

**IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PUNALUR.**

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

**Monday the 30<sup>th</sup> day of March, 2026/9<sup>th</sup> Chaithra, 1948.**

**OP(M.V) 642/2021**

**Between**

**Petitioner:-**

Vinod Kumar. V Aged 35 years,  
S/o. Vijayan, Vineesh Bhavanam,  
Karunnakodu Junction, Vilakkudy P.O.,  
Vilakkudy Village, Pathanapuram Taluk,  
Kollam Dist. Kerala State 691508  
Represented by Adv. Sri.B. Shamnad

**And**

**Respondents:-**

1. Maruthachala Moorthi  
S/o. Subbayya Pandyan,  
No. 21 Annai School Street,  
Mele Kadayanalloor, Mavattathil,  
Tenkasi, Thirunelveli District,  
Tamil Nadu 627751
2. Mr. Junas. S  
S/o. A. Shahul Hameed Rawther,  
Kaleelil Padinjattathil, Adoor P.O.,  
Arukalikal Muri, Ezhamkulam Village,  
Arukalikkal West, Adoor,  
Pathanamthitta District, Kerala 691523..
3. The Divisional Manager,  
Oriental Insurancemnkl Co. Ltd,  
Pulimoottil Buildings,  
Pathanamthitta 689645.  
R1-Ex-parte,  
R2 rep. by Adv. Sri. J. Bahuleyan and  
And R3 rep. by Adv. Sri. N.P. Devarajan

This OP(MV) have been finally heard on 16.03.2026 and on 30.03.2026 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 bike bearing Reg. No. KL-25M/6992 along Pattazhy-Randalummoodu road and when he reached near Thathamangalam Temple at about 4.45 p.m on 15-04-2021, the pickup van bearing Reg. No. KL-26L/5756 driven by the 1<sup>st</sup> respondent in a rash and negligent manner from east to west had hit the applicant. Due to the impact of the hit, the applicant fell down and sustained serious injuries. Immediately, the applicant was taken to Taluk Headquarters Hospital, Punalur and referred to Medical College Hospital, Thiruvananthapuram where he underwent treatment as an inpatient. The accident occurred due to the rash and negligent driving of pickup van bearing Reg. No. KL-26L/5756 by the 1<sup>st</sup> respondent. The 2<sup>nd</sup> respondent is the registered owner and the 3<sup>rd</sup> respondent is the insurer of the offending pickup van bearing Reg. No. KL-26L/5756. The applicant claims compensation of ₹ 14,00,000. The respondents are jointly and severally liable to compensate the applicant.

3. The 1<sup>st</sup> respondent was set ex-parte.

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

The accident occurred due to the rash and negligent riding of the applicant and the 1<sup>st</sup> respondent had driven vehicle bearing Reg. No. KL-26L/5756 at a moderate speed by obeying traffic rules. The vehicle bearing Reg. No. KL-26L/5756 was insured with the 3<sup>rd</sup> respondent at the time of accident. So, the 3<sup>rd</sup> respondent has to compensate the applicant. The compensation amount claimed is exorbitant. The application is to be dismissed with costs.

5. The 3<sup>rd</sup> respondent had filed written statement with the following contentions:-

The 1<sup>st</sup> respondent had not driven vehicle bearing Reg. No. KL-26L/5756 in a rash and negligent manner. The accident occurred when the vehicle driven by the 1<sup>st</sup> respondent from east to west direction reached the place of occurrence, the applicant who was proceeding in front of the 1<sup>st</sup> respondent suddenly stopped his vehicle. The 3<sup>rd</sup> respondent had issued insurance policy for vehicle bearing Reg. No. KL-26L/5756 covering the date of accident. The offending vehicle was not having fitness certificate at the time of accident. So, there is violation of condition of policy. The applicant had sustained only minor injuries which does not cause any disability. The compensation amount claimed is exorbitant. So, the application is to be dismissed with costs.

