

**IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALA**

**Present:- Sri. K.P. Pradeep, The MACT**

**Monday, the 16<sup>th</sup> day of March, 2026**

**25<sup>th</sup> day of Phalguna, 1947**

**OP (M.V) No.245/2022**

**Petitioner:-**

Arun Anto Mathew, aged 29 years, S/o Mathew, residing at Thottamavil House, Aryanpara Bhagam, Vechoochira P.O, Chethackal Village, Ranni Taluk, Pathanamthitta District, Pin: 686 511

By Adv.Saiju P Mathew & Adv. Benoy Jose

**Respondents :-**

1. Joseph Joseph, aged 57, S/o M.J Joseph, Madathil Parambil House, Kuruvamoozhi P.O, Koratty, Erumeli South village, Kanjirappally Taluk, Kottayam District, Pin: 686 509
2. The Manager, The New India Assurance Co Ltd, 82 F Municipal shopping complex, Pala, Pala P.O, Kottayam District; Pin: 686 575  
R1- Ex-parte  
R2- By Adv. C.J Shaji

This O.P. having been finally heard on 07.03.2026 and the Tribunal on 16.03.2026 passed the following :-

**AWARD**

Petition filed under sections 140 & 166 of the Motor Vehicles Act 1988.

2. The averments in the petition are that on 14.11.2021 at 7.45 p.m., the petitioner (Arun Anto Mathew, S/o Mathew) was riding a motorcycle bearing Reg.No. KL-03-U-1158 through Erumeli -

Kanjirappally road. When he reached the place of occurrence a car bearing Reg.No. KL-34-8130 driven by the 1<sup>st</sup> respondent came in a rash and negligent manner hit the petitioner's motorcycle. As a result of which, the petitioner fell down and sustained serious injuries. The accident occurred due to the negligent driving of the car bearing Reg.No. KL-34-8130 by the 1<sup>st</sup> respondent.

3. Immediately after the accident petitioner was taken to Sony Memorial Hospital, Erumely and thereafter he was taken to Mary Queens Mission Hospital, Palampara and treated there as inpatient till 16.11.2021. Respondents 1 and 2 are the owner- cum- driver and insurer respectively of the car bearing Reg.No. KL-34-8130. At the time of accident, petitioner was 'Accountant', and he used to earn Rs.21,000/- per month as income.

4. 1<sup>st</sup> respondent did not file written statement hence he was called absent and set ex-parte.

5. The 2<sup>nd</sup> respondent filed written statement by contending that the car bearing Reg.No. KL-34-8130 had been insured with 2<sup>nd</sup> respondent in the name of 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent was not holding a valid driving license on the date of the accident. The age, income and occupation of the petitioner mentioned in the original petition are not correct. The amount claimed by the petitioner is highly exorbitant. The petition was filed in collusion between the petitioner and other respondents. Hence this

respondent is not liable to pay compensation to the petitioner.

6. In view of the above said pleadings, the following issues have been raised for consideration:-

- (1) Whether the accident occurred due to the rash and negligent driving of car bearing Reg.No. KL-34-8130 by the 1<sup>st</sup> respondent?
- (2) Whether the petitioner is entitled to compensation and if so, what is the quantum?
- (3) Who is liable to pay compensation ?
- (4) Reliefs and costs ?

7. From the side of the petitioner, no oral evidence was adduced. In order to prove the alleged accident and negligence on the part of the 1<sup>st</sup> respondent, the petitioner has produced Exts.A1 to A11 and same were marked. No oral or documentary evidence was adduced from the side of 2<sup>nd</sup> respondent.

8. Heard.

9. **Issue No.(1):-** The case of the petitioner is that on 14.11.2021 at 7.45 p.m., the petitioner (Arun Anto Mathew, S/o Mathew) was riding a motorcycle bearing Reg.No. KL-03-U-1158 through Erumeli - Kanjirappally road. When he reached the place of occurrence a car bearing Reg.No. KL-34-8130 driven by the 1<sup>st</sup> respondent came in a rash and negligent manner hit the petitioner's motorcycle. As a result of which, the petitioner fell down and sustained serious injuries. The accident occurred due to the

negligent driving of the car bearing Reg.No. KL-34-8130 by the 1<sup>st</sup> respondent.

