IN THE COURT OF THE I ADDL. DISTRICT JUDGE/
I ADDL. MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOZHIKODE

Present:- Sri. N.R. Krishnakumar, I Addl. District Judge/I Addl.M.A.C.T.
Tuesday, the 28th day of April, 2026

OP (MV) 661/2021, 715/21, 716/21,717/21, 718/21 and OP (MV) 798/2021

OP (MV) 716/2021

Between

	Rahul Kumar T., S/o. Ratnakumar. T, aged 32 years, residing at Thayyil House, Chalikkara Road, P.O. Civil Station, Kozhikode – 673020, Phone No. 8893499213.	}	Petitioner

And

1	Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Owner of the Lorry bearing Reg No. MH-08 G7866).	}	Respondents
2	Amman Sameer Khasi, S/o. Zameer, aged 23 years, A/P Kalkai Kond Dapoli, Dapoli Taluk, Ratnagiri District, Maharashtra-415712. (Driver of the Lorry bearing Reg No. MH-08 G7866).	}	
3	Tata AIG General Insurance Company Limited, 1st Floor, City Mall, Opp. YMCA, Kannur Road, Kozhikode – 673001, Certificate/Policy No. 0161230017 00 00, Validity:11.09.20 to 10.09.21. (Insurer of the Lorry bearing Reg No. MH-08 G 7866)	}	
Suppl. R4	Yakub Shekhang, F/o. Late Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai, Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Father of the deceased 1st respondent) Impleaded as per order in IA 01/2024 dated 02/07/2024.	}	

OP (MV) 715/2021

Between

	Vedh Ratna @ Vedhu (Minor), aged 3 ½ years, date of Birth :11.02.2017 Rep. by his father and legal guardian Rahul Kumar T., S/o. Ratnakumar. T, aged 32 years, residing at Thayyil House, Chalikkara Road, P.O. Civil Station, Kozhikode – 673020, Phone No. 8893499213.	}	Petitioner

And

1	Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Owner of the Lorry bearing Reg No. MH-08 G7866).	}	Respondents
2	Amman Sameer Khasi, S/o. Zameer, aged 23 years, A/P Kalkai Kond Dapoli, Dapoli Taluk, Ratnagiri District, Maharashtra-415712. (Driver of the Lorry bearing Reg No. MH-08 G7866).	}	
3	Tata AIG General Insurance Company Limited, 1st Floor, City Mall, Opp. YMCA, Kannur Road, Kozhikode – 673001, Certificate/Policy No. 0161230017 00 00, Validity:11.09.20 to 10.09.21. (Insurer of the Lorry bearing Reg No. MH-08 G 7866)	}	
Suppl. R4	Yakub Shekhang, F/o. Late Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai, Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Father of the deceased 1st respondent) Impleaded and amended as per order in IA 01/2022 and IA 2/2022 dated 29/05/2024.	}	

OP (MV) 717/2021

Between

	Banu @ Sahasra Ratna (Minor), aged 1 years, Date of Birth :19.05.2020 Rep. by her father and legal guardian Rahul Kumar T., S/o. Ratnakumar. T, aged 32 years, residing at Thayyil House, Chalikkara Road, P.O. Civil Station, Kozhikode – 673020, Phone No. 8893499213.	}	Petitioner

And

1	Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Owner of the Lorry bearing Reg No. MH-08 G7866).	}	Respondents
2	Amman Sameer Khasi, S/o. Zameer, aged 23 years, A/P Kalkai Kond Dapoli, Dapoli Taluk, Ratnagiri District, Maharashtra-415712. (Driver of the Lorry bearing Reg No. MH-08 G7866).	}	
3	Tata AIG General Insurance Company Limited, 1st Floor, City Mall, Opp. YMCA, Kannur Road, Kozhikode – 673001, Certificate/Policy No.	}	Respondents

	0161230017 00 00, Validity:11.09.20 to 10.09.21. (Insurer of the Lorry bearing Reg No. MH-08 G 7866)	}	
Suppl. R4	Yakub Shekhang, F/o. Late Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai, Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Father of the deceased 1st respondent) Impleaded as per order in IA 01/2024 dated 02/07/2024.	}	

OP (MV) 718/2021

Between

	Arathi. V, W/o. Rahul Kumar T., aged 30 years, residing at Thayyil House, Chalikkara Road, P.O. Civil Station, Kozhikode – 673020, Phone No. 9633160713.	}	Petitioner

And

1	Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Owner of the Lorry bearing Reg No. MH-08 G7866).	}	Respondents
2	Amman Sameer Khasi, S/o. Zameer, aged 23 years, A/P Kalkai Kond Dapoli, Dapoli Taluk, Ratnagiri District, Maharashtra-415712. (Driver of the Lorry bearing Reg No. MH-08 G7866).	}	
3	Tata AIG General Insurance Company Limited, 1st Floor, City Mall, Opp. YMCA, Kannur Road, Kozhikode – 673001, Certificate/Policy No. 0161230017 00 00, Validity:11.09.20 to 10.09.21. (Insurer of the Lorry bearing Reg No. MH-08 G 7866)	}	
Suppl. R4	Yakub Shekhang, F/o. Late Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai, Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Father of the deceased 1st respondent) Impleaded as per order in IA 01/2024 dated 02/07/2024.	}	

OP (MV) 661/2021

Between

	Babeesh A. P., S/o. Radhakrishnan A. P, aged 32 years, residing at Thekkarakam Parambu, 1478 (66/1277) Vellayil Road, P.O. Nadakkavu, Kozhikode – 673011, Phone No. 9895125005.	}	Petitioner

And

1	Khamaruddin Yakub Shekhang, (Died) residing at A/P Paaj Pandhari Harnai Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Owner of the Lorry bearing Reg No. MH-08 G7866).	}	Respondents
2	Amman Sameer Khasi, S/o. Zameer, aged 23 years, A/P Kalkai Kond Dapoli, Dapoli Taluk, Ratnagiri District, Maharashtra-415712. (Driver of the Lorry bearing Reg No. MH-08 G7866).	}	
3	Tata AIG General Insurance Company Limited, 1st Floor, City Mall, Opp. YMCA, Kannur Road, Kozhikode – 673001, Certificate/Policy No. 0161230017 00 00, Validity:11.09.20 to 10.09.21. (Insurer of the Lorry bearing Reg No. MH-08 G 7866)	}	
Suppl. R4	Yakub Shekhang, F/o. Late Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai, Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Father of the deceased 1st respondent) Impleaded as per order in IA 01/2025 dated 18.01.2025.	}	

OP (MV) 798/2021

Between

	Subijith Bhyravan., S/o. Karunakaran, aged 34 years, residing at Bhyravan House, Thekkarakam Paramba, Nadakkavu, Kozhikode – 673011, Phone No. 7902270135.	}	Petitioner

And

1	Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Owner of the Lorry bearing Reg No. MH-08 G7866).	}	Respondents
2	Amman Sameer Khasi, S/o. Zameer, aged 23 years, A/P Kalkai Kond Dapoli, Dapoli Taluk, Ratnagiri District, Maharashtra-415712. (Driver of the Lorry bearing Reg No. MH-08 G7866).	}	
3	Tata AIG General Insurance Company Limited, 1st Floor, City Mall, Opp. YMCA, Kannur Road, Kozhikode – 673001, Certificate/Policy No.	}	Respondents

	0161230017 00 00, Validity:11.09.20 to 10.09.21. (Insurer of the Lorry bearing Reg No. MH-08 G 7866)	}
Suppl. R4	Yakub Shekhang, F/o. Late Khamaruddin Yakub Shekhang, residing at A/P Paaj Pandhari Harnai, Tal Dapoli Dist., Ratnagiri, Dapoli, Maharashtra-415713. (Father of the deceased 1st respondent) Impleaded as per order in IA 02/2024 dated 02/07/2024.	}

These petitions are coming on the 25th day of April 2026 for final hearing before me in the presence of Sri. Babu P Benedict and Sri. Sabin babu. Advocates for petitioner in all cases, Sri. P A Jaleel, Advocate for R1 and R2 in OPMV 661/21, Sri. K.K. Radhakrishnan Advocate for R3 in all cases, name of R1, R2 and R4 in OPMV 715/21, 716,21, 717/21, 718/21 and OPMV 798/21 called absent and set exparte and having stood over to this day for consideration the court passed the following:

COMMON AWARD

OP(MV) 661/2021 is a petition filed by **Babeesh A.P.** U/s.166 of the Motor Vehicles Act, 1988 claiming compensation on account of the injury sustained to him in the accident that occurred on 15.10.2020, at about 11.30 a.m., at Iringal.

OP(MV)715/2021 is a petition filed by minor Vedh Ratna @ Vedhu through his father U/s.166 of the Motor Vehicles Act, 1988 claiming compensation for the injury sustained to him in the very same accident.

OP(MV)716/2021 is a petition filed by Rahul Kumar T. U/s.166 of the Motor Vehicles Act, 1988 claiming compensation on account of the injury sustained to him in the same accident.

OP(MV)717/2021 is a petition filed by minor Banu @ Saharsra Ratna through her father U/s.166 of the Motor Vehicles Act, 1988 claiming compensation for the injury sustained to her in the very same accident.

OP(MV)718/2021 is a petition filed by Arathi V. U/s.166 of the Motor Vehicles Act, 1988 claiming compensation on account of the injury sustained to her in the same accident.

OP(MV)798/2021 is a petition filed by Subijith Bhyravan U/s.166 of the Motor Vehicles Act, 1988 claiming compensation on account of the injury sustained to him in the same accident.

