

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

Tuesday, the 25th day of February, 2025
06th day of Phalguna, 1946

OP (M.V) No.924/2020

Petitioner:-

Rija Jose, W/o Tome Thomas, Thekkel House, Kummannoor P O,
Kidngoor, Pin:- 686572.

By Adv. E V Mathew

Respondents :-

1. Shiny Sebastian, Vattamala House, Athriampuzha P O,
Pin: 686562.
2. IFCO TOKIO General Insurance Company Ltd, Vypana
Building, Erattupetta Road, Pala, Pin:686 575.

R1 - By Adv. Biby John

R2 - By Adv. Benoy Jose Mathew.

This O.P coming up for final consideration on 25.02.2025 and
the Tribunal on the same day passed the following :-

AWARD

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

2. The averments in the petition are that on 15.01.2020 at
8.45 a.m, the petitioner (Rija Jose, W/o Tome Thomas) was
travelling as a pillion rider in Scooter bearing registration
No.KL-35-F-4723 from Kummannoor to Athirampuzha. When
the Scooter reached at the place of accident a Car bearing
registration No.KL-05-AR-3313 driven by the 1st respondent
came in a rash and negligent manner hit the petitioner's
Scooter. As a result of which, she fell down on the road and
sustained injuries. The accident occurred due to the rash and
negligent driving of the Car bearing registration No.KL-05-AR-

3313 driven by the 1st respondent. Immediately after the accident she was taken to Matha Hospital, Thellakom and treated there as inpatient till 16.01.2020. She continued her outpatient treatment till 18.02.2020. The 1st and 2nd respondents are the owner-cum-driver and insurer of the Car. At the time of accident, petitioner was a 'Teacher' and she used to earn Rs.64,860/- per month.

3. The 1st respondent filed written statement by contending that age, occupation, income, place, date and time of the accident mentioned in the petition are not correct. The amount of compensate claimed is exorbitant. The accident occurred not due to the negligence of the 1st respondent. The accident occurred due to the negligence of the petitioner herself. Car bearing registration No.KL-05-AR-3313 had been insured with the 2nd respondent company at the time of accident. 1st respondent had valid driving licence at the time of accident. Hence the 2nd respondent is liable to pay compensation to the petitioner.

4. The 2nd respondent filed written statement by contending that Car bearing registration No.KL-05-AR-3313 had been insured with 2nd respondent in the name of 1st respondent for the period from 24.11.2019 to 23.11.2020. The petition was filed in collusion between the petitioner and 1st respondent. Age and income of the petitioner mentioned in the petition are not correct. The petitioner has not sustained

any disability as claimed in the petition. The amount of compensation claimed is exorbitant. The accident alleged was due to the negligence of the rider of the Scooter in which petitioner was riding as pillion.

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

- (1) Whether the accident was occurred due to the rash and negligent driving of Car bearing registration No.KL-05-AR-3313 by the 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 ?

6. From the side of the petitioner, no oral and documentary evidence was adduced. No oral and documentary evidence was adduced from the side of respondents.

7. Heard.

8. Issue Nos.(1), (2), (3) and (4) :- on 15.01.2020 at 8.45 a.m, the petitioner (Rija Jose, W/o Tome Thomas) was travelling as a pillion rider in Scooter bearing registration No.KL-35-F-4723 from Kummannoor to Athirampuzha. When the Scooter reached at the place of accident a Car bearing

registration No.KL-05-AR-3313 driven by the 1st respondent came in a rash and negligent manner hit the petitioner's Scooter. As a result of which, she fell down on the road and sustained injuries. The accident occurred due to the rash and negligent driving of the Car bearing registration No.KL-05-AR-3313 driven by the 1st respondent. Immediately after the accident she was taken to Matha Hospital, Thellakom and treated there as inpatient till 16.01.2020. She continued her outpatient treatment till 18.02.2020.

9.Though ample opportunities had been given to the petitioner to adduce evidence, no evidence was produced before the Court to prove the negligence of the 1st respondent. In view of the above finding Issue Nos.(1), (2), (3) and (4)are not considered.

In the result, OP is dismissed without costs.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 25th day of February 2025.

Sd/-

K.P.PRADEEP

MOTOR ACCIDENTS CLAIMS TRIBUNAL.

Appendix: NIL

//True copy//

Typed by : Soumia

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.924/2020
DATED: 25.02.2025**