



Presented on : 11-11-2024
Registered on : 23-11-2024
Decided on : 18-02-2026
Duration : 01Y 03M 07D

**IN THE COURT OF THE III ADDITIONAL SENIOR CIVIL JUDGE
AND MACT, KALABURAGI. AT KALABURAGI**

PRESENT: SRI. Basavaraj G. Sanadi,
B.A. LL.B(Spl).,
III Addl. Senior Civil Judge and JMFC, Kalaburagi.

M.V.C. No.1579/2024

DATED THIS THE 18th DAY OF FEBRUARY 2026

PETITIONER:

Anilkumar S/o Hanmantraya,
Age: 33 Years, Occ: Nil, Previously Coolie,
R/o Jawalga-B village, Post. Srichand,
Tq. Aland, Dist. Kalaburagi

(By Sri.V S Chinamageri-Adv.,)

//VERSUS//

RESPONDENTS:

1. Ramesh S/o Rajanna Ranjari,
Age: Major, Occ: Owner of Hero Passion
Pro Motorcycle bearing No.KA-39/L-
6493, R/o Sultanabad Wadi, Tq.Humnabad,
Dist. Bidar
2. The Divisional Manager,
United India Insurance
Company Limited, Centurian Complex,
Opp Sangam Talkies, Super Market,
Kalaburagi

(R.1 -Exparte.,)

(R.2 By Sri. V R Mahajan- Adv.,)



J U D G M E N T

The petitioner has filed this petition under Section 166 of Motor Vehicle Act, claiming compensation of Rs.12,00,000/- for the injuries sustained by him in the road traffic accident occurred on 12.05.2024.

2. The Brief facts of the petitioner's case are as Follow:

It is the specific case of the petitioner that, on 12.05.2024 he along with one Rajkumar was proceeding to Chinchansoor to visit the Mapurtai temple by Motor cycle bearing Reg.No.KA-39/L-6493 as pillion rider. Along with them one Shankaryya and Manjunath were also proceeding to the said temple by another motor cycle bearing Reg.No.KA-39/EQ-1165 When the petitioner and Rajkumar came near to the Temple at about 7:30 PM at that time Shankrayya slowed down his motor cycle, at the same time the motor cycle bearing Reg.No.KA-39/L-6493 which was ridden by Rajkumar, went in high speed rash and negligent manner and dashed to the motor cycle of Shankaryya and caused the accident.



Due to the accident, petitioner fell down and sustained grievous injuries. Immediately after the accident he was shifted to District Hospital, Kalaburagi and from there to GIMS Hospital, Kalaburagi wherein he was admitted as inpatient from 12.05.2024 to 16.05.2024 and incurred the medical expenses of Rs.50,000/- and he further needs Rs.20,000/- for future medical expenses. The Narona police have registered a case in Narona P.S Cr.No.75/2024.

2(a). The petitioner further submitted that, prior to the accident he was aged about 33 years and he was hale and healthy. Petitioner was working as coolie and thereby earning Rs.20,000/- per month and contributing his earnings towards his family. Due to the injuries sustained in the accident the petitioner has become disabled and lost his future income and he is unable to do his earlier work. The respondent No.1 is the owner and respondent No.2 is the Insurance company of the offending motor cycle bearing Reg.No.KA-39/L-6493. Hence, the respondents are jointly and severally liable to pay the compensation to the petitioner.



Hence, the petitioner has filed this petition for the compensation of Rs.12,00,000/- with interest.

