

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALA
Present:- Sri. K.P. Pradeep, The MACT

Monday, the 16th day of March, 2026
25th day of Phalguna, 1947

OP (M.V) No. 641/2021

Petitioner:-

Prabhavathi, W/o. Sadananthan, Mangalathu House,
Chempu P.O, Chempu Kara, Chempu Village, Pin: 686 608.

By Adv. Santhoshkumar K.S & Adv. Jemmy George

Respondents :-

1. P.K Muraleedharan, aged 63 years, S/o. Kuttappan,
Ampady House, Vadakkenada Bhagom, Vadakkemuri Kara,
Naduvile Village.
2. Mini Muraleedharan, W/o. Muraleedharan, 14/22 B
Ambady Poovamnilkunnel House, Homappura Road,
North Gate, Vaikom P.O, Kottayam District, Pin : 686 141.
3. The Manager, New India Assurance Co. Ltd, Muncipal
Shopping Complex, Pala P.O, Kottayam District,
Pin: 686 575.

R1 & R2 - Ex-parte.

R3 - By Adv. T. M Babu

This O.P. having been finally heard on 26.02.2026 and the
Tribunal on 16.03.2026 passed the following :-

AWARD

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

2. The averments in the petition are that on 01.03.2021 at 6.00
a.m, the petitioner (Prabhavathi, W/o Sadananthan) was trying to
cross the Vaikom - Poothotta public road and at that time a car
bearing Reg.No.KL-36-C-1555 driven by the 1st respondent came in

a rash and negligent manner hit the petitioner. As a result of which, petitioner has sustained severe injuries. The accident occurred due to the rash and negligent driving of car bearing Reg.No.KL-36-C-1555 by 1st respondent.

3. Immediately after the accident, the petitioner was taken to General Hospital, Vaikom and thereafter she was referred to Medical College Hospital, Kottayam and treated there as inpatient from 08.03.2021 to 13.03.2021. The respondents 1 to 3 are the driver, owner and insurer respectively of the car bearing Reg.No.KL-36-C-1555. At the time of accident petitioner was a "coolie worker" and she used to earn ₹25,000/- per month as income.

4. The 1st and 2nd respondents did not file written statement, hence they were called absent and set exparte.

5. The 3rd respondent filed written statement by contending that the car bearing Reg.No.KL-36-C-1555 had been insured with 3rd respondent in the name of 2nd respondent. The driver of the vehicle did not have a valid driving licence at the time of 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. The accident occurred due to the negligence of the petitioner. Hence 3rd 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-36-C-1555 by 1st 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 1st respondent, the petitioner has produced Exts A1 to A12 and the same were marked. Medical board report is also marked as Ext X1. No oral and documentary evidence adduced on the side of the 3rd respondent.

8. Heard.

9. **Issue No.(1):-** The case of the petitioner is that on 01.03.2021 at 6.00 a.m, the petitioner (Prabhavathi, W/o Sadananthan) was trying to cross the Vaikom - Poothotta public road, at that time a car bearing Reg.No.KL-36-C-1555 driven by the 1st respondent came in a rash and negligent manner hit the petitioner. As a result of which, petitioner has sustained severe injuries. The accident occurred due to the rash and negligent driving of car bearing Reg.No.KL-36-C-1555 by 1st respondent.

10. To prove the alleged incident and negligence on the part of the 1st respondent, petitioner has produced Exts.A1 to A4. Ext.A1 is the copy of the FIR in crime No.377/2021 of Vaikom police station. Ext A2 is the copy of FIS. Ext.A3 is the Final report. Ext.A4 is the copy of AMVI report. The offences alleged against the 1st respondent (accused in the final report) are punishable U/ss. 279, 337 and 338 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 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 any contra evidence, from 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-36-C-1555 by the 1st respondent. Accordingly Issue No.(1) is answered.

11. **Issue No.(2)** :- Ext A5 is the wound certificate issued from Taluk Head Quarters Hospital, Vaikom. Ext.A6 is the discharge

card issued from MCH, Kottayam. Ext.A7 is the O.P tickets issued from MCH, Kottayam. Ext.A8 is the outpatient registration card issued from Taluk Head Quarter Hospital, Vaikom. Ext.A9 is the copy of medical certificate issued from MCH, Kottayam. The above medical records reveals that the petitioner had sustained left 2nd and 3rd rib fracture, contusion left shoulder, closed fracture proximal phalanx left 4th toe, Bimalleolar fracture right foot, swelling (R) knee, sutured lacerated wound, 3cm length, conservative management, tenderness left side of chest, lacerated wound 1x1 cm abrasion and swelling over ankle, abrasion 1x1cm (R) wrist, abrasion 1x1 cm (R) elbow, pain and suffering all over the body.