10. To prove the alleged accident and negligence on the part of the 1<sup>st</sup> respondent, petitioner has produced Exts.A1 to A5 and A6 and A7. Ext.A1 is the copy of the FIR in Crime No 1089/2021 of Erumeli P.S. Ext.A2 is the copy of FIS. Ext.A3 and Ext A4 are the copies of AMVI reports. Ext.A5 is the copy Scene Mahazer. Ext.A7 is the seizure mahazer. Ext.A8 is the copy of Final Report. In the Final report, the offences alleged against the driver of the vehicle, the 1<sup>st</sup> respondent (accused in the final report) is punishable u/s 279 and 337 of IPC and 3(1) r/w 181 MV Act. The Hon'ble High Court of Kerala in **'New India Assurance Company Ltd Vs. Pazhaniammal and Others'**, cited in **2011(3) KHC 595**, has held as follows: *"Prima facie, charge sheet filed by a police officer after due investigation can be accepted as evidence of negligence against the indictee. If any one of the parties do not accept such charge sheet, the burden must be on such party to adduce oral evidence. If oral evidence is adduced by any party, in a case where charge sheet is filed, the tribunals should give further opportunity to others also to adduce oral evidence and in such a case the charge sheet will pale into insignificance and the dispute will have to be decided on the basis of the evidence."* In the absence of contra

evidence, the above said evidence adduced by the petitioner, it is seen that the alleged incident took place due to rash and negligent driving of car bearing Reg.No. KL-34-8130 by the 1<sup>st</sup> respondent. Accordingly Issue No.(1) is answered.

11. **Issue No.(2)** :- Ext.A6 is the treatment certificate issued from Mary Queens Mission Hospital. It reveals that the petitioner has sustained lacerated wound over right foot, pain x swelling right foot x right knee contusion,.

12. Ext.A9 is the copy of the bank passbook of the petitioner. Exts.A10 is the is the copy of Aadhar card of the petitioner. Ext.A11 is the PAN card of the petitioner and in which the date of birth of the petitioner is 11.07.1990. Hence, he was 31 years of age at the time of accident.

13. The petitioner claims that he was working as an 'Accountant' and he used to earn ₹21,000/- as income per month. The injuries sustained to the petitioner are minor in nature. Hence this is fit case for consolidated amount. In the light of the principle laid down by the Hon'ble High Court in ***Dr.Safia Beevi Vs. National Insurance Co.Ltd., MACA No.455/2015, dated 19/2/2016***, a consolidated amount of Rs.33,000/- is awarded as compensation. It was not disputed by the 2<sup>nd</sup> respondent.

14. The petitioner is thus entitled to get a total compensation of **₹33,000/- (Rupees Thirty Three Thousand Only)**, as shown in the table below:-

<i>Sl. No.</i>	<i>Head of claim</i>	<i>Amount claimed (in Rupees)</i>	<i>Amount awarded (in Rupees)</i>	<i>(in Pa is e)</i>	<i>Basis-Vital Details in a nut shell</i>
<u>Part-I</u>					
1	Loss of earning	42,000	-	-	-
2	Loss of earnings(partial)	Nil	-	-	-
3	Transportation charges including Ambulance charges	3,000	-	-	-
4	Extra Nourishment	2,000	-	-	-
5	Damage to Clothing	2,000	-	-	-
6	Medical expenses	40,000	-	-	-
7	By stander expenses	2,000	-	-	-
<u>Part-II</u>					
8	Pain and suffering	50,000	33,000	-	Consolidate amount
9	Compensation for continuing or permanent disability	10,000		-	
10	Compensation for, Loss of amenities of life and loss of earning power etc	20,000		-	
11	Compensation for disfigurement & Future treatment	2,000		-	
(Claim limited to ₹1,50,000/-)		₹1,73,000/- =====			
<b>Total award amount</b>			<b>₹33,000/- =====</b>		
<b>(Rupees Thirty Three Thousand Only)</b>					

Accordingly Issue No.(2) is answered.

15. **Issue No.(3):-** I have already found that the accident took place due to the negligent driving of the car bearing Reg.No. KL-34-8130 by the 1<sup>st</sup> respondent who is owner-cum-driver and therefore he is vicariously liable to pay compensation to the petitioner. It is admitted by the 2<sup>nd</sup> respondent that the said car bearing Reg.No. KL-34-8130 had been insured with 2<sup>nd</sup> respondent at the time of accident. Therefore, the respondents 1 and 2 are liable to pay compensation. The 2<sup>nd</sup> respondent has taken up a contention that the 1<sup>st</sup> respondent, the driver of the car had no valid driving license at the time of accident. Ext.A8 final report reveals that in-addition to IPC offences, the police has charge sheeted the driver of the car u/s 3(1) r/w 181 of M.V. Act for driving the said vehicle without having a valid driving license. The Hon'ble High Court of Kerala in '**National Insurance Co. Ltd., Vs. Ammini Amma and Others reported in 2014 ACJ 927**' has laid down that the charge sheet can be relied on to find that the driver of the vehicle was not having driving license to ride the same at the time of accident. Ext.A8, final report, when read in the light of above said decision, persuades me to hold that the rider of the motorcycle had no valid driving license to driven the said vehicle, at the time of accident. As it amounts to a violation of policy condition, I hold that the 2<sup>nd</sup> respondent is not bound to indemnify the 1<sup>st</sup> respondent, the owner. But the 2<sup>nd</sup>

respondent, insurer has to pay the amount to the petitioner, who happens to be a third party, at the first instance and then can recover the amount paid, from the 1<sup>st</sup> respondent, owner-cum-driver of the car bearing Reg.No. KL-34-8130. Accordingly Issue No.(3) is answered.

