

IN THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, MANJERI

Present:- Smt. Jyothi V, Motor Accidents Claims Tribunal Judge.

Monday, the 01st day of June, 2026

OP (MV) No. 1407/2022

Between:-

Rishwan. K, 20 Years, S/o. Abdulkareem. K,
Kunnummal House, Pukkooth, Poolamanna, Pandikkad,
Ernad Taluk, Malappuram Dt – 679 327.

:Petitioner

By: Adv. S. Biju & Adv. C.T. Basheer

And :-

1. Subramanyan, 48 Years, S/o. Velukutty. P, Puthoor House, Thuvvur P.O., Malappuram Dt – 679 327.
(Driver cum owner)
2. The New India Assurance Company Ltd, Branch Office, Rajiv Gandhi Bypass Road, Jaseela Junction, Manjeri P.O., PIN – 676 121. (Insurer)

:Respondents

R1	:	Exparte
R2	:	Adv. V.K. Satheesh

Claim **₹ 6,86,000/-**

Claim limited to **₹ 4,00,000/-**

Court Fee Payable ₹ 3,372.50/- + 5/-

Court fee paid ₹ 5/-

LBF Payable ₹ 4,000/-

Application Presented on 19-11-2022

This petition coming on this day for final hearing before me and upon perusing the records and on hearing the arguments, this Tribunal passed the following :-

A W A R D

This Claim Petition is filed u/s. 166 of the Motor Vehicles Act, 1988 for compensation of Rs.4,00,000/- for the injuries sustained by the petitioner in a road traffic accident.

2. The case of the petitioner, in brief, is as follows:- On 21.05.2022 at about 18.10 hours, the petitioner was riding a motorcycle bearing Registration No. KL-10-BG-1814 from Thuvvur to Payipullu and when he reached the place of the accident, another motorcycle bearing Registration No. KL-10-AE-6730 which was ridden by the first respondent in a rash and negligent manner hit the petitioner's motorcycle. Due to the accident, the petitioner sustained serious injuries. Immediately after the accident, the petitioner was taken to Government Medical College Hospital, Manjeri where he underwent inpatient treatment for 6 days. The accident occurred solely due to the rash and negligent driving of the first respondent. The first respondent, being the owner cum rider, the second respondent being the insurer of the motorcycle bearing Registration No. KL-10-AE-6730, are jointly and severally liable to compensate the petitioner. The petitioner claims a total compensation of ₹4,00,000/- (Rupees Four Lakhs only).

3. The 1st respondent, despite being served with notice, failed to appear before the Tribunal, and was thus set exparte.

4. The 2nd respondent, in its written statement, admitted that the offending vehicle, bearing registration No. KL-10-AE-6730 was covered by an insurance policy valid during the relevant period. This petition is not maintainable either in law or on facts. However, the 2nd respondent contended that the accident occurred due to the collision between two motorcycles. There is negligence on the part of the petitioner and the rider of the offending vehicle also contributed negligence. The age, job, income ,

treatment availed and hospitalisation are also disputed. The quantum of compensation claimed by the petitioner is also disputed.

5. Considering the pleadings and evidence submitted by the petitioners, the following issues were framed:-

- (I) Whether the accident was caused due to the rash or negligent riding by R1?
- (II) Whether the petitioner has sustained injuries in the accident?
- (III) Whether the petitioner is entitled to get compensation and if so, who is liable to pay the same?
- (IV) If Issues Nos.1 to 3 is decided in favour of the petitioner, what should be the quantum of compensation?
- (V) Reliefs and costs?

6. No oral evidence was adduced by the petitioner. Exhibits A1 to A8 were marked on the side of the petitioner. The Medical Board Report received by the Court was marked as Court Exhibit C1. Ext.B1 policy copy is marked on the side of the 2nd respondent. Both sides were heard.

7. **Issue Nos:I to IV:-** The petitioner alleged negligence on the part of the 1st respondent, who was the rider of the offending vehicle bearing Registration No. KL-10-AE-6730. The 2nd respondent denied the liability alleging that negligence is on the part of the petitioner and 1st respondent also. To prove his case, the petitioner produced Ext.A3, a copy of charge/final report in Crime No.2216/2022 of Karuvarakkund Police Station registered under Sections 279 and 338 of the IPC against the rider of the motorcycle bearing Registration No. KL-10-AE-6730. Ext.A3 is the final report filed by the police in the said crime, wherein the 1st respondent is arraigned as the accused. As per the dictum laid down by the Hon'ble High Court of Kerala in *New India Assurance Co. Ltd. v. Pazhaniammal* [2011 (3) KLT 648], the charge sheet is prima facie evidence of negligence on the

part of the 1st respondent. There is no contra evidence to show any negligence on the part of the petitioner. Hence, it can safely be concluded that the accident occurred due to the rash and negligent riding of the 1st respondent.