12. Ext X1 is the disability certificate issued from Government Medical College Hospital, Kottayam. Ext A11 series is the medical bills produced by the petitioner.

13. Ext.A10 is the copy of bank pass book. Ext A12 is the copy of PAN card and in which the date of birth of the petitioner has been shown as 01.01.1957. Hence she was 64 years of age on the date of accident.

14. The petitioner claims that she was working as a 'coolie worker'. But, there is nothing on record to show how much the petitioner was earning at the time of accident. So, for the purpose of determining the compensation payable under the head 'loss of earning' and the like, the only option left is to fix her monthly

income notionally. In **Ramachandrappa's Case, the Hon'ble Supreme Court in 2011(13) SCC 236** had fixed ₹4,500/- as notional income of Coolie worker in the year 2004, when the victim was 37 years of age. In **Sayed Sadique Case [2014] 2 SCC 735**, the income of the victim aged 24 years in the year 2008, ₹6,500/- was fixed for Coolie worker.

15. In a motor accident cases to grant compensation for permanent disability notional income has to be fixed. At the time of fixing the notional income the Court has to consider the minimum wages Act applicable in Kerala. At the same time in the absence of any salary certificate the minimum wage notification can be yardstick, but at the same time it cannot be absolute one to fix the income. In the absence of documentary evidence on record some amount of guess work is required to done. But at the same time guess work for assessing the income should not be totally detached from the reality. Merely because claimant was unable to produce documentary evidence to show the monthly income same does not justifies adoption of lowest tier of minimum wage while computing the income. Here in this case the petitioner claims that she was a 'coolie worker' and 64 years of age at the time of accident. Considering the age, nature of work and other relevant aspects I am of the view that notional income of the petitioner can be fixed as ₹17,000/- per month. Hence it is fixed as ₹17,000/-.

16. The above said injuries sustained by the petitioner prevented her from doing work atleast for 4 months. Therefore, I am inclined to award an amount of ₹68,000/- (17,000 x 4 months) under the head 'loss of earning' for the said period of 4 months.

17. Considering his frequent visits to hospitals in connection with treatment, an amount of ₹6,000/- is awarded as 'Transportation expense'.

18. I am also inclined to award an amount of Rs.2,000/ as 'Damages to clothing'.

19. Considering the injury sustained by the petitioner, I feel it just and proper to award an amount of ₹4,500/- as Extra Nourishment expense.

20. Since the petitioner sustained grievous injury he was admitted in the hospital for 6 days and therefore she could not have performed her day to day activities without the help of others. Therefore, I am inclined to grant ₹3,000/- (500 x 6) as 'Bystander Expense for 6 days.

21. Ext.A11 series are medical bills produced by the petitioner and she claims that ₹82,541/- was spent for the treatment of petitioner. It was admitted by 3rd respondent and hence medical expense is granted as ₹82,541/-.

22. Taking into account of the injuries sustained by the petitioner and 6 days hospitalization, I am inclined to award an amount of ₹75,000/- under the head 'Pain and suffering'.

23. Considering the discomfort, unhappiness and inconvenience, the petitioner faced on account of the said injuries sustained in the accident, an amount of ₹60,000/- is also awarded as compensation for 'loss of amenities of life'.

24. Ext X1 is the permanent disability certificate issued from the Medical Board of Government Medical College Hospital, Kottayam. The medical board has assessed the disability due to the injuries sustained in the accident as 21%. No evidence was adduced from either side. Here in this case considering the injuries sustained and other facts and circumstances of this case and the impact of the injuries sustained by the petitioner on his earning capacity, I am of the view that disability can be fixed as 15%. There is no much dispute with regard to the same from both sides.

25. I have already fixed the notional income of the petitioner as ₹17,000/- per month. Thus, the annual income of the petitioner comes to the tune of ₹2,04,000/-(17,000 x 12). The loss of earning due to said functional permanent disability would be 15% of ₹2,04,000/- which is ₹30,600/- per annum. Both parties admitted that petitioner was 64 years of age, the multiplier applicable is 7. Therefore, the loss of future earnings on account of said permanent disability would be ₹2,14,200/- (30,600 x 7).

