

KABR510000052017



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
HOSAKOTE.**

PRESENT:

Sri. Mohamed Arifulla C.F. B.Sc., LL.B.
Senior Civil Judge & JMFC,
Hosakote.

Dated this the 25th day of July 2026

MVC.No.61/2017

Petitioner/s : Sri.Suresh.Y,
S/o Yellappa,
Aged about 32 years,
R/at No.3/217, Kagganur Village,
Sevaganapalli Post,
Hosur Taluk, Krishnagiri District.

(By Sri.Anand., Adv.)

- V/s -

Respondent/s : Sri.Saleem,
S/o Abdul Khaleel,
Age about 32 years,
R/at Muthkur Village,
Anugondanahalli Hobli,
Hosakote Taluk,
Bengaluru Rural District.

(Owner of Autorickshaw bearing
No.KA-41-9367)

(By Sri.N.R.V., Adv.)

Date of institution of petition :	17-7-2017
Nature of petition :	MV Compensation/Damages
Date of recording evidence :	10-12-2019
Date of closing evidence :	19-5-2025
Date of judgment pronounced:	25-07-2026
Total Duration :	Years Months Days
	09 00 08

(Mohamed Arifulla C.F.)
Senior Civil Judge & JMFC,
Hosakote.

J U D G M E N T

This is a claim petition filed by the petitioner claiming compensation of Rs.10,00,000/- on account of accident met by petitioner on 8-2-2017.

2. The brief facts of the case of the petitioner is that, on 8-2-2017 the petitioner was riding the Passion Pro vehicle bearing Reg.No.KA-51-R-4258 on the extreme left side in between Byalahalli Yadagondanahalli Road, Anugondanahalli Hobli, Hosakote Taluik slowly and cautiously by observing the traffic

rules and regulations at that time suddenly the driver of Autorickshaw bearing Reg.No.KA-41-9367 came from Yadagondanahalli Village side in a rash and negligent manner endangering to human life without following the traffic rules and dashed to the petitioner and thereby caused the accident. As a result, the petitioner fell down from the motor cycle and he had sustained severe injuries all over the body.

Immediately with the help of public he was shifted to Anugondanahalli Government Hospital for treatment. Thereafter, he was shifted to M.V.J. Hospital, Hosakote and due to severe injuries he was shifted to Bowring and Lady Curzon Hospital, Bangalore and he was taken treatment as an inpatient for a period of 8 days. During the course of treatment he underwent surgery on 10-2-2017 and after taking necessary treatment he was discharged with an advise to follow up treatment and to take complete bed rest. Due to the accident, the petitioner has spent Rs.1,00,000/- for medical treatment, food, nourishment and other incidental expenses.

Prior to the accident the petitioner was hale and healthy and he was working as Bar Bender and earning a sum of Rs.15,000/- p.m. and maintaining his family members as he

was the only earning member in the family. On account of accident the petitioner till today cannot attend his work resulted in loss of earning and earning capacity and put to great financial hardship. The accident in question took place due to rash and negligent driving on the part of driver of motor cycle. The respondent being the driver and being the owner of the vehicle is liable to pay compensation. Thus, the petitioner constrained to file instant petition seeking compensation of Rs.10,00,000/- along with interest from the date of accident till actual realization.

3. On issuance of notice to the respondent he has appeared before the court through his counsel but not chosen to file written statement on his behalf.

4. Heard the arguments.

5. The petitioner in order to prove his case, he examined himself as P.W-1 by filing examination in chief affidavit wherein he reproduced entire petition averments and got marked 59 documents as per Ex.P-1 to P-59 and closed his side.

6. On the basis of averments made in the petition, the following points arise for consideration:

Point No.1: Whether the petitioner proves that on 8-2-2017 at about 8.30 p.m. when he was proceeding by his Passion Pro vehicle bearing Reg.No.KA-51-R-4258 on the extreme left side in between Byalahalli Yadagondanahalli Road, Anugondanahalli Hobli, Hosakote Taluk at that time suddenly the driver of Autorickshaw bearing Reg.No.KA-41-9367 came from Yadagondanahalli Village side by driving it in a rash and negligent manner and dashed against the petitioner and due to which he sustained grievous injuries all over the body?

Point No.2: Whether the petitioner is entitled for compensation? If so what is the quantum ?

Point No.3: What order or award?

7. My findings to the above said points are as under;

Point No.1 : In the Affirmative,

Point No.2 : In partly Affirmative,

Point No.3 : As per final order
for the following ;

REASONS

8. **Point No.1**:- According to the petitioner on 8-2-2017 at about 8.30 p.m. when he was proceeding by his Passion Pro vehicle bearing Reg.No.KA-51-R-4258 on the extreme left side in between Byalahalli Yadagondanahalli Road, Anugondanahalli Hobli, Hosakote Taluk at that time suddenly the driver of Autorickshaw bearing Reg.No.KA-41-9367 came from Yadagondanahalli Village side by driving it in a rash and negligent manner and dashed against the petitioner and due to which he sustained grievous injuries all over the body.