8. In order to prove the injuries sustained in the accident, the petitioner produced Ext.A2, Accident Register-cum-Wound Certificate issued from Govt. Medical College Hospital, Manjeri dated 25.01.2022 at 8.14 p.m., which shows the following injuries: pain on the left side of face, difficulty in opening mouth, fracture of left side of mandible. Ext.A7 is the discharge summary issued from Govt. Medical College Hospital, Manjeri for the periods from 26.05.2022 to 31.05.2022. Ext.A8 series are the prescriptions dated 23.05.2022, 26.05.2022, 27.05.2022 and 27.05.2022. The respondents have no serious dispute regarding the injuries sustained by the petitioner.

9. The petitioner claimed a sum of ₹1,26,000/- towards loss of earnings. According to the petitioner, he was a Coolie worker earning a monthly income of Rs.21,000/-. The petitioner has not produced any documentary evidence to prove his actual income. Ext.A6 copy of PAN Card shows that the petitioner's date of birth is 28.12.2001. Considering the nature of injuries, period of treatment and the year of accident, a notional monthly income of ₹13,500/- is fixed for the purpose of computation. Considering the fracture injuries and treatment undergone, it can reasonably be presumed that the petitioner would have been incapacitated from work for a period of 2 months. Hence, the petitioner is entitled to ₹ 27,000/- (13,500 x2) towards loss of earnings.

10. The petitioner claimed a sum of ₹30,000/- towards transportation expenses. The records reveal that even after discharge, the petitioner had to frequently attend the hospital for outpatient treatment and follow-up consultations. Considering the same, a sum of ₹3000/- is awarded

towards transportation charges.

11. The petitioner claimed ₹20,000/- towards extra nourishment. Considering the nature of injuries and treatment, a sum of ₹5,000/- is awarded under this head.

12. The petitioner claimed ₹10,000/- towards damage to clothing and articles. A sum of ₹2,000/- is awarded under this head.

13. The petitioner claimed a sum of ₹1,00,000/- towards medical expenses and treatment. But the petitioner did not produce medical bills. Hence, the petitioner is not entitled to get the amount towards medical expenses.

14. The petitioner claimed a sum of ₹2,00,000/- towards future treatment. The petitioner has not produced any treatment records which shows that he has undergone treatment after 2022. No material has been produced to show that future treatment is necessary. Hence, no amount is awarded towards future treatment.

15. The petitioner did not claim the amount towards bystander expenses. However Considering the fracture injuries sustained and the period of treatment, it can reasonably be presumed that the petitioner required the assistance of a bystander for a period of one month with a reasonable amount of rs. 7,500/- per month. Accordingly, the petitioner is entitled for ₹7,500/- as bystander expenses.

16. The petitioner claimed a sum of ₹1,00,000/- towards pain and suffering. Considering the age of the petitioner, nature of injuries sustained and treatment undergone, a sum of ₹40,000/- is awarded under this head.

17. Considering the nature of injuries and residual discomfort caused due to the disability, the petitioner is further entitled to ₹30,000/- towards loss of amenities and enjoyment in life.

18. The petitioner claimed a sum of ₹1,00,000/- towards compensation for permanent disability and loss of earning power. In order

to prove the disability, the petitioner produced the Ext.C1 Disability Certificate issued by the District Medical Board, Government General Hospital, Manjeri. Ext.C1 shows that the petitioner has sustained a permanent disability of 3.5%. Since the disability certificate was issued by the competent Medical Board, there is no reason to disbelieve the assessment of disability shown therein. The monthly income of the petitioner has already been fixed at ₹13,500/- for the purpose of computation. As on the date of accident, the petitioner was aged 20 years as proved by Ext.A6 copy of PAN Card. Hence, the multiplier applicable as per the decision in Sarla Verma's case is 18. Therefore, the petitioner is entitled to get a sum of ₹1,02,060/- ($13,500 \times 12 \times 18 \times 3.5/100$) towards compensation for permanent disability and loss of earning power.

