

IN THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
PERUMBAVOOR

Present: - Smt. Smitha George, Motor Accidents Claims Tribunal
Friday, the 29th day of May, 2026/ 8th day of Jyeshtha, 1948

O.P. (MV) No. 2554/2023

Claimants:-

Nived Jayaraj, S/o Jayaraj.T.K., Aged 9 years, Jai Nivas, Thadathil, Kanayannur, Ernakulam, Kerala-682312 (Aadhar No. 5070 7557 1431) rep by father and guardian Jayaraj T.K., Jai Nivas, Thadathil, Kanayannur, Ernakulam, Kerala-682312. (Aadhar No. 8746 2436 6675) Now r/a C/o K I Ansar, Kolath House, Thaikkattukara P.O, Aluva, Ernakulam, Kerala-683106.

By Advs. Sarath.S. and Karthika.P.

Respondents :-

- 1 Madhu M.R.,S/o Ramakrishnan, Makkalappattil, Kuzhiyum P.O, Thiruvaniyoor, Near Chottanikara Temple, Ernakulam, Kerala-682312.
- 2 Abishek Krishna, S/o Madhu M.R., Makkalappattil, Kuzhiyum P.O, Thiruvaniyoor, Near Chottanikkara Temple, Ernakulam, Kerala-682312.
- 3 The Manager , HDFC Ergo General Insurance Company Limited, 2nd Floor, Chicago Plaza, Rajaji Road, Near KSRTC Bus stand, Ernakulam, Kerala - 682004.

R1 and R2 - Exparte

R3 - By Adv. P.P.Antony

This Original Petition (MV) coming on this the 8th day of May, 2026 for final hearing before me and having stood over for consideration to this day the Tribunal passed the following.

AWARD

This is a petition filed u/s 166(1)(a) of the Motor Vehicles Act for compensation of an amount of Rs.5,00,000/-, for the injuries sustained by the petitioner in the alleged motor vehicle accident.

2. The facts of the case:-

On 25.08.2023 at about 4.15 p.m., while the injured was standing on the side of Chottanikkara Pooraparambu road, a Bike bearing Reg.No.KL-39/T-1915 driven by the second respondent, in a rash and negligent manner came and hit on the petitioner, resulting in serious injuries to him. On sustaining injuries, he was taken to Tata Hospital, Chottanikara and from there he was taken to MOSC Medical College, Kolenchery and was treated there as an inpatient. According to the petitioner the accident occurred due to the rash and negligent riding of the Bike. The registered owner, rider and insurer of the Bike are shown as first to third respondents respectively.

3. **Version of the respondents:-** First and second respondents remained absent and were set exparte.

4. Third respondent appeared and filed written statement admitting the insurance of the Bike bearing Reg.No.KL-39/T-1915 at the time of accident, but denying the accident and rashness and negligence on the part of second respondent. It is contended that the accident occurred due to the negligence of the petitioner himself who was crossing the road without caring the vehicles plying on the road. It is

contended that first respondent has neither inform the accident nor produced any vehicular documents and driving licence for verification. So, there is no legal liability to indemnify the owner/R1. Third respondent also denies the claims under various heads.

POINTS FOR CONSIDERATION:-

5. On the pleadings, the points raised for consideration are as follows:-:

- (1) Whether the accident occurred due to the rash and negligent riding of second respondent?
- (2) Whether the petitioner is entitled for compensation as claimed?. If so, what is the quantum?.
- (3) Who is liable to pay the compensation?
- (4) Reliefs and costs.