2. The case of the petitioners in brief, is as follows:- The petitioner in OP 718/21 named Arathi is the wife of the petitioner in OP 716/21 named Rahul Kumar. Vedh Ratna @ Vedhu and Banu @ Sahasra Ratna, who are the petitioners in OP 715/21 and OP 717/21, are the minor children of Rahul Kumar a nd Arathi. The petitioners in OP 661/21 Babeesh and OP 798/21 Subijith Bhairavan are the friends of Rahul Kumar. The accident in this case occurred on 15.10.2020 at about 11.30 a.m. while above mentioned petitioners in OP 661/21, OP 715/21, OP 717/21, OP 718/21 and OP 798/21 were travelling in KL-62-A-6060 number car driven by Rahul Kumar (petitioner in OP 716/21) through Kozhikode-Kannur National Highway Road. When the car reached at Iringal, lorry bearing No.MH-08-G-7866, which was rashly and negligently driven by 2nd respondent came from the opposite side dashed against it. As a result of the accident, all the petitioners sustained grievous injuries and they were immediately taken to Amal Hospital, Payyoli and then to Baby Memorial Hospital, Kozhikode. Petitioners in OP 661/21 and OP 798/21 were shifted to Kozhikode District Co-operative Hospital for further treatment. R1 was the RC owner and R3 was the insurer of MH-08-G-7866 lorry which caused the accident. According to the petitioners all the respondents are jointly and severally liable to compensate them for the injuries sustained. Hence, OP(MV)661/21 claiming compensation of ₹6,00,000/-, OP(MV)715/21 claiming compensation of ₹4,00,000/- , OP(MV)716/21 claiming compensation of ₹4,00,000/-, OP(MV)717/21 claiming compensation of ₹1,25,00,000/-, OP(MV)718/21 claiming compensation of ₹2,00,000/- and OP(MV)798/21 claiming compensation of ₹4,00,000/-.

3. The 1st and 2nd respondents remained absent despite of due service of notice in OP 715/21, OP 716/21, OP 717/21, OP 718/21 and OP 798/21. Hence they were called absent and set *ex parte* in all the above cases.

4. Although, 1st and 2nd respondents entered appearance through

advocate in OP 661/21, they did not file written statement despite of giving number of opportunities.

5. Subsequently, during the course of trial 1st respondent was reported dead and his legal heir has been impleaded as supplemental R4 in all the cases. R4 did not appear despite of due service of notice. Hence he was called absent and set ex parte in all the cases.

6. The 3rd respondent filed written statement in all the 6 cases. The contention of R3 in brief, is as follows:- It is true that the lorry bearing No.MH-08-G-7866 had been insured by R3 during the relevant period. But the liability of R3 is subject to the terms and condition of the policy of insurance. It is learned that 2nd respondent, driver of the lorry, was not having valid driving license to drive heavy goods vehicle at the time of the alleged accident. He was only having driving license to drive Light Motor Vehicles. In connection with the accident a case was registered in Payyoli Police Station as Crime 615/2020. After investigation, police has filed charge sheet against 2nd respondent under section 279, 337, 338 IPC and also under section 3(1) r/w 181 of MV Act. R1 by allowing a person who does not have required driving license to drive the insured lorry has committed violation of policy terms and therefore the 3rd respondent has no liability to indemnify him. The averments in the petitions that the accident was occurred because of the rash and negligent driving of the insured lorry by 2nd respondent is not correct. Actually, the accident happened only because of the negligence of the petitioner in OP 716/21, who drove the car bearing No.KL-62-A-6060 with at most disregard to the road rules and safety. The owner and insurer of the car are necessary parties and therefore the petitions are bad for non-joinder of necessary parties. Nature of injuries, period of treatment, loss of income as pleaded in the petitions are also disputed. The amount of compensation claimed is highly exorbitant and claimed without any basis. So, the petitions are liable to be dismissed.

7. During the course of trial, it has been decided to try all the six cases jointly by treating OP(MV) 716/21 as leading case. Parties have adduced

evidence also in the said case.

8. The evidence in the case consists of documentary evidence of Exts.A1 to A29 series, Exts.C1 to C4 and Ext.B1.

9. Heard both the parties.

10. On the basis of the pleadings of the parties following issues are raised for consideration:-

1. Whether the accident was occurred because of the rash and negligent driving of MH-08-G-7866 number lorry by R2?
2. Whether the petitioner in OP(MV)661/21 is entitled to get any compensation?
3. If yes, what is the quantum?
4. Whether the petitioner in OP(MV)715/21 is entitled to get any compensation?
5. If yes, what is the quantum?
6. Whether the petitioner in OP(MV)716/21 is entitled to get any compensation?
7. If yes, what is the quantum?
8. Whether the petitioner in OP(MV)717/21 is entitled to get any compensation?
9. If yes, what is the quantum?
10. Whether the petitioner in OP(MV)718/21 is entitled to get any compensation?
11. If yes, what is the quantum?
12. Whether the petitioner in OP(MV)798/21 is entitled to get any compensation?
13. If yes, what is the quantum?
14. If the petitioners are entitled to get compensation,which respondent is liable to pay it?
15. Relief and costs?

11. **Issue No.1 in all cases**:- There is no dispute as regard to the

accident in which the petitioners sustained injuries. The accident was a collision between the lorry bearing No.MH-08-G-7866 driven by R2 with KL-62-A-6060 number car in which the petitioners were travelling. According to the petitioners, the accident occurred only because of the rash and negligent driving of the lorry bearing no. MH-08-G-7866 by R2. Ext.A1 is the copy of FIR registered by Payyoli police. Ext.A2 is the Final report submitted by the police u/s.279, 337,338 IPC and section 3(1) r/w 181 of MV Act. As per the Final report the accident occurred only because of the rash and negligent driving of MH-08-G-7866 lorry by R2. It is settled that the finding of police in the final report is a *prima facie* evidence in the matter of negligence in a petition U/s.166 of MV act. The contesting respondent has not adduced any contra evidence to unsettle the finding of police in the final report. Therefore, I have no hesitation to conclude that the accident happened only because of the rash and negligent driving of MH-08-G-7866 lorry by R2. Thus I find this point accordingly.

12. **Issue Nos.2 and 3 in OP(MV)661/2021:**- As mentioned above, immediately after the accident the petitioner in this case was taken to Amal Hospital, Payyoli and then to Baby Memorial Hospital, Kozhikode. After initial treatment, he was shifted to Kozhikode District Co-operative Hospital. Ext.A3 is the wound certificate and Exts.A4 is the discharge card. As per the above documents, the petitioner had the following injuries. *“(1) Comminuted fracture symphysis of mandible and undisplaced fracture left condyle.*

13. The petitioner was admitted at Kozhikode District Co-operative Hospital on 15.10.2020 and discharged on 20.10.2020 (**IP 6** days). He had undergone a surgery of open reduction and internal fixation. There is one review on 26.10.20.

14. It has been pleaded in the petition that the petitioner was an industrial worker and was earning ₹30,000/- per month. However, no evidence has been adduced by the petitioner to prove the alleged employment and income. In the absence of evidence to prove the income of the petitioner, we have to depend upon the notional income. As stated above, the accident

occurred in the year 2020. The petitioner was aged 32 years. So, in view of the Apex Court decision in **Ramachandrappa Vs. Manager, Royal Sundaram Insurance Company (2013 SCC 236),** the income of the petitioner is taken notionally as **₹12,500/-** per month. Having regard to the nature of injuries and duration of treatment, loss of earning for a period of **4** months can be given and under this head the petitioner is entitled to get ₹50,000/- (12500x4).

15. The petitioner is claiming ₹10,000/- towards the expense of transport to hospital. As stated above, after the accident the petitioner was taken to 3 hospitals. There is one review also. So, considering the distance to the hospitals ₹3,000/- (500+1000x2+500x1) is awarded towards transport to hospital. The petitioner is claiming ₹1,00,000/- towards extra nourishment. Although, there is only 6 days IP, the nature of injury sustained to the petitioner namely severe fracture to his mandible would suggest that he must have consumed special food at least for a period of 3 weeks. Therefore, under the head of extra nourishment ₹6,300/- (300x21) amount is awarded. The petitioner is also entitled to get ₹1,500/- towards damage to clothing. The petitioner is claiming ₹40,000/- towards treatment expenses and ₹50,000/- towards future medical expenses. Ext.A6 is the medical bill produced as per which the petitioner has incurred ₹57,472/- towards treatment expenses. Ext.A6 bill is not in dispute. So, the petitioner is entitled to get the said amount of ₹57,472/- towards treatment expenses. However, the petitioner has not produced any materials to suggest that he requires future treatment. If that be the case, he is not entitled to get any compensation towards future treatment. The petitioner is also entitled to get ₹4,500/- (750x6) towards the expense of bystander.

16. The petitioner is claiming ₹60,000/- as compensation for pain and suffering and Rs.1,00,000/- for loss of amenities. Having regard to the nature of injuries sustained to the petitioner, ₹50,000/- is awarded as compensation for pain and suffering. Half of that amount namely Rs.25,000/- is awarded as compensation for loss of amenities.

17. The petitioner is claiming ₹2,00,000/- each as compensation for

continuing permanent disability and loss of earning power. But, there is no evidence to prove that the petitioner has permanent disability owing to the injuries sustained in the accident. If that be the case, the petitioner is not entitled to get any compensation under the above two heads.

18. The compensation claimed under various heads and allowed against each is tabulated as below: -

Sl. No.	Head of Claim	Amt. Claimed (In Rupees)	Amt. Awarded (In Rupees)	Basic Vital details in a nut shell
1	Loss of earning from 15.10.2020 till the date of petition	1,00,000	50,000	12500x4
2	Transport to hospital	10,000	3,000	500+1000x2+500x1
3	Extra nourishment	1,00,000	6,300	300x21
4	Damage to clothing and articles	5,000	1,500	
5	Bystander expenses	50,000	4,500	750x6
6	Medical expense	40,000	57,472	Ext.A6
7	Future Treatment	50,000	Nil	
8	Compensation for pain and suffering	60,000	50,000	
9	Compensation for continuing permanent disability.	2,00,000	Nil	
10	Compensation for loss of earning power	2,00,000	Nil	
11	Compensation for loss of amenities	1,00,000	25,000	
	Total ₹	9,15,000/-	**1,97,772/-**	

		(claim limited to ₹6,00,000/-)	rounded to **1,97,800/-**	

So, the issues are answered accordingly in favour of the petitioner.