26. The petitioner is thus entitled to get a total compensation of **₹5,15,250/- (Rupees Five Lakhs Fifteen Thousand Two Hundred and Fifty 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 Paisa)</i>	<i>Basis-Vital Details in a nut shell</i>
<u>Part-I</u>					
1	Loss of earning	50,000	68,000	-	17,000 x 4
2	Loss of earnings(partial)	Nil	Nil	-	-
3	Transportation charges including Ambulance charges	20,000	6,000	-	Travel to and from the hospital
4	Extra Nourishment	20,000	4,500	-	Considering the injury sustained by the petitioner
5	Damage to Clothing	2,000	2,000	-	-
6	Medical expenses	50,000	82,541	-	Ext A11 series medical bills. Admitted amount
7	By stander expenses	50,000	3,000	-	500 x 6
<u>Part II</u>					
8	Pain and suffering	1,00,000	75,000	-	Considering the injury sustained by the petitioner
9	Compensation for continuing or permanent disability	12,00,000	2,14,200	-	17000 x 12 x 7 x 15%
10	Compensation for Loss of earning amenities of life, mental agony	50,000	60,000	-	Considering the injury sustained by the petitioner
11	Loss of future treatment	50,000	-	-	-
Claim limited to :15,00,000/-		₹15,92,500/- =====			
Total award amount			₹5,15,241/- =====		
Rounded off			₹5,15,250/- =====		
(Rupees Five Lakhs Fifteen Thousand Two Hundred and Fifty Only)					

Accordingly Issue No.(2) is answered.

27. **Issue No.(3):-** I have already found that the accident took place due to the negligent driving of the car bearing Reg.No.KL-36-C-1555 by 1st respondent. 2nd respondent is the owner of the car and therefore she is vicariously liable to pay compensation to the petitioner. It is admitted by the 3rd respondent that the car had been insured with the 3rd respondent at the time of accident. Therefore, the respondents 1 to 3 are liable to pay compensation. It was admitted by 3rd respondent. Since there is valid insurance policy, the company has to indemnify the 2nd respondent and therefore, the company is liable to pay the compensation. Accordingly Issue No.(3) is answered.

28. **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 3rd respondent shall pay **₹5,15,250/- (Rupees Five Lakhs Fifteen Thousand Two Hundred and Fifty Only)** together with interest at the rate of 9% per annum from the date of petition [20.07.2021] till realization, with proportionate costs.
- (2) The 3rd 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 8253022000020833 of Pala Urban Co-operative Bank, 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 3rd respondent shall produce cheques for Rs.14,373/- and Rs.15,000/- respectively as court fee and additional court fee towards legal benefit fund in the name of MACT,

Pala, payable in the case.

- (4) The 3rd 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 3rd respondent is directed to pay the amount within one month failing which the petitioner can recover the same in accordance with law.
- (8) It is made clear that the interest for the future treatment expenses will carrying interest only from the date of award.

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

Sd/-

K.P.PRADEEP
MOTOR ACCIDENTS CLAIMS TRIBUNAL.

APPENDIX

EXHIBITS MARKED FOR THE PETITIONER

A1	12.03.2021	:	Photo copy of the FIR in Cr. No. 377/2021 of Vaikom Police Station.
A2	12.03.2021	:	Photo copy of FIS given by Latheesh.
A3	02.04.2021	:	Photo copy of Final Report.
A4	20.03.2021	:	Photo copy of AMVI reports of Car bearing Reg. No. KL-36-C-1555.

A5	08.03.2021	:	Copy of the wound certificate issued from Taluk Head Quarters Hospital, Vaikom.
A6	13.03.2021	:	Discharge card issued from MCH, Kottayam.
A7		:	OP Tickets issued from MCH, Kottayam.
A8	19.04.2021	:	Out patient Registration card issued from Taluk Head Quarters Hospital, Cherthala.
A9	31.03.2021	:	Photo copy of the Medical certificate issued from MCH, Kottayam.
A10	06.05.2025	:	The copy of the Bank Pass book of Praphavathi issued from Pala Urban Co-operative Bank Ltd, Pala.
A11 (series)		:	Medical Bills for Rs. 8,354/- (9 pages)
A12		:	Photo copy of the Pan card of Prabhavathi

EXHIBITS MARKED FOR THE RESPONDENTS:- Nil

COURT EXHIBITS :-NIL

THIRD PARTY EXHIBITS:-

X1	18.10.2023	:	Disability certificate issued by standing disability Assessment Board, MCH, Kottayam.
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WITNESS EXAMINED FOR THE BOTH PARTIES:- NIL

Id/-
MACT

STATEMENT OF COSTS
OP(MV) No.641/2021

Court Fee paid	:	4525.00
LBF	:	5152.00
Stamp for documents	:	86.00
Stamp for petitions	:	45.00
Stamp for Vakkalath	:	6.00
Service of Process	:	150.00
Advocate fee	:	28162.00
Others	:	300.00
Total	:	₹ 38426.00

Proportionate Costs = $\frac{38,426 \times 5,15,250}{15,00,000}$

= **₹13,199/-** (Allowed)

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// True Copy//

Typed by : Jobi.
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 (M.V) No.641/2021
DATED: 16.03.2026**