

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

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

**Wednesday, the 18<sup>th</sup> day of March, 2026**

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

**OP (M.V) No.279/2021**

**Petitioner:-**

Yasoda, W/o Prabhakaran, Perumpallikunnel House,  
Baisanvalley, Pin: 686 633

By Adv. Abraham Thomas & Adv. Thomas Abraham

**Respondents :-**

1. Bibin P.K, S/o Kumaran, Palakattel House, Baisanvalley P.O,  
Muttukadu, Idukki, Pin: 685 565
2. Roy Mathew, Pulickathundiyl House, Chembalam P.O,  
Idukki, Pin: 685 553
3. The Manager, The New India Assurance Co. Ltd, Pala P.O,  
Pala, Pin: 686 575

R1& R2 - Ex-parte

R3- By Adv. Thomas Joseph

This O.P. having been finally heard on 16.03.2026 and the Tribunal on 18.03.2026 passed the following :-

**AWARD**

Petition filed under section 166 of the Motor Vehicles Act 1988.

2. The averments in the petition are that on 11.06.2020 at 3.30 p.m., the petitioner (Yasoda, W/o Prabhakaran) was walking by the side of the Khajanappara - Baisanvalley public road and at that time a car bearing Reg.No.KL-69-9516 driven by 1<sup>st</sup> respondent came in a rash and negligent manner and hit the petitioner. As a result of

which, the petitioner fell down and sustained severe injuries. The accident occurred due to the rash and negligent driving of the car bearing Reg.No.KL-69-9516 by the 1<sup>st</sup> respondent.

3. Immediately after the accident, the petitioner was taken to Devamatha Hospital, Rajakumari and thereafter she was referred to S.N Hospital, Rajakkad and thereafter referred to Taluk Hospital Adimali and treated there as inpatient from 11.06.2020 to 13.07.2020. The respondents 1 to 3 are the driver, owner and insurer respectively of the car bearing Reg.No.KL-69-9516. At the time of accident petitioner was a 'Coolie worker' and she used to earn ₹20,000/- per month as income.

4. The 1<sup>st</sup> and 2<sup>nd</sup> respondents did not file written statement hence they were called absent and set ex-parte.

5. 3<sup>rd</sup> respondent filed written statement by contending that the car bearing Reg.No.KL-69-9516 had been insured with 3<sup>rd</sup> respondent Company in the name of 2<sup>nd</sup> respondent. The age, income and occupation of the petitioner mentioned in the original petition are not correct. The amount claimed by the petitioner is exorbitant. The petition was filed in collusion between the petitioner and respondent. The accident occurred due to the negligence of the petitioner. Hence, 3<sup>rd</sup> respondent, Company 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 the car bearing Reg.No.KL-69-9516 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 A6 and the same were marked. No oral or documentary evidence was adduced from the side of the 3<sup>rd</sup> respondent.

8. Heard.

9. **Issue No.(1):-** The case of the petitioner is that, on 11.06.2020 at 3.30 p.m., the petitioner (Yasoda, W/o Prabhakaran) was walking in the side of the Khajanappara -Baisanvalley public road and at that time a car bearing Reg.No.KL-69-9516 driven by 1<sup>st</sup> respondent came in a rash and negligent manner and hit the petitioner. As a result of which, the petitioner fell down and sustained severe injuries. The accident occurred due to the rash

and negligent driving of the car bearing Reg.No.KL-69-9516 by the 1<sup>st</sup> respondent.

10. To prove the alleged incident and negligence on the part of the 1<sup>st</sup> respondent, petitioner has produced Exts.A1 to A3. Ext.A1 is the copy of FIS. Ext.A2 is the copy of FIR in crime No.488/2020 of Rajakkadu Police Station. Ext.A3 is the copy of final report. The offences alleged against the 1<sup>st</sup> respondent (accused in the final report) are punishable U/s 279 & 337 of IPC. 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 indicttee. 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-69-9516 by 1<sup>st</sup>

respondent. Accordingly Issue No.(1) is answered.

11. **Issue No.(2)** :- Ext.A4 is the copy of accident register-cum-wound certificate issued from Taluk Head Quarters Hospital, Adimali. The above medical record shows that the petitioner had sustained lacerated wound 1x.5 cm in occipican scalp region lacerated wound (R ) elbow, lacerated wound 10x1 cm on (R ) leg distal, aspects cum 8 cm proximal to medial malletus, fracture proximal ulna and pain and tenderness all over the body.