19. **<u>Issue Nos.4 and 5 in OP(MV)715/21:-</u>** Ext.A20 is the copy of birth certificate of the petitioner. His date of birth is 11.02.2017. The petitioner was aged just above 3 years at the time of the accident and he was a minor. After the accident the petitioner in this case was also taken to Amal Hospital, Payyoli and then to Baby Memorial Hospital, Kozhikode. Ext.A21 is the copy of wound certificate as per which the petitioner had the following injuries: *Lung contusion with pneumothorax, fracture right clavicle, lacerated wounds over scalp and lower jaw.* The petitioner was admitted at Baby Memorial Hospital on the same day and was discharged on 19.10.20.

20. To get the disability assessed the minor petitioner was referred to Medical Board of Medical College Hospital, Kozhikode. Ext.C3 is the report of the Medical Board as per which he has got **2**% disability. As already stated above, the petitioner was aged around 3 years at the time of the accident. Therefore, the Apex Court decision in ***Master Mallikarjun v. Divisional Manager, National Insurance Co. Ltd. and Another*** *reported in* ***2013 KHC 4670*** apply. There the Apex Court held the following: *while considering the claim by a victim child, it would be unfair and improper to follow the structured formula as per the Second Schedule to the Motor Vehicles Act for reasons more than one. The main stress in the formula is on pecuniary damages. For children there is no income. The only indication in the Second Schedule for non-earning persons is to take the notional income as ₹15,000/- per year. A child cannot be equated to such a non-earning person. Therefore, the compensation is to be worked out under the non-pecuniary heads in addition to the actual amounts incurred for treatment done and/or to be done, transportation, assistance of attendant, etc. the main elements of damage in the case of child victims are the pain, shock, frustration, deprivation of ordinary pleasures and enjoyment associated with healthy and*

mobile limbs. The compensation awarded should enable the child to acquire something or to develop a lifestyle which will offset to some extent the inconvenience or discomfort arising out of the disability. Appropriate compensation for disability should take care of all the non-pecuniary damages. In other words, apart from this head, there shall only be the claim for the actual expenditure for treatment, attendant, transportation, etc.

21. *It was also held that though it is difficult to have an accurate assessment of the compensation in the case of children suffering disability on account of a motor vehicle accident, having regard to the relevant factors, precedents and the approach of various High Courts, we are of the view that the appropriate compensation on all other heads in addition to the actual expenditure for treatment, attendant, etc., should be, if the disability is above 10% and upto 30% to the whole body, ₹3 lakhs; upto 60% , ₹4 lakhs; upto 90%, ₹5 lakhs and above 90%, it should be ₹6 lakhs. For permanent disability upto 10%, it should be Re.1 lakh, unless there are exceptional circumstances to take different yardstick.*

22. As already stated above, the Medical Board has assessed 2% disability to the petitioner. So, in view of the Apex Court decision referred above ₹1,00,000/- is awarded towards pain and suffering already undergone, to be suffered in future, mental and physical hardship, inconvenience, loss of amenities etc.

23. As stated above, the minor petitioner had sustained serious injuries in the accident. There is a total IP of 5 days. Considering the entire facts and other circumstances, it can be safely be presumed that one of the parents must have attended the minor petitioner for at least for a period of one month. So, a consolidated amount of ₹20,000/- is awarded towards the loss of parental income, inconvenience of parents and the expense of bystander.

24. The petitioner is claiming ₹20,000/- towards transport to hospital. As stated above, on the date of the accident the petitioner was taken to 2 hospitals. Considering the distance to the hospitals an amount of Rs.1,500/- is awarded

towards transport to hospital. ₹1,500/- is awarded towards damage to clothing. The petitioner is claiming ₹1,00,000/- towards treatment expenses. But no medical bill or other document is produced to prove the treatment expenses. Therefore, the petitioner is not entitled to get any amount under the above head.

25. So the minor petitioner is entitled to get following amounts;

Sl. No.	Head of Claim	Amt. Claimed (In Rupees)	Amt. Awarded (In Rupees)	Basic Vital details in a nut shell
1	Transport to hospital	20,000	1,500	
2	Extra nourishment	50,000	Nil	
3	Damage to clothing and articles	2,000	1,500	
4	Medical expenses	1,00,000	Nil	
5	Loss of parental income,inconvenience of parents & bystanders expenses	-	20,000	
6	Future treatment	50,000	Nil	
7	Fear complexion due to the accident	50,000	Nil	
8	Compensation for pain and suffering.	1,00,000	1,00,000	
9	Compensation for continuing or permanent disability if any	2,00,000	Nil	
10.	Compensation for loss of amenities	50,000	Nil	

11.	Loss of future career	2,00,000	Nil	
	Total	Rs.8,22,000/- limited to Rs.4,00,000	**Rs.1,23,000/-**	

So, the issues are answered accordingly in favour of the petitioner.

26. **<u>Issue Nos.6 and 7 in OP(MV)716/21:-</u>** As mentioned above, immediately after the accident the petitioner in this case was taken to Amal Hospital, Payyoli and then to Baby Memorial Hospital, Kozhikode. Ext.A19 is the wound certificate as per which, the petitioner had the following injuries. F*racture right clavicle and contusion right foot.*

27. The petitioner was treated as OP. It has been pleaded in the petition that the petitioner was doing business and was earning ₹30,000/- per month. However, no evidence has been adduced by the petitioner to prove the alleged income. In the absence of evidence to prove the income of the petitioner we have to depend upon the notional income. As stated above, the accident occurred in the year 2020. The petitioner was aged 32 years. So, in view of the Apex Court decision in **Ramachandrappa Vs. Manager, Royal Sundaram Insurance Company (2013 SCC 236),** the income of the petitioner is taken notionally as **₹12,500/-** per month. Having regard to the nature of injuries and duration of treatment, loss of earning for a period of 4 months can be given and under this head the petitioner is entitled to get ₹50,000/- (12500x4).

28. The petitioner is claiming ₹4,000/- towards the expense of transport to hospital. As stated above, after the accident the petitioner was taken to 2 hospitals. So, considering the distance to the hospitals ₹1,500/- is awarded towards transport to hospital. The petitioner is claiming ₹1,00,000/- towards extra nourishment and Rs.30,000/- as the expense of bystander. But, it is to be noted that the petitioner has obtained only outpatient treatment. Under the above circumstances, I am not inclined to award any compensation to the petitioner

under the above two heads. The petitioner is entitled to get ₹1,500/- towards damage to clothing. Although, the petitioner is claiming ₹25,000/- towards treatment expenses and another ₹25,000/- towards future medical expenses, he has not produced any medical bill or any other document to prove the incurring of any expense for treatment. There is nothing to suggest that the petitioner requires future treatment as well. If that be the case, the petitioner is not entitled to get any compensation under these heads.

29. The petitioner is claiming ₹60,000/- as compensation for pain and suffering and Rs.1,00,000/- for loss of amenities. Having regard to the nature of injuries sustained to the petitioner, ₹50,000/- is awarded as compensation for pain and suffering. Half of that amount namely Rs.25,000/- is awarded as compensation for loss of amenities.

30. The petitioner is claiming ₹2,00,000/- each as compensation for continuing permanent disability and loss of earning power. But, there is no evidence to prove that the petitioner has permanent disability owing to the injuries sustained in the accident. The Medical Board, which examined the petitioner, has reported that he has no disability. Under the above circumstances, the petitioner is not entitled to get any compensation under the above two heads.

31. The compensation claimed under various heads and allowed against each is tabulated as below: -

Sl. No.	Head of Claim	Amt. Claimed (In Rupees)	Amt. Awarded (In Rupees)	Basic Vital details in a nut shell
1	Loss of earning from 15.10.2020 till the date of petition	1,00,000	50,000	12500x4
2	Transport to hospital	4,000	1,500	
3	Extra nourishment	1,00,000	Nil	
4	Damage to clothing and articles	5,000	1,500	

5	Medical expenses	25,000	Nil	
6	Future Treatment	25,000	Nil	
7	Bystander expenses	30,000	Nil	
8	Compensation for pain and suffering	60,000	50,000	
9	Compensation for continuing permanent disability.	2,00,000	Nil	
10	Compensation for loss of earning power	2,00,000	Nil	
11	Compensation for loss of amenities & other enjoyment of life	1,00,000	25,000	
	Total ₹	8,49,000/- (claim limited to ₹4,00,000/-)	**1,28,000/-**	

So, the issues are answered accordingly in favour of the petitioner.

32. **<u>Issue Nos.8 and 9 in OP 717/2021</u> :-** The petitioner in this case was just five and half months old at the time of the accident. Soon after the accident, she was also taken to Amal Hospital, Payyoli and then to Baby Memorial Hospital, Kozhikode. Ext.A7 is the copy of wound certificate. As per the wound certificate and other medical documents produced, the minor petitioner had sustained **head injury** namely *diffuse axonal injury with cortical infarcts which means severe traumatic brain injury*. She was admitted at Baby Memorial Hospital on the same day namely 15.10.2020 and discharged on 04-11-20 (IP **21** days). She was again admitted at the same hospital on 28.06.2021 and discharged on 29.06.2021(IP **2** days). The minor petitioner was taken to the same hospital for 9 reviews on 08.06.21, 26.06.21, 05.08.21, 21.09.21, 03.11.21,

23.11.21, 29.07.22, 05.09.23, 11.09.23.

