchanama. Ex.P.1 complaint disclose that, the brother of the petitioner by name Umesh S/o: Basavanthappa Lakkolli has lodged the complaint and stated that, on 06-05-2018 morning at about 9-00 a.m., himself and his relative Raju Patil and the wife of the petitioner by name Sharada Kudi were went in a Car of one Raju to attend the

marriage function at Holalkere from their native. His brother Veeresh was going on his Motor Cycle bearing Reg.No.KA.27/EA-9731. At about 11-20 hours, Veeresh was going near Guttal by riding the Motor Cycle with high speed in a rash and negligent manner and the driver of one Canter lorry also drove his lorry with high speed rash and negligent manner near the Daba without observing and giving signals to on coming vehicles, suddenly applied break near the road hump, hence, Veeresh lost the control over his Motor Cycle and dashed to the Canter lorry and caused the accident. Then his brother Veeresh fell down on the road, hence, they went and seen that, he has sustained severe right head injury and blood was oozing. Then they treated him and seen the Canter lorry number as TS.02/UA-9911 and the name of the driver as Nagaraju S/o: Dasharatham, R/o: Godavankani, Tq: Ramagondam, Peppipalli, State: Telangana. Thereafter they shifted his brother to Guttal Government Hospital and as per the advise of the doctors, they shifted him to Haveri Hospital and after treatment, they shifted him to Hubballi Shivaleela Private Hospital and admitted there. Since his brother was not in a position to talk and he was busy in giving treatment to him, he is giving complaint on 09-05-2018 and requested to take action against his brother and the driver of the Canter who are responsible for the accident.

13. Based on the said complaint, Guttal police have registered

a case in Cr.No.170/2018 and after completion of the investigation, they have filed the charge sheet as per Ex.P.6 against the driver of the Canter Lorry and the petitioner for the offences punishable U/Secs.279 and 338 of IPC stating that, the driver of the Canter Lorry drove his lorry with high speed rash and negligent manner and without giving any signals, has applied break near the road hump and the petitioner rode his Motor Cycle in a rash and negligent manner and himself dashed to the back side of the Canter lorry and caused the accident and sustained injuries. Ex.P5 wound certificate which clearly discloses that, the petitioner has sustained grievous injuries in the said accident. That means the driver of the Canter lorry has applied break near the road humps on the middle of the road on Haveri-Guttal road. The police records clearly disclose that, the driver of the Canter Lorry has applied break on the middle of the road without giving any signals to the oncoming vehicles. Further reveals that, the petitioner being the rider of the Motor Cycle has rode his Motor Cycle in a rash and negligent manner and without maintaining a fair distance as per the Rule 17 of the Motor Vehicles (driving) Regulation, 2017 and himself dashed to the hind portion of the said Canter Lorry which was suddenly applied break without giving any signals. Rule 17 of the Motor Vehicles (driving) Regulation, 2017, provides that, a driver behind another vehicle shall keep sufficient distance, commensurate with the traffic conditions, from the vehicle ahead, so as to be able to

stop (pull up) safely if the vehicle ahead suddenly slows down or stop. But in the present case, the police record and the admission of petitioner clearly disclose that, the petitioner has not maintained fair distance between two vehicles. Therefore, the accident was occurred due to negligence of driver of the Canter lorry and the petitioner. Hence, by the oral evidence of PW-1 and RW-1 coupled with the documentary evidence available on record, it is evident that, the accident was taken place due to rash and negligent driving of driver and rider of both the vehicles which resulting in the serious accident. The petitioner has also contributed to the accident. The contributory negligence attributed by both the petitioner and the driver of the Canter Lorry is taken into for consideration to the extent of 50 : 50 respectively. Accordingly I answer **Recasted issue No.1 partly in the Affirmative.**

14. **RECASTED ISSUE NO.2:-** The respondent No.2 contended that, the driver of the TP truck had applied the brake without giving signal to the back coming vehicle and the police after thorough investigation have falsely filed A.B. charge sheet against the petitioner and the driver of the Eicher Lorry instead of filing charge sheet against the driver of the Eicher Truck. Hence, the petitioner is not entitle to any compensation from the respondent No.2 insurance company. Further contended that, the petitioner is the borrower of the Motor Cycle from its registered owner, hence, he stepped into the

shoes of the owner and the borrower cannot be treated as a third party vis a versa the insurer of that borrower vehicle. Therefore the petitioner is not a third party, a fault based claimed petition U/Sec.166 of MV Act, is legally impermissible against his own insurer. Hence, prays to dismiss the petition against the respondent No.2. On the other hand, the respondent No.4 has taken a contention that, the alleged accident has occurred due to sole negligent act of the petitioner in riding the Motor Cycle, he is the wrong doer. Therefore, they are not liable to pay any compensation to the petitioner.

15. While answering the issue No.1 this court has come to conclusion that, the accident was occurred due to negligence of driver of the Canter lorry and the petitioner. Hence, by the oral evidence of PW-1 and RW-1 coupled with the documentary evidence available on record, it is evident that, the accident was taken place due to rash and negligent driving of the driver and rider of both the vehicles which resulting in the serious accident. The petitioner has also contributed to the accident. The contributory negligence attributed by both the petitioner and the driver of the Canter Lorry is taken into for consideration to the extent of 50 : 50 respectively.

