



**BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL
& Vth ADDL. SMALL CAUSES JUDGE. COURT OF
SMALL CAUSES, Mayo Hall Unit, Bangalore (SCCH-20)**

**Present :- Sri.B.Chennappa, B.Com. LL.B..(Spl)
Vth Addl. Small Causes Judge,
& XXIV A.C.J.M.**

Dated this the 4th day of July-2026

MVC No.2708/2025

Petitioner/ Claimant	Sri.Gandi Kumar.A, 40 years S/o Ashwathappa R/at Rabbanahalli, Devanahalli Taluk Bangalore -562110 (By Sri.M.Subramani, Advocate)
	V/s
Respondents:	1. Sri.Ranganathan.R S/o Ramalingam R/at 700/3, Melalathur Road, Jothi madam, Gudiyatham, Vellore, Tamil Nadu - 632602 (Lorry No.TN-23-AK-9549) 2. M/s Shriram General Insurance Co.Ltd No.4/5, 3 rd Floor, SV Arcade, Bilekalli main road, Opp to Bannerghatta Main road, IIMB post, Bangalore - 76 (Policy No.421008/31/25/002369 Valid up to 20.03.2025 to 19.03.2026) (R-1-Ex-parte R2-Sri.Gururaj Salur, Advocate,)

**(B.CHENNAPPA),
Vth Addl. S.C.Judge & XXIVth ACJM
SCCH-20, Mayohall Unit, Bangalore.**



:: J U D G M E N T ::

1. This is a claim petition filed by the claimant against the respondents, U/Sec.166 of Motor Vehicles Act, 1988, seeking compensation of Rs.30,00,000/-, in respect of injuries sustained by him in the road traffic accident occurred on 12.04.2025.

2. The petition averments are as under:

It is stated in the petition that, on 12.04.2025 at about 07.10 AM., claimant by driving bus bearing Reg No.KA-07-B-8056 was proceeding on national highway slowly and cautiously. When he reached near Nagadenahalli village, at that time, driver of lorry bearing reg No.TN-23-AK-9549 by driving said vehicle in rash and negligent manner at high speed suddenly took turn without any indication or signal. Due to which, rear portion of said lorry collide against front portion of bus. In the said accident, claimant sustained type one compound fracture midshaft right tibia, comminuted pilon fracture right tibia, segmental fracture right fibula, undisplaced fracture right radial styloid process and other injuries. Soon after the accident, claimant was shifted to Manipal hospital. In the said hospital claimant underwent surgeries. Claimant had spent Rs.4,00,000/- for his treatment. Prior to the accident, claimant was hale and healthy. He was aged about 40 years and was driver by profession. Thereby, he was earning Rs.40,000/- per month. Now, due to the accidental injuries, claimant cannot walk, sit, squat, run, jump and lift or carry any weight. Therefore, now



claimant is not in a position to continue his above said avocation. In respect of the above said accident is concerned, a case was registered in Doddaballapura Traffic police station Crime No.148/2025 against the driver of lorry bearing reg No.TN-23-AK-9549 for the offences punishable U/Sec.281, 125(a) of BNS Act. Respondent No.1 is the owner and respondent No.2 is the insurer of said Lorry. Therefore, respondent Nos.1 and 2 are jointly and severally liable to pay the compensation to the claimant. Accordingly, it is prayed to allow the claim petition.

3. Despite service of the notice on the respondent No.1, he remained absent. Hence, he was placed ex-parte. Respondent No.2 appeared through it's counsel and filed it's statement of objections, inter-alia, denying the averments made in the claim petition. Furthermore, it is contended that, there is no negligence on part of drier of the lorry for the occurrence. Accident took place due to sole negligence of claimant. Claimant drove his bus in rash and negligent manner and without observing the movement of vehicles on the road caused the accident. Police records are manipulated. Lorry was moving on the correct side of the road. Therefore, accident occurred due to fault of claimant. As on the date of the accident, drier of lorry was not holding valid and effective driving license. Said lorry had no fitness certificate and permit to ply on the alleged accident spot. Among other grounds, it is prayed for dismissal of the claim petition.