33. In order to get the disability of the petitioner assessed, she was referred to Medical Board of Medical College Hospital, Kozhikode. Ext.C1 is the report of the medical board. The medical board has assessed 60% locomotor disability, 75% socio adaptive disability. The Medical Board has noted visual disability also the percentage of which is not clearly gatherable from the certificate. After applying combined formula, the Medical Board assessed total permanent disability of **89%** to the minor petitioner.

34. Ext.A16 is the report of clinical psychologist attached to Institute of Mental Health and Neuro Science (IMHANS). The psychologist, who examined the minor petitioner as referred by the Medical Board, has reported that the minor petitioner has *moderate impairment in socio-adaptive functioning with 75% disability.* It is further reported that the child has difficulty in *self help dressing.* On last hearing date, the child was produced at my chamber by her parents in the presence of advocates of both the parties for personal interaction. Although, attempt was made, her attention could not be drawn. She did not respond to the queries made to her. She has apparent disfiguration and she could not fix both eyes in the same direction. Her parents told that the child requires full time care and attention.

35. The date of birth of the petitioner as per Ext.A8 Birth certificate is 19.05.2020. So at the time of accident the petitioner was just 5 and half months old. The decision of Hon'ble Apex Court in '***Master Mallikarjun v. Divisional Manager, National Insurance Co., Ltd. (2013 (3) KLJ 815)'*** is the guiding authority to decide compensation in respect of injury sustained to children in Motor Vehicle Accidents causing permanent disability. The Hon'ble Supreme Court has formulated a structure of compensation to be awarded in accordance with the percentage of disability in addition to the actual expenditure for treatment, expenses of attendants etc. But Supreme Court in that decision itself has held that in exceptional circumstances it is permissible for the Tribunal to take a different yardstick to award compensation. The power of Tribunal to adopt

a different yardstick in appropriate cases was reiterated by the Hon’ble High Court of Kerala in **ICICI Lombard General Insurance Company Limted v. Amith Varghese Minor** reported in **2017 (2) KLJ 359**. In the case which was decided by the Hon’ble High Court the right leg of the minor child was amputed and the Medical Board has assessed permanent disability at 50%. The minor had sustained degloving injury, a type of avulsion, which resulted in the amputation of her leg. The Hon’ble High Court has taken note of the fact that the injured requires future surgeries. Under the circumstances the Hon’ble High Court has held the following:-

> ‘*If we follow the structure of compensation formulated in Mallikarjun’s case (supra), for the aforesaid reasons, the petitioner cannot be given adequate amount towards future medical treatment as granting adequate amount thereunder in addition to the other permissible heads would take the quantum of compensation beyond the permissible limit in view of the structure of compensation formulated in Mallikarjun’s case (supra). The amputation of right leg below knee together with the degloving injury on the left leg will not only deprive him the pleasures of life in different ways but also adversely affect his marriage prospects. Above all, the affliction it caused mentally and its impact on his future prospects, taking into account the fact that the petitioner had to face such an accident having mind wrecking impact at the tender age of three years, also cannot be ignored. The degloving injury and the amputation of the leg below knee at the age of three years had already deprived him the charm of childhood and it will certainly deprive him the enjoyment and pleasure of boyhood and manhood to a great extent. It may also persuade him to keep aloof from others and the chance for*

developing inferiority complex also cannot be ruled out. Whether such heavy losses in life are ransomable? We do not think so. In such circumstances, we conclude that exceptional circumstances did exist in the case on hand, justifying exercise of the liberty granted by the Hon'ble Apex Court in Mallikarjun's case (supra) to adopt a different yardstick to decide the just compensation'.

36. The Hon'ble Supreme Court in **Kajal v. Jagdish Chand and Others** reported in **2020 KHC 6114** also took a similar view. In the case decided by the Hon'ble Supreme Court the injured minor girl Kajal was a school going child. She sustained head injury in the accident which left her with very low IQ and severe weakness in all her limbs. She had severe hysteria and incontinence and therefore her disability was assessed at 100%. There the Supreme Court has held in para 6 as follows:-

'It is impossible to equate human suffering and personal deprivation with money. However, this is what the Act enjoins upon the courts to do. The court has to make a judicious attempt to award damages, so as to compensate the claimant for the loss suffered by the victim. On the one hand, the compensation should not be assessed very conservatively, but on the other hand, compensation should also not be assessed in so liberal a fashion so as to make it a bounty to the claimant. The court while assessing the compensation should have regard to the degree of deprivation and the loss caused by such deprivation. Such compensation is what is termed as just compensation. The compensation or damages assessed for personal injuries should be substantial to compensate the injured for the deprivation suffered by the injured throughout his/her life. They should not be just token damages'.

37. In the same decision Supreme Court has held that in addition of 100% physical disability the young girl is suffering from severe incontinence, she is suffering from severe hysteria and above all she is left with a brain of a nine month old child. This is a case were departure has to be made from the normal rule as laid down in Mallikarjun's case and the pain and suffering suffered by the child is such that no amount of compensation can compensate. The Hon'ble Supreme Court apart from awarding a substantial amount towards pain and suffering and loss of amenities, has awarded expenses of relatives, treatment, transportation, loss of earning, attendants charge, etc.

38. In the case on hand, as already stated above, the injured was a infant and she was below 6 months at the time of accident. She sustained very severe traumatic brain injury and even now the brain is not developed at par with a normal child of her age. Despite of therapy no much improvement attained. As held by the Hon'ble High Court in decision referred above, the brain injury suffered by the minor petitioner already deprived her the charm of childhood and it will definitely deprive her the enjoyment and pressure of girlhood and womanhood to a great extent. In view of the above, I have no hesitation to conclude that exceptional circumstances did exist in this case to deviate from the normal rule as laid down in Mallikarjun's case.

39. I shall now assess the compensation in the present case in accordance with the authorities on the point.

Expenses relating to treatment, Hospitalisation, Medicine, Transport etc :- The petitioner has produced Ext.A10 series medical bills for ₹3,41,971/- and Ext.A11 series medical bills for ₹5,71,124/-. Apart from Exts.A10 and A11 medical bills the petitioner has produced Exts.A13 and A14 certificates issued by Parrot Child Development Center and Thulir Center for Developmental Disabilities to the effect that they have received Rs.1,18,600/- and Rs.33,000/- respectively for giving Therapy to the petitioner. The advocate for the insurance company objected Exts.A10, A13 and A14. On a perusal of Ext.A10 series it can be seen that those bills are only duplicate copies. No explanation is offered for not producing the original bills. In the absence of original bills, the petitioner is not entitled to get the amount covered by Ext.A10 series. Similarly, Ext.A13 is a omnibus certificate certifying that the minor petitioner had attended therapy sessions from July 2022 to April 2024 for which a total amount of Rs.1,18,600/- was paid as fees. No cash bill is produced. The person who issued Ext.A13 certificate was not examined also. As stated above, the advocate for the insurance company has disputed Ext.A13. In absence of cash bill and evidence of the person who received the amount, I am not inclined to allow the amount covered by Ext.A13. Ext.A14 is also a certificate issued by a Therapist to the effect that the minor petitioner attended 66 sessions of Therapy from February 2025 to February 2026. The total amount charged is Rs.33,000/- @ Rs.500/- per session. Although separate cash bill for each payment is not produced, Ext.A14 is accompanied by a cash voucher for the total amount of Rs.33,000/- which contain the signature of the Therapist. Admittedly, the minor petitioner has been attending various therapies to improve her functional skills. Since Ext.A14 is supported by duly signed cash voucher, I find no reason to doubt its correctness. So, the petitioner is entitled to get Rs.33,000/- covered by Ext.A14. The advocate for the respondent has not disputed or challenged Ext.A11 series bills. The total amount covered by Ext.A11 series is Rs.5,71,124/-. The petitioner is entitled to get that amount also. Since the amount covered by Exts.A11 and A14 represents the actual amount spend for medical expenses the said amount of ₹6,04,124/- (571124+33000) can be given to the petitioner. As mentioned above the petitioner has obtained inpatient treatment for 23 days. A sum of ₹11,500/- can be given towards extra nourishment (500x23). There are 2 hospitalisation and 9 reviews. Under the above circumstances a sum of ₹11,000/-(1000x11) can be given towards transport to hospital. A sum of ₹1,500/- can be given towards damage to clothing.

40. **<u>Loss of earnings on account of permanent disability</u>:-** To determine the amount to be awarded under this head, as to how loss of earning was computed by Supreme Court in '*Kajal v. Jagdish Chand and Others*' is to be

noted. The relevant portion of the judgment of Supreme Court in respect of that is extract below:-*'Both the courts below have held that since the girl was a young child of 12 years only notional income of ₹15,000/- per annum can be taken into consideration. We do not think this is a proper way of assessing the future loss of income. The young girl after studying could have worked and would have earned much more ₹15,000/- per annum. Each case has to be decided on its own evidence but taking notional income to be ₹15,000/- per annum is not at all justified. The appellant has placed before us material to show that the minimum wages payable to skilled workmen is ₹4,846/- per month. In our opinion this would be minimum amount which she would have earned on becoming a major. Adding 40% for the future prospect it works to be ₹6,784.40/- per month. Applying the multiplier of 18 it worked out to ₹14,65,430.40/-'.*

41. Yet another decision which requires a reference here is the recent decision of Kerala High Court is **Master Jyothis Raj Krishna @ Jyothi Krishna v. Sunny George (2025 (1) KHC 348).** There, which is also a case of minor, the Hon'ble High Court has held that notional income should be fixed based on the minimum wages for skilled workers as per state notification. In paragraph 15 the High Court has held that *as far as State of Kerala is concerned, the government has brought the minimum rates at which the wages are to be paid. In **G.O. (P.No.56/2017/Fin. Dated 28.04.2017**, the Government of Kerala has revised the minimum wages for skilled workers w.e.f. 01.04.2016 and the same is fixed at Rs.17,325/- per month.* High court determined compensation on the basis of the minimum wages mentioned above.