6. The following issues are raised:-

1. Whether the applicant sustained injuries in the accident?
2. Whether the rash and negligent driving of pickup van bearing Reg. No. KL-26L/5756 by the 1<sup>st</sup> 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?
7. On the side of the applicant, Exts.A1 to A15 series were marked.

On the side of the 3<sup>rd</sup> respondent, Ext.B1 and B2 were marked. The disability certificate was marked as Ext.X1.

8. Heard both sides.

9. **Issue No. 1 :-**

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

1. Fracture -patella of right leg
2. Fracture - ligament of right knee
3. Lacerated wound over right knee
4. Deep injury in right knee
5. Pain and swelling all over the body

Ext. A6 is the accident register cum wound certificate issued from Taluk Headquarters Hospital, Punalur. Ext.A7 is the treatment certificate issued from Taluk Headquarters Hospital, Punalur. Ext.A8 is the outpatient record issued from Medical College Hospital, Thiruvananthapuram. Ext.A9 is the discharge

card issued from Taluk Headquarters Hospital, Punalur. Ext.A10 is the discharge card issued from Taluk Headquarters Hospital, Punalur which shows that the applicant was admitted to the hospital on 16-04-2021 and discharged on 07-05-2021. Ext.A11 and A12 are outpatient records issued from Medical College Hospital, Thiruvananthapuram. Ext.A13 and A14 are outpatient registration cards issued from Taluk Headquarters Hospital, Punalur. Exts.A6 to A14 shows that the applicant had sustained the injuries stated by him in the accident. Issue No. 1 is found in favour of the applicant.

10. **Issue No. 2 :-**

Exts. A1 series to A5 are certified copies. Ext.A1 is FIR No.369/2021 registered at Kunnicode Police Station u/s 279, 337 and 338 of IPC against the driver of pickup van bearing Reg. No. KL-26L/5756 and Ext.A1(a) is the first information statement. Ext.A2 is the scene mahazar, Ext.A3 is the vehicle mahazar, Ext.A4 series are motor vehicle inspection reports and Ext.A5 is the final report forwarded to the Judicial First Class Magistrate Court, Pathanapuram in FIR No. 369/2021 of Kunnicode Police Station alleging commission of offences punishable u/s 279, 337 and 338 of IPC by the 1<sup>st</sup> 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 respondents had not adduced evidence in support of the contention that the accident had not occurred due to the rash and negligent driving of pickup van bearing Reg. No. KL-26L/5756 by the 1<sup>st</sup> respondent and the accident occurred due to the negligence of the applicant. Therefore, from Exts.A1 series to A5 documents, I find that the rash and negligent driving of pickup van bearing Reg. No. KL-26L/5756 by the 1<sup>st</sup> respondent is the direct and proximate cause of the injuries sustained by the applicant. Issue No. 2 is found in favour of the applicant.

11. **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 he is a marketing executive in Amber Hosiery Mills, Thirupur with monthly income of ₹ 32,000. 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 2021 is reckoned as ₹ 13,000 per month. The applicant could have taken rest for a period of 6 months after hospitalization due to the accident. So, the applicant is awarded ₹ 78,000 towards loss of earning for a period of 6 months (13,000 x 6 months). The applicant is awarded ₹ 5,000 towards transport to hospital, ₹ 10,000 towards extra nourishment and ₹ 1,000 towards damages to clothing, The applicant has produced Ext.A15 series

medical bills showing payment of ₹ 24,696 and the applicant is entitled to get this amount towards medical expenses. The applicant is awarded ₹ 30,000 towards bystander's expenses.

