

KAUP020022682025



***BEFORE THE ADDITIONAL MOTOR ACCIDENTS
CLAIMS TRIBUNAL & PRINCIPAL SENIOR CIVIL JUDGE
AND CJM., UDUPI.***

Present: Sri.M.Purushothama,
B.B.M, M.S.W., L.L.M.,P.G.D.H.R.M.
Prl. Senior Civil Judge & CJM.,
Udupi.

Dated this the 3rd day of February, 2026

M.V.C.No. 523/2025

Petitioner : Ravi K. Shetty,
Aged about 58 years,
S/o. Krishna Shetty,
R/at. 1-57-4-17,
Shashi Apartment,
Manchakal road,
Belman,
Udupi district – 576 111.

[Rep. By Sri. P.K., Advocate]

V/s

Respondents: 1. Smt.Usha R. Nayak,
Aged 58 years,
W/o. Ramachandra Nayak,
R/at. 5-90-2,
Vijaya Boiler Farm,

Bantakal post,
Belve village,
Kaup taluk,
Udupi district – 574 115.

2. The United India Ins. Co.Ltd.,
Rep. By its Divisional Manager,
Jewel Plaza,
Maruthi Vithika road,
Udupi.

**(Rep. by Sri.A.M, Advocate for R2.
R1 – Placed exparte)**

J U D G M E N T

The petitioner has filed this petition for grant of compensation under Section 166 of Motor Vehicles Act, 1988 and prayed the Tribunal to award compensation of Rs.18,70,000/- with interest at the rate of 7% p.a. from the date of petition till date of payment.

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

That on 19-01-2025 at about 15.55 hours near Mukamar church, Santhoor village, Kaup taluk, Udupi on Karkala-Padubidri road the petitioner was riding his scooter bearing registration No.KA-20-X-9821 from Padubidri side towards Karkala side in a slow and careful manner, at that time one Eicher tempo bearing registration No.KA-20-AA-2037 driven by its driver from Karkala side towards Padubidri side in a

rash and negligent manner without following traffic rules and regulations came to the extreme right side of the road and dashed to the petitioner's scooter, due to the impact the petitioner has sustained 5 simple injuries and two grievous injuries. Immediately after the accident the petitioner was shifted to A.J. hospital, Mangalore, where he was treated as an inpatient from 19-01-2025 to 23-01-2025 i.e. for a period of 5 days. During the treatment period x-rays were taken, bandages were put, operation was done and other expertise treatments were given to the petitioner. After discharge from the hospital the petitioner was treated as an outpatient for several times. The petitioner had spent an amount of Rs. 1,00,000/- towards hospital and medical expenses and he require Rs.50,000/- for future medical expenses. The petitioner had spent an amount of Rs.5,000/- i.e. Rs.1,000/- per day for 5 days towards attendant's food, conveyance, etc. and further after discharge from the hospital he spent Rs.15,000/- per month for a period of 6 months towards attendant charges. Further he had spent Rs.5,000/- i.e. Rs.1,000/- p.d. for 5 days towards nourishment food while in the hospital and after discharge from the hospital he spent Rs.500/- per day for 6 months towards nourishment food. The petitioner was hale and healthy prior to the accident. He was aged about 58 years at the time of the accident and he was running Sri Durga Parameshwari General

store at Nandikur and thereby earning a sum of Rs.20,000/- p.m. Due to the injuries, the petitioner is disabled and he could not run his shop and completely closed the shop till date. He spent Rs.3,000/- towards car charges from the spot of accident to A.J. hospital, Mangalore and after discharge from the hospital to his house. After discharge from the hospital he spent Rs.5,000/- on each time to visit the hospital for follow up treatment on several times. The accident was occurred solely due to rash and negligent driving of the Eicher tempo bearing registration No.KA-20-AA-2037 by its driver. Hence respondent No.1 and 2 being the owner and insurer of the said vehicle are jointly and severally liable to pay the compensation. Accordingly, prayed to allow the petition.

