

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALA

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

Thursday, the 23rd day of April, 2026

03rd day of Vaisakha, 1948

OP (M.V) No.1630/2022

Petitioner:-

Adithyan K R (minor), S/o Raveendran K.G, Kalluvarathil,
Parumala P.O, Pathanamthitta district, Pin: 689 626

Represented by his next friend and Guardian, Raveendran
K G, Kalluvarathil, Parumala P.O, Pathanamthitta district,
Pin: 689 626

By Adv. Don Jose & Adv. Tinu Scaria

Respondents :-

1. AnishKumar U, S/o Unnikrishnan Nair, Edakkattil House,
Kadapra, Parumala P.O, Thiruvalla, Pathanamthitta District,
Pin: 689 626
2. United India Insurance Co Ltd,
Represented by its Manager, Municipal Complex Buildings
Pala P.O, Kottayam District, Pin: 686 575
R1 - Ex-parte
R2 - By Adv. P. T Thomas

This O.P. having been finally heard on 23.04.2026 and the
Tribunal on the same day passed the following :-

AWARD

Petition filed under section 166 of the Motor Vehicles Act
1988. The petitioner, being a minor, is represented in this claim
petition by his father as next friend.

2. The averments in the petition are that, on 26.08.2022
at about 02.30 p.m, the petitioner (Adithyan K.R, S/o

Raveendran K.G) was riding a bicycle through Parumala - Devaswom Board HSS public road. When he reached the place of occurrence an Ape auto bearing Reg. No KL-27-J-0294 driven by 1st respondent in a rash and negligent manner came and hit on the petitioner. As a result of which, the minor petitioner sustained severe injuries. The accident occurred due to rash and negligent driving of Ape auto bearing Reg. No KL-27-J-0294 driven by 1st respondent. After the accident, the petitioner was taken to Pushpagiri Medical College Hospital, Thiruvalla and he was treated there as inpatient. The respondents 1 and 2 are the driver-cum-owner and insurer of the Ape auto bearing Reg. No KL-27-J-0294. At the time of accident, petitioner was 'doing ornamental fish business'.

3. The respondent 1 did not file written statement hence he was called absent and set ex-parte.

4. The 2nd respondent filed written statement by contending that vehicle bearing No KL-27-J-0294 had been insured with 2nd respondent Company in the name of 1st respondent, at the time of accident. The petitioner was a minor at the time of accident. The amount claimed by the petitioner is highly exorbitant. The accident occurred due to negligence of the

petitioner. The 1st respondent had no valid driving license and badge and vehicle had no valid permit and fitness at the time of accident and there was violation of policy condition. Therefore 2nd respondent is not liable to pay compensation to the petitioner.

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 Ape auto bearing Reg. No KL-27-J-0249 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) :-** Petitioner's averment is that, on 26.08.2022 at about 02.30 p.m, the petitioner (Adithyan K.R, S/o Raveendran K.G) was riding a bicycle

through Parumala - Devaswom Board HSS public road. When he reached the place of occurrence an Ape auto bearing Reg. No KL-27-J-02949 driven by 1st respondent in a rash and negligent manner came and hit on the petitioner. As a result of which, petitioner sustained severe injuries. The accident occurred due to rash and negligent driving of Ape auto bearing Reg. No KL-27-J-0294 by 1st respondent.

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 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 23rd day of April 2026.

Sd/-

K.P.PRADEEP
MOTOR ACCIDENTS CLAIMS TRIBUNAL.

APPENDIX : Nil

//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.1630/2022
DATED: 23.04.2026**