12. The applicant is awarded ₹ 75,000 towards compensation for pain and suffering. The applicant has claimed ₹ 3,00,000 towards compensation for permanent disability. Ext.X1 is the disability certificate issued to the applicant by the Medical Board consisting of 7 doctors from the Govt. Medical College Hospital, Thiruvananthapuram. Ext.X1 shows that the applicant has 7% permanent disability. So the disability of 7% is reckoned as the functional disability of the applicant. The applicant states that he is aged 35 years. The applicant has not produced any document to show his date of birth. Since the applicant is aged 35 year, the multiplier applicable is '16'. Since the applicant is aged below 40 years, 40% of his income is to be added towards future prospects. So the monthly income of the applicant after adding future prospects is 18,200 (13000 + 5200). The applicant is entitled to get ₹ 2,44,608 towards compensation for functional disability (18,200 x 12 x 16 x 7/100). The applicant is awarded ₹ 25,000 towards compensation for loss of amenities in life. All other claims are disallowed.

13. 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
<b>Pecuniary Damages</b>				
1	Loss of earning	3,00,000	78,000	(13,000 x 6 months)
2	Partial loss of earning	1,50,000	....	Disallowed

3	Transport to hospital	20,000	5,000	Reasonable estimation	
4	Extra nourishment	25,000	10,000	,,	
5	Damage to clothing and articles	1,000	1,000	,,	
6	Medical expenses	2,04,000	24,696	Ext.A15 series medical bills	
	Bystander's expense		30,000	Reasonable estimation	
<b>Non-pecuniary Damages</b>					
7	Compensation for pain and sufferings	2,00,000	75,000	Reasonable estimation	
8	Compensation for continuing or permanent disability and compensation for loss of earning power		3,00,000	2,44,608	$(\frac{18,200 \times 12 \times 16 \times 7}{100})$
9	Compensation for loss of amenities in life		1,00,000	25,000	Reasonable estimation
10	Compensation for future treatment	1,00,000	....	Disallowed	
	<b>Total Rounded to</b>	<b>14,00,000</b>	<b>4,93,304</b> <b>4,93,310</b>		

14. Therefore, the applicant is entitled to get total compensation of **₹ 4,93,310 (Rupees Four Lakhs Ninety Three Thousand Three Hundred and Ten only)** as shown in the schedule.

15. The rash and negligent driving of pickup van bearing Reg. No. KL-26L/5756 by the 1<sup>st</sup> respondent is the direct and proximate cause of the injuries sustained by the applicant. The 2<sup>nd</sup> respondent is the registered owner and the 3<sup>rd</sup> respondent is the insurer of the offending pickup van bearing Reg. No. KL-26L/5756. It is admitted by the 3<sup>rd</sup> respondent that insurance policy was issued for vehicle bearing Reg. No. KL-26L/5756 covering the date of accident. The 3<sup>rd</sup> respondent states that the vehicle bearing Reg. No. KL-26L/5756 was not having fitness certificate at the

time of accident. Ext.B2 is the intimation from Joint Regional Transport Officer, Adoor which shows that vehicle bearing Reg. No. KL-26L/5756 was having fitness as on 15-04-2021. Thus, it is evident that the offending vehicle was having fitness on the date of accident. Therefore, the 3<sup>rd</sup> respondent has a statutory liability to indemnify the 2<sup>nd</sup> respondent for the compensation to be paid to the applicant. Therefore, the applicant is entitled to get compensation from the 3<sup>rd</sup> respondent. Issue Nos. 3 and 4 are found in favour of the applicant.

16. **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 **₹ 4,93,310 (Rupees Four Lakhs Ninety Three Thousand Three Hundred and Ten only)** as compensation with interest at the rate of 9% per annum from the date of application ie. 28-12-2021 till realization with proportionate costs from the 3<sup>rd</sup> respondent.

(2) The 3<sup>rd</sup> respondent is directed to deposit two cheques in the name of MACT, Punalur for ₹ 13,373 and ₹ 14,000 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 (Vinod Kumar .V), Federal Bank, Ilambal Branch, Account No. 12700100197319 IFSC : FDRL0001270 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.

17. Issue free copies of this award to the applicant and respondents.

18. 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 30<sup>th</sup> March, 2026.