3. In response to the summons, the respondent Nos.1 and 2 have appeared before the court through their respective counsels. Respondent No.1 remained absent, hence placed exparte. Respondent No.2 has filed written statement denying the petition averments.

4. Respondent No.2 submits that the petitioner intentionally and deliberately suppressed certain material and relevant facts required for the proper adjudication of the matter in dispute in the above case so as to make unlawful gain at the cost of this respondent if possible by abuse of process of law. This

respondent seeks protection under Sections 149 and 147 of IMV Act. On the date of the accident Eicher tempo bearing registration No.KA-20-AA-2037 was covered under insurance policy issued by this respondent and the liability if any is governed by the terms and conditions mentioned in the said policy. The said accident was occurred due to gross negligence on the part of the petitioner and he rode the motor cycle without proper care and at the time of the accident he was not wearing helmet. At the time of the accident, the driver of the Eicher tempo bearing registration No.KA-20-AA-2037 was not having a valid and effective driving license to drive the vehicle. Further submitted that as per Section 158(6) of the Motor Vehicles Act, 1988 it is mandatory duty of the concerned police station to forward all the relevant documents to the insurer within 30 days from the date of the information, but the jurisdictional police station has failed to forward the documents and not complied with the statutory demand. The interest claimed by the petitioner is highly excessive and same is contrary to Section 3 of Interest Act. Among other grounds prayed for dismissal of the petition.

5. Based on the above pleadings the following issues have been framed:

ISSUES

1. Whether the petitioner proves that on 19-01-2025 at about 15.55 hours when he was riding his scooter bearing registration No.KA-20-X-9821 from Padubidri side towards Karkala side in SH 01, Karkala Padubidri road, near Mukamar church, Santhoor village of Kaup taluk, at that time one Eicher Tempo bearing registration No.KA-20-AA-2037 which was driven by its driver from Karkala side towards Padubidri side in a rash and negligent manner and came to the extreme right side of the road and dashed to him, due to which he sustained injuries?
2. Whether the respondent No.2 proves that the driver of the tempo was not holding valid driving licence at the time of accident?
3. Whether the petitioner is entitled for compensation? If so, how much and from whom?
4. What order or award?

6. The petitioner himself examined as P.W.1 and in total produced 18 documents which are marked as Ex.P1 to Ex.P18. On the side of the respondents, the driver of the Eicher Tempo bearing registration No.KA-20-AA-2037 by name Ashok Paddu Poojary is examined as RW1 and marked two documents as Ex.R1 and R2.

7. Heard arguments on both sides. Perused the entire materials available on record.

8. My findings to the above issues are as follows:

Issue No.1 : In the affirmative
Issue No.2 : In the Negative
Issue No.3 : Partly in the affirmative
Issue No.4 : As per final order,
for the following:

REASONS

9. Issue No.1:- The claim of the petitioner is that, on 19-01-2025 at about 15.55 hours near Mukamar church, Santhoor village, Kaup taluk, Udupi on Karkala-Padubidri road the petitioner was riding his scooter bearing registration No.KA-20-X-9821 from Padubidri side towards Karkala side in a slow and careful manner, at that time one Eicher tempo bearing registration No.KA-20-AA-2037 driven by its driver from Karkala side towards Padubidri side in a rash and negligent manner without following traffic rules and regulations came

to the extreme right side of the road and dashed to the petitioner's scooter, due to the impact the petitioner has sustained 5 simple injuries and two grievous injuries.

10. The respondent No.2 denied the rash and negligent riding of Eicher tempo bearing registration No.KA-20-AA-2037 by its rider. Hence, the burden is on the petitioner to prove the rash and negligent riding of the Eicher tempo bearing registration No.KA-20-AA-2037 by its rider and he had sustained injuries due to the accident.