9. In order to prove the petition, the petitioner examined himself as P.W-1 by filing affidavit in lieu of examination in chief and got marked 59 documents as per Ex.P-1 to Ex.P-59. Ex.P-1 to 6 are the copies of FIR, complaint, spot mahazar, seized mahazar, IMV Report, Wound certificate and charge sheet, Ex.P-7 to 11 are the copies of x-ray, Ex.P-12 is the blood test report and Ex.P-13 to 59 are the medical prescription and receipts.

10. Though the respondent appeared before the court but he has not denied the averments made by the petitioner.

11. On perusal of the recitals made in Ex.P-1 to 6 i.e., FIR, complaint, spot mahazar, seized mahazar, IMV Report, Wound certificate and charge sheet which shows that the driver of the offending vehicle by driving it in a rash and negligent manner and dashed against the petitioner who was riding his motor cycle on the left side of the road on Yadagondanahalli Road, Anugondanahalli Hobli, Hosakote Taluk and caused accident.

12. The available oral and documentary evidence produced by the petitioner clearly discloses that, there was an accident as stated by the petitioner. Even though the respondent has appeared before the court but he has not filed objections to the petition and also not challenged the oral and documentary evidence of petitioner and therefore, there is no material before the court to disbelieve the oral and documentary evidence of petitioner and it remained undisputed.

13. The documents of the petitioner, which are F.I.R., complaint, accident spot mahazar and Charge sheet, clearly disclose that the accident took place due to rash and negligent manner of the driver of the offending vehicle. After considering

all these facts and circumstances of the case, I come to conclusion that, the petitioner has proved that, the above said accident caused due to the rash and negligent driving by the driver of the offending Auto bearing Reg.No.KA-41-9367 and the petitioner sustained grievous injuries in the above said accident. Hence, I answer point No.1 in the “**Affirmative**”.

14. **Point No.2:-** As already discussed above, the petitioner has proved that the accident took place due to rash and negligent driving of the driver of offending vehicle and therefore, the petitioner is entitled for compensation. The Ex.P-5 i.e., Wound Certificate which shows that the petitioner had sustained grievous injuries and he was admitted as inpatient from 9-2-2017 to 27-2-2017 and he sustained fracture on right lower limb and also to head and hands. The petitioner underwent surgery for femur fracture i.e., open reduction with internal fixation with ILN under SAB and epidural on 10-2-2017, open reduction with internal fixation with DF LCP and bone drafting was also conducted on 16-2-2017 and he was discharged from the hospital.

15. The petitioner has produced the doctor prescription and medical bills at Rs.23,939/- but he has examined the doctor and therefore this tribunal cannot award compensation for the future loss of income and other heads and therefore, this tribunal considering the injuries sustained by the petitioner awards a global compensation of Rs.1,24,000/- conveyance and attendant charges etc.

16. In view of the above discussion, I am of the opinion that, the Petitioner is entitled for global compensation of Rs.1,24,000/- along with interest at the rate of 6% p.a., from the date of filing of petition till realization. The respondent being the owner of the offending Auto rickshaw is liable to pay compensation and he is directed to pay the compensation amount. Hence, I answer point No.2 in “**Partly Affirmative**”.

17. **Point No.3:-** In view of discussions made above, I proceed to pass the following:-

ORDER

The claim petition filed by petitioner under Section 166 of Motor Vehicles Act-1988, is hereby allowed in part with costs.

The petitioner is entitled to get compensation of Rs.1,24,000/- with interest at the rate of 6% p.a. from the date of petition till its deposit. The respondent being the owner of the vehicle is liable to pay compensation and he is directed to pay the compensation amount.

The respondent is directed to deposit the compensation amount within a period of two months from the date of award.

The entire award amount of Rs.25,000/- shall be released to the petitioner after deposit.

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

Draw award accordingly.

(Dictated to the Stenographer, corrected by me and then pronounced in the open court on this the 25th day of July, 2026.)

(Mohamed Arifulla C.F)
Senior Civil Judge & JMFC,
Hosakote.

ANNEXURE

List of witnesses examined for the petitioner/s:

P.W-1 : Sri.Suresh.Y

List of documents marked for the petitioner/s:

Ex.P-1 to 6 : Copies of FIR, complaint, spot mahazar, seized mahazar, IMV Report, Wound certificate and charge sheet
Ex.P-7 to 11 : Copies of x-ray

Ex.P-12 : Blood test report

Ex.P-13 to 59 : Medical prescription and receipts

List of witnesses examined for the respondent/s:

- NIL -

List of documents marked for the respondent/s :

- NIL -

Senior Civil Judge & JMFC,
Hosakote.