4. Based on the above said rival pleadings, the following issues were framed:

:: I S S U E S ::

1. Whether the petitioner proves that on 12.04.2025 at about 7.10 AM, he was driving the bus bearing Reg No.KA-07-B-8056, on Devanahalli-Dabasapete road, near Nagadevanahalli, wherein the driver of the Lorry beg. Reg. No.TN-23-AK-9549, drove it with in high speed, rash and negligent manner and he suddenly turned his vehicle to the right side without giving signal dashed against the bus and caused the accident, in the accident petitioner sustained grievous injuries as alleged in the petition.?
 2. Whether respondent No.2 proves that insured has violated the policy conditions and accident occurred due to the negligent act of the petitioner as contended in the written statement.?
 3. Whether the petitioner is entitled for the compensation? If so, how much and from whom?
 4. What order or award?
5. In order to prove the averments made in the petition, claimant himself examined as PW-1 and also examined Dr.S.Ramachandra, an Orthopedic Surgeon, as PW-2. Claimant produced 21 documents as per Ex.P-1 to 21. Ex.P-1 & 2 are FIR and complaint, Ex.P-3 is mahazar, Ex.P-4 is sketch map, Ex.P-5 is motor vehicle inspection report, Ex.P-6



is wound certificate, Ex.P-7 & 8 are notice issued U/Sec.133 of MV Act and reply notice, Ex.P.9 is charge sheet, Ex.P-10 is discharge summaries, Ex.P11 is DL of claimant, Ex.P-12 is Adhaar card, Ex.P-13 is medical bills, Ex.P.14 is bank account extract, Ex.P-15 is prescriptions, Ex.P-16 is clinical examination report, Ex.P-17 is X-ray film, Ex.P-18 is authorization letter, Ex.P-19 is MLC register, Ex.P-20 is police intimation, Ex.P-21 is inpatient record. In rebuttal, respondent No.2 examined it's official as RW-1 and produced the authorization letter and insurance policy.

6. I have heard the arguments for claimant and the respondent No.2. Learned counsel for respondent No.2 has relied on the decision reported in 2008 ACJ 1188 in the case of Renukadevi V/s BMTC and another. Perused the material on record. My findings on the above issues are as follows:

Issue No.1 : In the affirmative.

Issue No.2 : In the negative.

Issue No.3 : Yes. **Rs.9,81,518/-**.

From the respondent No.2.

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

:: R E A S O N S ::

7. **Issue No.1 and 2:** I have taken these issues together for common discussion to avoid the repetition of facts and reasoning.

It is the specific version of claimant on 12.04.2025 at about 07.10 AM., while he was proceeding by driving bus



bearing Reg No.KA-07-B-8056 on national highway near Nagadenahalli village, slowly and cautiously, at that time driver of lorry bearing reg No.TN-23-AK-9549 by driving said vehicle in rash and negligent manner at high speed suddenly took turn without any indication or signal. Due to which, rear portion of the lorry collide against front portion of bus and in he said accident, claimant sustained grievous injuries. Therefore accident was attributed by rash and negligent driving of lorry by it's driver. On the contrary, respondent No.2 has contended that claimant himself drove the bus in rash and negligent manner and caused the accident.

8. In order to prove the averments made in the claim petition, claimant himself has examined as PW-1. During his examination-in-chief, he has reiterated the averments made in his claim petition. During his cross-examination, he has admitted that road situated on the accident spot is a national highway. He has admitted that lorry was proceeding on his left side of another lane. He has denied that, in order to reach his destination, he was driving his bus in high speed. He has denied that after 2 days of accident, a false complaint was registered against lorry driver. He has denied that since he did not keep proper distance between his bus and lorry, therefore accident had occurred due to his fault.

