

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PUNALUR.

Present:- Sri. Baiju.T.D, Motor Accidents Claims Tribunal

Monday the 06th day of April, 2026/16th Chaithra, 1948.

OP(M.V) 384/2023

Applicant:-

Sudhakumari, aged 45 years, W/o. Ramesh Babu,
Thekkuvila Veedu, Kakkodu P.O, Punalur,
Kollam-691331.

By Adv. Sri. Anees. T

And

Respondents:-

1. Shajahan, aged 59 years, S/o. Shahul Hameed,
MS Villa, Valacode P.O, Valacode, Punalur,
Kollam- 691 333.
2. The Manager, United India Insurance Company,
SKP Building, 2nd Floor, Beach Road,
Kochupilamoodu, Thamarakulam, Kollam, 691 001.

By Adv. Sri.B. Venugopal for R2.

This OP(MV) have been finally heard on 23.03.2026 and on the same day 06/04/2026 the Tribunal passed the following:-

AWARD

This application is filed u/s 166 of the Motor Vehicles Act, 1988.

2. The averments in the application are as follows:-

While the applicant was riding pillion in motor cycle bearing Reg. No. KL-25M/9004 through Vattappada-Punalur road from east to west and when the motor cycle reached Ikarakonam Junction at about 6.30 p.m on 31-03-2022, the motor cycle bearing Reg. No. KL-25A/9641 ridden by the 1st respondent in a rash and negligent manner along the same road from the opposite direction had hit the motor cycle in which the applicant was riding pillion. Due to the impact of the hit, the applicant and the rider of the motor cycle fell down and sustained serious injuries. Immediately, the applicant was taken to Taluk Headquarters Hospital, Punalur and she was treated as an outpatient and inpatient. The accident occurred solely due to the rash and negligent riding of motor cycle bearing Reg. No. KL-25A/9641 by the 1st respondent who is also the registered owner of the offending motor cycle. The 2nd respondent is the insurer of the offending motor cycle. The applicant claims compensation of ₹ 5,60,000. The respondents are jointly and severally liable to compensate the applicant.

3. The 1st respondent was set ex-parte.

4. The 2nd respondent had filed written statement with the following contentions:-

The accident occurred due to the negligence of the rider of motor cycle bearing Reg. No. KL-25M/9004 in which the applicant was riding pillion. The 1st respondent was riding his motor cycle carefully obeying traffic rules. There is delay of 26 days in giving first information statement. The applicant does not

have any physical disability due to the injuries sustained in the accident. The compensation amount claimed is exorbitant. The 2nd respondent is not liable to indemnify the 1st respondent, since the 1st respondent had not reported the accident nor had produced the vehicle particulars for verification. So, there is violation of condition of policy. The application is to be dismissed with costs.

5. The following issues are raised:-

1. Whether the applicant sustained injuries in the accident?
2. Whether the rash and negligent riding of motor cycle bearing Reg. No.KL-25A/9641 by the 1st respondent is the direct and proximate cause of the injuries sustained by the applicant ?
3. Whether the applicant is entitled to get compensation ? If so, what is the quantum?
4. Who is liable to pay compensation to the applicant?
5. Reliefs and costs?
6. On the side of the applicant, Exts.A1 to A9 were marked. The 2nd

respondent had not adduced evidence.

7. Heard both sides.

8. **Issue No. 1 :-**

The applicant states that she had sustained the following injuries in the accident :

1. Syndesmotoc injury b/c ankle (distal tibia fibular syndesmotoc joint)
2. 3x2 cm abrasion over ® lateral malleolus

Ext. A6 is the certified copy of accident register cum wound certificate issued from Taluk Headquarters Hospital, Punalur. Ext.A7 is the treatment certificate issued from Taluk Headquarters Hospital, Punalur which shows that the applicant was admitted to the hospital on 18-04-2022 and discharged on 26-04-2022. Exts.A6 and A7 shows that the applicant had sustained the injuries stated by her in the accident. Issue No. 1 is found in favour of the applicant.

9. **Issue No. 2 :-**

Exts. A1 series to A5 are certified copies. Ext.A1 is FIR No. 627/2022 registered at Punalur Police Station u/s 279, 337 and 338 of IPC against the rider of motor cycle bearing Reg. No. KL-25A/9641 and Ext.A1(a) is the first information statement. Ext.A2 is the scene mahazar, Ext.A3 series are vehicle mahazars, Ext.A4 series are motor vehicle inspection reports and Ext.A5 is the final report forwarded to the Judicial First Class Magistrate Court-II, Punalur in FIR No. 627/2022 of Punalur Police Station alleging commission of offences punishable u/s 279, 337 and 338 of IPC by the 1st respondent. The Hon'ble High Court of Kerala had held in **New India Assurance Co. Ltd. v. Pazhaniammal and Others (2011(3) KHC 595)** as follows: "As a general rule, production of the police charge sheet is prima facie sufficient evidence of negligence for the purpose of a claim u/s 166 of the Motor Vehicles Act. If any one of the parties do not accept such charge sheet, the burden must be on such party to adduce oral evidence." The 2nd respondent had not adduced evidence in

