



Presented on : 17-12-2022
Registered on : 17-12-2022
Decided on : 21-07-2026
Duration : 3 years, 7 months, 4 days

**BEFORE THE ADDITIONAL MOTOR ACCIDENTS CLAIMS
TRIBUNAL AND I ADDL. SENIOR CIVIL JUDGE &
JMFC.,AT RAMANAGARA.**

:PRESENT:

Smt.Niveditha.T.M., B.A.L., LL.B.,
Member, Additional M.A.C.T.,
1st Addl. Senior Civil Judge & JMFC.,
Ramanagara.

MVC.No:390/2022

DATED : THIS THE 21st OF JULY, 2026

Petitioner : Sri.Sowmya
W/o. Ramachandraiah,
Aged about 36 years,
R/at. Kootagal Village, Post and Hobli,
Ramanagara District.

(Rep by Sri.TKS., Advocate)

- V/s -

Respondents : 1. Sri.Sridhar.N,
S/o. Nanjappa.
R/at: No.88, 3rd Cross,
Nachanahalli Palya,
J.P. Nagara.



Mysore-570008

(Owner of the Swift Dezire bearing Reg No:
KA-09-C-3805)

2. The Manager,
Reliance General Insurance Company,
Office at No.28, East Wing 5th Floor,
Centenary Building,
M.G.Road, Bangalore-0

(Policy No: 140322123380002754 Valid
from 23.12.2021 to 22/12/2022)

(R-1 : Exparte)

(R-2 : Rep by Sri.SYS., Advocate)

* * * *

JUDGMENT

(Delivered on 21/06/2026)

This is the petition filed by the petitioner U/s.166 of MV Act, seeking compensation of Rs.20,00,000/- with interest at the rate of 25% per annum for the injuries sustained by her in a road traffic accident.

2. The brief fact of the petitioner case is as under;

That, on 28.07.2022 at about 12:20 pm, while the petitioner was travelling in a two wheeler bearing



Reg.No.KA-02-EJ-9105 as a pillion rider and when the vehicle reached near DA Kere Gate, Mddur-Malavalli Road, CA Kere Hobli, Madduru Taluk, then the driver of the Swift Dzire bearing Reg.No.KA-09-C-3085 drove the same in a very rash and negligent manner and dashed to the petitioner's travelling vehicle, as a result the petitioner fell down sustained grievous injuries.

3. Immediately, the petitioner was shifted to G Madegowda Hospital, K.M.Doddi for first aid and later on she shifted to Mythri Hospital, Bangalore and undergone surgery. The petitioner has spent more than Rs.2,00,000/- towards medicine, hospital charges, nourishment food and traveling expenses. The petitioner was very hale and healthy prior to the accident and he used to earn Rs.22,000/- per month as an Agriculturist and Dairy Farming and she is only earning member of her family. Due to the accident, the petitioner is unable to do his work and suffering from severe pain and mental agony.



4. The accident was caused due to rash and negligent driving of the Swift Dzire bearing Reg.No.KA-09-C-3085 by it's rider. K.M.Doddi Police, have registered the case against the rider of the said vehicle.

5. After service of notice, the respondents did not appear before the court and placed exparte. The respondent No.2 appeared before the Tribunal through their counsel and they have filed their written statement.

6. The respondent No.2 in his written statement denied the entire petition averments and contended, the vehicle bearing Reg.No.KA-09-C-3085 was covered with the insurance subject to terms, conditions of the policy. According to the respondent No.2, the alleged accident was not due to the rash and negligent act driver of the offending vehicle. Apart from that, the alleged accident occurred due to the sole negligence of the petitioner vehicle. The petitioner and respondent No.1 colluded with each other falsely implicated and filed false complaint against the



insured vehicle. Further that accident, the complainant has filed a false complaint before the jurisdictional police and one day delay in filing the FIR without any valid reason. The driver of the offending vehicle at the time of the accident did not have possess valid and effective license to drove the same. Therefore, the respondent No.2 by denying the case of the petitioner prayed for dismissal of the petition with cost.

