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**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL -II
YADGIR**

Present: **Sri. Balasaheb Wadavade,**
B.Com., LL.B.(Spl.)
Senior Civil Judge and CJM,
Yadgir and MACT-II Yadgir.

Dated this the 25th Day of June, 2026

M.V.C No.265/2023

PETITIONER : M.D. Muzammil S/o Mohamad Gouse,
Age: 18 years, Occ: Student and milk
vendor, R/o Mustafa Colony-near All
Huda Masjid, Shahapur, Dist: Yadagir.
(Mobile No. 9945444097).

(Petitioner is represented by Sri. S.B Adv.)

// VERSUS //

RESPONDENTS : 1. Devamma W/o Paramanna,
Age: 45 Years, Occ: Owner of
TATA Zest Car Bearing Reg. No.
KA-33-M-6537, R/o H. No. 6/53,
Huligamma Devi Nilaya, Mamata
Colony, Shahapur, Dist: Yadagir.
PIN-585223.
Mob. No. 9902473076.

2. Cholanmandalam MS General Ins.
Co. Ltd., Unit No. 4, 9th floor,
Golden Height Complex, 59th C
Cross, Industrial Suburb, Rajaji
Nagar, 4th main Block,
Bangalore. Through its Manager,
PIN-560010

(Respondent No.1 is represented by Sr. S.B Adv.)
(Respondent No.2 is represented by: Sri. T.G.K. Adv.)

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J U D G M E N T

This is a petition filed by the petitioner under section 166 of M. V. Act, 1989, seeking compensation of Rs.65,00,000/- for the injuries sustained by him with an interest from the date of accident till its realization in the interest of justice.

2. Facts of the petition are as under:

The petitioner has alleged that on 21-05-2023, at about 04.30 p.m, on the main road of Yadgiri - Wadi, near Tamilnadu Bank, petitioner was proceeding by motorcycle bearing No.KA-32-ET-2030 along with pillion rider by name Mohd Ayan and Mohammed Sufiyan, who was riding it from Yadgir to Shahapur at that time, driver of the TATA Zest car bearing registration No.KA-33-M-6537 drove it in a manner so rash or negligent as to endanger human life and dashed the motorcycle of the petitioner. As a result,

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petitioner fell down along with motorcycle and sustained grievous injuries. The said accident was caused, due to rash and negligent driving of the TATA Zest car bearing registration No.KA-33-M-6537.

3. The petitioner was hale and healthy prior to accident, he was doing milk vending business and getting income of Rs.30,000/- per month from this work. He spent Rs.5,00,000/- for medical expenditure. On all these grounds, the petitioner claimed Rs.65,00,000/- as a compensation.

4. After registration of the petition, this court has issued notice against the respondents, notices are served against them, Further respondent No.1 has appeared and filed objection to main petition wherein he has denied the contents of petition paras. He further stated that driver of the TATA Zest car bearing registration No.KA-33-M-6537 had valid and effective driving licence and it was insured with the respondent

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No.2, so he prays to shift the liability on respondent No.2. Further respondent No.2 is also appeared and filed objection to main petition wherein he denied the contents of petition paras. He admits that TATA Zest car bearing registration No.KA-33-M-6537 has covered insurance policy with him at the time of accident. TATA Zest car bearing registration No.KA-33-M-6537 did not possess valid and effective driving licence, valid fitness certificate and valid and effective route permit at the time of accident. An accident did not take place on the negligence of the driver of the TATA Zest car bearing registration No.KA-33-M-6537. The compensation claimed by the petitioner is more excessive, exorbitant and exaggerated. He has prayed to dismiss the petition.

5. On the basis of pleadings, the following issues that have framed for my consideration,

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I S S U E S

1. Whether the petitioner proves that on 21-05-2023, at about 04.30 p.m, on the main road of Yadgiri - Wadi, near Tamilnadu Bank, petitioner was proceeding by motorcycle bearing No.KA-32-ET-2030 along with pillion rider by name Mohd Ayan and Mohammed Sufiyan, who was riding it from Yadgir to Shahapur at that time, driver of the TATA Zest car bearing registration No.KA-33-M-6537 drove it in a manner so rash or negligent as to endanger human life and dashed the motorcycle of the petitioner. As a result, petitioner fell down along with motorcycle and sustained grievous injuries ?

2. Whether respondent No.2 proves that driver of the TATA Zest car bearing registration No.KA-33-M-6537 did not possess valid and effective driving licence at the time of accident ?

