

**IN THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL/
ADDITIONAL DISTRICT AND SESSIONS COURT, VATAKARA**

Present: Sri.Ranjith.E

MACT/ Additional District and Sessions Judge

Friday, the 29th day of May, 2026

OP(MV) 1391/2022

Between:

Abhinav.T.T, aged 19 years, S/o Prakasan,
Tharippayil, Thikkodi, Pallikkara PO, Koyilandy
Taluk, Kozhikode District, Pin: 673 522.

Petitioner

And:

1. Vijeesh, S/o Gopalan Nair, aged 39 years,
Othenachankandi House, PO.Muchukunnu,
Koyilandy Taluk, Kozhikode District, Pin: 673 307.
2. Shibu.E, S/o Kunhikannan, aged 42 years,
Edavalath House, Muchukunnu PO, Koyilandy
Taluk, Kozhikode District, Pin: 673 307.
3. United India Insurance Company Ltd, 2nd Floor,
Royal City Complex, Near Town Hall, Convent
Road, Vatakara, Pin: 673 101.

Respondents

This petition coming on this the 26th day of May,2026 for final hearing before me in the presence of Sri.A.V.Sunil Kumar & P.Sajith, Advocates for Petitioner and of Sri.Ajai Ramath, Advocate for 3rd Respondent and 1st & 2nd Respondents remained exparte and having stood over to this day for consideration, this tribunal passed the followings:-

AWARD

The Original Petition is filed U/s. 164 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') seeking compensation.

2. The case of the petitioner in brief is as follows:- At 10 p.m. on 27.06.2022, the motorcycle bearing registration No. KL.56.N.1958 (hereinafter referred to as 'the former motorcycle') ridden by the 2nd respondent in a rash and

negligent manner hit against the motorcycle bearing registration No. KL.56.D.7971 (hereinafter referred to as 'the latter motorcycle') ridden by the petitioner consequent on which the petitioner fell on the road and sustained grievous injuries. The petitioner was proceeding from Koyilandy to Muchukunnu on the motorcycle and the accident occurred at Muchukunnu. Immediately, after the accident the petitioner was taken to Taluk Headquarters Hospital, Koyilandy and thereafter referred to Malabar Medical College Hospital, Ulliyeri. The petitioner underwent treatment from Malabar Medical College Hospital, Ulliyeri as an inpatient. The respondent Nos. 1 and 3 are the registered owner and the insurer respectively of the former motorcycle. The petitioner is a coolie earning ₹30,000/- per month. The loss caused to the petitioner cannot be compensated in terms of money. Hence, this application seeking ₹2,50,000/- as compensation together with the interest @ 18% per annum together and costs.

3. The respondent Nos. 1 and 2 did not appear before the court. Hence, the respondent Nos. 1 and 2 were set ex-parte.

4. The 3rd respondent filed the written statement as follows:- The petition is not maintainable either in law or on facts. The 3rd respondent denies the entire averments in the petition except those that are expressly admitted. The former motorcycle was validly insured with the 3rd respondent during the accident in question. It is true that the 2nd respondent had a valid Driving Licence at the time of the accident. The 3rd respondent denies the injuries said to have been sustained by the petitioner and therefore, the petitioner has to be put to strict proof with regard to the injuries sustained by him as well as the treatment undergone by him. It is not correct to state that the petitioner is a coolie earning ₹30,000/- per month. It is not correct to state that, the accident occurred due to the rash and negligent riding of the former motorcycle by the 2nd respondent. There was no negligence at all on the part of the 2nd respondent. The petitioner sustained injuries because of his own negligence. The police after the investigation, submitted Final Report against the petitioner alleging that the accident in question occurred because of the negligence of the petitioner and

therefore he has committed the offences punishable U/s. 279 and 338 of IPC. Taking into consideration all these, the 3rd respondent has no liability to pay any compensation. The claim for compensation is made without any basis and the amount claimed is exorbitant. The details of the amount claimed in the petition is not correct. In case this Tribunal is inclined to grant any compensation, the prevailing rate of interest only may be ordered. In the above circumstances, it is humbly prayed that the above petition may be dismissed with costs.

5. From the rival pleadings, the following issues are framed:-

- i) Whether the petitioner sustained grievous injuries due to an accident arising out of the use of a motor vehicle?
- ii) Relief and costs?

6. The petitioner has no oral evidence. On the side of the petitioner, Ext.A1 to Ext.A8 are exhibited. The 3rd respondent did not adduce any evidence, either oral or documentary.

7. Issue No. (i):- The definite case of the petitioner is that during the road accident which took place at 10 p.m. on 27.06.2022, he sustained grievous injuries. According to the petitioner, it was the 2nd respondent who rode the former motorcycle at the time of the accident in question and it was this motorcycle which was ridden negligently that hit against his motorcycle (i.e., the latter motorcycle) resulting in the accident.

8. The respondents have no case that, an accident as alleged by the petitioner never took place. But, the parties are at variance as to who was at fault. In other words, according to the petitioner, it was the 2nd respondent who is responsible for the accident whereas, according to the 3rd respondent, it is the petitioner who is responsible. The said aspect can be discussed in the later part of this Judgment.