16. **Issue No.(4):-** In view of my findings on Issue Nos.(1), (2) and (3), the petition is allowed and award is passed as follows:-

- (1) The 2<sup>nd</sup> respondent shall pay an amount of **₹33,000/-(Rupees Thirty Three Thousand Only)** to the petitioner together with interest at the rate of 9% per annum from the date of petition [26.03.2022] till realization, with proportionate costs. Since the 2<sup>nd</sup> respondent has to pay the amount to the petitioner and then can recover the amount paid from the 1<sup>st</sup> respondent.
- (2) The 2<sup>nd</sup> respondent is directed to deposit the award amount together with interest and costs to the account of the petitioner ie, the Savings Bank Account of the petitioner, Account Number- 67384353291 of State Bank of Travancore, Ranni Branch with IFSC:SBIN0070065 as per the details produced by the petitioner and compliance of the same shall be reported to the MACT, Pala.
  - 1.
- (3) The 2<sup>nd</sup> respondent shall produce cheques for ₹873/- and ₹1,500/- respectively as court fee and additional court fee towards legal

benefit fund in the name of MACT, Pala, payable in the case.

- (4) The 2<sup>nd</sup> respondent is directed to file before the Tribunal a statement regarding compliance of the order along with a copy of transaction record certified by the bank concerned.
- (5) The office is directed to furnish a copy of said statement to the petitioner after due verification.
- (6) The office is directed to make necessary entries in the registers maintained in the office evidencing payment of amount to the claimant.
- (7) The 2<sup>nd</sup> respondent is directed to pay the amount within one month failing which the petitioner can recover the same in accordance with law.

*Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open court on this the 16<sup>th</sup> day of March, 2026.*

*Sd/-*

**K.P.PRADEEP**  
**MOTOR ACCIDENTS CLAIMS TRIBUNAL.**

**APPENDIX**

**EXHIBITS MARKED FOR THE PETITIONER**

A1	16.11.2021	:	Certified copy of the FIR in Cr. No. 1089/2021 of Erumeli police station
A2	16.11.2021	:	Certified copy of the FIS given by Arun Anto Mathew

A3	07.12.2021	:	Certified copy of the AMVI report of the car bearing Reg. No. KL-34-8130
A4	07.12.2021	:	Certified copy of the AMVI report of the motorcycle bearing Reg. No. KL-03-U-1158
A5	17.11.2021	:	Certified copy of the scene mahazar
A6	27.11.2021	:	Certified copy of the treatment certificate issued from Mary Queen's Mission Hospital, Kanjirappally
A7	24.11.2021	:	Certified copy of the seizure mahazar
A8	30.12.2021	:	Certified copy of the final report
A9	-	:	True copy of the bank pass book of Arun Anto Mathew issued from SBT, Ranni Branch
A10	10.06.2012	:	True copy of Aadhaar card of Arun Anto Mathew
A11	-	:	True copy of pan card of Arun Anto Mathew

EXHIBITS MARKED FOR THE RESPONDENTS:- NIL

COURT EXHIBITS :-NIL

THIRD PARTY EXHIBITS:- NIL

WITNESS EXAMINED FOR BOTH PARTIES:- NIL

Id/-  
**MACT**

**STATEMENT OF COSTS**  
**OP(MV) No.245/2022**

Court Fee paid	:	288.00
Stamp for Vakkalath	:	6.00
Stamp for Exhibits	:	40.00
Stamp for petitions	:	10.00
Process	:	100.00

Advocate fee	:	5000.00
Others	:	300.00
<b>Total</b>	:	<b>Rs.5,744.00/-</b>

$$\text{Proportionate Costs} = \frac{5,744 \times 33,000}{1,50,000} = \text{₹1,264/- (Allowed)}$$

=====

// True copy//

Typed by : Greeshma.  
Compared by : Sreeja

Sd/-

**Motor Accidents Claims Tribunal**

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

**COPY OF AWARD in  
OP (MV) 245/2022  
Dated:16.03.2026**