3. Whether the petitioner is entitled for the compensation? If so, by whom and what is the Quantum ?

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4. What order or award ?

6. In support of her case, petitioner examined himself as P.W.1 and got marked documents. In support of his case, Dr. B.S.Hiremath examined as PW.2 and closed his side evidence. On the other hand, one person by name Sajid Ahamad Doddamani S/o Tipu Sultan Doddamani examined as RW-1 and PSI of Yadgir traffic PS by name Veeresh K.M S/o Maheshwarayya K.M examined as RW-2 and got marked documents and closed his side evidence.

7. Heard arguments on both sides. Perused the case papers.

8. My answer to the above issues are as under :

Issue No.1 : In the affirmative.

Issue No.2 : In the negative.

Issue No.3 : In the partly affirmative.

Issue No.4 : As per final order for the following ;

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R E A S O N S

9. ISSUES No.1 :- In order to prove this issue, the petitioner examined himself as P.W.1 by filing examination in chief affidavit wherein he has alleged that on 21-05-2023, at about 04.30 p.m, on the main road of Yadgiri - Wadi, near Tamilnadu Bank, petitioner was proceeding by motorcycle bearing No.KA-32-ET-2030 along with pillion rider by name Mohd Ayan and Mohammed Sufiyan, who was riding it from Yadgir to Shahapur at that time, driver of the TATA Zest car bearing registration No.KA-33-M-6537 drove it in a manner so rash or negligent as to endanger human life and dashed the motorcycle of the petitioner. As a result, petitioner fell down along with motorcycle and sustained grievous injuries. The said accident was caused, due to rash and negligent driving of the TATA Zest car bearing registration No.KA-33-M-6537. He was hale and healthy prior to accident, he

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was doing milk vending business and getting income of Rs.30,000/- per month from this work. He spent Rs.5,00,000/- for medical expenditure, in order to prove these facts, the petitioner has produced the following documents,

Ex.P-1 is the first information report of Yadgiri Traffic police station crime number 0030/2023.

Ex.P-2 is the certified copy of complaint.

Ex.P-3 is the certified copy of final report.

Ex.P-4 is the certified copy of spot panchanama.

Ex.P-5 is the certified copy of Motor Vehicles Accident Report.

Ex.P-6 is the certified copy of wound certificate.

Ex.P-7 is the discharge summary report.

Ex.P-8 is the disability Assessment report.

Ex.P-9 is the X-ray report.

Ex.P-10 are the medical bills.

Ex.P-11 is the X-ray film.

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10. Carefully perused the documents by this tribunal, these documents are suffice that on 21-05-2023, one person by name Mahamad Ayan S/o Mahamad Izaj Haimad sherbai has lodged an information against driver of the car by making allegation that on 21-05-2023, at about 04.30 p.m, on the main road of Yadgiri - Wadi, near Tamilnadu Bank, petitioner was proceeding by motorcycle bearing No.KA-32-ET-2030 along with pillion rider by name Mohd Ayan and Mohammed Sufiyan, who was riding it from Yadgir to Shahapur at that time, driver of the TATA Zest car bearing registration No.KA-33-M-6537 drove it in a manner so rash or negligent as to endanger human life and dashed the motorcycle of the petitioner. As a result, petitioner fell down along with motorcycle and sustained grievous injuries. On this information, the police have registered a case against driver of the unknown car in crime No.0030/2023 and after

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completion of investigation, the police have filed final report against driver of the TATA Zest car bearing registration No.KA-33-M-6537 for the offences punishable under sections 279, 337 and 338 of I.P.C,1860 and section 187 of the IMV Act. Further perused Ex.P-5 it reveals that vehicle bearing No.KA-32-ET-2030 has damage over front wheel mudguard, right side front indicator and right side front bumper and vehicle bearing No.KA-33-M-6537 has damage over left side front door and accident was not taken place due to any mechanical defects of the vehicles. Further Ex.P.1 to 11 are corroborated with an evidence of PW-1. Further evidence and documents of the PW-1 did not challenge by the respondent No.1. Further PW-1 cross examined by the learned counsel for the respondent No.2 but nothing elicited in his mouth to support his defence. Further this is a claim petition arisen out of the accident, the proving of negligence of

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offending vehicle is only preponderance of probabilities and not required standard of proof beyond reasonable doubt as required in a criminal case. This principles of law was laid down by the Hon'ble High Court of Karnataka, in the decision reported in **2011 SAR (Civil) 319 Kusum and others Vs Satbir and others**, therefore evidence of PW-1 and documents, clearly goes to show that accident was occurred due to negligent driving of the TATA Zest car bearing registration No.KA-33-M-6537 by its driver. This tribunal held that injuries were caused to the PW-1 due to negligent driving of the TATA Zest car bearing registration No.KA-33-M-6537. Thus on above said reasons this tribunal has held that petitioner has proved the issue No.1, hence it is answers in the affirmative.