11. The petitioner is examined as PW1 by filing affidavit as his examination-in-chief and in total marked 18 documents as Ex.P1 to Ex.P18. Ex.P1 is the FIR, Ex.P2 is the certified copy of first information statement, Ex.P3 is the certified copy of wound certificate, Ex.P4 is the certified copy of the spot mahazar, Ex.P5 is the certified copy of eye sketch, Ex.P6 is the certified copy of the IMV report, Ex.P7 is the form No.1, Ex.P8 is the Aadhar card copy, Ex.P9 is the copy of final report, Ex.P10 is the notice u/s.133 of IMV Act, Ex.P11 is the reply to the notice, Ex.P12 is the discharge summary, Ex.P13 is the copy of license, Ex.P14 is the final bill, Ex.P15 is the pharmacy bill, Ex.P16 are the medical bills, Ex.P17 are the receipts, Ex.P18 are the prescriptions.

12. On perusal of Ex.P1, the police attached to Padubidri P.S registered FIR in Cr.No.0008/2025 on 20-01-2025. The alleged accident occurred on 19-01-2025 and soon after the accident he was admitted to the hospital, which could be seen from wound certificate marked as Ex.P3. Hence, there is a delay of one day in filing the first information. Though there is a delay of one day in lodging first information, but the priority is to obtain treatment and not to lodge first information. Hence, the delay in lodging first information cannot be doubted.

13. The mahazar marked as Ex.P4 and sketch marked as Ex.P5 discloses that the width of the road is 20 feet. From the accident spot to the northern edge of the road the distance is 3 feet and whereas to the southern edge of the road it is 17feet. The driver of the Eicher crossed the middle portion of the road and went to the extreme his right side and hit against the petitioner's vehicle. If the driver of the Eicher tempo drove the tempo in a slow manner, he could have avoid the accident. The driver of the said tempo knowingly well that there is a curve road, at the place of the accident drove the tempo in a rash and negligent manner and as a result he went to the right side without providing any space to the oncoming vehicles coming from opposite direction and as a result the said driver hit against the petitioner's vehicle. Hence, there is a negligence

on the part of the driver of the tempo. The IMV report marked as Ex.P6 discloses the damages caused to the vehicles. The I.O. filed charge sheet marked as Ex.P9. There is no evidence before the Tribunal that the I.O. filed false charge sheet against driver of the tempo. The documents placed before the court coupled with oral evidence establishes that there is a negligence on the part of the driver of the tempo bearing No.KA- 20 AA 2037. During the course of cross examination of PW1 nothing is elicited from the mouth of PW1 to disprove the allegations made against the driver of the tempo. The documents produced by the petitioner coupled with oral evidence establishes that the accident was occurred on 19-01-2025 and as a result the petitioner sustained injuries. The said accident was caused by the driver of the tempo bearing No.KA-20-AA 2037. Accordingly, I answered the **Issue No.1 in the affirmative.**

14. Issue No.2:- The respondent No.2 contended that the driver of the tempo was not possessed the license. The respondent No.2 summoned the driver and examined as RW1, who produced license marked as Ex.R1, which goes to show that the driver of the tempo possessed the license and it is valid till 14-07-2035. On the date of the accident he possessed the license. **Hence, I answered this issue in the Negative.**

15. Issue No.3: The petitioner has claimed total compensation of Rs.18,70,000/-. The petitioner sustained injuries in a road traffic accident which is evident from Ex.P1 to P18. Hence, the petitioner is entitled for compensation under various heads.

15. Pain and Sufferings: On perusal of Ex.P3 wound certificate, it reveals that the petitioner has sustained 7 injuries, out of which 2 injuries are grievous in nature and 5 injuries are simple in nature. The petitioner was admitted in the hospital on 19-01-2025 and discharged on 23-01-2025 i.e. for a period of 5 days. He was aged about 58 years at the time of the accident. Hence, by considering the nature of injuries and the age, the **petitioner is entitled for Rs.60,000/- under the head of pain and sufferings.**

16. Medical expenses: The petitioner has produced medical bills at Ex.P14 final bill, Ex.P15 pharmacy bill, Ex.P16 medical bills. The total of said bills is Rs.64,034/-. **Hence, the petitioner is entitled for Rs.64,034/- under this head.**