3. On perusal of Order Sheet it appears that, after service of notice, respondent No.1 did not appear hence respondent No.2 was placed exparte. Further respondent No.2 insurance company has entered its appearance through the counsel and filed written statement by denying all the averments of petition as false and frivolous. Further denied the age, avocation and income of the petitioner. Further contended that, there was 1 day delay in filing the information. Further contended that, the rider of the motorcycle bearing Reg.No.KA-EQ-1165 rode the said motorcycle in rash and negligent manner and suddenly applied the break and contributed his negligence. Further contended that he was not holding valid and effective driving license at the time of accident. Further contended that, the motorcycle bearing Reg.No.KA-39/L-6493 was not insured with respondent No.2 company. Further contended that, the rider of the motorcycle bearing Reg.No.KA-



39/L-6493 was not holding valid and effective driving license at the time of accident and respondent No.1 being the owner of the motorcycle has plied it in violation of terms and conditions of policy as such respondent No.2 company is not liable to pay the compensation to the petitioner. Further contended that, petition is barred by limitation. Further contended that, the compensation claimed by petitioner is excessive and exorbitant. Thus by denying the rest of contents of petition, this respondent has sought for dismissal of the petition.

4. On the basis of above said pleadings, predecessor of this office has framed the following issues;

1. Whether the petitioner proves that on 12.05.2024 at about 7.30 pm., himself along with one Rajkumar were proceeding to Chinchansoor to have a Darshan of Mapurtayi on a motorcycle bearing Reg.No. KA-39/L-6493 said motorcycle being ridden by said Rajkumar and the petitioner was pillion rider, along with them Shankaryya and Manjunath



were also proceeding on motorcycle bearing Reg.No.KA-32/EQ-1165. When the rider of the motorcycle bearing Reg.No. KA-32/EQ-1165 showed down, in order to pass the urinals at that time the rider of the motorcycle bearing Reg.No.KA-39/L-6493 came in high speed rash and negligent manner and dashed to the motorcycle bearing Reg.No.KA-32/EQ-1165 and caused the accident, due to the accident the petitioner had sustained grievous injuries?

2. Whether the petitioner is entitled for compensation? If so, how much and from whom?

3. What order or award?

5. In order to prove his case petitioner has got examined himself initially as P.W1 and later on got discarded his chief examination and again got examined as P.W.2 and in support of his oral evidence he produced documents at Ex.P.1 to 12 and examined the Doctor as PW.3. On the other hand, the



Administrative Officer of the respondent No.2 company has got examined himself as RW.1 and produced the document at Ex.R.1. Both side have closed the evidence and case was posted for arguments.

6. I have heard arguments addressed by learned advocate for petitioner and respondent No.2. Perused the materials placed on record.

7. My findings on the above said issues are as follow;

Issue No.1	:	In the “Affirmative”
Issue No.2	:	In the “Partly Affirmative”.
Issue No.3	:	As per final order for the following reasons:

: R E A S O N S :

8. **ISSUE No.1** : It is specific contention of the petitioner that, on 12.05.2024 he met with an accident due to the rash and negligent riding by rider of the motor cycle bearing Reg.No.KA-39/L-6493 and sustained grievous injuries. Hence, burden of proving all these aspects is on petitioner.



9. The petitioner in order to prove his case, petitioner has got examined himself as PW.1 by way of filing affidavit in lieu of his chief examination and reiterated the petition averments. In support of his oral evidence he produced the documents at Ex.P.1 to 12. Ex.P.1 is the certified copy of FIR in Narona P.S Cr No.75/2024, Ex.P.2 is the certified copy of Information, Ex.P.3 is the certified copy of charge sheet, which reveals that, IO has filed final report against the rider of the offending motor cycle bearing Reg.No.KA-39/L-6493 for the offence punishable U/Section 279, 337, 338 and 304(a) of IPC, Ex.P.4 is the certified copy of Crime Details, Ex.P.5 is the certified copy of IMV Report, Ex.P.6 is the certified copy of wound certificate, which reveals that, petitioner has sustained grievous injuries, Ex.P.7 is the Discharge summary which reveals that, petitioner was admitted in Government Hospital, Kalaburagi on 12.05.2024 and discharged on 16.05.2024 and under went surgery, Ex.P.8 is the Disability Certificate, Ex.P.9 is the X-Ray Report, Ex.P.10 is the Aadhar Card of petitioner, Ex.P.11 are the Medical Bills and Ex.P.12 are the X-Ray Films.



