

IN THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, MANJERI
Present:- Smt. Resmi.S, Motor Accidents Claims Tribunal Judge.

Saturday, the 21st day of March, 2026

OP (MV) No. 745/2022

Between:-

1. Sithara, D/o. Murali V, 24 years, Vattakkasseri House, **:Petitioner**
 Valiyaparamba, Melattur (P.O), Perinthalmanna Taluk,
 Malappuram – 679326.

By: Adv. C P Ajith & Adv. Arya K.

And :-

1. Mohammed Shafi A, S/o. Mohammed, Akkara House,
 Thazhekode (P.O), Karinkallathani, Perinthalmanna Taluk,
 Malappuram – 679322. (Driver cum Owner) **: Respondents**
2. The New India Assurance Co. Ltd., Divisional Office,
 Kozhikode, Kozhikode (P.O), Kozhikode Taluk, Kozhikode
 District. (Insurer)

R1 : Exparte
R2 : Adv. Madhu C Menon.

Claim	₹ 5,87,000/-
Court Fee Payable	₹ 5,242.50+5/-
Court fee paid	₹ 5/-
LBF Payable	₹ 5,870/-
Application Presented on	02-07-2022

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 is a petition filed under s. 166 of Motor Vehicles Act claiming compensation for the injuries sustained by the petitioner in a road traffic accident.

2. The averments in the petition can be briefly stated as follows:

On 13.11.2021 at about 10.30 hours the petitioner was travelling on a scooter bearing regn. No. KL 53/L 2180 as a pillion rider from Karinkallathani to Perinthalmanna. When she reached at the place of accident a car bearing reg No. KL 53/H 3186 came from same direction driven by the first respondent in a rash and negligent manner and hit on the scooter. Due to the impact of hit, the petitioner sustained serious injuries. The accident was occurred due to the rash and negligent driving of the respondent No.1. The 1st respondent being the driver cum owner and 2nd respondent being the insurer of the offending vehicle bearing reg No. KL 53/H 3186 are jointly and severally liable to compensate the petitioner.

3. Notice was issued to the respondents and served upon them. The 1st respondent failed to appear before court. He was called absent and set exparte. R2 entered appearance and filed written statement.

4. The 2nd respondent denied all the averments and allegations in the petition. The insurance policy of the offending vehicle is admitted by the respondent. It is stated that the petitioner had no helmet and the rider of scooter had no driving licence at the time of accident. The averments regarding the age, job and income of the deceased etc., are denied. The amount claimed as compensation is highly exorbitant.

5. The issues arising for consideration in this case are:

ISSUES

1. Are the injuries caused to the petitioner a result of the rash and

negligent driving of the 1st respondent in the road traffic accident mentioned in the petition?

2. Is the petitioner entitled to compensation as prayed for? If so what shall be the quantum and from whom to be realised?

3. Relief and costs

6. The evidence of the petitioner was taken. PW1 is examined and Exts. A1 to A11 series were marked in evidence. Ext A1 is the attested copy of the FIR. Ext A2 is the attested copy of Final report, Ext A3 is the attested copy of wound certificate, Ext A4 is the Discharge summary, Ext A5 is the attested copy of Aadhar card of the petitioner, Ext A6 is the attested copy of bank pass book of the petitioner, Ext A7 is the Discharge certificate, Ext.A8 is the prescription, Ext.A9 is the dental bill, Ext.A10 is the attested copy of the PAN card of the petitioner and Ext.A11 series are medical bills. Ext.B1 copy of certificate issued by the doctor is marked on the side of 2nd respondent. Both sides were heard.

Issue No.1

7. Exts A1 to A3 documents show that the petitioner sustained injuries in the road traffic accident mentioned in the petition. Ext A1 was registered consequent to the road traffic accident mentioned by the petitioner. From Ext A2 final report of the police it can be seen that the police after investigation found that the incident occurred as a result of the rash and negligent driving of the 1st respondent. Ext A2 gives proof of the negligent driving of the 1st respondent herein in the absence of contra evidence. As held in ***New India Assurance v. Palaniammal, 2011 (3) KLT 648***, *charge sheet filed by the police after due investigation can be accepted as evidence of negligence against the indictee. If any one of the parties do not accept such charge sheet the burden must be on such party to adduce oral evidence.* So the negligence on the part of the 1st respondent being the rider of the offending vehicle is proved.