17. Loss of income during laid up period: According to the petitioner, at the time of the accident he was aged about 58 years. At the time of the accident the petitioner was running Sri Durga Parameshwari General store at Nandikur and thereby earning a sum of Rs.20,000/- p.m. Due to the injuries, the

petitioner is disabled and he could not run his shop and completely closed the shop till date. He was hale and healthy prior to the accident. The petitioner has not produced any documents to prove his income. The accident was occurred in the year 2025. Hence, the notional income per month in the said year is taken as Rs.16,500/-. The petitioner was inpatient for a period of 5 days and thereafter he took rest for another 26 days. **Hence, the petitioner is entitled for Rs.16,500/- under this head.**

18. Food, attendant and conveyance charges expenses:

Though the petitioner has stated that he had spent amount towards food, conveyance and attendant charges, he has not produced any documents to prove the same. However, by considering the fact that the petitioner was an inpatient for a period of 5 days in total and during that time he spent an amount towards food and he visited the hospital for follow up treatment. Hence, the petitioner is entitled for **Rs.5,000/- under this head.**

19. The above summarized as follows:

Pain and sufferings	Rs. 60,000/-
Medical expenses	Rs. 64,034/-
Loss of income during	Rs. 16,500/-

laid up period	
Food, nutritious food, conveyance and attendant charges expenses	Rs. 5,000/-
Total	Rs. 1,45,534/-

20. The petitioner has claimed interest at the rate of 7% per annum. As far as interest is concerned the petitioner is entitled interest at the rate of 6% per annum in view of the law laid down by the Supreme Court. The respondent No.2 admits the policy issued in favour of the offending vehicle. The Ex.R2 is the policy issued by the respondent No.2 and it is valid on the date of the accident. Hence, the 2nd respondent is liable to indemnify. Accordingly, **I answered this issue partly in the Affirmative.**

21. Issue No.3: In view of the findings on above issues, I proceed to pass the following:-

ORDER

The claim petition filed under Section 166 of Motor Vehicle Act, by petitioner against respondents is hereby allowed in part with cost.

The petitioner is entitled for total compensation of Rs.1,45,534/- (**Rupees one lakh forty five thousand five hundred and thirty four only**) with interest at the rate of 6% p.a. from the date of petition till date of realization.

The respondent No.1 and 2 are jointly and severally liable to pay compensation and respondent No.2 is directed to deposit the compensation within 30 days from the date of this order.

Upon deposit of the compensation amount the petitioner is entitled to receive the entire compensation amount.

Office is hereby directed to transfer entire amount to the petitioner after obtaining copy of the pass book, copy of Aadhar card and PAN card if any.

Advocate fee is fixed at Rs.1,000-00.

Draw award accordingly.

(Dictated to the Stenographer, computerized by her, corrected, signed and then pronounced by me in the open court on this the 3rd day of February, 2026).

(M.Purushothama)
Prl. Sr. Civil Judge & ADDL.MACT,
Udupi.

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

P.W.1 : Ravi K. Shetty

List of documents exhibited for the petitioner:

Ex.P1 : FIR

Ex.P2 : Certified copy of first information statement

Ex.P3 : Certified copy of wound certificate

Ex.P4 : Certified copy of spot mahazar

Ex.P5 : Certified copy of sketch

Ex.P6 : Certified copy of IMV report

Ex.P7 : Form No.1

Ex.P8 : Aadhar card copy

Ex.P9 : Final report copy

Ex.P10 : Notice u/s.133 of IMV Act

Ex.P11 : Reply to the notice

Ex.P12 : Discharge summary

Ex.P13 : License copy

Ex.P14 : Final bill

Ex.P15 : Pharmacy bill

Ex.P16 : Medical bills

Ex.P17 : Receipts

Ex.P18 : Prescriptions

List of witnesses examined for the respondents:-

RW1 : Ashoka B. Poojary

List of documents exhibited for the respondents

Ex.R1 : D.L. copy

Ex.R2 : Policy

Prl. Sr. Civil Judge & ADDL.MACT,
Udupi.