7. The following Issues were framed by my learned predecessor in office:

1. Whether the petitioner proves that, on 28.07.2022 at about 12:20 pm, while the petitioner was travelling in a two wheeler bearing Reg.No.KA-02-EJ-9105 as a pillion rider and when the vehicle reached near DA Kere Gate, Mddur-Malavalli Road, CA Kere Hobli, Madduru Taluk, then the driver of the Swift Dzire bearing Reg.No.KA-09-C-3085 drove the same in a very rash and negligent manner and dashed to the petitioner's travelling vehicle, as a result the petitioner fell down sustained grievous injuries?
2. Whether the respondent No.2 proves that, the rider of the offending vehicle on the date of the accident did not have valid and effective driving license?



3. Whether the petitioner is entitled for compensation? If so from whom?

4. What Order or Award?

8. The petitioner to substantiate his contention, has examined himself as Pw-1 and got marked ExP-1 to ExP-

11. The doctor is examined as Pw-2 and marked ExP-12 and ExP-13. On the other hand, the respondent No.2 has not led any evidence.

9. Heard and perused materials available on record.

10. My answer to the above said Issues is as follows:

Issue No.1	: <i>In the Affirmative;</i>
Issue No.2	: <i>In the Negative;</i>
Issue No.3	: <i>Partly in the Affirmative;</i>
Issue No.4	: <i>As per final order for the following:</i>

: REASONS :

11. **Issue No.1:** The admitted fact is that, Dzire bearing Reg.No.KA-09-C-3085 i.e., the offending vehicle was covered by insurance policy of the respondent No.2 company during



the period of accident.

12. The petitioner to prove that the accident had taken place due to the negligent riding of the offending vehicle by it's rider, the petitioner examined himself as Pw-1. He has filed an affidavit in lieu of his examination-in-chief, wherein, he has reiterated the petition averments and Pw-1 has produced ExP.1- True Copy of FIR, ExP.2- True Copy of Complaint, ExP.3- True Copy Charge Sheet, ExP.4-True Copy of Crime Details Form and ExP.6-True Copy of of IMV Report.

13. As per the documents, the petitioner met with an accident and sustained grievous injures in the said accident due to the rash and negligent riding of the offending vehicle by it's rider. The respondent No.1 is the owner of the offending vehicle did not appear before the court and was placed exparte. Furthermore, the respondent No.2 has denied the case of the petitioner and according to the



respondent No.2, the alleged accident was not due to the rash and negligent act driver of the offending vehicle. The respondent No.2 could not elicit anything favorable to it's case in the cross-examination of Pw-1. The respondent No.2 has attributed negligence to the petitioner in the occurrence of the accident. But, the said contention of the respondent No.2 is not proved. Because, the documents produced by the Pw-1 support the version of the petitioner. Such being the case, this Tribunal is of the view that, the alleged accident had taken place due to the negligent riding of the offending vehicle by it's driver. **Hence, I answer Issue No.1 in the Affirmative.**

14. **Issues No.2:** The respondent No.2 had taken up the defence that, the driver of the offending vehicle no valid driving license on the date of accident. However, the respondent No.2 has not adduced any evidence to establish it's contention. Hence, the respondent No.2 has failed to establish it's defense that, the driver of the offending vehicle



had no valid DL to drove the same vehicle at the time of accident. Even the IO at the time of filing charge sheet had not mentioned anything about the possession of the DL by the driver. There is no specific section regarding non-possession of DL. Hence, **Additional Issue No.1 is answered in the Negative.**

15. **Issue No.3:** In view of the findings given in Issue No.1, it is clear that the petitioner sustained injuries due to the rash and negligent act by the driver of the Dzire bearing Reg.No.KA-09-C-3085.

16. For the injuries sustained in the road traffic accident, the petitioner has claimed compensation. So far as, expenses relating to treatment, hospitalization, medicines are concerned, the petitioner has produced one medical prescription at ExP-10 and medical bills together marked as ExP-11. Though, the respondent No.2 has disputed the medical bills are fake but the same was not proved, there is nothing on record to disbelieve the medical bills produced



by the petitioner are fake.

