

**THE MOTOR ACCIDENTS CLAIMS TRIBUNAL/ ADDITIONAL
DISTRICT AND SESSIONS COURT, TALIPARAMBA**

Present:- Sri.**Prasanth.K.N**, Motor Accidents Claims Tribunal/
Additional District and Sessions Judge

Thursday, the 30th day of April, 2026/ 10th Vishakha, 1948

O.P.(MV) No. 378 OF 2022

1. Hareendran.K.V, S/o.Kunhiraman.K, aged 67 years, Kunnumal Veedu, Vengara, (PO) Vengara, Kannur Dist. 670305. Aadhar No. 8316 3822 5732 A/c.No. 57053019020, IFSC SBIN0018494 State Bank of India, Pazhayangadi Branch.		Petitioner
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Vs.

1. Rahees.M, S/o.Rafeeqe,aged 20 years, Mottammal House, Mottampram, (PO) Madayi Kannur Dist, 670304. Driver of the vehicle bearing Reg.No. KL 13 AE 5574. 2. Sukesh Babu K.V, S/o.Dasan.K.V. aged 35 years, Kattile Purayil House, Mavilayi, Kannur Dist. 670622. RC Owner of the vehicle bearing Reg.No. KL 13 AE 5574. 3. The Branch Manager, National Insurance Co.Ltd, Payyanur Branch, 1st Floor, Perumal Building, Payyanur, Payyanur (PO), Kannur Dt. Insurer of the vehicle bearing Reg.No. KL 13 AE 5574.		Respondents
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This petition coming on this day for hearing before me in the presence of
Sri.Tony Joseph, Advocate for the Petitioner; and of Sri.V.V.Gopinathan,
Advocate for the 3rd respondent; Respondent Nos.1 & 2 are being called absent
set exparte and the tribunal passed the following:-

AWARD
SUMMARY OF THE CASE

No	Heading	Description	Remarks
1	Details of parties	Petitioner - Injured, R1 - Driver, R2 - Owner, R3 - Insurer	
2	Accident details	A car hit a scooter, and the rider sustained grievous injuries Injury Case	
3	Occurrence	15.01.2022 - Ext.A1	FIR 57/2022, Pazhayangadi PS
4	Final report	28.02.2022 - Ext.A2	U/s 279, 338 IPC
5	Petition	12.07.2022	U/s 166 MV Act
6	Licence	DL	Complied
7	Insurance	Insured	Complied
8	Age	67	Adhar card
9	Job	Manager	Not proved
10	Income	Claimed - ₹30,000	MW Act - ₹18,225
11	Injuries Ext.A2	#Fracture distal radius ends left side, Deep lacerated wound 4x2 cm over the left medial malleolus, Deep lacerated wound 5x2 cm over the anterior distal of the left leg, Puncher wound over the left thigh	
12	Hospitalization	13 days Ext.A2	15.01.2022 to 24.01.2022 29.04.2022 to 01.05.2022
13	Medical bill	₹47,101	Ext.A4 series
14	Evidence	No oral evidence	Exts.A1 to A6
15	Compensation	₹15,00,000 - Claimed	₹4,52,500 - Allowed

1. This petition is filed under **Section 166** of the Motor Vehicles Act, 1988, to seek compensation for the injuries suffered by the petitioner in an accident.

Case of the petitioner

2. On 15.01.2022, at 7.50 hrs., the petitioner was riding his scooter bearing Regn. No. KL.13. AN. 9964, at Madayippara, a car bearing Regn. No. KL.13. AE-5574, driven by the first respondent in a rash and negligent manner,

hit the scooter, and the petitioner sustained injuries. After the accident, the petitioner was taken to Aster MIMS Hospital, Kannur, where he was treated as an inpatient. The first respondent was the driver, the second respondent was the owner, and the third respondent was the insurer of the offending vehicle. The petitioner avers that he was a 67-year-old and has claimed an amount of **₹15,00,000** as compensation for his injuries in the accident.

3. The first and second respondents did not appear on summons and were set *exparte*. The third respondent entered into an appearance and filed a written statement.