16. Admittedly, the petitioner is the borrower of the Motor Cycle bearing Reg.No.KA.27/EA-9731 from its registered owner i.e., respondent No.1. He has stepped into the shoes of

the registered owner. In this aspect, the learned counsel for the respondent No.2 has relied on the judgment of the Hon'ble Supreme Court in **Ram Khiladi V/s United India Insurance Co. Ltd., (2020) 2 SCC 550**, wherein the Hon'ble Supreme Court has held that, it is a settled legal position that, a person who borrows the vehicle from its registered owner has stepped into shoes of the owner. Consequently, the borrower cannot be treated as a third party vis a versa insurer of that borrowed vehicle. In the present case also, the petitioner being the borrower of the Motor Cycle has stepped into the shoes of its registered owner i.e., respondent No.1. As such, a fault based claim petition U/sec. 166 against its insurer is not maintainable. Hence, the petition against the respondent Nos.1 and 2 is not maintainable and liable to be dismissed. So far as the liability of the respondent Nos.3 and 4 is concerned, they are liable to pay compensation to the extent of their liability ie., 50%. Accordingly, I answered the **Recasted Issue No.2 partly in the Affirmative**.

17. **RECASTED ISSUE NO.3** :- In view of findings on Recasted Issue Nos.1 and 2, the petitioner is entitled for compensation as below:

(i). **Quantum of Compensation**:- According to the petitioner he has sustained grievous injuries to all over the body in the said accident. As per Ex.P.5 / wound certificate the petitioner has sustained fracture of right frontal bone and roof of right

orbit scalp hematoma in right parietal and temporal bone region. The doctor opined that, injuries are grievous in nature. As such he has taken treatment at Government Hospital, Guttal and Hubballi Super Specialty Hospital and spent ₹.5,00,000/- towards medical treatment and other attendant charges. To substantiate this aspect, he has produced Ex.P.8 medical bills worth ₹.24,171/-.

18. The petitioner has contended that, he has become permanently disabled person due to the injuries sustained in the accident. In order to prove the same, he has produced Ex.P.5 wound certificate, Ex.P.8 medical bills. The petitioner has not claimed any disability. However he has examined Dr. Abhinandan Sawkar as PW.2 who deposed that, the petitioner met with road traffic accident on 06-05-2018 and he came to Hospital at about 11-40 a.m., for treatment. On examination he found that, the injured had sustained severe head injury and after first aid, he referred him to Haveri District Hospital for higher treatment. Hence, he has issued Ex.P.5 wound certificate. In the wound certificate the time is wrongly mentioned as 11-40 p.m. instead of 11-40 a.m., and he has submitted MLC register copy and same is marked as Ex.P.14.

19. During the cross-examination by the learned counsel for the respondent No.2 he admitted that, he has written Ex.P.5 on the basis of MLC register. Some other Doctor written Ex.P.14. He further stated that, himself said to write Ex.P.14, but now

he cannot remember the doctor's name. In their hospital CC TV is there and the recording will be available upto one month. The learned counsel for the respondent No.4 has cross examined PW.2. During the cross-examination, PW.2 admitted that, Guttal Hospital is a Samudaya Arogya Kendra. Their there is a facility to admit the patients as inpatient, since the petitioner was sustained deep head injury and in their hospital there was no CT scan, he referred the petitioner to Haveri District Hospital for higher treatment. He admitted that, on the said date, he alone was there as permanent doctor. He further admitted that, except the doctors, nobody is allowed to write MLC. He further admitted that, he himself written MLC. He further admitted that, in the MLC, its writers signature is not there. The contents of the MLC are all true, but the time is different. He denied that, since he was not on duty, in order to help the petitioner, he is deposing falsely. On perusal of the cross-examination of PW.2, it appears that, no useful elicitation has been brought from the mouth of PW.2 to discredit his testimony. The version of PW.2 corroborates with the other medical documents. Hence, the mistake in writing the time found in the MLC cannot be given much emphasis.

20. In order to corroborate the oral testimony of PW.1 and also assess the disability of the petitioner, no registered medical practitioner has been examined and no such disability certificate has been produced. Although the petitioner has produced Ex.P8/ medicine bills worth **₹.24,171/-**. In the

absence of the disability certificate and also non examination of registered medical practitioner, the petitioner is not entitled the compensation for the loss of future income. However, it cannot be said that the petitioner has not suffered any injuries. Looking to the treatment taken in the hospital as per Ex.P5, this tribunal is feels it proper to award global compensation to the petitioner. In a Judgment of **Hon'ble High Court of Karnataka Kalaburgi Bench** in **MFA.No.30413/2012 dtd: 7.1.2014** has held that, "X-ray was taken and no fracture was seen. The appellant was not examined by the doctor. So, taking into consideration the nature of the injury suffered and the fact that the appellant has undergone treatment at least few days, a global compensation of ₹.25,000/- appears to be just and proper".