42. The same method can be adopted in the present case also. The income of the minor petitioner is taken notionally as Rs.17,325/- per month. 40% of the above income is to be added towards future prospects. What is the multiplier applicable is also considered by the Hon'ble High Court in the very same decision referred above and it was found that the appropriate multiplier is **15**. Hence in this case also the multiplier applicable is 15. Therefore, the loss of earnings on account of permanent disability is worked out to ₹38,85,651/-

(17325+40% of 17325=24255x12x15x89/100).

43. **Attendants Charge:**- '*In Kajal v. Jagdish Chand and Others*' the Supreme Court has awarded attendants charge using the multiplier of 18 taking the cost of two attendants @ ₹5,000/- each per month. But the situation in the present case is some what different. In **Kajal's** case the injured suffered head injury consequent to which she was confined to bed similar to vegetative condition. She was left with brain of 9 months old child though she had grown up physically. In the present case though the petitioner has sustained head injury her physical movements are not restricted. As per the report of the clinical psychologist, the impairment is moderate. Anyway, there is delay in the development of brain and as of now she requires the assistance of her parents to perform all her needs. In all probability in future also she must be in need of guidance and supervision of another to perform her functions. Under the above circumstances attendants charge for one attendant at a lesser charge of 3,000/- per month using the multiplier of 15 can be given. So under this head the petitioner is entitled to get ₹5,40,000/- (3000x12x15).

44. **Pain and suffering and loss of amenities**:- As per the decision in Mallikarjun's case the amount fixed for pain and suffering etc. in relation to a minor who suffers disability above 90% is ₹6,00,000/-. But that amount was fixed to meet all the non pecuniary damages. In Kajal's case Supreme Court has awarded ₹15,00,000/- towards pain and suffering. But as already stated above in that case the injured was in vegetative state and left with a brain of nine months of old child. In the present case the petitioner has no restriction to move her body in accordance with her wish. Under the above circumstances half of the amount fixed by Supreme Court in Mallikarjun's case for claimant who suffered disability of 90%, can be awarded towards pain and suffering and loss amenities, etc. So under this head the petitioner is entitled to get a total amount of ₹3,00,000/-.

45. **Future medical treatment**:- It has come out in evidence that the minor petitioner has been attending various therapies to improve her condition and she need to continue the therapy for long. Under the above circumstances, it

can be reasonably presumed that the petitioner requires a good amount to meet her future treatment including therapy. Considering the amount which petitioner already spend for treatment, awarding ₹2,00,000/- under this head is sufficient to meet the ends of justice.

46. The compensation claimed under various heads and allowed against each is tabulated as below: -

Sl. No.	Head of Claim	Amt. Claimed (In Rupees)	Amt. Awarded (In Rupees)	Basic Vital details in a nut shell
1	Transport to hospital	20,000	11,000	1000x11
2	Extra nourishment	50,000	11,500	500x23
3	Damage to clothing and articles	2,000	1,500	
4	Medical expenses	4,00,000	6,04,124	Ext.A11 series & A14
5	Future treatment	10,00,000	2,00,000	
6	Fear complexion due to the accident	50,000	Nil	
7	Compensation for pain and suffering	25,00,000		
8	Compensation for loss of amenities of life	25,00,000	3,00,000	
9	Compensation for continuing permanent disability	50,00,000	38,85,651	17325+40% of 17325= 24255x12x15x8 9/100
10	Compensation for loss of future career	30,00,000	Nil	
11	Attendant's charges	-	5,40,000	3000x12x15
	Total ₹	1,45,22,000/- (claim limited	₹55,53,775/- (Rounded to	

		to ₹1,25,00,000/-)	₹**55,53,800/-**	

So, the issues are answered accordingly in favour of the petitioner.

47. **<u>Issue No.10 and 11 in OP 718/2021</u>**:-As mentioned above, immediately after the accident the petitioner in this case was also taken to Amal Hospital, Payyoli and then to Baby Memorial Hospital, Kozhikode. Ext.A22 is the wound certificate as per which the petitioner had the following injuries; *lacerated wound forehead with scalp avulsion, lacerated wound over lower lips, lacerated wounds on left knee and right ankle.*

48. The petitioner was admitted at Baby Memorial Hospital on the same day namely 15.10.2020 and discharged on 17.10.2020 (IP **3** days). There is no evidence of review.

49. It has been pleaded in the petition that the petitioner was a partner of Oaks Wedding and was earning ₹25,000/- per month. However, no evidence has been adduced by the petitioner to prove her alleged employment and income. In the absence of evidence to prove the income of the petitioner we have to depend upon the notional income. As stated above, the accident occurred in the year 2020. The petitioner was aged 30 years. So, in view of the Apex Court decision in **Ramachandrappa Vs. Manager, Royal Sundaram Insurance Company (2013 SCC 236),** the income of the petitioner is taken notionally as **₹12,500/-** per month. Having regard to the nature of injuries, loss of earning for a period of **3** months can be given and under this head the petitioner is entitled to get ₹37,500/- (12500x3).

50. The petitioner is claiming ₹4,000/- towards the expense of transport to hospital. As stated above, after the accident the petitioner was taken to 2 hospitals. Considering the distance to the hospitals ₹1,500/- is awarded towards transport to hospital. The petitioner is claiming ₹50,000/- towards extra nourishment. There is IP of 3 days. Hence the petitioner is entitled to get

₹1,500/- (500x3) towards extra nourishment. The petitioner is also entitled to get ₹1,500/- towards damage to clothing. Although the petitioner is claiming ₹20,000/- towards treatment expenses and ₹15,000/- towards future medical expenses, she has not produced any medical bill or any other document to prove the incurring of any expense for treatment. There is nothing to suggest that the petitioner requires future treatment as well. If that be the case, the petitioner is not entitled to get any compensation under these heads. The petitioner is claiming Rs.30,000/- towards the expenses of bystander. Considering the period of inpatient treatment, the petitioner is entitled to get ₹2,250/- (750x3) towards the expenses of bystander.

51. The petitioner is claiming ₹60,000/- as compensation for pain and suffering and Rs.30,000/- for loss of amenities. As stated above, main injuries sustained to the petitioner are lacerated injuries. Having regard to the nature of injuries sustained to the petitioner, ₹25,000/- is awarded as compensation for pain and suffering. Half of that amount namely Rs.12,500/- is awarded as compensation for loss of amenities.

52. The petitioner is claiming ₹1,00,000/- each as compensation for continuing permanent disability and loss of earning power. But, there is no evidence to prove that the petitioner has permanent disability owing to the injuries sustained in the accident. If that be the case, the petitioner is not entitled to get any compensation under the above two heads.

53. The compensation claimed under various heads and allowed against each is tabulated as below: -

Sl. No.	Head of Claim	Amt. Claimed (In Rupees)	Amt. Awarded (In Rupees)	Basic Vital details in a nut shell
1	Loss of earning from 15.10.2020 till the date of petition	1,00,000	37,500	12500x3
2	Transport to hospital	4,000	1,500	

3	Extra nourishment	50,000	1,500	500x3
4	Damage to clothing and articles	5,000	1,500	
5	Medical expenses	20,000	Nil	
6	Future treatment	15,000	Nil	
7	Bystander expenses	30,000	2,250	750x3
8	Compensation for pain and suffering	60,000	25,000	
9	Compensation for continuing permanent disability.	1,00,000	Nil	
10	Compensation for loss of earning power	1,00,000	Nil	
11	Compensation for loss of amenities & other enjoyment of life	30,000	12,500	
	Total ₹	514000/- (claim limited to ₹2,00,000/-)	**81,750/-** rounded to **82,000/-**	

So, the issues are answered accordingly in favour of the petitioner.

54. **<u>Issue Nos.12 and 13 in 798/2021</u>** : As mentioned above, immediately after the accident the petitioner in this case was also taken to Amal Hospital, Payyoli and then to Baby Memorial Hospital, Kozhikode. After initial treatment, he was shifted to Kozhikode District Co-operative Hospital. Ext.A23 is the wound certificate, Ext.A24 is the discharge card, Ext.A25 is the discharge summary, Ext.A26 is the discharge notes, Ext.A27 is the scan report and Ext.A28 series are the OP case sheets. As per the above documents, the petitioner had

the following injuries; *fracture left radius, fracture left ulnar styloid process, fracture left zygomatic arch.*

55. The petitioner was admitted at Kozhikode District Co-operative Hospital on 15.10.2020 and discharged on 19.10.2020 (**IP 5** days). He underwent the procedure of closed reduction of fracture zygoma. There are 4 reviews i.e. on 26.10.20, 02.11.20, 03.11.20 and 17.11.20.

56. It has been pleaded in the petition that the petitioner was an industrial worker and was earning ₹20,000/- per month. However, no evidence has been adduced by the petitioner to prove the alleged employment and income. In the absence of evidence to prove the income of the petitioner, we have to depend upon the notional income. As stated above, the accident occurred in the year 2020. The petitioner was aged 35 years as seen from the copy of Aadhar Card produced (date of birth 22.08.1985). So, in view of the Apex Court decision in **Ramachandrappa Vs. Manager, Royal Sundaram Insurance Company (2013 SCC 236),** the income of the petitioner is taken notionally as **₹12,500/-** per month. Having regard to the nature of injuries and duration of treatment, loss of earning for a period of **5** months can be given and under this head the petitioner is entitled to get ₹62,500/- (12500x5).