17. On perusal of the medical bills and ExP-8 Discharge Summary, it shows that, the petitioner was took treatment at MY3 Smart Hospital, Bengaluru on 28.07.2022 and she was discharged on 02.08.2022. On perusal of the medical bills it shows that, the petitioner has incurred Rs.50,467/- towards the expenses relating to treatment, hospitalization and medicines. Therefore, the petitioner is entitled for **Rs.50,467/-** towards compensation amount under the head expenses relating to treatment, hospitalization and medicines.

18. So far as loss of future earnings on account of permanent disability is concerned, it is necessary to rely upon the evidence of the Pw-2 Dr.Nagaraj.B.N. As per the affidavit of the Pw-2, as per copy of the discharge summary the petitioner was treated at My3 Smart Hospital, Bengaluru and she has explained the treatment given to the injured as per the said hospital documents and got



marked ExP-12 clinical note and ExP-13 X-ray. In his affidavit Pw-2 stated that, the injured gone to the Hospital with History of an alleged RTA on 28.07.2022 and sustained injury to right arm, forehead, face and knee and she took treatment to the said injuries and later discharged on 02.08.2022 and she was on regular follow up in the same Hospital. Further in his cross examination he admitted the suggestion that, the petitioner has not took the treatment in their Hospital and also petitioner seen at the time of given disability assessment as per the medical records. Further he denied the suggestion that, to help the petitioner for higher compensation he given the higher disability assessment for gain more compensation.

19. Further he examined the petitioner for disability assessment and the following observation was made, pain and weakness in the right shoulder, unable to lift weights and wasting of the right deltoid muscles, with restricted right shoulder movements. Further on recent X-ray shows



that, right shoulder shows normal study. Therefore, this Tribunal is of the view that, there is nothing on record to disbelieve the assessment made by the doctor. Hence, disability to whole body is considered as 9%.

20. The next question that has to be considered is what was the occupation of the petitioner. The petitioner has contended that, she used to earn Rs.22,000/- per month as Agriculturist and Diary Forming. However, no document is produced to establish that, she was earning Rs.22,000/- per month. The accident having taken place in 2022, the notional income of the petitioner is considered as **Rs.15,500/-**.

21. The next question would be what the age of the petitioner is. It must be noted that in this case the petitioner has stated in the petition that, he is aged around 36 years. The medical records reveal that, she was aged 36 years. Further, the age of the petitioner is not disputed by the respondent No.2. Therefore, the age of the petitioner is



considered as 36 years. Therefore, the multiplier applicable to the petitioner is **15**. Hence, $\text{Rs.}15,500 \times 12 \times 15 = \text{Rs.}27,90,000/-$. The percentage of disability for the whole body is taken as 9%. The future loss of income would be $\text{Rs.}27,90,000 \times 9\% = 2,51,100/-$. This amount is the loss of future earnings on account of permanent disability. Hence, this Tribunal is convinced that, the petitioner is entitled for compensation towards future earnings on account of permanent disability. As such the petitioner is entitled for **Rs.2,51,100/-** towards loss of future earnings on account of permanent disability.

22. Further, **Rs.50,000/-** is awarded for pain and sufferings and **Rs.10,000/-** towards attendant charges and nourishment and **Rs.30,000/-** towards loss of amenities of life and **Rs.6,000/-** toward travelling expenses, it would meet the ends of justice. Therefore, the petitioner is entitled for compensation under the following conventional heads:

1.	<i>Future loss of future earnings</i>	Rs.	2,51,100-00
----	---------------------------------------	-----	-------------