9. Respondent No.2 has examined it's senior legal executive as RW-1. During examination-in-chief o RW-1, he has reiterated the averments made in statement of objections of respondent No.2. RW-2 has produced authorisation letter and



policy schedule as per Ex.P-1 and 2. During his cross-examination, he has admitted that he is deposing on the basis of police records. Though he has admitted that charge sheet is filed against lorry driver, but he has deposed that a false charge sheet is filed. He denied that lorry driver by overtaking a vehicle and without giving any signal took sudden right turn and therefore accident occurred due to fault of lorry driver. He has denied that, after passing the bus, if lorry driver had taken turn, under such circumstances, he could have avoided the accident.

10. Apart from said oral evidence of PW-1, claimant has also produced the documentary evidence as per Ex.P.1 to 21. Among those documents, Ex.P-1 to 9 are the material documents to decide issue No.1. On perusal of oral evidence of PW-1, coupled with Ex.P-1 and 2, FIR and Complaint registered in Doddaballapura police station crime No.148/2025, it reveals that, on 14.04.2025, as per first information lodged by the mother-in-law of claimant, a case was registered against driver of lorry bearing Reg No.TN-23-AK-9549 for the offences punishable U/Sec.281, 285 and 125(a) of BNS Act. In the complaint, it is stated that soon after the accident claimant was admitted in Manipal hospital and except complainant, no was available to take care of claimant. Therefore, complaint was not lodged immediately. On perusal of Ex.P-3 and 4, spot mahazar and sketch map, it reveals that, soon after registration of the crime, concerned police proceeded to the accident spot and drew the mahazar.



In the sketch map, the accident spot is shown on the road proceeding towards Dabaspet. Lorry was proceeding on the left side of the road and the bus was proceeding on the right side path. Driver of lorry took extreme right side. Therefore, bus had hit rear side of the lorry. Thus, it is clear that the accident was attributed by the driver of lorry who took sudden right side from the left side. On perusal of Ex.P-5, motor vehicle inspection report, it reveals that, soon after seizure of the vehicles involved in the accident, they were inspected by the concerned RTO and found the damages on both the vehicles. On perusal of Ex.P-6, wound certificate, it reveals that, claimant was taken to Manipal hospital on 12.04.2025 with a history of RTA and in the said accident, claimant sustained simple and grievous injuries. On perusal of Ex.P-7 & 8, notice issued U/s 133 of IMV Act and reply given by the respondent No.1, it reveals that as per requisition of police, respondent No.2 had furnished the particulars of the offending vehicle. Ex.P-9 charge sheet, it reveals that, concerned police, after investigation, filed the charge sheet against the driver of lorry bearing Reg No.TN-23-AK-9549 for the offences punishable U/Sec.281, 285, 125(b) of BNS Act. During course of arguments, learned counsel for respondent No.2 would contend that there is an inordinate delay in lodging the complaint and said delay was to implicate the vehicle of respondent No.1. I have gone through the material on record. It is admitted fact that accident occurred on 12.04.2025 and complaint was lodged on 14.04.2025.



Therefore, there is delay in lodging the complaint. Thus, merely because there was delay in reporting the crime to the concerned police, it does not mean that, such delay was to implicate the vehicle of respondent No.1. Moreover, to show that the offending vehicle is falsely implicated in the case, the respondent No.2 has not produced any material. At this stage, it is apt to mention the judgment of Hon'ble Apex Court in **the case of Ravi V/s Badarinarayan and others, reported in (2011) AIR SCW 1530**. In the said case, the Hon'ble Apex Court has observed that, the purpose of lodging the FIR in such type of cases is primarily to intimate the police to initiate investigation of criminal offences. Lodging of FIR certainly proves the factum of accident so that the victim is able to lodge a case for compensation, but delay in doing so cannot be the main ground for rejecting the claim petition. In other words, although lodging of FIR is vital in deciding motor accident claim cases, delay in lodging the same should not be treated as fatal for such proceedings, if claimant has been able to demonstrate satisfactory and cogent reason for it. There could be verity of reasons in genuine cases for delayed lodgment of FIR. Unless kith and kin of the victim are able to regain a certain level of tranquility of mind and are composed to lodge it, even if, there is delay, the same deserves to be condoned. It is also further observed that, knowing the Indian conditions as they are, we cannot expect a common man to first rush to the police station immediately after an accident. Human nature and family responsibilities occupy the mind of