Issue No. 2

8. The petitioner injured in the road traffic accident being hit by the car driven by the 1st respondent is eligible for compensation. The 1st respondent is the driver cum owner of the offending vehicle. The 2nd respondent is the insurer of the offending vehicle. R2 contended that the rider of scooter had no driving licence and the petitioner had no helmet at the time of accident. R2 did not adduce any evidence to prove the same. Considering this no contributory negligence could be stated on the part of the petitioner. The rider having no driving licence is not sufficient to conclude that he was negligent in driving the vehicle. So there was no breach of policy conditions. Hence, the respondents are jointly and severally liable to compensate the petitioner. The 2nd respondent is liable to indemnify R1.

9. The petitioner is stated to be a Tailor and earning an income of Rs.15,000/- per month. There is nothing to prove the job and income of the petitioner. Hence for the purpose of compensation the notional income can be taken. As per Ext A5 attested copy of Aadhar card and Ext A10 attested copy of PAN card the date of birth of the petitioner is 23.08.1998. The date of accident is 13.11.2021. So the petitioner was 24 years of age at the time of the accident. In ***Ramachandrappa Vs. Manager Royal Sundharam Alliance Insurance Company Limited reported in 2011 (13) SCC 236*** the Apex court reckoned in the monthly income of a coolie (manual labourer) who met with a road accident in the year 2004 at the age of 35 years notionally as Rs.4,500/-. In ***Sayed Sadiq & Others Vs. Divisional manager United India Insurance Co. Ltd 2014 (2) SCC 735*** taking note of the earlier decision in *Ramachandrappa's case supra*, the Apex court reckoned the monthly income of a vegetable vendor who met with a road accident in the year 2008 at the age of 24 years notionally fixed as Rs.6,500/-. In ***Ulahannan Vs. Rajeesh and Others (ILR 2020 (2) Kerala 295)*** the Honourable High Court of

Kerala reckoned a monthly income of a coolie (manual labourer) who met with a road accident in the year 2013 at the age of 53 years notionally fixed as Rs.9,000/-. Considering the above three cases it is seen that there is an increase of Rs.500/- per year in the notional income. So the same increase can be given in the present case also. The accident in the present case happened in 2021. So the notional income would be **Rs.13,000/-** per month.

10. The petitioner sustained injuries such as extruded right lateral incisor and left central incisor, fracture cervical margin of right central incisor, chin laceration, multiple abrasions and soft tissue contusion and vertigo. Considering the injuries and treatment of the petitioner, compensation for **pain and suffering** for an amount of **Rs.40,000/-** is reasonable.

11. Considering the injury sustained in a motor vehicle accident and for the purpose of giving compensation it is reasonably assumed that she was prevented from going for work for at least 4 months. Hence **Rs.26,000/-** (13000x2) is awarded to her on the head of **loss of earnings**.

12. The petitioner was taken to EMS Co-operative hospital, Perinthalmanna. Later she had visited the hospital on 4 occasions for review. So as **transportation expenses** she is awarded compensation of **Rs.2,500/-** [500+(4x500)].

13. The petitioner had spent a total of 4 days in hospitals as inpatient. She might have taken **extra nourishment** at least for those days. Hence she is entitled to **Rs.2,000/-** as compensation for the same.

14. The petitioner might have needed the assistance of a **bystander** for 4 days spent in IP in the hospital. So a reasonable compensation of **Rs.2,000/-** (4x500) would suffice this requirement.

15. The inconvenience due to the injuries might have diminished the **enjoyment of the life's amenities** by the petitioner. Hence under this head

the petitioner could be given a reasonable compensation of **Rs.30,000/-**.

16. The petitioner has produced Ext.A11 series of medical bills. The bills are duplicate and objected. Original bills not produced. The certificate issued by Dr.Saji Thomas regarding root canal treatment does not give the exact cost of treatment. Ex1.B1 is the copy of certificate given by Dr.Saji Thomas produced by 2nd respondent which gives a lesser cost of treatment which is also approximated amount. Hence the certificate is objected and so rejected.

17. The accident might have resulted in **damage to her clothing**. Hence a reasonable compensation of **Rs.1000/-** could be given.

18. The compensation claimed on all other heads are declined for want of evidence.

19. The total compensation for the injuries sustained by the petitioner in the road traffic accident worked out from the discussion above comes to **Rs.1,03,500/-** (Rupees One lakh three thousand five hundred only).