9. Ext.A1 is the true copy of the First Information Report in Crime No. 476/2022 of Koyilandy police station. It can be seen from this document that the

former motorcycle and the latter motorcycle collided at 10 p.m. on 27.06.2022. Ext.A3 is the original out patient record issued from Taluk Headquarters Hospital, Koyilandy in the name of the petitioner and it shows that the petitioner sustained injuries during a road accident. Ext.A4 Discharge Note and Ext.A5 History and Physical Examination Report issued in the name of the petitioner from Malabar Medical College Hospital and Research Centre, Ulliyeri show that the petitioner sustained a fracture at 4th metacarpal left hand. Similarly, Ext.A6 prescription issued from Anand Hospital, Payyoli also details about the said injuries suffered by the petitioner. This injury is grievous within the meaning of Section 326 of the Indian Penal Code, 1860 (Section 116 of the Bharatiya Nyaya Sanhita). It is to be noted that none of these documents are disputed. There are materials available on record to show that the petitioner sustained grievous injury during this road accident.

10. Inviting my attention to Ext.A2 Final Report, it is contended on behalf of the 3rd respondent, that the accident occurred due to the negligence of the petitioner. I take note of the fact that after the investigation, police submitted final report, arraying the petitioner as an accused who was responsible for the road accident in question. But, it is to be noted that such, a contention if permitted to be raised U/s. 164 of the Act, it will bring that Section in par with Section 166 of the Act, a section in which such a contention has relevance. The Hon'ble Apex Court has held so while dealing with pre-amended section 163A of the pre-amendment Act. Reliance can be placed on the decision reported in **United India Insurance Co. Ltd. V. Sunil Kumar & Anr.**¹ Sub-section (2) of Section 163A is in pari materia with Sub-section (2) of Section 164 of the Act. So, it is evident that the negligence on the part of the driver pales into insignificance in a proceeding U/s. 164 of the Act. A claim U/s. 164 of the Act can be invoked even in cases where negligence is on the part of the victim.²

¹ (2019) 12 SCC 398.

² Sukumaran v. Ibrahim 2023 (2) KLT 1137.

11. From, the above discussion, it has to be said that the petitioner sustained grievous injuries due to the road accident arising out of the use of a motor vehicle. This issue is answered in favour of the petitioner.

12. Issue No. (ii):- It has been already held that the petitioner sustained grievous injuries due to the road accident arising out of the use of a motor vehicle. That being the case, the petitioner is entitled for compensation as pleaded by him.

13. Now, the question is as to the rate of interest. According, to the 3rd respondent, in case the Tribunal is awarding compensation, an interest at the rate of 6% per annum may only be awarded, as it being the prevalent rate of interest. I cannot subscribe to the views expressed by the learned counsel for the 3rd respondent in this regard. It is to be noted that the compensation is awarded for the injuries and trauma suffered by the applicant. Considering the rate of interest, followed in certain bank transactions, I do in the interest of justice hereby order interest at the rate of 8% per annum on the compensation amount ordered to be paid to the applicant. The compensation amount has to be paid by the 3rd respondent as it being the insurer. This issue is accordingly answered.

In the result,

The Original Petition is allowed and an award is passed in favour of the petitioner as follows:-

a) The 3rd respondent is directed to pay ₹2,50,000/- to the petitioner together with the interest at the rate of 8% per annum from the date of petition i.e., 13.12.2022 till the date of realization together with proportionate costs;

b) The 3rd respondent needs to pay to the petitioner only that amount after deducting ₹1,873/- being the Court Fee and ₹2,500/- being the Legal Benefit Fund from out of the amount arrived at as per the above clause (a); and the 3rd respondent

shall furnish cheques for this sums (i.e., ₹1,873/- and ₹2,500/-) payable by the petitioner in favour of the Motor Accidents Claims Tribunal, Vatakara;

c) The amount so payable to the petitioner shall be deposited by the 3rd respondent in his bank account bearing No. 110143623068 (IFSC Code: CNRB0001908) with Canara Bank, Payyoli (Old Melady) Branch;

d) As and when the payment is made as stated above, the 3rd respondent shall after notice to the petitioner file a statement before the Motor Accidents Claims Tribunal, Vatakara regarding compliance of the order along with a copy of the transaction records certified by the bank concerned;

e) The office of the Motor Accidents Claims Tribunal, Vatakara shall make necessary entries in the registers of this Tribunal evidencing payment of the amount to the petitioner.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court, this the 29th day of May 2026).

Sd/-

MACT/ Additional District & Sessions Judge,
Vatakara

Petitioner's Witness : NIL

Petitioner's Exhibits :

Ext.A1	14.07.2022	: Copy of FIR in Cr. No.476/2022 of Koyilandy Police Station
Ext.A2	Nil	: Copy of Final Report in Cr. No.476/2022 of Koyilandy Police Station
Ext.A3	27.06.2022	: Out Patient Card issued from Taluk Head Quarters Hospital, Koyilandy
Ext.A4	28.06.2022	: Discharge notes issued from Malabar Medical College Hospital, Ulliyeri

Ext.A5 Nil : Medical Prescription
Ext.A6 02.08.2022 : Medical Prescription issued from Anand Hospital,
Payyoli
Ext.A7 Nil : Copy of Bank Account Details of Petitioner
Ext.A8 Nil : Copy of Aadhar Card of Petitioner

Respondent's Witness/ Exhibits : NIL

Court Witness/Exhibits : NIL

Sd/-
MACT/ Additional District & Sessions Judge,
Vatakara