EVIDENCE

6. No oral evidence is adduced for both sides. The evidence in this case consists of Exts.A1 to A10.

7. Perused the evidence on record and heard the counsel for the parties to this petition.

8. Point No.1: Ext.A1 F.I.R with F.I. Statement, Ext.A3 scene mahazar, Ext.A4 seizure mahazar and Ext.A5 AMVI's report to prove the accident. Ext.A2 is the charge sheet, as per which second respondent is charge sheeted for the offence punishable under Sections 279, 337 and 338 of the I.P.C. It is specifically stated in Ext.A2 that the accident occurred due to the rash and negligent riding of the Bike by

the second respondent. There is nothing on record to go against the charge sheet. No evidence, either oral or documentary, is let in to attribute any sort of negligence on the part of the petitioner himself who was a pedestrian on the road. So relying on the evidence on records, it is proved that the accident occurred due to the rash and negligent driving of second respondent. This point is answered accordingly.

9. Point No.2: Ext.A6 is the wound certificate issued from MOSC Medical College Hospital, Kolenchery which shows that the petitioner was admitted in that hospital on 25.08.2023 with injuries sustained in the RTA. Ext.A7 is the discharge summary issued from MOSC Medical College Hospital, Kolenchery which shows that the petitioner was admitted there on 25.08.2023 with sustained the following injuries:-

- Multiple lacerated wounds and abrasions face, upper lip and tongue
- Fracture upper left central incisor and lower right central incisor
- Grade 1 mobility upper incisors and lower right central incisors

Ext.A7 further shows that the petitioner was admitted there on 25.08.2023 and treated with wound debridement + facial suturing + suturing lip and tongue under GA on 25.08.2023 and discharged from the hospital on 27.08.2023. Ext.A10 is medical bills for a sum of Rs.2,599/-, and that amount is granted towards treatment expenses of the petitioner.

10. Ex.A8 is the copy of Aadhar Card of the petitioner which shows his date of birth as 27.01.2014 and as such he was 9 years old at the time of accident who was a student without any income, and so the question of loss of income does not arise for

consideration. So, no loss of earnings is awarded. The learned counsel for the petitioner argued that the petitioner had sustained multiple lacerated wounds and abrasions face, upper lip and tongue, fracture upper left central incisor and lower right central incisor and Grade 1 mobility upper incisors and lower right central incisors. Considering the nature of injuries sustained to the petitioner, he was in need of a bystander towards his personal needs. So, two months loss of earnings for guardian is to be granted. So, Rs.28,000/- (Rs.14,000/- x 2) is awarded towards loss of earnings of the guardian.

11. The petitioner was admitted in the hospital once and had subsequent reviews. So a sum of Rs.5,000/- is awarded towards transportation expenses. The petitioner was admitted in the hospital for 2 days, and so towards bystander expenses and extra nourishment Rs.2,000/- (Rs.1,000 x 2 days) is awarded. The petitioner is entitled to a sum of Rs.2,000/- towards damage to clothing.

12. Considering the nature of injuries sustained by the petitioner and treatment undergone, a sum of Rs.2,00,000/- is awarded towards compensation for pain and suffering and Rs.1,50,000/- towards loss of amenities and enjoyment in life.

13. Ext.A7 discharge summary clearly shows fracture of two teeth and dislocation of 5 teeth. So towards fracture of teeth an amount of Rs.7,000/- (Rs.3,500/- x 2) and Rs.5,000/- towards dislocation is granted as compensation.

14. Considering the nature of injuries, treatment undergone, and other facts and circumstances of the case, I find that, the petitioner is entitled to get compensation as stated in the following table:

Sl. No.	Head of Claim Compensation for	Amount Claimed (in Rupees)	Amount Awarded	Basis – vital details in a nut shell
1	Loss of study	100000	NIL	
2	Transport to Hospital	100000	5000	1 IP + review
3	Extra nourishment	500000	2000	
4	Medical expenses	50000	2599	Actual medical bills
5	Pain & suffering	1500000	200000	
6	Loss of amenities etc.	1500000	150000	
7	Permanent disability	5000000	NIL	
8	Fracture & dislocation of teeth	NIL	12000	
9	Attendance charge	2500000	2000	Rs.1,000 x 2 days
10	Damage to clothes etc	2000	2000	
11	Loss of earnings of parents	NIL	28000	Rs.14,000/- x 2
12	Future treatment	2500000	NIL	
	Total	147,52,000/- limited to 5,00,000/-	4,03,599/- =====	

15. Point No.3: It has already been answered in Point No.1 that the accident occurred due to the rash and negligent driving of second respondent. So second respondent being the driver is primarily liable. First respondent being the registered owner is vicariously liable to pay compensation. Admittedly, third respondent is the insurer. So being the insurer, third respondent is liable to indemnify the owner/R1.