Issue No. 3

20. On the basis of the above findings the petition is allowed. The petitioner is entitled to a total compensation of **Rs.1,03,500/-** (Rupees One lakh three thousand five hundred only) as follows:

S.No	Head of Claim	Amount Claimed	Amount Awarded	Remarks
1	Compensation for permanent disability & disfigurement & loss of earning power	2,00,000/-	Nil	
2	Compensation for pain & suffering	60,000/-	40,000/-	

3	Medical expenses	1,75,000/-	Nil	
	Loss of earnings	90,000/-	26,000/-	13000x2
4	Transport to hospital	7,000/-	2,500/-	
5	Extra nourishment	3,000/-	2,000/-	
	Bystander Expenses		2,000/-	
6	Damage to clothing & articles	2,000/-	1,000/-	
7	Loss of amenities, mental agony future treatment	50,000/-	30,000/-	
Total		Rs.5,87,000/-	Rs.1,03,500/-	

21. In the result this petition is allowed as follows. :

- (1) Respondents are found jointly and severally liable to pay a sum of **Rs.1,03,500/-** (Rupees One Lakh Three Thousand Five Hundred only) as compensation to the petitioner with interest at the rate of 8% per annum from the date of petition i.e., 02-07-2022 till the date of deposit.
- (2) R2 is directed to deposit the compensation so arrived within thirty days from the date of this Award.
- (3) R2 shall issue 2 cheques/ DDs for Rs.5,243/- (Rupees Five Thousand Two Hundred and forty Three only) and for Rs.5,870/- (Rupees Five Thousand eight hundred and seventy only) in favour of the M.A.C.T, Manjeri being the value of court fee and legal benefit fund.
- (4) The 2nd respondent shall deposit the entire balance amount directly into the bank account of petitioner named Sithara.V, State Bank of India, Melattur branch, A/c.No.39389287447, IFSC code SBIN0070220.
- (5) Upon such deposit the 2nd respondent shall submit to this Tribunal a copy of the bank advice and a memo in the format as prescribed in High Court Circular No.1/2025.
- (6) A copy of the payment advice, along with copy of the memo shall also be served on the contesting party/ies and their respective counsel.

(7) *If any tax is deducted at source, the insurance company shall produce Form-16A of Income Tax Act so as to enable the petitioner to seek refund of the tax.*

(8) *The office is directed to make necessary entries in the Cheque Issue Register or any other Registers concerned, evidencing payment of above amount to the petitioner in claim petition.*

(Pronounced by me in open court on this 21st day of March, 2026)

Sd/-

Motor Accident Claims Tribunal, Manjeri.

APPENDIX :-

Witness Examined for the petitioner:-

PW1 17-12-2025 Dr. Saji Thomas.

Witness Examined for the Respondents :- Nil.

Exhibits Marked for the petitioner:-

A1	14-11-2021	Copy of FIR.
A2	30-11-2021	Copy of Charge Sheet.
A3	13-11-2021	Copy of Wound Certificate.
A4	--	Copy of Discharge Summary.
A5	--	Copy of Aadhar card of the Petitioner.
A6	--	Copy of Bank Passbook of the Petitioner.
A7	17-11-2021	Discharge Certificate.
A8	--	Prescriptions.
A9	--	Dental Bills.
A10	--	Copy of PAN card of the Petitioner.
A11	Series	Medical Bills.

Exhibits Marked for the Respondents :-

Ext. B1 Copy of Certificate issued by the Doctor.

Third Party Exhibits Marked:- Nil.

Sd/-

Motor Accident Claims Tribunal.

Petitioner's cost allowed:-

1	Stamp on Documents	Rs.12/-
2	Stamp on vakalath	Rs.8/-
3	Writing charge	Rs.200/-
4	Stamp on Petitions	Rs.10/-
5	Process fee	Rs.68/-
6	Advocate fee (Senior)	Rs.7575/-
7	Advocate fee (Junior)	Rs.3787/-
8	Court fee	Rs.408/-
9	LBF	Rs.1035/-
10	Witness Batta	Rs.2500/-
	Total	Rs.15603/-

Sd/-

Motor Accident Claims Tribunal.

// True Copy//

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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: - Arya .K. Anil

Fair/copy Award in OP (MV)No. 745/2022
Dated: 21-03-2026