kith and kin to such an extent that they give more importance to get the victim treated rather than to rush to the police station. Under such circumstances they are not expected to act mechanically with promptitude in lodging the FIR with the police. Therefore, delay in lodging the FIR thus, cannot be the ground to deny justice to the victim. Subsequently, this judgment was referred by the **Hon'ble High Court of Karnataka in the case of Shabana and others V/s Vidyasagar and another.** Therefore, considering the above said observations, I am of the view that delay in lodging the complaint ipso facto does not have any bearing on the claim petition filed under the MV Act. I have gone through the decision relied by the respondent No.2 as stated supra. In the said judgment, it is observed that scooter hit to rear wheel of bus and therefore it was opined that injured was also negligent. In the case on hand, lorry driver came on his extreme right without giving any sign or indication, due to which front side of bus hit to hind portion of lorry. Besides, in order to show that respondent No.1 violated the terms and conditions of policy, respondent No.2 and has not produced any cogent evidence. On the contrary, oral evidence of PW-1 has been duly corroborated by the documentary evidence produced by him. **Accordingly, I answer issue No.1 in the affirmative and Issue No.2 in the negative.**

11. **Issue No.3:** It is the specific case of the claimant that, in the accident, he sustained type-1 compound fracture mid-shaft right tibia, comminuted pilon fracture right tibia,



segmental fracture right fibula, undisplaced fracture right radial styloid process. He took treatment in Manipal hospital and had spent Rs.4,00,000/- for his treatment. Prior to the accident, he was hale and healthy. As on the date of accident, he was aged about 40 years. He was a driver by profession and was earning Rs.40,000/- per month. Due to accidental injuries, now he is unable to continue his said avocation. Thereby, he has become permanent disabled. On the contrary, respondent No.2 has denied the above said averments made in the claim petition.

12. In order to prove the averments made in the claim petition, claimant has examined himself as PW-1. During his examination-in-chief, he has reiterated the averments made in the claim petition. During his cross examination, he has deposed that, he was working as driver in Sree Travels and was drawing salary, which used to credit to his bank account. He has produced the statement of his bank account. He has denied that, medical expenses was reimbursed under medical insurance. He has denied that in the accident he sustained only simple injuries.

13. Claimant has also examined Dr.S.Ramachandra, an orthopedic surgeon and DNB P.G, teachers at General Hospital as PW-2. During examination-in-chief of PW-2, he has reiterated the averments made in the claim petition. During his cross examination, he has deposed that as per records, claimant sustained injuries in RTA occurred on 12.04.2025 at about 07.10 AM. and in the accident



claimant sustained type-1 compound fracture midshaft right tibia, comminuted pilon fracture right tibia, segmental fracture right fibula, undisplaced fracture right radial styloid process. He underwent surgeries and internal fixtures were fixed. He had examined the claimant clinically and radiologically for assessment of disability. Claimant has got 48.15% disability towards his right lower limb and 22.9% towards his whole body. During his cross examination, he has admitted that two fractured bones are united and one fractured bone is partially united. He has admitted that, after union of all the bones implants could be removed. He has denied that after removal of implants disability will reduce. He can not say whether the disability is permanent in nature or not. He has denied that disability assessed by him is premature. He has admitted that, there is no infection on the fractured bones. He has denied that, if the disability assessed to a particular part is taken in to consideration to the entire body, then it will reduced to 1/3rd,

14. Claimant has also examined the Medical record technician of Manipal hospital as PW-3. During examination in chief of PW-3, he has deposed that claimant took treatment in Manipal hospital for his accidental injuries. Therefore, he has produced treatment documents as per Ex.P-18 to 21. During his cross-examination, he has denied that Ex.P.18 to 21 are created.