11. Issue No.2: In order to prove this issue, respondent No.1 and 2 have filed an objection to main

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petition, in order to prove the contents of it, one person by name Sajid Ahamad Doddamani S/o Tippu Sultan Doddamani examined as RW-1 by filing examination in chief affidavit wherein he reiterated the contents of objection. In support to his oral evidence, he has produced, following documents

Ex.R-1 is the authorization letter.

12. RW-1 cross examined by the learned counsel for the petitioner wherein he admits that at the time of accident, offending TATA Zest car bearing registration No.KA-33-M-6537 was insured with the respondent No.2 and petitioner was the third party to the insurance policy to the offending vehicle.

13. Further PSI of Yadgir Traffic PS by name Veeresh KM S/o Maheshwarayya K.M examined as RW-2 wherein he has stated that he came to knowledge about the offending vehicle number from the 2 witnesses and injured also identified the offending

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vehicle and driver of the offending vehicle also admitted about the accident, hence he was seized the said vehicle on 30-05-2023. RW-2 cross examined by the learned counsel for the petitioner wherein he states that he filed final report against offending vehicle after investigation.

Perused the case papers it reveals that police have filed final report against driver of the TATA Zest car bearing registration No.KA-33-M-6537 for the offences punishable under sections 279, 337 and 338 of IPC and section 187 of IMV Act. So final report suffice that respondent No.1 had not violated the insurance policy of the TATA Zest car bearing registration No.KA-33-M-6537. Further driver of the TATA Zest car bearing registration No.KA-33-M-6537 had valid and effective driving licence at the time of accident. It is admitted fact that respondent No.1 and 2 did not challenge the final report, hence contents of

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it binding against them. So respondent No.1 did not violate the policy conditions. Thus respondent No. 2 has failed to prove this issue. Accordingly this tribunal answers this issue in the negative.

14. ISSUE No.3: In view of answer the issue No.1, to assess the compensation, the tribunal has to look into several facts like injuries, pain and suffering by the PW-1 and amount spent by him towards medical expenses, food and extra nourishment, medical and attendant charges, conveyance, loss of income during treatment, disability, loss of amenities etc. This tribunal discuss one by one,

i) Towards pain and suffering : The petitioner examined as PW-1 wherein he has stated that after the accident, he was admitted in the Government hospital, Yadgiri and Kamareddy hospital, Kalaburagi. The petitioner has produced a wound certificate and same was got marked as Ex.P-6. As per Ex.P-6, the

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PW-1 has taken treatment in the Kamareddy hospital, Kalaburagi on 21-05-2023 ie for a period of 1 day. Further, perused the Ex.P-6 it suffice that PW-1 has grievous injury. Further perused the Ex.P-7, it reveals that PW-1 has taken treatment in the Kamareddy hospital, Kalaburagi. Perused it and it suffice that PW-1 had femur midshaft injury. Further Ex.P-8 suffice that PW-1 had 19% whole body disability. Further ExP-9 suffice that PW-1 had old fracture of middle third shaft of right femure with internal fixation rod and screws. So considering injuries and facts of the case, the tribunal held that PW-1 is entitled the compensation of Rs.30,000/- under this head which is just and reasonable towards pain and suffering.

ii) Towards medical Expenses : The PW-1 has produced medical bills and same are got marked as Ex.P-10. These documents are not seriously disputed by the respondents. These medical bills are for a sum

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of Rs.1,26,479/-. Some medical bills are hand written, hence these bills are not entitled by the petitioner. Hence tribunal held that petitioner is entitled Rs.1,26,479/- as compensation under this head.

iii) Towards loss of income during laid up period:

He ie PW-1 has produced the discharge summery. Perused the same it reveals that PW-1 has taken treatment at Kamareddy hospital, Kalaburagi for a period of 2 days ie on 21-05-2023 to 22-05-2023. So this document suffice that PW-1 has taken treatment for a period of 2 days. Further PW-1 has alleged that he was doing milk vending business and getting Rs.30,000/- per month from this work. In order to prove his income, the PW-1 has not produced any document.

