

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALA
Present:- Sri. K.P. Pradeep, The MACT

Wednesday, the 15th day of October, 2025
23rd day of Aswina, 1947

OP (M.V) No.599/2022

Petitioner:-

K K Rajappan Nair, Punnamadathil Kizhakkethil House,
KVMS Mannamplavu Road, Chirakkadavu East P O,
Chirakkadavu East, Pin; 686 520.

By Adv. D Baburaj & Adv. Alexander Mathew

Respondents :-

1. Rajamma C P, Cherukattikalayil House,
Punnathura East P O, Ayarkunnam, Pin: 686 583.
2. Amal Chandran, Elamthottathil (Thuruthel) House,
Valavorr P O, Vallichira, Pin: 686 635.
3. IFFCO Tokyo General Insurance Co. Ltd, 3rd Floor,
Payyil Kohinoor Arcade, Samcranthy,
Kottayam, Pin: 686 028.

R1 & R2 - Ex-parte

R3- By Adv. Benoy Jose Mathew

This O.P. Coming up for finally Consideration on 15.10.2025 and the Tribunal on same day passed the following :-

AWARD

1. Petition filed under section 166 of the Motor Vehicles Act 1988.
2. The averments in the petition are that, on 22.03.2022, at about 07.30 p.m, while the petitioner (KK Rajappan Nair, S/o. Sivaraman Nair) was standing in front of his snack centre at Kidnagoor Manthadi Kavala, a scooter bearing Reg. No KL-05-AV-8484 ridden by 2nd respondent in a rash and negligent manner came and hit the petitioner. As a result of which, petitioner fell down on the road and sustained severe injuries. The accident occurred due to rash and negligent riding of scooter bearing Reg. No KL-05-AV-8484 by

the 2nd respondent. Immediately after the accident, the petitioner was taken to L.L.M Hospital, Kidangoor. The respondents 1 to 3 are the owner, rider and insurer of the scooter. At the time of accident, petitioner was manufacturer of snacks and food and he used to earn Rs.18,000/- per month as income.

3. The respondents 1 and 2 did not file written statement hence they were called absent and set ex-parte.

4. The 3rd respondent filed written statement by contending that the scooter bearing Reg. No KL-05-AV-8484 had been insured with 3rd respondent Company in the name of 1st respondent, at the time of accident. The age, income and occupation of the petitioner mentioned in the petition are not correct. At the time of accident petitioner was a student. The amount claimed is exorbitant. The petition was filed in collusion between the petitioner and other^t respondents. The accident occurred due negligence of the petitioner who was crossing the road all on a sudden. Hence the 3rd respondent is not liable to pay compensation to the petitioner.

5. In view of the above said pleadings, the following issues have been raised for consideration:-

- (1) Whether the accident was occurred due to the rash and negligent riding of scooter bearing Reg. No KL-05-AV-8484 ridden by 2nd respondent ?
- (2) Whether the petitioner is entitled to compensation and if so, what is the quantum?
- (3) Who is liable to pay compensation ?
- (4) Reliefs and costs ?

6. From the side of the petitioner, no oral and documentary

evidence was adduced. No oral and documentary evidence was adduced from the side of respondents.

7. Heard.

8. **Issue Nos.(1), (2), (3) and (4) :-** Petitioner's averment is that, on 22.03.2022, at about 07.30 p.m, while the petitioner (KK Rajappan Nair, S/o. Sivaraman Nair) was standing in front of his snack centre at Kidnagoor Manthadi Kavala, a scooter bearing Reg. No KL-05-AV-8484 ridden by 2nd respondent in a rash and negligent manner came and hit the petitioner. As a result of which, petitioner fell down on the road and sustained severe injuries. The accident occurred due to rash and negligent riding of scooter bearing Reg. No KL-05-AV-8484 by the 2nd respondent.

9. Though ample opportunities had been given to the petitioner to adduce evidence, no evidence was produced before the Court to prove the negligence of the respondent. In view of the above finding Issue Nos.(1), (2), (3) and (4) are not considered.

In the result, OP is dismissed without costs.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 15th day of October, 2025.

Sd/-
K.P.PRADEEP
MOTOR ACCIDENTS CLAIMS TRIBUNAL.

APPENDIX :Nil

// True copy//

Typed by : Sreeja.
Compared by : Jobi

Sd/-
Motor Accidents Claims Tribunal

"The parties should apply as soon as possible for the return of all documents which they may wish to preserve; as the record will be liable to be destroyed after twelve years from this date".

**COPY OF AWARD IN
OP (M.V) No.599/2022
DATED: 15.10.2025**