57. The petitioner is claiming ₹10,000/- towards the expenses of transport to hospital. As stated above, after the accident the petitioner was taken to 3 hospitals. There is three reviews also. So, considering the distance to the hospitals ₹4,500/- (500+1000x2+500x4) is awarded towards transport to hospital. The petitioner is claiming ₹20,000/- towards extra nourishment and Rs.50,000/- towards the expense of bystander. As stated above, the petitioner was in the hospital for 5 days. Hence, Rs.2,500/-(500x5) is awarded towards extra nourishment and Rs.3,750/-(750x5) is awarded towards the expenses of bystander. The petitioner is also entitled to get ₹1,500/- towards damage to clothing. The petitioner is claiming ₹40,000/- towards treatment expenses and ₹50,000/- towards future medical expenses. Ext.A29 series are the medical bills produced as per which the petitioner has incurred ₹7,348/- towards treatment

expenses. The medical bills are not in dispute. So, the petitioner is entitled to get the said amount of ₹7,348/- towards treatment expenses. However, the petitioner has not produced any materials to suggest that he requires future treatment. If that be the case, he is not entitled to get any compensation towards future treatment.

58. The petitioner is claiming ₹50,000/- each as compensation for pain and suffering and loss of amenities. Having regard to the nature of injuries sustained to the petitioner, the amount claimed as compensation for pain and suffering is reasonable. Hence ₹50,000/- is awarded as compensation for pain and suffering. Half of that amount namely Rs.25,000/- is awarded as compensation for loss of amenities.

59. The petitioner is claiming ₹2,50,000/- as compensation for continuing permanent disability and ₹1,00,000/- for loss of earning power. To get the disability assessed the petitioner was initially referred to Medical Board of Medical College Hospital, Kozhikode. The Medical Board has assessed 0% disability to the petitioner. Feeling not satisfied with the assessment made by the Medical Board of Medical College Hospital, the petitioner has filed application to refer him to State Medical Board to re-assess his disability. That petition was allowed and the petitioner was referred to State Medical Board. Ext.C4 is the report of State Medical Board as per which the petitioner has got **3%** disability. Ext.C1 being the report of the Superior Board is to be accepted. As stated above, the petitioner was aged 35 years at the time of the accident. So, the multiplier applicable is 16. Therefore, the petitioner is entitled to get ₹72,000/- (12,500x12x16x3/100) as compensation for loss of future earning on account of permanent disability.

60. The compensation claimed under various heads and allowed against each is tabulated as below: -

Sl. No.	Head of Claim	Amt. Claimed (In Rupees)	Amt. Awarded (In Rupees)	Basic Vital details in a nut shell

1	Loss of earning from 15.10.2020 till the date of petition	1,20,000	62,500	12500x5
2	Transport to hospital	10,000	4,500	500+1000x2+500x4
3	Extra nourishment	20,000	2,500	500x5
4	Damage to clothing and articles	10,000	1,500	
5	Medical expenses	40,000	7,348	Ext.A29 series
6	Future treatment	50,000	Nil	
7	Bystanders expenses	50,000	3,750	750x5
8	Compensation for pain and suffering	50,000	50,000	
9	Compensation for continuing permanent disability.	2,50,000	72,000	12500x12x16x3/100
10	Compensation for loss of earning power	1,00,000	Nil	
11	Compensation for loss of amenities & other enjoyment of life	50,000	25,000	
	Total ₹	₹ 7,50,000/- (claim limited to ₹4,00,000/-)	**₹2,29,098/-** rounded to **₹2,29,100/-**	

So, the issues are answered accordingly in favour of the petitioner.

61. **<u>Issue No.14 in all cases:-</u>** Ext.B1 is the copy of policy of insurance. Although the 3rd respondent has admitted the policy of insurance, is disputing the

liability to indemnify the insured on the ground of policy violation. It is claimed that R2, who drove the insured vehicle, was not having required driving license at the time of the accident. The vehicle involved in this case is a lorry which is heavy goods carriage vehicle. According to R3, the 2nd respondent, who drove the lorry, was having only a license to drive Light Motor Vehicles. To support that contention R3 is placing reliance on the police charge against R2. As stated above, Ext.A2 is the final report filed by Payyoli police against 2nd respondent. One of the offence alleged against R2 is under section 3(1) r/w 181 of MV Act on the allegation that he drove lorry without required driving license. R3 further filed I.A.2/2022 and I.A. 3/2022 in **OP 661/21** calling upon 1st and 2nd respondents to produce the driving license of 2nd respondent or to offer explanation. Notice in both the applications was given to the advocate who filed vakalath for R1 and R2 and notice voucher produced. But, despite of notice 1st and 2nd respondents did not appear before the court. Driving license of R2 was not produced. They have not offered any explanation also. So, it has to be presumed that R2 was not having required license at the time of the accident. As per Ext.B1 policy, a person holding an effective driving license alone is eligible to drive the insured vehicle. Thus, it is clear that R1 and R2 have committed breach of policy conditions and therefore R3 is not liable to indemnify the insured. But there was valid policy during the relevant time. So insurance company has to pay the amount and recover it from R2 and R4(legal heir of R1) later. Since R4 is the legal heir of R1, his liability is limited to the estate of the 1st respondent if any inherited by him. However in view of the decision of Hon'ble High Court of Kerala in "**Oriental Insurance Company Limited v. Santhosh Kumar and Another reported in 2021 IOC 1833=2021 (6) KLT 516",** it is made clear that if 2nd respondent driver or 4th respondent, the legal heir of owner of the offending vehicle produce driving license while proceeding with execution proceeding for recovery of the amount and if it is found after enquiry that the driving license is valid, the right of recovery will be ignored and execution petition will be dropped. The petitioners are entitled to get interest @ 8% on the amount of compensation. The 3rd respondent shall deposit the amount within 30 days of the award. The issue is answered accordingly in favour of the petitioners.

62. **<u>Issue No.15 in OP(MV) 661/2021</u>:-** In view of the findings on issues Nos. 2 and 3, I hold that the petitioner is entitled to get compensation of **Rs.1,97,800/-** (Rupees one lakh ninety seven thousand eight hundred only) with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e 04.05.2021 till realization with proportionate cost. Respondent No.3 shall deposit the amount within 30 days of the award. Issue is answered accordingly in favour of the petitioner.

In the result, the petition is allowed in part as follows:

1. Respondent No.3 shall pay an amount of **Rs.1,97,800/-** (Rupees one lakh ninety seven thousand eight hundred only) to the petitioner with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e.04.05.2021 till realization with proportionate cost.
2. Respondent No.3 shall furnish a cheque for Rs.5,372.50 (Rupees five thousand three hundred and seventy two and fifty paisa only) towards the court fee and Rs.6,000/- (Rupees six thousand only) towards Kerala Legal Benefit Fund payable in favour of the MACT, Kozhikode.
3. Respondent No.3 shall provide form 16 – A to the claimant so as to enable him/her to seek refund of tax deducted at source.
4. Respondent No.3 shall transfer the entire balance amount to the following bank account of the claimant through NEFT or RTGS or any other electronic mode.
5. Account details of claimant

1. Name of claimant	Babeesh A.P., S/o Radhakrishnan

with address	A.P., Thekkarakam parambu, Vellayil Road, Kozhikode
2. Name of the bank and branch	The Federak Bank Ltd., Mavoor Road,
3. Bank IFSC Code	FDRL0001413
4. Account No. of the claimant	14130100161602

6. Free Copy of the award will be issued to both sides within 15 days from today.

7. The amount shall be paid within one month from the date of this award.

8. The 3rd respondent is entitled to recover the paid amount of compensation from 2nd respondent and supplemental 4th respondent. However in view of the decision of Hon'ble High Court of Kerala in **Oriental Insurance Company Limitted v. Santhosh Kumar and Another reported in 2021 IOC 1833=2021 (6) KLT 516 it is made** clear that if 4th supplemental respondent or 2nd respondent driver of the offending vehicle produces driving license while proceeding with execution proceeding for recovery of the amount and if it is found after enquiry that the license is valid, the right of recovery will be ignored and execution proceeding will be dropped.

63. **Issue No.15 in OP(MV) 715/2021:-** In view of the findings on issues Nos. 4 and 5, I hold that the petitioner is entitled to get compensation of **Rs.1,23,000/-** (Rupees one lakh twenty three thousand only) with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e 25.06.2021 till realization with proportionate cost. Respondent No.3 shall deposit the amount within 30 days of the award. Issue is answered accordingly in favour of the petitioner.

In the result, the petition is allowed in part as follows:

1. Respondent No.3 shall pay an amount of **Rs.1,23,000/-** (Rupees one lakh twenty three thousand only) to the petitioner with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e.25.06.2021 till realization with proportionate cost.

2. Respondent No.3 shall furnish a cheque for Rs.3,372.50 (Rupees three thousand three hundred and seventy two and fifty paisa only) towards the court fee and Rs.4,000/- (Rupees four thousand only) towards Kerala Legal Benefit Fund payable in favour of the MACT, Kozhikode.

3. Respondent No.3 shall provide form 16 – A to the claimant so as to enable him/her to seek refund of tax deducted at source.

4. On deposit of the amount made by 3rd respondent, **₹23,000/- (Rupees twenty three thousand only)** shall be released to the guardian of the petitioner directly through the following bank account of the claimant through NEFT or RTGS or any other electronic mode.

1.

5. Account details of claimant

1. Name of claimant with address	Rahul Kumar T., S/o Ratna Kumar, Thayyil House, P.O.Civil Station, Kozhikode
2. Name of the bank and branch	AXIS Bank, Kallai Road
3. Bank IFSC Code	UTIB0001908
4. Account No. of the claimant	914010025525608

6. Respondent No.3 is directed to make fixed deposit in the name of the minor petitioner for the entire balance amount in any of the nationalised bank at the option of the guardian of the petitioner till the minor petitioner attains majority. The guardian of the minor petitioner shall furnish the details of the bank account of the minor petitioner within 14 days from today. In case of his failure, to provide bank account R3 shall deposit the amount in court and in that event the amount shall be deposited by the court in any nationalised bank till the minor petitioner attains majority.

1.