Case of the respondent

4. The third respondent disputed the negligence, job, income, and vehicle involvement in the accident and stated that the compensation claimed in the petition under different heads is excessive and unreasonable. However, it is admitted that the car bearing Regn. No. KL.13. AE-5574 was insured with the third respondent.

5. Based on the above pleadings, the following points are raised for consideration.

Points for consideration

- 1. Did the accident occur due to the first respondent's rash and negligent driving of the car bearing Regn. No. KL.13. AE-5574?***
- 2. Has the petitioner sustained any injuries in the accident?***

3. *Is the petitioner entitled to any compensation? If so, what is the quantum?*
4. *Who is liable to pay the compensation?*
5. *Reliefs and costs?*

6. Neither side has adduced any oral evidence. Exts.A1 to A6 documents were marked on the petitioner's side, and no document was marked on the respondent's side.

7. Heard the counsel for the petitioner and the respondents.

Point No.1/ Negligence

8. To prove the accident and negligence, the petitioner relies on Ext.A1 FIR and Ext.A2 final report. These records show that the police had registered a case regarding the incident as Crime No. 57/2022 of the Pazhayangadi Police Station and filed the final report under **Section 173 (2)** of Cr.P.C, inculcating the first respondent. According to the final report, the car driver has been charged under **Sections 279 and 338** of the **IPC** for rash and negligent driving that caused the accident. The final report shows that the accident was caused by the negligence of the first respondent, the driver of the car.

9. The Hon'ble High Court of Kerala has held in *New India Assurance Company V. Pazhaniammal, 2011 (3) KHC 595* and *Kolavan V. Salim, 2018 KHC 77*, that the production of a police charge sheet, as a general rule, is sufficient evidence of negligence for a claim under **Section 166** of the Motor Vehicles Act, unless the contrary is proved. Once the claimant produces the charge sheet, the burden of proof shifts to the party who does not accept the

charge sheet to adduce contrary evidence. The respondents could not adduce rebuttal evidence to challenge the final report, so the petitioners' case concerning the cause of the accident, which appears believable and probable, must be accepted. Hence, in the light of Exts.A1 and A2 documents, this court holds that the evidence adduced is sufficient to prove that the accident occurred due to the rash and negligent driving of the second respondent. Point No.1 is answered in favour of the petitioner accordingly.

Point No.2/ Cause of injury

10. To prove the injuries suffered by the petitioner and the treatment details, he has produced the Ext.A3 wound certificate, Ext.A4 medical bills and Ext.A6 prescription. The wound certificate shows that on 15.01.2022 at about 7.29 pm, the petitioner was treated in Aster MIMS Hospital, Kannur, for the injury sustained in a motor vehicle accident on the same day. The wound certificate shows that the petitioner was treated as an inpatient at the Aster MIMS Hospital, Kannur, from 15.01.2022 to 24.01.2022 and from 29.04.2022 to 01.05.2022. The following are the injuries and treatment of the petitioner, as per the wound certificate and the discharge summary.

a. #Fracture distal radius ends left side

b. Deep lacerated wound 4x2 cm over the left medial malleolus,

c. Deep lacerated wound 5x2 cm over the anterior distal of the left leg

d. Puncher wound over the left thigh

11. The petitioner had sustained injuries in the accident, as substantiated by the FIR, the final report, the wound certificate, and the discharge summary. The respondent does not challenge the factum of the accident, the final report, or the medical documents. Considering all these documents, it is sufficient to show that the petitioner sustained the injuries in the accident. Hence, this court holds that the petitioner has proven that the injured person sustained injuries in the motor vehicle accident. Point No.2 is answered in favour of the petitioners accordingly.

Discussion on Point No.3

Medical & Bystander expenses

12. The petitioner has produced Ext.A4 medical bills and physiotherapy bills to the tune of ₹47,101. Considering the nature of the injuries and the associated medical bills and physiotherapy bills, this court is inclined to award **₹47,101** for medical expenses. The wound certificate and medical bills show that he was hospitalized as an inpatient for thirteen days. Also, considering this, this court is inclined to award **₹13,000** for **13 days** at ₹1,000 per day. The petitioner has produced a nursing charges bill for ₹88,000, issued by Life Home Nursing Service, Taliparamba, for a period of four months. Considering the bills and the petitioner's age, the court is inclined to award **₹88,000** for nursing charges.