PW.1 has been cross examined by learned advocate for respondent No.2 but nothing has been elicited so as to disbelieve the contents of petition and occurrence of the accident due to the negligence of the rider of the offending motorcycle.

10. On going through the materials placed by the petitioner on record it is evident that, on 12.05.2024 he along with one Rajkumar was proceeding to Chinchansoor to visit the Mapurtai temple by Motor cycle bearing Reg.No.KA-39/L-6493 as pillion rider. Along with them one Shankaryya and Manjunath were also proceeding to the said temple by another motor cycle bearing Reg.No.KA-39/EQ-1165. When the petitioner and Rajkumar came near to the Temple at about 7:30 PM at that time Shankrayya slowed down his motor cycle, at the same time the motor cycle bearing Reg.No.KA-39/L-6493 which was ridden by Rajkumar went in high speed rash and negligent manner and dashed to the motor cycle of Shankaryya and caused the accident. Due to the accident, petitioner fell down and sustained grievous injuries.



Accordingly, FIR was registered and after completion of investigation Investigating Officer has filed charge sheet for the offences punishable U/Sec. 279, 337, 338 and 304(a) of IPC against the rider of motor cycle bearing Reg.No.KA-39/L-6493. On going through the above said materials it is apparent that accident was occurred due to rash and negligent act on part of the rider of the motor cycle bearing Reg.No.KA-39/L-6493 in which the petitioner sustained grievous injuries.

10(a). It is the contention of respondent No.2 that, rider of the motor cycle bearing Reg.No.KA-39/L-6493 was not holding valid license at the time of accident and respondent No.1 being the owner of the motorcycle has plied it in violation of terms and conditions of policy as such respondent No.2 company is not liable to pay the compensation to the petitioner. Further contended that, rider of the motorcycle bearing Reg.No.KA-39/EQ-1165 has contributed negligence in the accident. In order to prove its contention respondent No.2 authority has got examined its official



as RW.1 who deposed by way of filing affidavit in support of its contention. In support of his oral evidence RW.1 has produced Ex.R.1. Ex.R.1 is the certified copy of Insurance Policy which reveals that, the offending motor cycle bearing Reg.No.KA-39/L-6493 was insured with respondent No.2 company and policy was valid from 21.09.2023 to 20.09.2024. But he has not placed any document to show that, the rider of the offending motorcycle was not holding the license at the time of accident. But respondent No.2 has not adduced any evidence to prove its contention. Further on going through the materials placed by the petitioner especially the copy of the charge sheet which is marked as Ex.P.3, it is apparent that, IO has submitted final report against the rider of the offending motorcycle by name Rajkumar S/o Jambunath Jamadar for the offense punishable U/Section 279, 337 338 and 304(a) of IPC. Further if at all the rider of the offending motorcycle was not holding valid license at the time of accident IO would have filed the charge sheet against him even for the offense punishable U/Section 181 of IMV Act. But the charge sheet does not reveal



about the same. Further if the accident is caused due to the negligence on part of the rider of motorcycle bearing Reg.KA-32/EQ-1165 then IO would have filed charge sheet against him as well. No doubt the charge sheet is not conclusive proof, but respondent No.2 has not placed any evidence to prove its contention. Hence it is clear that rider of the offending motorcycle had valid license at the time of accident. Therefore respondent No.2 has failed to prove its contention. Therefore in view of my above said discussion it is my considered opinion that petitioner has established his case by adducing cogent and reliable material on record. Accordingly I answer Issue No.1 in Affirmative.