7. Free Copy of the award will be issued to both sides within 15 days from today.

8. The amount shall be paid within one month from the date of this award.

9. The 3rd respondent is entitled to recover the paid amount of compensation from 2nd respondent and supplemental 4th respondent. However in view of the decision of Hon'ble High Court of Kerala in **Oriental Insurance Company Limitted v. Santhosh Kumar and Another reported in 2021 IOC 1833=2021 (6) KLT 516** it is made clear that if 4th supplemental respondent or 2nd respondent driver of the offending vehicle produces driving license while proceeding with execution proceeding for recovery of the amount and if it is found after enquiry that the license is valid, the right of recovery will be ignored and execution proceeding will be dropped.

64. **Issue No.15 in OP(MV) 716/2021**:- In view of the findings on issues Nos. 6 and 7, I hold that the petitioner is entitled to get compensation of

Rs.1,28,000/- (Rupees one lakh twenty eight thousand only) with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e 28.06.2021 till realization with proportionate cost. Respondent No.3 shall deposit the amount within 30 days of the award. Issue is answered accordingly in favour of the petitioner.

In the result, the petition is allowed in part as follows:

1. Respondent No.3 shall pay an amount of **Rs.1,28,000/-** (Rupees one lakh twenty eight thousand only) to the petitioner with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e.28.06.2021 till realization with proportionate cost.

2. Respondent No.3 shall furnish a cheque for Rs.3,372.50 (Rupees three thousand three hundred and seventy two and fifty paisa only) towards the court fee and Rs.4,000/- (Rupees four thousand only) towards Kerala Legal Benefit Fund payable in favour of the MACT, Kozhikode.

3. Respondent No.3 shall provide form 16 – A to the claimant so as to enable him/her to seek refund of tax deducted at source.

4. Respondent No.3 shall transfer the entire balance amount to the following bank account of the claimant through NEFT or RTGS or any other electronic mode.

5. Account details of claimant

1. Name of claimant with address	Rahul Kumar T., S/o Ratna Kumar, Thayyil House, P.O.Civil Station, Kozhikode

2. Name of the bank and branch — AXIS Bank, Kallai Road

3. Bank IFSC Code — UTIB0001908

4. Account No. of the claimant — 914010025525608

6. Free Copy of the award will be issued to both sides within 15 days from today.
7. The amount shall be paid within one month from the date of this award.
8. The 3rd respondent is entitled to recover the paid amount of compensation from 2nd respondent and supplemental 4th respondent. However in view of the decision of Hon'ble High Court of Kerala in **Oriental Insurance Company Limitted v. Santhosh Kumar and Another reported in 2021 IOC 1833=2021 (6) KLT 516 it is made** clear that if 4th supplemental respondent or 2nd respondent driver of the offending vehicle produces driving license while proceeding with execution proceeding for recovery of the amount and if it is found after enquiry that the license is valid, the right of recovery will be ignored and execution proceeding will be dropped.

65. **<u>Issue No.15 in OP(MV) 717/2021</u>:-** In view of the findings on issues Nos. 8 and 9, I hold that the petitioner is entitled to get compensation of ₹**55,53,800/-** (Rupees fifty five lakh fifty three thousand and eight hundred only) with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e 25.06.2021 till realization with proportionate cost. Respondent No.3 shall deposit the amount within 30 days of the award. Issue is answered accordingly in favour of the petitioner.

In the result, the petition is allowed in part as follows:

1. Respondent No.3 shall pay an amount of ₹**55,53,800/-** (Rupees fifty five lakh fifty three thousand and eight hundred only) to the petitioner with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e.25.06.2021 till realization with proportionate cost.

2. Respondent No.3 shall furnish a cheque for Rs.1,23,745 (Rupees one lakh twenty three thousand seven hundred and forty five only) towards the court fee and Rs.1,25,000/- (Rupees one lakh twenty five thousand only) towards Kerala Legal Benefit Fund payable in favour of the MACT, Kozhikode.

3. Respondent No.3 shall provide form 16 – A to the claimant so as to enable him/her to seek refund of tax deducted at source.

4. On deposit of the amount made by 3rd respondent, **₹15,00,000/- (Rupees fifteen lakhs only)** shall be released to the guardian of the petitioner directly through the following bank account of the claimant through NEFT or RTGS or any other electronic mode.

5. Account details of claimant

1. Name of claimant with address	Rahul Kumar T., S/o Ratna Kumar, Thayyil House, P.O.Civil Station, Kozhikode
2. Name of the bank and branch	AXIS Bank, Kallai Road
3. Bank IFSC Code	UTIB0001908
4. Account No. of the claimant	914010025525608

6. Respondent No.3 is directed to make fixed deposit in the name of the minor petitioner for the entire balance amount in any of the nationalised bank at the option of the guardian of the petitioner till the minor petitioner attains majority. The guardian of the minor petitioner shall furnish the details of the bank account of the minor petitioner within 14 days from today. In case of his failure, to provide bank account R3 shall deposit the amount in court and in that event the amount shall be deposited by the court in any nationalised bank till the minor petitioner attains majority.

2.

7. Free Copy of the award will be issued to both sides within 15 days from today.

8. The amount shall be paid within one month from the date of this award.

9. The 3rd respondent is entitled to recover the paid amount of compensation from 2nd respondent and supplemental 4th respondent. However in view of the decision of Hon'ble High Court of Kerala in **Oriental Insurance Company Limitted v. Santhosh Kumar and Another reported in 2021 IOC 1833=2021 (6) KLT 516** it is made clear that if 4th supplemental respondent or 2nd respondent driver of the offending vehicle produces driving license while proceeding with execution proceeding for recovery of the amount and if it is found after enquiry that the license is valid, the right of recovery will be ignored and execution proceeding will be dropped.

66. **Issue No.15 in OP(MV) 718/2021:-**In view of the findings on issues Nos. 10 and 11, I hold that the petitioner is entitled to get compensation of

Rs.82,000/- (Rupees eighty two thousand only) with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e 25.06.2021 till realization with proportionate cost. Respondent No.3 shall deposit the amount within 30 days of the award. Issue is answered accordingly in favour of the petitioner.

In the result, the petition is allowed in part as follows:

1. Respondent No.3 shall pay an amount of **Rs.82,000/-** (Rupees eighty two thousand only) to the petitioner with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e.25.06.2021 till realization with proportionate cost.

2. Respondent No.3 shall furnish a cheque for Rs.1,372.50 (Rupees one thousand three hundred and seventy two and fifty paisa only) towards the court fee and Rs.2,000/- (Rupees two thousand only) towards Kerala Legal Benefit Fund payable in favour of the MACT, Kozhikode.

3. Respondent No.3 shall provide form 16 – A to the claimant so as to enable him/her to seek refund of tax deducted at source.

4. Respondent No.3 shall transfer the entire balance amount to the following bank account of the claimant through NEFT or RTGS or any other electronic mode.

5. Account details of claimant

1. Name of claimant with address	Arathi V. W/o Rahul Kumar T., Thayyil House, P.O.Civil Station, Kozhikode
2. Name of the bank	AXIS Bank, Kallai Road

and branch
3. Bank IFSC Code UTIB0001908

4. Account No. of the claimant 911010041351239

6. Free Copy of the award will be issued to both sides within 15 days from today.
7. The amount shall be paid within one month from the date of this award.
8. The 3rd respondent is entitled to recover the paid amount of compensation from 2nd respondent and supplemental 4th respondent. However in view of the decision of Hon’ble High Court of Kerala in **Oriental Insurance Company Limitted v. Santhosh Kumar and Another reported in 2021 IOC 1833=2021 (6) KLT 516 it is made** clear that if 4th supplemental respondent or 2nd respondent driver of the offending vehicle produces driving license while proceeding with execution proceeding for recovery of the amount and if it is found after enquiry that the license is valid, the right of recovery will be ignored and execution proceeding will be dropped.

67. **<u>Issue No.15 in OP(MV) 798/2021</u>:-** In view of the findings on issues Nos. 12 and 13, I hold that the petitioner is entitled to get compensation of **₹2,29,100/-** (Rupees two lakh twenty nine thousand one hundred only) with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e 29.04.2021 till realization with proportionate cost. Respondent No.3 shall deposit the amount within 30 days of the award. Issue is answered accordingly in favour of the petitioner.

In the result, the petition is allowed in part as follows:

1. Respondent No.3 shall pay an amount of **₹2,29,100/-**

(Rupees two lakh twenty nine thousand one hundred only) to the petitioner with interest @ 8% on the amount of compensation from the date of filing of the petition, i.e.29.04.2021 till realization with proportionate cost.

2. Respondent No.3 shall furnish a cheque for Rs.3,372.50 (Rupees three thousand three hundred and seventy two and fifty paisa only) towards the court fee and Rs.4,000/- (Rupees four thousand only) towards Kerala Legal Benefit Fund payable in favour of the MACT, Kozhikode.

3. Respondent No.3 shall provide form 16 – A to the claimant so as to enable him/her to seek refund of tax deducted at source.

4. Respondent No.3 shall transfer the entire balance amount to the following bank account of the claimant through NEFT or RTGS or any other electronic mode.

5. Account details of claimant

1. Name of claimant with address	Subijith Bhyravan, S/o Karunakaran, Bhyravan House, Thekkekara Parambu, Nadakkave.
2. Name of the bank and branch	Canara Bank, Cherootty Road
3. Bank IFSC Code	CNRB0000808
4. Account No. of the claimant	110276975407

6. Free Copy of the award will be issued to both sides within 15 days from today.

7. The amount shall be paid within one month from the date of this award.

8. The 3rd respondent is entitled to recover the paid amount of compensation from 2nd respondent and supplemental 4th respondent. However in view of the decision of Hon'ble High Court of Kerala in **Oriental Insurance Company Limitted v. Santhosh Kumar and Another reported in 2021 IOC 1833=2021 (6) KLT 516 it is made** clear that if 4th supplemental respondent or 2nd respondent driver of the offending vehicle produces driving license while proceeding with execution proceeding for recovery of the amount and if it is found after enquiry that the license is valid, the right of recovery will be ignored and execution proceeding will be dropped.

