

KAUP020039422023



**IN THE COURT OF I ADDL. SENIOR CIVIL JUDGE AND
ADDL.M.A.C.T. AT UDUPI**

Present: **Sri. Santosh Srivastava**, B.A.Law., LL.B.,
I Addl. Senior Civil Judge, Udupi

Dated this the 9th day of July, 2026

M.V.C. No.951/2023

Between :

Nishanth V Anchan,
Aged about 26 years,
S/o. Vasu B.Anchan,
R/at H.No. 6-113-3, Alangar Thota,
Mundkur Village & Post,
Karkala Taluk, Udupi District. : Petitioner

(Rep. by Sri. P.M.P., Adv.)

-Versus-

1. Rayan Prashanth Pinto,
Aged about 29 years,
S/o. Patrick Pinto,
R/at 4-124, Peace Cottage Belman,
Karkala Taluk, Udupi District.

2. The Divisional Manager,
United India Insurance Co., Ltd.,



Jewel Plaza, Maruthi Veethika,
Udupi.

: Respondents

(R1- Rep. by Sri. D.B.S. Adv.)

(R2 – Rep. by Sri. B.G.A.)

J U D G M E N T

The petitioner has filed this petition under Section 166 of Motor Vehicles Act, 1988, claiming compensation for the personal injuries sustained by him in a road traffic accident dated 25.06.2022.

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

That on 25-06-2022 at about 8.15 a.m. the petitioner was riding his motor cycle bearing Reg. No.KA.05.LC.6223 from Padubidri side towards Belman side with slow and careful manner. When he reached the place opposite Tempo Stand Belman, Belman Village, Udupi at that time a Car bearing Reg.No.KA-20-P-0828 driving by its driver with rash, negligent and high speed from Belman side toards Padubidri side and he in the same speed without given any signal negligently moves to right side and dashed to the petitioners motor cycle. As a result the petitioner sustained grievous injuries. Immediately after the accident the petitioner was shifted to KMC hospital, Manipal there he



was taken treatment as an inpatient for the period of 5 days. The petitioner has spent Rs.1,50,000/- towards medical expenses, Rs.800/- per day towards attendant expenses, Rs.650/- per day towards food expenses, Rs.5,000/- towards conveyance charges and he has to spent some more amount for the future treatment.

3. It is further case of the petitioner that, at the time of accident the petitioner was young and energetic. He was working as a Quality Assurance at Manipal TPPL. He Studied diploma engineering in Mechanic. He earning per month more than Rs.30,000/-. Due to the accidental injuries he unable to do any job. He was also a State Level Athletic. But now unable to run. Because his left leg is painful from the effect of his head injury. His sports fame also spoiled from the accidental injuries. Therefore the petitioner prays that the respondent No.1 being the driver cum owner and respondent No.2 being the insurer of the offending Car bearing Reg.No.KA-20-P-0828 are jointly and severally liable to pay the compensation of Rs.15,50,000/- to the petitioner along with interest at the rate of 12% per annum from the date of accident till realization.

4. In response to the notice the respondent No.1 and 2 appeared through their respective counsel and respondent No.2 has filed the written statement.



5. The respondent No.2 in its written statement has denied each and every averments of the petition and states that the jurisdictional police officer and the R.C. Owner have not complied with the mandatory provision as contemplated in section 158(6) of the Motor Vehicle Act, 1988 as they have not informed about the accident either to the claims tribunal or to this respondent. Further if the finding of the Tribunal Judgment that the respondent is liable which the policy issued. The interest on the Award could not be exceeding 6%, and also no interest shall apply for further loss of income and medical expenses, if any. Hence prays to dismiss the petition.

6. Based upon the pleadings the following issues have been framed:

1. Whether the petitioner proves that he sustained grievous injuries in the road traffic accident which took place on 25.06.2022 at about 8.15 p.m. opposite to Tempo Stand Belman, Udupi due to rash and negligent driving of the Car bearing Reg.No.KA-20-P-0828 by its driver?
2. Whether the petitioner is entitled for compensation? If so, how much and from whom?