SUMMARY OF CLAIMS RAISED AND ALLOWED

Sl.No	Head of claim	Amount Claimed (₹)	Amount Awarded (₹)	Basis-vital details in a nutshell
1	Loss of earning	1,26,000/-	27000/-	2 months.
2	Transportation expenses	30,000/-	3000/-	Reasonable estimation
3	Bystanders expenses	—	7500/-	Reasonable estimation
4	Damage to clothing and articles	10,000/-	2,000/-	Reasonable estimation
5	Medical Expenses	1,00,000/-	nil/-	No document
6	Extra nourishment	20,000/-	5,000/-	Reasonable estimation
7.	Future treatment	2,00,000/-	nil—	Reasonable estimation
8	Pain and suffering	1,00,000/-	40,000/-	Reasonable

				estimation
9	Compensation for loss of enjoyment and amenities	–	30,000/-	Reasonable estimation
10	Compensation for continuing disability & earning power	1,00,000/-	1,02,060/-	13500x12x18x 3.5/100
TOTAL		Rs.6,86,000/--	<u>Rs. 216560 /-</u> <u>Rounded to</u> <u>Rs.216600/-</u>	

19. During the discussions in the foregoing paragraphs, I have already found that the accident occurred due to the rash and negligence of the first respondent and the petitioner sustained injuries in the accident. Admittedly, the 1st respondent is the driver cum owner and the 2nd respondent, insurer, has admitted the insurance coverage of the offending vehicle bearing No. KL-10-AE-6730 as on the date of accident. So the respondents 1 and 2 are jointly and severally liable to pay compensation to the petitioner. The issues are answered accordingly.

20. **Issue No:V:-** In view of the findings on issue Nos. 1 to 4, this petition is to be allowed and award is to be passed in favour of the petitioner. The issue is answered accordingly.

In the result, the petition is allowed in part and an award is passed for an amount of ₹2,16,600/- (Rupees Two lakh sixteen thousand Six hundred only). The petitioner is entitled to get the amount with interest at the rate of 8% p.a. from the date of petition (19.11.2022) till realization with proportionate costs. The 3rd respondent is directed to deposit the amount as aforesaid within one month from the date of this award as follows :-

1. The 2nd respondent is directed to deposit two cheques in the name of MACT, Manjeri for ₹ 3,373.- (Rupees Three Thousand Three

Hundred and Seventy Three only) being the court fee and ₹4,000/- (Rupees Four thousand only) being the additional court fee towards the Legal Benefit Fund payable by the petitioner.

2. The 2nd respondent shall transfer the balance amount of the compensation with interest and cost as directed above to the persons entitled to receive the compensation as per the Award in their respective account (Ext A5) details as directed in clause 2(a) of the Circular No. 1/2025, dated 19.09.2025, which is furnished below:-

Name	Name of Bank and Branch	Account Number	IFSC Code
Rishwan.K	Kerala Gramin Bank, Pandikkad	40188101082135	KLGB0040188

3. The Aadhar Number, PAN details and email ID, if any, of the petitioner furnished as per Clause 1(a) of the Circular shall be appended to the award. The petitioner shall promptly notify this Tribunal of any change in bank account details, email ID, or any other particular already furnished.

4. The 2nd respondent shall submit a memo regarding deposit being made to the respective account of the petitioner enclosing a copy of the Bank Advice in the format prescribed in the Circular No.1/2025 dated 19.09.2025.

5) A copy of payment advice, along with a copy of the memo and TDS details shall also be served on the contesting party/ies and their respective counsel.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, on this the 1st day of June, 2026).

Sd/-

Motor Accident Claims Tribunal, Manjeri.

APPENDIX :-**Witness Examined for the petitioner:- Nil.****Witness Examined for the Respondents :- Nil.****Exhibits Marked for the petitioner:-**

A1	22-05-2022	Copy of FIR.
A2	21-05-2022	Copy of Wound Certificate.
A3	27-06-2022	Copy of Final Report.
A4	--	Copy of Aadhaar of Petitioner.
A5	--	Copy of bank passbook of Petitioner.
A6	--	Copy of pan card of Petitioner.
A7	26-05-2022	Discharge card from Government Medical College, Manjeri.
A8	Series	OP ticket and Medical prescriptions.

Exhibits Marked for the Respondents :-

B1	--	Copy of insurance policy
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Third Party Exhibits Marked:- Nil**Court Exhibits :**

C1	15-01-2026	Medical Board Report
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Sd/-
Motor Accident Claims Tribunal.

Petitioner's cost allowed:-

1	Stamp on vakalath	Rs.8/-
2	Writing charge	Rs.200/-
3	Stamp on Petitions	Rs.10/-
4	Advocate fee (Senior)	Rs.13,230/-
5	Advocate fee (Junior)	Rs.6,615/-
6	Court fee	Rs.1,539/-
7	LBF	Rs.2,166/-
8	Process fee	Rs.68/-
9	Stamp on documents	Rs.10/-
10	MBR batta	Rs.200/-
	Total	Rs.24,046/-

Sd/-**Motor Accident Claims Tribunal.****// True Copy//****Sheristadar**

NB: 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.

Typed by: - Arunkumar K.J

Compared by: -1. Preetha. V

2. Arya .K. Anil

Fair/copy Award in OP (MV)No. 1407/2022
Dated: 01-06-2026