Pain and suffering & Amenities

13. Considering the nature of injuries, 13 days of hospitalization and

fracture, this court is inclined to award an amount of **₹1,00,000** under the head of pain and suffering and **₹60,000** under the head of loss of amenities.

Transportation, Clothing & Nourishment

14. The petitioner has produced Ext.A5 ambulance bills to the tune of ₹18,900. Considering the two admissions, discharge, and nine reviews at Kannur, this court is inclined to award **₹18,900** under the heading of transport to the hospital. Under a reasonable estimation, an amount of **₹3,000** is granted under the heading of damage to clothing. Considering the thirteen-day hospitalisation, this court is inclined to grant **₹13,000** under the heading of extra nourishment.

Calculation of income

15. The petition states that the petitioner was a manager earning a monthly income of ₹30,000, and due to the injuries sustained in the accident, he had lost his income. However, the petitioner has not adduced any evidence to prove his income. Therefore, the notional income of the petitioner will be assessed in accordance with judicial precedents and statutory obligations. This court holds that the commonly cited judgment in *Ramachandrappa V. Manager, Royal Sundaram Alliance Insurance Company Ltd., 2011 (13) SCC 236*, is not a binding precedent in the present scenario. The ratio decidendi applies only to the factual scenario of that case, and there was no discussion regarding the long-standing principles for evaluating income. It is a 2004 case from Karnataka, and the Hon'ble Apex Court delivered its judgment in 2011.

The standard of living and the cost of living vary widely across states; for this reason, notifications under the Minimum Wages Act are issued by the State Government after analysing various factors.

16. The concept of right to work and living wages was enshrined by **Article 43** of the Indian Constitution, which states that the wages of a worker shall ensure a decent standard of living and social justice. Therefore, the Minimum Wages Act was introduced to prevent the exploitation of labourers by securing minimum wages, ensuring a basic standard of living, and promoting social justice in conformity with constitutional directives. It is held by the Hon'ble Supreme Court in *Gurpreet Kaur V. United Insurance Co. Ltd, 2022 (6) KHC 601*, and *Jithendra V. Sadiya, 2025 KHC 7101*, that the notifications under the Minimum Wages Act can be a guiding factor in cases where there is no evidence available to evaluate monthly income.

17. As far as the State of Kerala is concerned, the Government has brought the minimum wage rates in **G.O.(P). No. 29/2021/Fin, w.e.f 11.02.2021**, for unskilled workers at ₹18,225 per month. Therefore, this court is of the considered view that, as beneficial legislation, the minimum wages can be taken into account in accident claims, and the petitioner's notional monthly income can be fixed at **₹18,225**. The nature of the injuries suffered by the petitioner, along with the consideration of his age, leads me to the view that he had not been in a position to attend to any work for six months. Therefore, the petitioner is entitled to an amount of **₹1,09,350** (6x18,225) on account of loss of

income.

18. The compensation to which the petitioner is entitled under different heads is summarized as follows.

SUMMARY OF CLAIMS RAISED AND ALLOWED

No	Head of Claim	Claimed ₹	Awarded ₹	Details in a nutshell
1s	Loss of Earnings	1,80,000	1,09,350	18,225 X 6 months
2	Partial loss of earnings	1,00,000	Nil	No evidence
3	Transport to the hospital	5,000	18,900	Ext.A5
4	Damage to clothing	2,000	3,000	Reasonable estimate
5	Extra nourishment	5,000	13,000	13 days Hospitalization
6	Loss of amenities		60,000	Reasonable estimate
7	Bystander expenses	4,50,000	13,000	13 days X 1000
8	Medical expenses		47,101	Ext.A4 series
9	Nursing charges	Nil	88,000	Ext.A4 series
10	Pain and Suffering	2,00,000	1,00,000	Reasonable estimate
11	Disability	2,00,000	Nil	No evidence
12	Disfigurement	1,50,000	Nil	No evidence
13	Loss of earning power	2,00,000	Nil	No evidence
14	Claim limited to	₹15,00,000	₹4,52,351	Just compensation

Point No.4/ Liability

19. It has already been found that the driver of the car, the first respondent, is responsible for the accident of his rash and negligent driving. The second respondent, the vehicle's owner, is liable to compensate the petitioner. Admittedly, the vehicle was insured with the third respondent and had a valid policy at the time of the accident, and no policy violation was proved in this case. So, the third respondent, the insurer, is liable to indemnify the second respondent and compensate the petitioner.