Hence it is concluded that first to third respondents are jointly and severally liable to compensate the petitioner. This point is answered accordingly.

16. Point No.4: In the result, this petition is allowed in part, and an award is passed for an amount of Rs.4,03,599/- along with interest @ 8% per annum from the date of petition (08.12.2023) till realisation, and the petitioner is entitled to get proportionate cost. Third respondent is directed to deposit the amount as aforesaid within one month from the date of this award as follows:

Third respondent is directed to make payment of Rs.4,373/- towards court fee, and Rs.5,000/- towards Legal Benefit Fund through e-payment facility to MACT, Perumbavoor

Third respondent shall transfer the balance amount of the compensation with interest and cost as directed above in fixed deposit in the name of the petitioner with **Indian Overseas Bank, Perumbavoor Branch** till the minor petitioner attains majority and the fixed deposit receipt shall be produced before this Tribunal. The fixed deposits shall have a lien marked on the face of the receipt and that the amount shall be paid only on the date the petitioner attains majority.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 29th day of May 2026.

Sd/-
Smitha George,
Judge,
Motor Accidents Claims Tribunal.

APPENDIX

Petitioners' Exhibits :-

- | | | | | |
|-----|---|------------|---|--|
| A1 | - | 28.08.2023 | - | Copy of FIR and FIS in Crime No.0498/2023 of Chottanikkara Police Station |
| A2 | - | 25.09.2023 | - | Copy of Final Report in Crime No.0498/2023 of Chottanikkara Police Station |
| A3 | - | 28.08.2023 | - | Copy of Scene Mahazar in Crime No.0498/2023 of Chottanikkara Police Station |
| A4 | - | 02.09.2023 | - | Copy of Seizure Mahazar of Vehicle No.KL-39-T-1915. |
| A5 | - | 04.09.2023 | - | Copy of AMVI Report of Vehicle No.KL-39-T-1915. |
| A6 | - | 27.08.2023 | - | Copy of Wound Certificate issued from MOSC Medical College Hospital, Kolenchery. |
| A7 | - | 27.08.2023 | - | Discharge Summary issued from MOSC Medical College Hospital, Kolenchery. |
| A8 | - | | - | Copy of Aadhar Card |
| A9 | - | | - | Copy of PAN Card |
| A10 | - | | - | Medical Bills |

Respondents' Exhibits:- Nil

Court Exhibits:- Nil

Witness Exhibits:- Nil

Petitioners Witness:- Nil

Respondents Witness:- Nil

Id/-
Motor Accidents Claims Tribunal.

MEMO OF COSTS

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Petitioner's side:

Court fee	:	₹	4373.00
Additional CF	:	₹	5000.00
Stamp for Vakkalath	:	₹	05.00
Stamp on documents	:	₹	20.00
Stamp on petitions	:	₹	20.00
Process Fee	:	₹	90.00
Senior Advocate Fee	:	₹	27400.00
Junior Advocate Fee	:	₹	13700.00
Paper Publication	:	₹	00.00
Writing Fee	:	₹	100 .00

Total : ₹ 50708.00

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Proportionate Cost ₹ 40931/- allowed.

Id/-

Motor Accidents Claims Tribunal

Jpv

Compd by: Jb

NB. The parties should apply as soon as possible for the return of all the documents which they may wish to preserve as the documents are liable to be destroyed after 12 years from this date.

AWARD

O.P.(MV)No.2554/2023

Dated: 29.05.2026