I would like to refer the guidelines issued by the Hon'ble Karnataka Legal Service Authority wherein the

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Hon'ble Karnataka Legal Service Authority has fixed the notional income of the year 2022 at Rs.14,750/- for determination of income before lokadalat for the districts coming under the Hon'ble High Court of Karnataka, Dharwad and Kalaburagi benches. So in view of fixing of notional income by the Hon'ble Karnataka Legal Service Authority, it is just and proper to the tribunal, to follow the notional income which was fixed by the Hon'ble Karnataka Legal Service Authority to decide the cases before tribunal. So in this case, the PW-1 has not produced any cogent documentary evidence to prove his income. Accordingly, notional income of PW-1 during the year 2023 treated as Rs.14,750/- pm. Hence, 1 month to be considered as loss of income. Thus he is entitled for compensation of Rs.14,750/- under this head.

iv) Towards loss of future earning of the PW-1:- to prove the disability, Dr. B.S.Hiremath examined as

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PW-2 who had issued a disability certificate and same was got marked Ex.P-8 As per Ex.P-8 ie disability certificate, it was mentioned that the PW-1 has entire body disability is 19%.

In this case, the PW-2 who has issued a disability certificate as per Ex.P-8. It is admitted fact that PW-2 did not given treatment to the PW-1, he has only issued a disability certificate on 17-10-2024 that it is almost after 1 year from the date of accident. Hence PW-1 has produced a wound certificate which goes to show that PW-1 has sustained grievous injuries. Further Ex.P-7 is the discharge summary report, perused the same it reveals that PW-1 has grievous injuries.

Further PW-2 cross examined by learned counsel for the respondent No.2 wherein he denied suggestion of the counsel.

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I would like to refer the decision of our Hon'ble High Court of Karnataka reported in **2014 (1) AIR KANT HCR 426 parties name New India Insurance versus Yousurf Basha** wherein the Hon'ble High Court of Karnataka has held at para No.22 that

However, so far as the compensation awarded under injury, pain and sufferings, loss of amenities and conveyance, nourishing food and attendant charges is concerned, the same is on the lower side and needs to be re-determined. Further, the Tribunal has failed to award any compensation towards loss of income during treatment period. Admittedly, in view of the road traffic accident, the injured claimant has sustained lacerated wound over the right side of neck, lacerated wound over upper 1/3 rd of thigh, fracture

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mandible and other injuries. The Doctor has assessed 80% disability in respect of face and 40% towards right arm and 54% towards whole body. But the Tribunal has re-assessed the whole body permanent disability at 30%. The same in our opinion is on the lower side, for the reasons that if both the functional disabilities of 80% and 40% be added, the total disability comes to 120% and 1/3 rd of it would be 40%. Therefore, having regard to the facts and circumstances of the case and the nature of injuries sustained and considering the body disability at 40%, to meet the ends of justice.

In this case, PW-2 has issued a Disability Assessment Report on 17-10-2024 wherein he assessed the disabilities of PW-1, PW-1 has entire

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body disability as 19%. 1/3rd of 19% it comes 6%. The ratio of above decision is applicable to this petition for awarding compensation under this head. Therefore, consideration of evidence of PW-2, injuries of the PW-1 and decision, it is just and proper to take whole body of disability as 6%. Further the respondents did not challenge the Ex.P-1 to 11, mere denial is not disprove the case. Hence these documents are binding against respondents.

Age of the PW-1 shown in the petition as 19 years old. Further PW-1 has produced his aadhar card wherein his date of birth mention as 01-07-2005. Further, an accident took place on 21-05-2023. At the time of accident, age of the PW1 was 18 years, 2 months and 20 days. Hence this tribunal has come to conclusion that at the time of accident, age of the PW-1 was 19 years as per aadhar card. As per the decision reported in the **AIR 2009 SCW page No.3014**

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**between Sarla Varma and others Vs Delhi Transport****Corporation and others**, the relevant multiplier is 18,hence $14,750 \times 12 \times 18 \times 6\% = \text{Rs.}1,91,160/-$. The

PW-1 is entitled Rs.1,91,160/- under this head.

v) Towards food conveyance nourishment and**attendant charges:-** The PW-1 had grievous injury

and taken treatment at Kamareddy hospital,

Kalaburagi for a period of 2 day. During this period,

the PW-1 needs nutritious food and extra

nourishment. Considering this aspect, the tribunal has

held that petitioner is entitled Rs.2,000/- is just and

reasonable compensation under this head.

vi) Loss of Future Amenities and Happiness:- The

PW-1 was 19 years old at the time of accident. He had

grievous injuries. It shows that he found difficulty in

doing a day today work. He might have suffered lot of

pain and loss of amenities and comforts in life.

