

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALA

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

Friday, the 27th day of March, 2026
06th day of Chaithra, 1948

OP (M.V) No. 967/2019

Petitioner:-

Renchu K R, C/o Kannan V, Vattammackal House,
Chirakkadavu P.O, Chirakkadavu, Kottayam district,
Kerala, Pin: 686 520

By Adv. Mani Jose

Respondents :-

1. Sijo Joseph, S/o Mary Joseph, Palamattathil House,
Akalakunnam P.O, Karimpani, Vaikom, Kottayam District,
Kerala Pin: 686 512
2. Abraham T.J, Thenniyaplackal house, Anickadu P.O,
Pallickathodu, Kottayam District, Pin: 686 503
3. National Insurance Co Ltd,
Represented by its Manager, St. George Buildings, Pala-
Erattupetta Road, Pala, Pin: 686 575, Kottayam District

R1 & R2 - Ex-parte

R3 - By Adv. Joy K Mathew

This O.P. having been finally heard on 13.02.2026 and the
Tribunal on 27.03.2026 passed the following :-

AWARD

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

2. The averments in the petition are that on 07.05.2018 at 6.45 p.m, the petitioner (Renchu K.R) was traveling as passenger in a KSRTC bus bearing No. KL-15-A-583. When the bus reached the place of occurrence, a private bus bearing Reg. No. KL-05-AH-9344 driven by 1st respondent hit on the KSRTC bus. As a result of which, petitioner sustained injuries. The accident occurred due to the rash and negligent driving of a private bus bearing Reg. No. KL-05-AH-9344 driven by 1st respondent.

3. Immediately after the accident, the petitioner was taken to Medical College Hospital, Kottayam and treated there on 07.05.2018. The respondents 1 to 3 are the driver, owner and insurer respectively of a private bus bearing Reg. No. KL-05-AH-9344 . At the time of accident petitioner was ' LD clerk' in District Planning Office, Idukki and she used to earn ₹20,000/- per month as income.

4. The respondents 1 and 2 did not file written statement. Hence they were called absent and set ex-parte.

5. 3rd Respondent filed written statement contending that age, occupation and income of the petitioner mentioned in the

petition are not correct. Compensation claimed is highly exorbitant. Petitioner has not sustained any injury or disability due to the accident since the petitioner was not a passenger in the KSRTC bus as claimed by her and her name has not been mentioned in the final report as witness. The vehicle bearing No. KL-05-AH-9344 had been insured with 3rd respondent company. Immediately after the accident insured should have intimated about the accident to the company but it was not done and since it was violation of policy condition the company is not liable to pay compensation. The accident occurred due to the negligence of the driver of the KSRTC bus.

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 private bus bearing Reg. No. KL-05-AH-9344 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 and Exts. A1 to A15 were marked. No oral and documentary evidence adduced on the side of the respondents.

8. Heard.

9. **Issue No.(1):-** The case of the petitioner is that on 07.05.2018 at 6.45 p.m, the petitioner (Renchu K.R) was traveling as passenger in a KSRTC bus bearing No. KL-15-A-583. When the bus reached the place of occurrence, a private bus bearing Reg. No. KL-05-AH-9344 driven by 1st respondent hit on the KSRTC bus. As a result of which, petitioner sustained injuries. The accident occurred due to the rash and negligent driving of a private bus bearing Reg. No. KL-05-AH-9344 driven by 1st respondent.

10. To prove the alleged incident and negligence on the part of the 1st respondent, petitioner has produced Exts.A1 to A5. Ext.A1 is the copy of the FIR in crime No.619/2018 of Kanjirappally police station. Exts A2 is the copy of FIS. Ext. A3 is the copy of the final report. Ext A4 is the copy of scene mahazar. Ext. A5 is the copy of AMVI report of the vehicles involved in the accident. 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**' driving of car bearing No KL-07-CG-6140 by 1st respondent . Acco, **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 private bus bearing Reg. No. KL-05-AH-9344 . Accordingly Issue No.(1) is answered.