support of the contention that the accident had not occurred due to the rash and negligent riding of motor cycle bearing Reg. No. KL-25A/9641 by the 1st respondent and the accident occurred due to the rash and negligent riding of motor cycle bearing Reg. No. KL-25M/9006 by its rider. Therefore, from Ext.A1 series to Ext.A5 documents, I find that the rash and negligent riding of motor cycle bearing Reg. No. KL-25A/9641 by the 1st respondent is the direct and proximate cause of the injuries sustained by the applicant. Issue No. 2 is found in favour of the applicant.

10. **Issue Nos. 3 and 4 :-**

In view of my finding on Issue Nos. 1 and 2, the applicant is entitled to get compensation. The applicant states that she is a daily labourer in Kissan Valley Gardens, Punalur with monthly income of ₹ 10,000. There is no document to show the income of the applicant. In view of the dictum in **Ramchandrappa v. Manager, Royal Sundaram Alliance Insurance Company Limited (2011 KHC 4675)**, the notional income of the applicant in the year 2022 is reckoned as ₹ 13,500 per month. The applicant could have taken rest for a period of 4 months after hospitalization due to the accident. So, the applicant is awarded ₹ 54,000 towards loss of earning for a period of 4 months (13,500 x 4 months). The applicant is awarded ₹ 4,000 towards transport to hospital, ₹ 3,000 towards extra nourishment and ₹ 2,500 towards damages to clothing and articles. The applicant has produced Ext.A8 series

medical bills showing payment of ₹ 8,493 and she is entitled to get this amount towards medical expenses. The applicant is awarded ₹ 15,000 towards bystander's expenses.

11. The applicant is awarded ₹ 50,000 towards compensation for pain and suffering. The applicant has claimed ₹ 2,00,000 towards compensation for permanent disability. The applicant has not produced any disability certificate from the medical board showing her disability. The Hon'ble High Court of Kerala had held in **Akhil @ Akhil Anand.P vs The Managing Director, KSRTC (2015(1) KLT 291)** as follows :-

“As already observed, the Motor Accidents Claims Tribunal, will always have some limits and limitations. Of course, if the Trial Judge finds the absolute necessity of such physical examination before ordering examination by a Medical Officer or Medical Board, the Tribunal can direct the party to be present in court for such examination. When there is no such absolute necessity, the Tribunal can go through the available documents including medical documents, showing the nature and consequence of the injury sustained by the claimant and also the possible degree and extent of the disability sustained by the claimant; physical or occupational. When the Tribunal finds the necessity of such examination by a Medical Board or Medical Officer on examination of the documents, the Tribunal can straight away direct such examination.”

Ext.A9 is the copy of the Aadhar Card of the applicant which shows that her date of birth is 01-01-1978. The accident occurred on 31-03-2022. So, the age of the applicant at the time of accident was 44 years. The multiplier applicable in this case is '14'. Taking in to consideration the submission made by the

counsel for the applicant and the 2nd respondent, the functional disability of the applicant is fixed at 6%. Hence, the applicant is awarded ₹ 1,36,080 towards compensation for functional disability ($13,500 \times 12 \times 14 \times 6/100$). The applicant is awarded ₹ 15,000 towards compensation for loss of amenities in life. All other claims are disallowed.

12. The compensation awarded to the applicant under different heads are given below :-

Sl. No.	Heads	Amount claimed (Rs.)	Amount awarded (Rs.)	Basis-vital details in a nut shell
Pecuniary Damages				
1	Loss of earning	60,000	54,000	(13,500 x 4 months)
2	Partial loss of earning	30,000	Disallowed
3	Transport to hospital	10,000	4,000	Reasonable estimation
4	Extra nourishment	5,000	3,000	„
5	Damage to clothing and articles	5,000	2,500	„
6	Medical expenses	1,00,000	8,493	Ext.A8 series medical bills
	Bystander's expense		15,000	Reasonable estimation
Non-pecuniary Damages				
7	Compensation for pain and sufferings	1,20,000	50,000	Reasonable estimation
8	Compensation for permanent disability and compensation for loss of earning power	2,00,000	1,36,080	$(\frac{13,500 \times 12 \times 14 \times 6}{100})$
9	Compensation for disfigurement	15,000	Disallowed
10	Compensation for loss of amenities in life	15,000	15,000	Reasonable estimation
	Total Rounded to	5,60,000	2,88,073 2,88,080	

13. Therefore, the applicant is entitled to get total compensation of **₹ 2,88,080(Rupees Two Lakhs Eighty Eight Thousand and Eighty only)** as shown in the schedule.