12. Ext A5 is the copy of Aadhar card of the petitioner. Ext.A6 is the copy of bank passbook of the petitioner.

13. The petitioner claims that she was 'coolie worker' and she used to earn ₹20,000/- 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.40,000/- is awarded as compensation. It was not disputed by respondent.

14. The petitioner is thus entitled to get a total compensation of **₹40,000/-(Rupees Forty Thousand Only)**, as shown in the table below:-

Sl. No	Head of Claim	Amount Claimed	Amount Award	(In Pai	Basis-Vital Details in a
--------	---------------	----------------	--------------	---------	--------------------------

		( in Rupees)	( in Rupees	se)	nut shell
<u>Part-1</u>					
1.	Loss of earning	1,20,000		-	-
2.	Loss of earning ( Partial)	Nil			-
3.	Transportation charge including Ambulance charges	25,000			
4.	Extra Nourishment	10,000			
5.	Damage to clothing	5,000			
6.	Medical Expenses	1,00,000			-
7.	By-stander Expenses	50,000			-
8.	Other incidental expenses	Nil	Nil		
<u>Part-11</u>					
9.	Pain and suffering	1,00,000			
10.	Compensation for permanent or continuing disability	1,00,000	40,000		Consolidated amount
11	Compensation for loss of future earning power, amenities of life, mental agony and pleasure of life	1,00,000			
Claim Limited to ₹4,00,000/-		₹6,10,000/-			
<b>Total award amount</b>			<b>₹40,000/-</b>		
<b>Round off</b>			<b>₹40,000/-</b>		
			=====		
			=====		
<b>(Rupees Forty 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-69-9516 by 1<sup>st</sup> respondent. 2<sup>nd</sup> respondent is the owner of the vehicle and therefore he is vicariously liable to pay compensation to the petitioner. It is admitted by the 3<sup>rd</sup> respondent that the car had been insured with the 3<sup>rd</sup> respondent at the time of accident. Therefore, the respondents 1 to 3 are liable to pay compensation. Since there is valid insurance policy, the company has to indemnify the 2<sup>nd</sup> respondent and therefore, the company is liable to pay the compensation. 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 3<sup>rd</sup> respondent shall pay **₹40,000/-(Rupees Forty Thousand Only)** together with interest at the rate of 9% per annum from the date of petition [30.03.2021] till realization, with proportionate costs.
2. The 3<sup>rd</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 8253022000021133 of Pala Urban Co-Operative Bank, Ltd, Pala Branch with IFSC: UTIB0SPUC50, as per the details produced by the petitioner and compliance of the same shall be reported to

the MACT, Pala.

3. The 3<sup>rd</sup> respondent shall produce cheques for Rs.3,373/- and Rs.4,000/- respectively as court fee and additional court fee towards legal benefit fund in the name of MACT, Pala, payable in the case.
4. The 3<sup>rd</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 3<sup>rd</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 open court on this the 18<sup>th</sup> day of March, 2026.*

Sd/-  
**K.P.PRADEEP**  
**MOTOR ACCIDENTS CLAIMS TRIBUNAL.**

### APPENDIX

#### EXHIBITS MARKED FOR THE PETITIONER

A1	12.06.2020	:	Photo copy of the FIS given by Yasoda
A2	12.06.2020	:	Photo copy of the FIR in Cr. No. 488/2020 of Rajakkadu

A3	29.07.2020	:	Photocopy of final report
A4	11.06.2020	:	Photocopy of wound certificate issued from THQ Hospital, Adimali
A5	01.11.2012	:	Photocopy of Aadhaar card of Yasoda
A6	01.07.2025	:	Photocopy of bank pass book of Yasoda issued from Pala Urban Co-operative Bank Ltd, Pala

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.279/2021**

Court Fee	:	323.00
Stamp for Vakkalath	:	6.00
Stamp for Exhibits	:	50.00
Stamp for petitions	:	15.00
Process	:	90.00
Advocate fee	:	4900.00
Others	:	300.00
<b>Total</b>	:	<b>Rs.5,684.00/-</b>

$$\text{Proportionate Costs} = \frac{5684 \times 40000}{4,00,000} = \text{₹}568\text{-}(\text{Allowed})$$

===

// True copy//

Typed by : Greeshma.

Compared by : Jobimol

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 (M.V) No.279/2021  
DATED: 18.03.2026**