11. **Issue No.(2) and (3)** :- Ext A6 is the copy of referral causality record issued from MCH, Kottayam. Ext. A7 is the OP tickets issued from MCH, Kottayam. Ext. A8 is the OP tickets issued from Kadampuzha Hospital. Ext. A9 is the OP tickets issued from Chirakkadavu Govt Ayurveda Dispensary . The above medical records reveals that the petitioner had sustained lacerated wound over Lt. Infra orbital region 2x1 cm, lacerated wound over lower eyelid of Rt. Eye 4x2 cm with mild tissue lose, lacerated wound over below eyelid margin SCH over Rt. Eye, peri orbital edema, multiple soft tissue injuries, Ecchymosis Rt. Eye, multiple abrasion on Lt. Elbow, lacerated wound over Rt. Lower forehead and pain all over the body.

12. The petitioner claims that she was 'LD clerk' in District Planning office, Idukki .

Here in this case petitioner claims that she had sustained injury in the accident took place on 07.05.2018 at 6.45 pm while she was traveling in the KSRTC bus bearing No. KL-15-A-583. Ext. A3 final report shows that the petitioner was not witness in the witness schedule. If the petitioner had sustained injuries as stated by her in the accident while she was traveling in the KSRTC bus definitely her statement should have been recorded by the police or she should have given her statement as injured in the accident. Exts. A6 to A9 it has been stated that she had sustained injury in a road accident. The petitioner has not adduced any evidence before the court to show that she was passenger in the KSRTC bus and she sustained injuries in the accident took place on 07.05.2018 as stated by her in the petition. If the statement shows the petitioner had not been recorded by the police as a witness definitely she should have made a complaint against it. No action was taken by the petitioner. Considering the facts and circumstances of this case I am of the view that the petitioner is not entitled to get any compensation as claimed by her since there is no evidence to show that she sustained injury in the alleged road accident took place on 07.05.2018. Accordingly issue No. 2 and 3

are answered.

Issue. No. 4:- In the result, OP is dismissed without costs. Petitioner is directed to pay ₹. 373/- and ₹. 1000/- respectively as court fee and additional court fee towards legal benefit fund in the name of MACT, Pala.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 27th day of March, 2026.

Sd/-

K.P.PRADEEP

MOTOR ACCIDENTS CLAIMS TRIBUNAL.

APPENDIX

EXHIBITS MARKED FOR THE PETITIONER

A1	08.05.2018	:	True copy of the FIR in Cr. No. 619/2018 of Kanjirappally Police Station.
A2	08.05.2018	:	True copy of FIS given by Muhammad
A3	30.09.2018	:	True copy of final report
A4	08.05.2018	:	True copy of scene mahazar
A5	08.05.2018	:	True copy of AMVI report of KSRTC bus bearing Reg. No. KL-15-A-583 & Private Bus bearing Reg. No. KL-05-AH-9344
A6	07.05.2018	:	Referral casualty Record issued from MCH, Kottayam
A7	-	:	OP Tickets issued from MCH, Kottayam

A8	14.05.2018	:	OP Tickets issued from Kadampuzha Hospital, Kanjirappally
A9	15.05.2018	:	OP Ticket issued from Govt. Ayurveda Dispensary, Chirakkadavu
A10 (series)	-	:	Medical Bills for Rs. 1,945/- (10 Nos)
A11	02.05.2018	:	Salary slip for the month of April 2018
A12	-	:	True copy of leave details issued from District Planning Office, Idukki
A13	-	:	True copy of Renchu K R
A14	15.04.2013	:	True copy of Aadhaar card of Renchu K R
A15	-	:	True copy of bank passbook of Renchu K R issued from SBI, Ponkunnam Branch

EXHIBITS MARKED FOR THE RESPONDENTS:- NIL

COURT EXHIBITS :-NIL

THIRD PARTY EXHIBITS:-NIL

WITNESS EXAMINED FOR THE BOTH PARTIES:- NIL

Id/-
MACT

Cost not 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.967/2019
DATED: 27.03.2026**