21. In the present case also, the petitioner has not sustained any disability and he has sustained only grievous injuries as shown in Ex.P.5. Petitioner has also not examined the doctor to assess the disability. In view of the decision of Hon'ble High Court of Karnataka referred above, it is just and proper and in the interest of justice to award global compensation of ₹.35,000/- and medical bill amount of ₹.24,171/-. In total, the petitioner is entitle for ₹.59,171/- and same is rounded up to **₹. 60,000/-**.

22. **Interest:-** Petitioner claimed the compensation with interest at the rate of 12% per annum. On the other hand,

respondents have contended that, the interest claimed by the petitioner is highly excessive. But the compensation amount shall carry a reasonable rate of interest considering the loss of value of money rapidly due to inflation and market situation. In the decision of Hon'ble High Court of Karnataka rendered in the case of **Mis. Joyeeta Bose and others V/s Venkateshan V and others in MFA No. 5896 of 2018 (MV) C/W 4444/2018 and 4659/2018 (MV)** the Hon'ble High Court held that claimant is entitled interest @ 6% p.a. Considering the prevailing bank rate of interest, I deem it proper to award interest at the rate of 6% per annum on the above compensation amount.

23. **About liability:-** While discussing issue Nos.1 and 2, this tribunal has already observed and come to conclusion that, the contributory negligence is attributed on the part of the petitioner and the driver of the Eicher vehicle bearing Reg.No.TS.02/UA-9911 to the extent of 50:50 respectively. In view of findings on issue No.2, the petition against respondent Nos.1 and 2 is not maintainable and liable to be dismissed. Admittedly, Ex.R.3 policy was in force as on the date of the accident. Hence the respondent Nos.3 and 4 being the owner and insurer of the Eicher Lorry bearing Reg.No.TS.02/UA-9911 are liable to pay **50%** of the above said compensation amount i.e **₹.30,000/-** with interest at 6% p.a. to the petitioner.

24. **APPORTIONMENT OF COMPENSATION:**

Since the compensation awarded to the petitioner is meager one, on deposit of compensation amount, the entire amount shall be released in favour of the petitioner through NEFT/RTGS on proper identification and proof. Hence, I answer **Issue No.3 in the partly affirmative.**

25. **ISSUE NO.4:** In view of my findings and discussions made above, I proceed to pass the following:

ORDER

The petition filed by the petitioner U/Sec.166 of Motor Vehicles Act, is allowed in part with cost.

The petitioner is entitled for compensation of **₹.30,000/- (Rupees Thirty Thousand Only)** with interest at the rate of 6% p.m., from the date of petition till the date of realization.

The petition against respondent Nos.1 and 2 is hereby dismissed.

Respondent Nos.3 and 4 are jointly and severally liable to pay aforesaid compensation to the petitioner. Respondent No.4 being the insurer is primarily liable to deposit the said compensation amount, hence the respondent No.4 is directed to deposit the compensation amount directly to the account of petitioner through NEFT/RTGS within 30 days from the date of award if details are furnished. Otherwise the award amount shall be deposited to the tribunal within thirty days from the date of award.

Since the compensation amount is meager one, on deposit, the entire amount is directed to

release in favour of the petitioner.

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

Draw award accordingly.

(Directly dictated to the Stenographer, after typed by her, then corrected and pronounced by me in the open Court on this **2nd day of June - 2026**).

(MANJUNATHA M.S.)

**2nd Addl. Senior Civil Judge & AMACT,
Ranebennur.**

ANNEXURE

**LIST OF WITNESSES EXAMINED ON BEHALF OF
THE PETITIONER:-**

PW.1 : Mr. Veeresh D.L
PW.2 : Dr. Abhinandhan Sahukar.

**LIST OF DOCUMENTS MARKED ON BEHALF OF
THE PETITIONER:-**

Ex.P1 : T.Copy of complaint
Ex.P2 : T.Copy of statement
Ex.P3 : T.Copy of spot panchanama
Ex.P4 : T.Copy of IMV report
Ex.P5 : T.Copy of wound certificate
Ex.P6 : T.Copy of charge sheet
Ex.P7 : Paper publication bill
Ex.P8 : Medical bills
Ex.P9 : Notarized copy of PAN card
Ex.P10 : Notarized copy of Adhar card
Ex.P11 : Notarized copy of Bank pass book
Ex.P12 : C.Copy of FIR
Ex.P13 : C.Copy of vehicle seizure panchanama
Ex.P14 : C.Copy of MLC register.

**LIST OF WITNESSES EXAMINED ON BEHALF OF
THE RESPONDENTS:-**

RW.1 : Somapur Udayakumar B.

**LIST OF DOCUMENTS MARKED ON BEHALF OF
THE RESPONDENTS:-**

Ex.R.1 : MLC register copy.

Ex.R.2 : Authorization letter.

Ex.R.3 : Insurance Policy.

2nd Addl. Sr. Civil Judge & AMACT,
Ranebennur.