15. Respondent No.2 has examined it's senior legal executive as RW-1. During examination-in-chief of RW-1, he has



reiterated the averments made in his claim petition. He has produced documents as per Ex.R-1 and 2. During his cross-examination, he has admitted that he is deposing on the basis of police records. Though he has admitted that charge sheet is filed against driver of lorry but he has deposed that a false charge sheet has been filed. He has denied that lorry driver by overtaking a vehicle and without giving signal took sudden right turn and therefore accident occurred due to fault of lorry driver.

16. On perusal of evidence of PW-1 and 2, coupled with Ex.P-6 would certificate, it reveals that in the accident claimant sustained compound fracture of midshaft tibia, comminuted and segmental fracture of right tibia and fibula, fracture of right radius styloid process and lacerated wound on right leg. As per Ex.P-1 discharge summary, soon after the accident, claimant was taken to Manipal hospital and in the said hospital claimant took treatment as an inpatient. In the said hospital, debridement of wound, ORIF and CRIF were done. As per PW-2, due to accidental injuries claimant has 45.18% disability to his right lower limb and 22.59% to his whole body. Claimant is advised to undergo another surgery for removal of implants. PW-2 has admitted that, 2 fractured bones are united and one bone is partially united. In the fractured area there is no infection. Therefore, considering the evidence of PW-1 and 2, the disability assessed by PW-2 is physical disability and not functional disability. Therefore,



foundational disability of claimant is taken into consideration as 16% to the whole body.

17. In order to prove age of claimant, he has produced his Aadhar card at Ex.P-12 and driving license at Ex.P-11. In said documents, date of birth of claimant is mentioned as 20.07.1985. The accident had taken place on 12.04.2025. Therefore, as on the date of accident, age of the claimant was 39 years. To prove the contrary age, respondent No.2 has not produced any material. Therefore, as on the date of accident, age of the claimant is taken into consideration as 39 years.

18. Claimant has produced his bank account statement as per Ex.P-14 to show that he was working as a driver in Sree Travels and was drawing salary of Rs.22,000/- per month and said salary was crediting to his said bank account. On perusal of said statement, it reveals that, every month Rs.22,000/- was credit to the account of claimant as salary of driver working in Sree Travels. During course of arguments, learned counsel for respondent No.2 would contend that claimant has not examined his employers. Therefore, unless employer is examined, Ex.P-14 cannot be relied to prove the salary of claimant. I have gone through the material on record. It is proved that while claimant was working as driver of Sree travels bus, he had met with an accident. Ex.P-14 corroborates regarding employment of claimant in Sree Travels and payment of salary of Rs.22,000/-. To rebut the contents of said document, respondent No.2 has not



produced any cogent material. Hence, it is proved that claimant had salary of **Rs.22,000/-** per month.

19. As per the law laid-down by the **Hon'ble Apex Court in the decision report in (2009) 6 SCC 121 in the case of Sarala Verma and others V/s Delhi Transport Corporation and others, which is approved in the decision of Constitution Bench reported in (2017) 16 SCC 680 in the case of National Insurance Company Vs. Pranay Sethi and others**, the multiplier applicable to the age of claimant is 13. Thus, claimant is entitled for loss of future income of **Rs.5,49,120/-** (Rs.22,000/- x 12 x 13 x 16/100). Claimant has produced the medical and hospital bills at Ex.P-13 and 15 to the tune of **Rs.3,32,398/-**. Considering the injuries sustained by the claimant and the treatment taken by him for said injuries, he is entitled for reimbursement of the above said bills totally to the tune of **Rs.3,32,398/-**.

20. Looking to the treatment taken and the nature of injuries suffered by the claimant, I am of the view that the claimant is entitled for Rs.30,000/- under the head of pain and suffering. Besides, claimant is entitled for Rs.20,000/- under the head of loss of amenities and nutrition food. Further, I deem it fit and proper to award Rs.30,000/- under the head of attendant and conveyance. Besides, claimant is entitled Rs.30,000/- towards laid up period.