11. **ISSUE No.2:** This issue is with regard to the determination of compensation which can be awarded in various heads. Entitlement of petitioner to claim compensation can be assessed and determined under following heads:

11(a). Coming to the aspect of assessment of compensation, the petitioner, who has got examined himself as PW.1, in his



evidence he has stated that, immediately after the accident, he was shifted to Government Hospital Kalaburagi. On going through the evidence adduced by the petitioner i.e Ex.P.7 discharge summary it is apparent that, he was admitted in the GIMS Hospital, Kalaburagi on 12.05.2024 and discharged on 16.05.2024 which reveals that, he was admitted as inpatient for 05 days and underwent surgery. The petitioner in order to show that, he has sustained injuries in the accident, relied upon wound certificate as per Ex.P.6. Wherein it is mentioned that, the petitioner has sustained grievous injuries.

11(b). **(i) Towards pain & suffering:-** The first medical record relied upon by PW.1 is the wound certificate as per Ex.P.6 which reveals the nature of injuries sustained by him, is grievous in nature. The petitioner has produced discharge summary as per Ex.P.7 wherein it is shown that the petitioner was admitted in GIMS Hospital, Kalaburagi on 12.05.2024 and discharged on 16.05.2024, which reveals that, he was admitted as inpatient for



05 days. Having regard to nature of injuries as sustained by petitioner, it can be said that he might have undergone some amount of physical pain and suffering for which an award of **Rs.10,000/-** can be held to be a just and reasonable sum under this head.

11(c). **(ii) MEDICAL EXPENSES:** The petitioner has pleaded in the petition that he has spent Rs.50,000/- towards medical expenses. In support of his plea, he has produced medical bills which are marked at Ex.P.11 to the tune of **Rs.9501/-**. Hence, looking into the injuries sustained and treatment taken by petitioner, the petitioner is entitled for compensation of **Rs.9501/-** towards medical expenses.

11(d). **(iii) LOSS OF INCOME DURING THE LAID UP PERIOD:** The petitioner has produced Ex.P.7 Discharge summary issued by GIMS Hospital, Kalaburagi, which reveals that, the petitioner took treatment from the said hospitals for 05



days. Therefore looking into the nature of the injuries sustained by petitioner it appears that, it requires at-least one month is required to recover from the accidental injuries. It is further contention of the petitioner that, he was working as coolie and thereby earning Rs.20,000/- per month. In order to prove the income of petitioner, he has not produced any documents. The accident is occurred in the year 2024. Therefore in absence of proof of income of injured it would be proper to note the Notional Income fixed by Hon'ble High Court wherein, **Hon'ble High Court of Karnataka has fixed notional income of the year 2023 at Rs.15,250/- per month for determination of income before Lok Adalat for the Districts coming under the Hon'ble High Court of Karnataka, Dharwad and Kalaburagi Benches.** Therefore, in view of fixing of notional income by the Hon'ble High Court of Karnataka, it is just and proper to the Tribunal to follow the notional income fixed by the Hon'ble High Court of Karnataka to decide the cases before the Tribunal also. In the present case on hand the petitioner has not produced any relevant documents



to prove his income. Further the accident is occurred in the year 2024 hence, looking into escalation and cost of living it would be proper to add Rs.500/- per year from 2023 which would come to Rs. 15,750/-. Accordingly, the notional income of petitioner during the year 2024 is treated as Rs.15,750/- per month. Hence, one month is to be considered as loss of income. Hence, he is entitled for compensation of Rs.15,750/- under this head.

11(e). **(iv) Towards loss of future earning capacity on account of Permanent Physical Disability:-** Petitioner in order to prove the disability, the he has got examined Dr. Rajendra Kothari as PW-2. In order to substantiate same, the petitioner has produced disability certificate as per Ex.8. In disability certificate as per Ex.P.8, it is mentioned that, petitioner has got 41% permanent physical disability to whole body. In this case petitioner has claimed functional disability and got examined the PW-2 who has issued disability certificate as per Ex.P.8. Admittedly the PW-2 has not given treatment to the petitioner, he has only issued