(Dictated to the Confidential Assistant, typed by her directly on computer, corrected and pronounced by me in the open Court, this the 28th day of April, 2026)

Sd/-
Ist Addl.Motor Accidents Claims Tribunal/
Ist Addl.District Judge

<u>Petitioner's witness</u>: Nil

<u>Petitioner's exhibits:</u>

A1	20-10-2020	Copy of FIR in Cr. No. 615/2020 of Payyoli Police Station.
A2	-	Copy of final report in Cr. No. 615/2020 of Payyoli Police Station.
A3	27.11.2020	Copy of wound certificate of Babeesh A P (OPMV.661/21)
A4	20.10.2020	Discharge summary issued from District Co-op

		hospital, Kozhikode.
A5	26.10.2020	Prescription issued by or Manoj Kumar, KMCT Dental College, Calicut.
A6 series	-	Medical Bills for an amount of Rs.57,472/-
A7	02.12.2020	Copy of wound certificate of Banu (OPMV 717/21)
A8	18.11.2020	Copy of Birth Certificate of Sahasra Ratna issued from Kozhikode Corporation.
A9	01.12.2020	One and same certificate of Sahasra Ratna issued from Village Office, Vengeri.
A10 series	-	Medical bills (OPMV 717/21)
A11 series	-	Medical bills (OPMV 717/21)
A12	30.03.2024	OP Card issued from Govt. MCH, Kozhikode.
A13	02.03.2026	Certificate issued from Parent Child Development Centre, Kozhikode.
A14	19.02.2026	Certificate issued from Thalir Centre for Developmental Disabilities, Mysore.
A15	-	Medical Documents of Sahasra Ratna (3 nos)
A16 series	-	Plan of care issued from Aster MIMS, Calicut (9 nos)
A17	-	Prescription (2 nos)
A18	29.06.2021	Discharge notes issued from BMH, Kozhikode.
A19	27.11.2020	Copy of wound certificate of Rahul Kumar issued from BMH Hospital.
A20	17.12.2020	Copy of Birth Certificate of Vedh Ratna T (OPMV.715/21)
A21	27.11.2020	Copy of Wound certificate of Vedha (OPMV 715/21)
A22	27.11.2020	Copy of Wound certificate of Arathy V (OPMV 718/21)
A23	27.11.2020	Copy of Wound certificate of Subijith (OPMV 798/21)
A24	19.10.2020	Discharge card issued from District Coperative Hospital, Kozhikode.
A25	19.10.2020	Discharge summary issued from District Co-op Hospital, Kozhikode

A26	15.10.2020	Discharge notes issued from BMH, Kozhikode.
A27	15.10.2020	CT Scan of nose and paranasal sinuses issued from BMH, Kozhikode.
A28	-	OP Case sheet issued from District Co-Op. Hospital, Kozhikode.
A29	-	Medical Bills (OPMV 798/21)

Respondent's witness:Nil.

Respondent's exhibits:

B1	-	Copy of insurance policy.

Court witness: Nil.
Court Exhibits:

C1	02.05.2024	Medical Board Report of Banu (OPMV 717/21)
C2	15.03.2024	Medical Board Report of Rahul Kumar. T (OPMV 716/21)
C3	22.03.2024	Medical Board Report of Ratna (OPMV 715/21)
C4	27.10.2024	Disability Certificate of Subijith Bhyravan.

Sd/-
Ist Addl. Motor Accidents Claims Tribunal/
Ist Addl. District Judge

Fair/copy of common Award
in OP(MV) 661/2021, 715/21 to 718/21
& OP(MV) 798/2021 Dated: 28.04.2026

COST LIST OP(MV) 798/2021

Cost details	**Amount allowed Rs.**
Stamps on vakkalath	6/-
Court fee	3373/-
KLBF	4000/-
Stamps on petition	30/-
Batha Stamp	105/-
Stamps on documents	14/-
Paper publication	-
Advocate fee	13,855/ -
Junior Advocate fee	6,927/-
Clerical Expenses	200/-
Total	2**8,510/-** (Rupees Twenty Eight Thousand Five Hundred and Ten only)

Proportionate cost=

2,29,100/- (Award amount) x28,510 /-(Actual Cost of Award Amount)=16,329/-
4,00,000/-(Claim Amount)

Proportionate cost Rs. 16,329/- (Rupees Sixteen Thousand Three Hundred and Twenty Nine only) is allowed.

Sd/-
I Addl. Motor Accidents Claims Tribunal/
I[st] Addl. District Judge

COST LIST OP(MV) 715/2021

Cost details	Amount allowed Rs.
Stamps on vakkalath	6/-
Court fee	3,373/-
KLBF	4,000/-
Stamps on petition	25/-
Batha Stamp	105/-
Stamps on documents	14/-
Paper publication	-
Advocate fee	8,550/ -
Junior Advocate fee	4,275/-
Clerical Expenses	200/-
Total	**20,548/-** (Rupees Twenty Thousand Five Hundred and Forty Eight only)

Proportionate cost=

1,23,000/- (Award amount) x20,548/-(Actual Cost of Award Amount)=6,319/-
4,00,000/-(Claim Amount)

Proportionate cost Rs. 6,319/- (Rupees Six Thousand Three Hundred and Nineteen only) is allowed.

Sd/-
I Addl. Motor Accidents Claims Tribunal/

Ist Addl. District Judge

COST LIST OP(MV) 716/2021

Cost details	Amount allowed Rs.
Stamps on vakkalath	6/-
Court fee	3,373/-
KLBF	4,000/-
Stamps on petition	30/-
Batha Stamp	105/-
Stamps on documents	30/-
Paper publication	-
Advocate fee	8,800/ -
Junior Advocate fee	4,400/-
Clerical Expenses	200/-
Total	**20,944/-** (Rupees Twenty Thousand Nine Hundred and Forty Four only)

Proportionate cost=

1,28,000/- (Award amount) x20,944/-(Actual Cost of Award Amount)=6,703/-
4,00,000/-(Claim Amount)

Proportionate cost Rs. 6,703/- (Rupees Six Thousand Seven Hundred and Three only) is allowed.

Sd/-
I Addl. Motor Accidents Claims Tribunal/
I[st] Addl. District Judge

COST LIST OP(MV) 717/2021

Cost details	**Amount allowed Rs.**
Stamps on vakkalath	6/-
Court fee	1,23,745/-
KLBF	-
Stamps on petition	30/-
Batha Stamp	105/-
Stamps on documents	30/-
Paper publication	-
Advocate fee	2,80,090/ -
Junior Advocate fee	1,40,045/-
Clerical Expenses	200/-
Total	**5,44,251/-** (Rupees Five Lakh Forty Four Thousand Two Hundred and Fifty One only)

Proportionate cost=

55,53,800/- (Award amount) x5,44,251/-(Actual Cost of Award Amount)=2,41,813/-
1,25,00,000/-(Claim Amount)

Proportionate cost Rs. 2,41,813/- (Rupees Two Lakh Forty One Thousand Eight Hundred and Thirteen only) is allowed.

Sd/-
I Addl. Motor Accidents Claims Tribunal/
I[st] Addl. District Judge

COST LIST OP(MV) 718/2021

Cost details	**Amount allowed Rs.**
Stamps on vakkalath	6/-
Court fee	1373/-
KLBF	2000/-
Stamps on petition	20/-
Batha Stamp	105/-
Stamps on documents	12/-
Paper publication	-
Advocate fee	6,500/ -
Junior Advocate fee	3,250/-
Clerical Expenses	200/-
Total	**13,466/-** (Rupees Thirteen Thousand Four Hundred and Sixty six only)

Proportionate cost=

82,000/- (Award amount) x13,466/-(Actual Cost of Award Amount)=5,521/-
2,00,000/-(Claim Amount)

Proportionate cost Rs. 5,521/- (Rupees Five Thousand Five Hundred and Twenty one only) is allowed.

Sd/-
I Addl. Motor Accidents Claims Tribunal/
Ist Addl. District Judge

COST LIST OP(MV) 798/2021

Cost details	**Amount allowed Rs.**
Stamps on vakkalath	6/-
Court fee	3373/-
KLBF	4000/-
Stamps on petition	30/-
Batha Stamp	105/-
Stamps on documents	14/-
Paper publication	-
Advocate fee	13,855/ -
Junior Advocate fee	6,927/-
Clerical Expenses	200/-
Total	2**8,510/-** (Rupees Twenty Eight Thousand Five Hundred and Ten only)

Proportionate cost=

2,29,100/- (Award amount) x28,510 /-(Actual Cost of Award Amount)=16,329/-
4,00,000/-(Claim Amount)

Proportionate cost Rs. 16,329/- (Rupees Sixteen Thousand Three Hundred and Twenty Nine only) is allowed.

Sd/-
I Addl. Motor Accidents Claims Tribunal/
I[st] Addl. District Judge

COST LIST OP(MV) 661/2021

Cost details	**Amount allowed Rs.**
Stamps on vakkalath	6/-
Court fee	5,373/-
KLBF	6,000/-
Stamps on petition	30/-
Batha Stamp	105/-
Stamps on documents	14/-
Paper publication	-
Advocate fee	12,290/ -
Junior Advocate fee	6,145/-
Clerical Expenses	200/-
Total	3**0,163/-** (Rupees Thirty Thousand One Hundred and Sixty Three only)

Proportionate cost=

1,97,800/- (Award amount) x30,163/-(Actual Cost of Award Amount)=9,944/-
6,00,000/-(Claim Amount)

Proportionate cost Rs. 9,944/- (Rupees Nine Thousand Nine Hundred and Forty Four only) is allowed.

Sd/-
I Addl. Motor Accidents Claims Tribunal/
Ist Addl. District Judge