Point No.5/ Interest and Cost

20. According to **Section 171** of the Motor Vehicle Act, the tribunal can direct a simple interest in addition to the compensation in motor vehicle accident cases. However, the interest rate is not fixed by the statute. Therefore, relying on the Judgment rendered by a three-bench of the Hon'ble Supreme Court in *Supe Dei V. National Insurance Co. Ltd, 2009 KHC 4551* and *Kaushnuma Begum V. New India Assurance Co. Ltd, 2001 (2) SCC 9*, it is reiterated that **9%** is the appropriate rate of interest in motor vehicle accident compensation cases. As a result of the above discussion, the interest rate is fixed accordingly.

21. Thus, the petitioner is entitled to a compensation of **₹4,52,351**, rounded to **₹4,52,500**. Regarding costs, no circumstance has been raised to depart from the usual rule that costs follow the event. Therefore, this court holds that the petitioner is entitled to recover the proportional costs of the proceedings from the third respondent.

As a result, the petition is allowed in part as follows,

1. The petitioner is entitled to recover an amount of **₹4,52,500** (Rupees Four Lakh Fifty-Two Thousand and Five Hundred only) as compensation from the third respondent, with interest @ **9%** per annum from **12.07.2022**, the date of application, until deposit/realization.
2. The third respondent/insurer is ordered to deposit a cheque for **₹14,374** (Rupees Fourteen Thousand Three Hundred and Seventy-Four only), the balance of the court fee payable to this Tribunal.

3. The third respondent/insurer shall also furnish an additional cheque for ₹15,000 (Rupees Fifteen Thousand only) as the additional court fee towards the legal benefit fund in favour of MACT, Taliparamba.
4. The third respondent/insurer is directed to deposit the entire balance due to the petitioner into the petitioner's bank account listed below **within one month.**

Name of the person	Hareendran. K.V
Name of the Bank & Branch	State Bank of India, Pazhayangadi
Account Number	57053019020
IFSC Number	SBIN0018494

5. The third respondent/insurer shall instruct their bank to ensure the deposit of the amount by direct transfer to the account of the petitioner mentioned above, containing the following information in the prescribed format, in compliance with the award.

1	OP(MV)Number	
2	On the file of MACT	
3	Date of award	
4	Amount deposited	
5	Amount of FD/No	
6	Name of the minor	
7	Income Tax Deduction at Source	
8	Bank Transaction Reference No/UTR	

6. After depositing the compensation amount, the third respondent/insurer shall submit a statement of transfer details to this Tribunal, enclosing a copy of the bank advice, in the format prescribed in Circular No. 1/25 dated 19.09.2025 of the Hon'ble High Court of Kerala, and also serve a copy on **the petitioner and their counsel forthwith.**
7. The third respondent/insurer is directed to furnish the claimant with Form 16A of the Income Tax Act if tax is deducted at the source.

(Dictated to the Confidential Assistant, transcribed and prepared by her in computer, corrected, and pronounced by me in open court on the 30th of April 2026)

Sd/
JUDGE
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TALIPARAMBA

Petitioner's Exhibits

A1	28-01-2022	Copy of FIR No. 57/2022 of Pazhayangadi Police Station.
A2	28-02-2022	Copy of Final report
A3	15-01-2022	Carbon copy of Wound Certificate
A4 series	--	Medical Bills
A5 series	--	Ambulance Bills
A6 series	--	Medical Prescriptions

Petitioner's Witness - Nil

Respondent's Exhibits & Witness - Nil

Third Party Exhibits - Nil

Sd/
JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL
TALIPARAMBA