disability certificate that is almost after 10 months from the date of the accident. However the petitioner has produced the wound certificate and discharge summary as per Ex.P.5 and 7, which go to show that petitioner has sustained grievous injuries such as fracture of Nasal bone. On perusal of Ex.P.8 disability certificate and looking into the nature of injuries sustained by petitioner it appears that disability assessed is higher side. Therefore looking to the injuries sustained by the petitioner, it appears that there is 10% of disability to whole body. The age of the petitioner as pleaded in the petition is 33 years and in wound certificate Ex.P.6 it is mentioned as 35 years. Further petitioner has produced Aadhar Card wherein his date of birth is mentioned as on 01.01.1991 and the accident is occurred on 12.05.2024. Therefore, as on the date of accident the age of petitioner would be 33 years. Hence, I am of the opinion that the petitioner was aged about 33 years at the time of accident. As per the ruling reported in **AIR 2009 SCW page-3014 between SARLA VERAMA AND OTHERS VS DELHI TRANSPORT CORPORATION AND**



OTHERS, the relevant multiplier applicable is '33'. Hence loss of future earning capacity of petitioner on account of permanent physical disability would be Rs. **15,750 X 12 X 16 X 10%=3,02,400/-**. Therefore under this head the petitioner is entitled for an amount of **Rs.3,02,400/-**.

11(f). (v) **FOOD, CONVEYANCE, NOURISHMENT AND ATTENDANT CHARGES:** Further it is the contention of the petitioner that, he has sustained grievous injuries and took treatment as inpatient from GIMS Hospital, Kalaburagi for 06 days and same is reflected in Ex.P.7 discharge summary. Hence, he is entitled for compensation of **Rs.10,000/- under the head of nutritious food and attendant charges.**

11(g). (vi) **LOSS OF FUTURE AMENITIES AND HAPPINESS:**

As discussed above the petitioner was aged about 35 years at the time of accident, he has sustained grievous injuries. It shows that he might have found difficulty in doing routine. He might have



suffered pain and loss of amenities and comforts in life. Therefore, considering the age, nature of injuries **Rs.10,000/-** is awarded under the head of loss of future amenities and happiness. Hence, the petitioner is entitled for total compensation under the following heads:

1	Pain and sufferings	Rs. 10,000/-
2	Medical Bills	Rs. 9501/-
3	Loss of earnings during laid up period	Rs. 15,750/-
4	Loss of future earning, Disability	Rs. 3,02,400/-
5	Nutritious food and attendant charges	Rs. 10,000/-
6	Loss of future amenities and loss of happiness.	Rs. 10,000/-
	Total	Rs.3,57,651/-

After having considered all the materials placed on record this Tribunal is of the considered opinion to award just and proper compensation of **Rs.3,57,651/-** to the petitioner under various heads.



12. **LIABILITY:** In view of my findings on issue No.1 as discussed above the accident was occurred due to rash and negligent riding of rider of motor cycle bearing Reg.No. KA-39/L-6493 and the police have conducted due inquiry and filed charge sheet against the rider of motor cycle bearing Reg.No.KA-39/L-6493. Respondent No.2 Company has got examined its Assistant Manager as RW.1 and produced Ex.R.2 the certified copy of Insurance policy, which reveals that, offending motor cycle was insured with respondent No.2 company and the policy was valid from 21.09.2023 to 20.09.2024. Admittedly accident was occurred on 12.05.2024. Therefore the policy was valid as on the date of accident. Hence, in view of my above said discussion, it is my considered view that the respondent No.1 and 2 are jointly and severally liable to pay the compensation to the petitioner. The respondent No.2 being the insurer of the offending motor cycle is liable to indemnify the respondent No.1 owner of offending insured motor cycle and to pay compensation to the petitioner. Further it is pertinent to note that, a pillion rider on the two wheeler is an



authorized rider as per the Section 128 of Motor Vehicles Act and he would be certainly covered by any person as mentioned in Section 147(1) (b)(i) of IMV Act. Therefore, in the present case, petitioner was proceeding on offending motorcycle as pillion rider and he is covered under the above mentioned provisions as an authorized rider and liability of insurance company to pay the compensation is extended in the event of death or injury to pillion rider. Further Ex.R.2 certified copy of the insurance policy reveals that, the policy is having liability to third party as well, hence as mentioned above the pillion rider is covered under any person who can be considered as third party.