Sl No.	Particulars	Amount
1	Cost of medicines and hospital charges	Rs.3.32.398/-
2	Loss of future income	Rs.5,49,120/-
3	Pain & sufferings	Rs. 30,000/-
4	Attendant and conveyance	Rs. 30,000/-
5	Loss of amenities and nutrition food	Rs. 20,000/-
6	Laid up period	Rs. 30,000/-
	TOTAL	Rs.9,81,518/-

21. In view of the above said heads, the claimant is entitled for the compensation amount of **Rs.9,81,518/-**. Said amount carries interest @ 6% per annum from the date of petition till the date of actual realization.

22. **Liability clause**: While answering issue No.1 and 2, it is held that the accident occurred due to rash and negligent driving of the Lorry bearing Reg No.TN-23-AK-9549 by it's driver. It is not in dispute that, respondent No.1 is the owner and the respondent No.2 is the insurer of said lorry. It is also not in dispute that, as on the date of accident, the insurance of said lorry was in force. As on the date of accident, driver of the said Lorry had valid DL. Therefore, respondent Nos.1 and 2 are jointly and severally liable to pay the compensation as determined above to the claimant. However, respondent No.2 being insurer has to indemnify the respondent No.1 by paying the entire compensation amount. **Accordingly, I have answered Issue No.3.**



23. **Issue No.4:** In view of the foregoing reasons and my findings given on issue Nos.1 and 2, I proceed to pass the following:

:: O R D E R ::

The claim petition filed by the claimant is allowed in part, with costs, as under:

Claimant is entitled for compensation of **Rs.9,81,518/-** (Rupees Nine Lakhs Eighty One Thousand Five Hundred and Eighteen only) along with interest at the rate of 6% per annum, from the date of petition till it's deposit.

Respondent Nos.1 and 2 are jointly and severally liable to pay the said compensation amount. However, respondent No.2 being insurer, is directed to deposit the compensation amount within the time stipulated U/Sec.168(3) of M V Act.

Soon after deposit, claimant is permitted to withdrawn the entire compensation amount.

After deposit, entire amount shall be released.

All the interim applications pending, if any stand disposed of.

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



Draw award accordingly.

(Dictated to the stenographer, transcribed and typed by him, corrected and signed by me, then pronounced in the open court, on this the 4th day of July, 2026).

**(B.CHENNAPPA),
Vth Addl. S.C.Judge & XXIVth ACJM
SCCH-20, Mayohall Unit, Bangalore.**

:: A N N E X U R E ::

LIST OF THE WITNESSES EXAMINED BY THE CLAIMANT.

PW-1 : Sri.Gandi Kumar
PW-2 : Dr.S.Ramachandra
PW-3 : Sri.Rangarasaiah

LIST OF DOCUMENTS EXHIBITED BY THE CLAIMANT.

Ex.P-1 & 2 : C/c of FIR and complaint.
Ex.P-3 : C/c of spot mahazar.
Ex.P-4 : C/c of spot sketch.
Ex.P-5 : C/c of IMV report.
Ex.P-6 : C/c of wound certificate.
Ex.P-7-8 : C/c of Notice & reply U/s 133 of IMV Act.
Ex.P-9 : C/c of Charge sheet.
Ex.P-10 : Discharge summaries 2 in nos.
Ex.P-11 : Copy of DL.
Ex.P-12 : Copy of Adhaar card.
Ex.P-13 : Medical bills 14 in nos.
Ex.P-14 : Bank account extract.
Ex.P-15 : Medical and hospital bills.



- Ex.P-16 : Clinical examination report.
Ex.P-17 : X-ray film.
Ex.P-18 : Authorization letter.
Ex.P-19 : MLC intimation.
Ex.P-20 : Police intimation.
Ex.P-21 : Manipal hospital treatment records.

LIST OF THE WITNESSES EXAMINED BY THE RESPONDENT

- RW-1 : Sri.Pavan Kumar

LIST OF DOCUMENTS EXHIBITED BY THE RESPONDENTS:

- Ex.R1 : Authorization letter
Ex.R2 : C/c of insurance policy

(B.CHENNAPPA)
Vth Addl. S.C.Judge & XXIVth ACJM
SCCH-20, Mayohall Unit, Bangalore.