	<i>on account of permanent disability</i>		
2.	<i>Nourishment and attendant charges</i>	<i>Rs.</i>	<i>10,000-00</i>
3.	<i>Pain and suffering</i>	<i>Rs.</i>	<i>50,000-00</i>
4.	<i>Loss of amenities and enjoyment of life</i>	<i>Rs.</i>	<i>30,000-00</i>
5.	<i>Medical expenses</i>	<i>Rs.</i>	<i>50,467-00</i>
6.	<i>Travelling Expenses</i>	<i>Rs.</i>	<i>6,000-00</i>
	<i>Total</i>	<i>Rs.</i>	<i>3,97,567-00</i>

Therefore, the petitioner is entitled for compensation of **Rs.3,97,567/-**, which is rounded off to **Rs.3,98,000/- (Rupees Three Lakh Ninety Eight Thousand Only)** for the injuries sustained by him in a road traffic accident. In my opinion, the said compensation awarded to the petitioner is just, fair and proper under the facts and circumstances of the case. Looking to the facts and circumstances of the case, it is just and proper to award interest at the rate of 6% p.a., on the above said



compensation amount awarded in this case from the date of petition till the date of deposit or realization.

23. As regards liability to pay compensation to the petitioner is concerned, the respondent No.1 is the owner and the respondent No.2 is the insurer of the offending vehicle. The respondent No.2 has admitted issuance of policy to the vehicle of respondent No.1. Hence, this Tribunal is of the view that, the respondent No.1 the owner of the offending vehicle and respondent No.2 the insurer of the offending vehicle are jointly and severally liable to pay compensation to the petitioner. However, the respondent No.2 has to indemnify the respondent No.1 and the respondent No.2 is directed to pay the entire compensation together with 6% interest per annum and costs to the petitioner. With this observation, **Point No.3 is answered Partly in the Affirmative.**

24. **Issue No.4:** Based on the above said reasoning, I



proceed to pass the following:

ORDER

The petition filed by the petitioner U/s.166 of Motor Vehicle Act is allowed in part with costs.

The petitioner is awarded compensation amount of **Rs.3,98,000/- (Rupees Three Lakh Ninety Eight Thousand Only)** together with interest thereon at the rate of 6% per annum from the date of petition till the date of realization.

The respondents No.1 and 2 are jointly and severally liable to pay the compensation to the petitioner. However, the respondent No.2 insurance company has to indemnify the respondent No.1 owner of the offending vehicle and shall deposit the said amount within 60 days from the date of this award.



After such deposit, the petitioner is entitled for 50% release and the remaining 50% of the amount deposited shall be kept in F.D. in the name of the petitioner in any nationalized bank for a period of 3 years with liberty to withdraw interest once in 3 months.

Advocate fee is fixed at Rs.2,000/-.

Draw award accordingly.

(Dictated to the Stenographer in part and dictated directly on the computer and computerized by him, corrected, signed and then pronounced by me in the Open Court on this the 21st day of July 2026)

(Smt.Niveditha.T.M)
I Addl. Senior Civil Judge & JMFC.,
Member, Additional M.A.C.T.,
Ramanagara.

ANNEXURE

1. List of witnesses examined on behalf of the petitioner:

Pw-1 : Smt.Sowmya;
Pw-2 : Dr.Nagaraju.B.N.

2. List of documents marked on behalf of the petitioner:

ExP-1 : True Copy of FIR;
ExP-2 : True Copy of Complaint;
ExP-3 : True Copy of Charge Sheet;
ExP-4 : True Copy of Crime Detail Form;
ExP-5 : True Copy of Wound Certificate;
ExP-6 : True Copy of IMV Report;



ExP-7 : MLC Report;
ExP-8 : Discharge Summary;
ExP-9 : True Wound Certificate;
ExP-10 : One Doctor Prescription;
ExP-11 : 10 Nos of Medical Bills;
ExP-12 : Clinical Note;
ExP-13 : X-ray.

3. List of witnesses examined on behalf of the respondents:

-Nil-

4. List of documents marked on behalf of the respondents:

-Nil-

(Smt.Niveditha.T.M)
1st Addl. Senior Civil Judge & JMFC.,
Member, Additional M.A.C.T.
Ramanagara.