13. **INTEREST:** As far as awarding of interest on the compensation amount is concerned, it would be proper to note the decision reported in **M.F.A. No.100090 of 2014 in between Vijay Ishwar Jadhav and others V/s The Divisional Manager, Bajaj Allianz General Insurance Co.Ltd**, wherein the Hon'ble High Court of Karnataka has awarded interest at the rate of 6%.



Therefore in view of the aforesaid decision, 6% interest is awarded to the petitioner in the present case. **Accordingly, I answer Issue No.2 in the Partly Affirmative.**

14. **ISSUE No.3:** In view of my findings on Issue No.1 and 2 as discussed above, I proceed to pass the following:

: O R D E R :

The petition filed by the Petitioner under Sec.166 of I.M.V Act is hereby allowed in part with cost.

The petitioner is awarded with compensation of **Rs.3,57,651/-** with interest @ 6% p.a., from the date of petition till its realization.

The respondent No. 1 and 2 are jointly and severally liable to pay compensation to the petitioner with interest. The **respondent No.2** being insurer is liable to pay the compensation and to deposit



the amount before Tribunal within two months from the date of this order.

Having regard with the facts and circumstances of the case and the quantum of compensation awarded it is ordered to release the entire amount including interest in favor of petitioner.

After deposit of compensation amount with interest thereon, disburse amount as mentioned above as per guidelines laid down by Hon'ble High Court in MFA No. 2509/2019 (ECA) and as per General Circular No. 2/2019 dated 19.8.2019.

The petitioner is hereby directed to produce particulars of his Bank Account, with name of Bank, IFSC Code, Account Number with copy of First Page of Bank Pass Book which contains compulsorily photograph of petitioner, which is duly attested by concerned Bank. Further



petitioner shall produce PAN Card/Aadhar Card.

In case of deposit of awarded amount, the petitioner is entitled to receive amount as mentioned above after expiry of period provided for filing an appeal.

The advocate fee is fixed at Rs.1,000/-.

Draw award accordingly.

[Dictated to the Stenographer directly on computer, directly typed by her and then corrected by me and pronounced in the open court on this the 18nd Day of February 2026]

**(Basavaraj.G.Sanadi),
III Additional Senior Civil Judge
& MACT., Kalaburagi**

ANNEXURE

1. WITNESSES EXAMINED FOR PETITIONER:

PW.1	:	Discarded
PW.2	:	Anilkumar S/o Hanmantharya
PW.3	:	Dr. Rajendra S/o Pratapachand Kothari

2. DOCUMENTS EXHIBITED FOR PETITIONER:

Ex.P.1	:	Certified copy of FIR
Ex.P.2	:	Certified copy of Information
Ex.P.3	:	Certified copy of charge sheet



- Ex.P.4 : Certified copy of Crime Details
Ex.P.5 : Certified copy of IMV Report
Ex.P.6 : Certified copy of Wound Certificate
Ex.P.7 : Discharge Summary
Ex.P.8 : Disability Certificate
Ex.P.9 : X-ray Report
Ex.P.10 : Aadhar Card of petitioner
Ex.P.11 : Medical Bills
Ex.P.12 : X-Ray Films

3. WITNESSES EXAMINED FOR RESPONDENTS:

- RW.1 : Devanshu Mishra S/o Shravana Kumar
Mishra

4. DOCUMENTS EXHIBITED FOR RESPONDENTS:

- Ex.R.1 : Certified copy of Insurance Policy

**(Basavaraj.G.Sanadi),
III Additional Senior Civil Judge &
MACT., Kalaburagi**