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Therefore considering the age, nature of injuries, he is entitled 10,000/- under this head.

vii) Traveling expenses :- The PW-1 has taken treatment in the Kamareddy hospital, Kalaburagi for a period of 2 day by going to said hospital. So his family members were expended some money during the period of hospitalized the PW-1 till discharge. Hence, considering the injury and treatment taken by the PW-1, this tribunal has held that petitioner is entitled Rs.2,000/- is just and proper under this head.

Hence the PW-1 has entitled for total compensation under the following heads;-

1.	Pain, Shock and sufferings	Rs.30,000/-
2.	Food and nourishment and attendant charges	Rs.2,000/-
3.	Traveling Expenses	Rs.2,000/-
4.	Loss of income during laid period	Rs.14,750/-
5.	medical expenses	Rs.1,26,479/-

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6.	Loss of Future Amenities and Happiness:	Rs.10,000/-
7.	Loss of future income	Rs.1,91,160/
	Total	Rs.3,76,389/-

Regarding liability :- Petitioner has proved that an accident took place due to negligence of driving of the TATA Zest car bearing registration No.KA-33.M-6537. Further respondent No.2 has failed to prove that owner of the TATA Zest car bearing registration No.KA-33.M-6537 had violated the terms and conditions of the insurance policy of the offending vehicle. Hence respondent No.1 is the owner and respondent No.2 is the insurer of the TATA Zest car bearing registration No.KA-33.M-6537. So respondent No.1 and 2 are jointly and severally liable to pay compensation amount of Rs.3,76,389/- to the petitioner along with an interest at the rate of 6% per annum from the date

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of petition till its realization. Hence, this tribunal answers issue No.3 in the partly Affirmative.

15. ISSUE No.4:- In view of the reasons stated in the issue No. 1 to 3, this tribunal proceeds to pass the following:

O R D E R

A claim petition filed by the petitioner under section 166 of the Motor Vehicles Act, 1988 is hereby partly allowed with costs.

The petitioner is entitled for compensation amount of Rs.3,76,389/- (Three lakh, seventy six thousand and three hundred eighty nine rupees only) along with an interest at the rate of 6% p.a from the respondents from the date of petition till realization.

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The respondent No.1 and 2 jointly and severally liable to pay compensation amount of Rs.3,76,389/- (Three lakh, seventy six thousand and three hundred eighty nine rupees only) to the petitioner within a period of one month from the date of award.

The respondent No.2 is being insure he is primarily liable to deposit compensation amount of Rs.3,76,389/- (Three lakh, seventy six thousand and three hundred eighty nine rupees only) within one month from the date of award.

Further, office is directed to release 80% compensation amount to the petitioner and 20% compensation

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amount shall keep fixed deposit in the name of petition in any Nationalized Bank for a period of 2 years after deposit by the respondent No.1 and 2.

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

Draw an award accordingly.

(Dictated to the Stenographer directly on laptop, typed by him, corrected by me and then pronounced in the open court this the 25th day of June-2026)

(Balasaheb Wadavade)
Member MACT - II,
Yadgiri.

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**A N N E X U R E****LIST OF WITNESSES EXAMINED ON BEHALF OF PETITIONER :**

- P.W-1 : M.D. Muzammil S/o Mohamad Gouse,
P.W-2 : Dr. B.S.Hiremath.

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENTS :

- RW-1 : Sajid Ahamad Doddamani
S/o Tipu Sultan Doddamani.
RW-2 : Veeresh K.M S/o Maheshwarayya K.M.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF PETITIONER :

- Ex.P-1 : Certified copy of FIR.
Ex.P-2 : Certified copy of the complaint.
Ex.P-3 : Certified copy of charge sheet.
Ex.P-4 : Certified copy of spot panchanama.
Ex.P-5 : Certified copy of the MVA, Report.
Ex.P-6 : Certified copy of wound certificate.
Ex.P-7 : Discharge Summary.
Ex.P-8 : Disability Assessment Report.
Ex.P-8(a): Signature of PW-2.
Ex.P-9 : X-ray report.
Ex.P-10 : Medical bills.
Ex.P-11 : X-ray film.

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LIST OF DOCUMENTS EXHIBITED ON BEHALF OF RESPONDENTS:

Ex.R-1 : Authorization Letter.

(Balasaheb Wadavade)
Member MACT - II,
Yadgiri.