14. The rash and negligent riding of motor cycle bearing Reg. No. KL-25A/9641 by the 1st respondent is the direct and proximate cause of the injuries sustained by the applicant. The 2nd respondent is the insurer of the offending motor cycle bearing Reg. No. KL-25A/9641. The 2nd respondent does not have a case that motor cycle bearing Reg. No. KL-25A/9641 was not insured with the 2nd respondent. So, the 2nd respondent has a statutory liability to indemnify the 1st respondent who is also the owner of the offending motor cycle for the compensation to be paid to the applicant. Therefore, the applicant is entitled to get compensation from the 2nd respondent. Issue Nos. 3 and 4 are found in favour of the applicant.

15. **Issue No. 5 :-**

In the result, the application is allowed and award is passed on the following terms:-

(1) The applicant is entitled to recover an amount of **₹ ₹2,88,080(Rupees Two Lakhs Eighty Eight Thousand and Eighty only)** as compensation with interest at the rate of 9% per annum from the date of application ie. 06-07-2023 till realization with proportionate costs from the 2nd respondent.

(2) The 2nd respondent is directed to deposit two cheques in the name of MACT, Punalur for ₹ 4,973 and ₹ 5,600 towards court fee and legal benefit fund and to deposit the balance award amount with interest and proportionate costs within 30 days from the date of this award and amount due to the applicant shall be transferred directly to the credit of the bank account of the applicant (Sudhakumari), Canara Bank, Punalur Branch, Account No. 110080131795 IFSC : CNRB0001099 through NEFT or RTGS or any Electronic mode as per the direction in the official memorandum No. D1-1/62475/2016 dated 19-09-2025 read with Circular No. 1/25 of the Hon'ble High Court of Kerala.

16. Issue free copies of this award to the applicant and the 2nd respondent.

17. The parties should apply as soon as possible for the return of all documents which they may wish to preserve, as the records will be liable to be destroyed after twelve years from this date.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me, and pronounced in open Tribunal, on this the day of 6th April, 2026.

Sd/-

Baiju.T.D

MOTOR ACCIDENTS CLAIMS TRIBUNAL.

Appendix

Exhibits for the Petitioner:-

A1 27/04/2022 Copy of FIR in Cr.No. 627/2022 of Punalur Police Station.

A1(a)	27/04/2022	Certified copy of copy of FIS in Cr.No. 627/2022 of Punalur Police Station.
A2	28/04/2020	Certified copy of scene Mahazer in Crime No. 627/2022 of Punalur Police Station.
A3	30/04/2022	Certified copy of Vehicle Record Mahazar in Cr.No. 627/2022 of Punalur Police Station.
A3(a)	30/04/2022	Certified copy of Vehicle Record Mahazar in Cr.No. 627/2022 of Punalur Police Station.
A4	05/05/2022	Certified copy of AIR Report (motor cycle bearing Reg. No. KL-25 M/9004)issued from Asst. Motor Vehicles Inspector, RTO Enforcement, Kollam.
A4(a)	05/05/2022	Certified copy of AIR Report (motor cycle bearing Reg. No. KL-25 A/9641)issued from Asst. Motor Vehicles Inspector, RTO Enforcement, Kollam.
A5	27/04/2022	Certified Copy of Charge sheet in Cr.No. 627/2022 of Punalur Police Station.
A6	31/03/2022	Certified copy of accident register cum wound Certificate issued from Taluk Head Quarters Hospital, Punalur.
A7	04/07/2022	Certified copy of treatment certificate issued from Taluk Head Quarters Hospital, Punalur.
A8 series		Medical bills
A9		Copy of Adhar in respect of Smt. Sudhakumari (No. 9341 4513 1896)

Exhibits for the Respondents:- NIL

Witness for both sides :- Nil.

Id/-

MOTOR ACCIDENTS CLAIMS TRIBUNAL

//True Copy//

Typed by : Binu.S
Compd. by : Jayasree

Sd/-

MOTOR ACCIDENTS CLAIMS TRIBUNAL

MOTOR ACCIDENTS CLAIMS TRIBUNAL
MEMO OF COSTS
OP(MV) 384/2023

Cost for the Petitioner:-

Court fee	4973/-
L.B.F	5600/-
Vakkalath fee	5
Petition fee	12/-
Record fees	40/-
Typing charge, Office expenses & Written fees	500/-
Advocate fee	16,804/-
Total	27,934/-

$$\begin{aligned} \text{Proportionate Cost} &: \frac{27934 \times 288080}{560000} \\ &= 14,370/- \\ &===== \end{aligned}$$

(Rupees Fourteen Thousand Three hundred and Seventy only. Proportionate cost allowed. Costs memo filed.)

Sd/-

MOTOR ACCIDENTS CLAIMS TRIBUNAL .