3. What award or order?

7. The petitioner to prove his case stepped into the witness box and examined himself as P.W.1 and got marked the documents as Ex.P1 to Ex.P11 and side closed. On the other hand the respondents have not examined any witness and not marked any document.

8. Heard on both sides. The answers to the above issues are 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

Issue No.1:

9 The petitioner has filed affidavit in lieu of examination-in-chief. Perused the contents of affidavit in lieu of examination-in-chief, which is almost the replica of the averments of the petition, hence not discussed to avoid repetition of facts.

10. Now coming to documentary evidence. Ex.P1 is true copy of complaint. Ex.P2 is the true copy of F.I.R. for the offense punishable 279, 337 of I.P.C. against Rayan Prashanth Pinto who is the driver of KA-20-B-0828 and



Nishanth is the victim in the said accident. Ex.P3 is the true copy of spot mahamzer. Ex.P4 is the true copy of sketch. Ex.P5 is the true copy of AIR report and driving license of the Rayan Prashanth Pinto is KA 20 20110006595 and its expiry date 18.05.2031 and Nishanth V. Anchan also had driving license i.e. KA 20 20160011085. further got marked IMV Report Ex.P6 which goes to show that the accident did not occur due to mechanical defects of the said vehicle. Ex.P7 is the true copy of wound certificate and Nishanth V. Anchan who is the victim suffered grievous injuries arising out of road traffic accident. Ex.P8 is the charge sheet for the offense punishable under Sec.279 and 338 of I.P.C.

11. Now coming to the cross - examination of P.W.1, wherein it is elicited that he does a private work of distributing papers in the form of answer sheets which is distributed in the examination and monthly earns Rs.35,000/- and the salary figure is intimated to the his advocate. Further it is elicited that he has not given any document pertaining to the salary. And the witness admits that in order to show that he is a diploma holder in Mechanical Engineering he has document to show and he has taken the treatment for one week. And his mother was there in the hospital to take care of him. Further it is



elicited that he suffered head injuries. Further it is elicited that he does not require any further treatment. And it is elicited that as on the date of accident he had driving license and he was riding the vehicle 30 km/hr. Rest of the cross - examination is of bare denial and the 2nd respondent adopted the cross - examination made by 1st respondent.

12. At this stage, this court likes to place reliance upon the reported judgment of Hon'ble Supreme Court, **Anita Sharma vs the New India Assurance Co. Ltd. 2020 SCC Online SC 1002**, wherein it is held that, *the standard of proof in such like matters is one of preponderance of probabilities, rather than beyond reasonable doubt. One needs to be mindful that the approach and role of Courts while examining evidence in accident claim cases ought not to be to find fault with non-examination of some best eye-witnesses, as may happen in a criminal trial; but, instead should be only to analyze the material placed on record by the parties to ascertain whether the claimant's version is more likely than not true.*

13. On perusal of the documents it is crystal clear that as per the police records the case is filed against respondent No.1 for the offence punishable under Sec.279 and 338 of I.P.C. On the other hand the respondents have not entered the witness box and proved the contrary.



Therefore the case of the petitioner is believable and he has successfully proved that the accident occurred due to the rash and negligent driving of respondent No.1. In view of the above discussion, I answer **issue No.1 in the affirmative.**

Issue No.2 :

14. The petitioner does not have any disability arising out of accident and on perusal of the Ex.P9 he has incurred expenses in getting treatment for sum of Rs.53,765/- and out of that amount Rs.41,129/- paid through insurance. Hence he has paid Rs.12,636/- towards medical expenses. Further receipt is being furnished for Rs.10,000/- which shows the date as 24.06.2022 and the learned counsel for the respondent No.2 invited the attention of this court to this receipt which is of the date 24.06.2022 which is one day before the accident. Hence the same cannot be taken into consideration.