**Sd/-**

**Baiju. T. D**

**MOTOR ACCIDENTS CLAIMS TRIBUNAL.**

**Appendix**

**Exhibits for the Petitioners:-**

A1	:	19.04.2021	:	Certified Copy of FIR in Cr.No. 369/2021 of Kunnikodu Police Station.
A1(a)	:	19.04.2021	:	Certified Copy of FIS in Cr.No. 369/2021 of Kunnikodu Police Station.
A2	:	19.04.2021	:	Certified Copy of Scene Mahazar in Cr.No. 369/2021 of Kunnikodu Police Station.
A3	:	20.04.2021	:	Certified Copy of Vehicle Mahazar in Cr.No. 369/2021 of Kunnikodu Police Station.
A4	:	21.04.2021	:	Certified Copy of AMVI Report in respect of vehicle bearing Reg. No. KL25- M-6292 in Cr.No. 369/2021 of Kunnikodu Police Station.
A4(a)	:	21.04.2021	:	Certified Copy of AMVI Report in respect of Vehicle bearing Reg. No. KL-26- L-5756 in Cr.No. 369/2021 of Kunnikodu Police Station.
A4(b)	:	21.04.2021	:	Certified Copy of MVI Report in respect of Vehicle bearing Reg. No. KL-25- F-5278 in Cr.No. 369/2021 of Kunnikodu Police Station.
A5	:	27.06..2021	:	Certified Copy of Final Report in Cr.No. 369/2021 of Kunnikodu Police Station.

- A6 : 15.04.2021 : Certified Copy of Accident Register Cum Wound Certificate issued from Taluk Headquarters Hospital, Punalur.
- A7 : 24.06.2021 : Certified Copy of Treatment Certificate issued from Taluk Headquarters Hospital, Punalur.
- A8 : 15.04.2021 : Out Patient Record issued from Medical College Hospital, Thiruvananthapuram.
- A9 : Nil : Discharge Card issued from Taluk Headquarters Hospital, Punalur.
- A10 : 07.05.2021 : Discharge Card issued from Taluk Headquarters Hospital, Punalur.
- A11 : 22.04.2021 : Out Patient Record issued from Medical College Hospital, Thiruvananthapuram.
- A12 : 23.04.2021 : Out Patient Record issued from Medical College Hospital, Thiruvananthapuram.
- A13 : 24.05.2021 : Out Patient Registration Card issued from Taluk Headquarters Hospital, Punalur.
- A14 : 18.06.2021 : Out Patient Registration Card issued from Taluk Headquarters Hospital, Punalur.
- A15Series: Nil : Medical Bills.

**Exhibits for the Respondents:-**

- B1 : 27.08.2020 : Copy of Policy Certificate.
- B2 : 24.02.2026 : Letter from SRTO, Adoor

**Other Party Exhibits:-**

- X1 : 15.07.2025 : Disability Certificate issued from Govt. Medical College Hospital, Thiruvananthapuram.

**Witness for both sides** :- NIL

Id/-

Motor Accidents Claims Tribunal.

//True Copy//

Typed by : Praseetha. P  
Compd. by : Geethamma. T

**MOTOR ACCIDENTS CLAIMS TRIBUNAL**  
**MOTOR ACCIDENTS CLAIMS TRIBUNAL**

**MEMO OF COSTS**

**OP(MV) 642/2021**

**Costs for the Petitioner**

1	Court Fee	13,373/-
2	LBF	14,000/-
3	Vakalath Fee	5/-
6	Petition Fee	9/-
7	Stamp for exhibits	16/-
8	Process fee	90/-
9	Advocate Fee	27,066/-

**TOTAL**

**Rs. 54,559/-**

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**Proportionate Cost =  $\frac{54559 \times 493310}{1400000}$**

**= 19,225/-**  
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**(Rupees Nineteen Thousand two hundred and twenty five only)**

**Proportionate costs allowed. Cost memo not filed.**

**MOTOR ACCIDENTS CLAIMS TRIBUNAL.**