15. Further on perusal of the wound certificate the petitioner has suffered grievous injuries and it is quite natural that, it is very difficult to recover from the accident and there are other expenses which goes unrecorded in getting out of the treatment pain, suffering and mental agony. Hence collectively under this head Rs.50,000/- is being granted. So therefore, the petitioner is entitled for



total compensation amount of **Rs.62,636/-, which is rounded off to Rs.63,000/-**.

Regarding the liability:

16. While answering issue No.1, it is held that the accident has occurred on account of the rash and negligent riding of the rider of offending motor cycle. The respondent No.2 has admitted that the offending vehicle was covered with valid policy as on the day of the accident. The respondent No.1 being the owner and respondent No.2 being the insurer of the offending vehicle are jointly and severally liable to pay the compensation.

17. So far as interest on compensation is concerned; this tribunal likes to place reliance upon the decision of the Hon'ble High Court of Karnataka in **M.F.A. 13390/2014 clubbed with M.F.A. 25107/2013** dated 07.03.2018, between **Vijay Ishwar Jadhav and others Vs. the Divisional Manager, the Bajaj Allianz General Insurance Co. Ltd.**, wherein the Hon'ble High Court of Karnataka has elaborately discussed with regard to the rate of interest to be awarded in the case arising out of the accident, wherein at para No.15 it is held that *"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 to the general law enacted in Section 169 of the M.V. Act and therefore, the provisions of Section 34 of C.P.C. to that extent become invocable on the general principles of construction of statutes namely the special law over rides the general law. Therefore, in the absence of any other law relating to interest on judgments, the MACT has to follow the provisions of Section 34 of C.P.C., 1908. Thus, in the given circumstances of this case, interest at the rate of more than 6% could not have been awarded.” By relying upon the decisions of the aforesaid judgment, this court is of the opinion that it is just and proper to award interest at the rate of 6% per annum, from the date of the petition till its realization. **Hence, I answer issue No.2 partly in the affirmative.**

Issue No.3:

18. In view of findings on issue No.1 and 2, this Tribunal proceeds to pass the following:

ORDER

The petition filed by the petitioner under Sec.166 of Indian Motor Vehicles Act, 1988 is allowed in part with costs.



The petitioner is entitled for compensation of Rs.63,000/- (Rupees Sixty Three Thousand Only) with interest at the rate of 6% per annum from the date of petition till realization.

The respondent No.1 and 2 are jointly and severally liable to pay the award amount. Since the respondent No.2 is the insurer, the respondent No.2 is directed to pay the compensation and the same shall be deposited within 45 days from the date of this order.

After deposit of the award amount with proportionate interest is ordered to be credited to the account of the petitioner either through R.T.G.S. or N.E.F.T.

Advocate fee is fixed at Rs.1000/-.

Draw award accordingly.

(Dictated to Stenographer, typed by her, corrected and then pronounced by me in open court on this the 9th day of July, 2026)

(Santosh Srivastava)

I Addl. Senior Civil Judge & Addl. MACT,
Udupi.



ANNEXURE

Witnesses examined on behalf of the petitioner:

P.W.1 : Nishanth V. Anchan.

Documents marked on behalf of the petitioner:

- Ex.P1 : True copy of complaint;
- Ex.P2 : True copy of F.I.R.;
- Ex.P3 : True copy of spot mahazer;
- Ex.P4 : True copy of rough sketch;
- Ex.P5 : True copy of AIR report;
- Ex.P6 : True copy of IMV Report;
- Ex.P7 : True copy of Wound Certificate;
- Ex.P8 : True copy of Charge sheet;
- Ex.P9 : True copy of Inpatient bill dated 29.06.2022;
- Ex.P10 : Receipt;
- Ex.P11 : Notarized copy of Aadhar Card.

Witnesses examined on behalf of the respondents:

None

Documents marked on behalf of the respondents :

Nil.

I Addl. Senior Civil Judge & Addl. MACT,
Udupi.