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IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM

Present :- Smt. Gosha C.G., M.A.C. Tribunal

Thursday 14th day of May, 2026

(24th day of Vaishaka, 1948 S.E.)

ORIGINAL PETITION (MV) No.144/2025

Petitioner

Midhun K.P, aged 25 years, S/o Muraleedharan, Kottaparambil House,
Chunangad PO, Vanivilasini, VTC, Ambalapara II, Ottapalam Taluk, Palakkad
District , Pin- 679 511.

By Advocate : Smt. Supreetha.S & Sri. K.P. Vijayakrishnan

V/s

Respondents

1. Nitheesh P, S/o P. Babu, Sivaprasadam house, Chunangad PO, Ambalapara II,
Ottapalam, Palakkad Pin- 679 511
(Owner of Motor cycle KL -51-K-6968)
2. United India Insurance Company Ltd, Branch Office, 2nd floor, Parappurath
towers, Main road, Ottapalam. Pin- 679 101
(Insurer of Motor cycle KL -51-K-6968)

R1 : Adv. Deepa. M.D

R2 : Adv. Sajitha krishnadas

This petition having been finally heard on 01/04/2026 and the Tribunal on
14/05/2026 passed the following.

AWARD

The petition is filed for compensation for the injuries sustained by the petitioner in a motor vehicle accident u/s 164 of the Motor Vehicles Act,1988.

2. Case of the petitioner is that on 17.11.2024 at about 10.15 p.m., while the petitioner was riding the motor cycle bearing registration No.KL-51/K-6968 through Varode - Murukkumpatta public road and when he reached at 1st Mile, a dog suddenly jumped over and the petitioner lost control over the vehicle and thereby the petitioner was sustained grievous injuries. Hence the petition for a total compensation of ₹2,50,000/-.

3. The 1st respondent filed written statement denying the petition averments. According to this respondent the accident had occurred on 17.11.2024 while the petitioner was riding the motor cycle bearing registration No.KL-51/K-6968. The age, occupation and income of the petitioner have to be proved by him. The amount claimed in the petition is highly excessive and exaggerated. At the time of accident the above vehicle was insured with the 2nd respondent. This respondent also paid an extra premium of ₹70/- for personal accident coverage to unnamed persons which includes the petitioner as well. The policy is a package policy. Even if the Tribunal finds that the petitioner is entitled to be compensated, the 2nd respondent is liable to pay the compensation.

4. The 2nd respondent, insurance company filed written statement denying the petition averments. At the same time this respondent admits that the vehicle

bearing registration No.KL-51/K-6968 was validly insured with this respondent at the material time of accident. According to this respondent at the time of accident the petitioner was not wearing helmet. The petitioner has not sustained any injuries which are grievous in nature to attract S.164 of MV Act. The age, occupation and income of the petitioner have to be proved by him. The amount claimed in the petition is highly excessive and exaggerated. Therefore, the petition has to be disposed accordingly.

5. To prove the case of petitioner Exts.A1 to A8 were marked. To prove the case of respondents Ext.B1 was marked.

6. Heard both sides.

7. Now the issues that arise for consideration are:

1. Whether the petitioner was sustained grievous injuries in the accident arising out of the use of motor vehicles?
2. Whether the petitioner is entitled to get compensation u/s 164 of the Motor Vehicles Act, 1988?
3. If so, what is the quantum to be awarded?
4. Who is liable to pay compensation to the petitioner?

8. Issue Nos.1 to 3:- The petitioner approached this Tribunal claiming compensation u/s 164 of the Motor Vehicles Act. It is well settled that in order to get compensation under section 164 (amended provision) of the Motor Vehicles

Act the petitioner need only to establish the fact that the injuries were sustained due to the accident arising out of the use of motor vehicles. If the petitioner succeeds in establishing that fact then he will be entitled to receive compensation as per section 164 of the Act.

9. It is the case of petitioner that as a result of the accident he was sustained grievous injuries. Immediately after the accident, the petitioner was taken to Seventh Day Hospital, Ottapalam and from there taken to PK Das Hospital, Vaniyamkulam, admitted and treated there as an inpatient from 17.11.2024 to 22.11.2024. To prove the injuries sustained and treatment given to the petitioner discharge summary was marked as Ext.A2. As per the above document, the petitioner was treated as stated above. As per Ext.A2 the diagnosis and procedure done are as follows: -

diagnosis:-

fracture shft of humerus left – proximal 1/3rd

procedure done: -

ORIF with 8 holed LC – DCP (Titanium) under general anaesthesia.

The above document would show that the petitioner was sustained injuries in the road traffic accident. Therefore, I find that the petitioner was sustained grievous injuries due to the accident involved in this case. According to the

petitioner on 17.11.2024 at about 10.15 p.m., while he was riding the motor cycle bearing registration No.KL-51/K-6968 through Varode - Murukkumpatta public road and when he reached at 1st Mile, a dog suddenly jumped over and the petitioner lost control over the vehicle thereby he was sustained grievous injuries. In a claim under section 164, there is no need to prove negligence. The petitioner was the rider of the motor cycle bearing registration No.KL-51/K-6968. He was sustained serious injuries in the accident and claimed compensation from the respondents.

Ext.A7 series are the medical bills produced and marked by the petitioner for ₹79,544/-. In a claim under section 164 of MV Act, the petitioner is not entitled to get any amount towards medical expenses.

Ext.A1 is the plain CT – brain with whole spine screening – original, Ext.A2 is the discharge summary, Ext.A3 is the general diary from Ottapalam police station, Ext.A4 is the copy of Aadhar card, Ext.A5 is the copy of PAN card, Ext.A6 is the copy of bank account details of petitioner, Ext.A7 series are the medical bills, Ext.A8 is the copy of bank certificate. Ext.B1 is the copy of policy.

A perusal of Ext.A3 shows that on 17.11.2024 at about 10.15 p.m., while the petitioner was riding the motor cycle bearing registration No.KL-51/K-6968 through Varode - Murukkumpatta public road and when he reached at 1st Mile, a dog suddenly jumped over and the petitioner lost control over the vehicle and thereby the petitioner

was sustained grievous injuries. It is settled law that in a claim under section 164 there is no need to prove negligence. Admittedly the petitioner was sustained injuries in the accident. It is settled position that the petitioner has option to claim compensation. In this case the petitioner specifically stated that he claimed compensation from the respondents.

10. It is not in dispute that the petitioner was sustained grievous injuries in the accident arose out of the use of motor cycle bearing registration No.KL-51/K-6968 . Therefore, from the materials on record, I find that the petitioner has successfully established his case that he was sustained injuries in the accident arose out of the use of motor vehicle.

11. According to the petitioner at the time of accident he was aged 25 years, driver by profession and his monthly income was of ₹3,300/-. To prove the occupation and income of the petitioner no evidence has been adduced. Ext.A5 is the copy of PAN card of the petitioner. As per Ext.A5 his date of birth is 20.11.1999. Therefore, I find that at the time of accident the petitioner was aged 25 years.

12. The next question is whether the petitioner is entitled to get compensation under section 164 of the Motor Vehicles Act. A perusal of the claim petition shows that the petitioner is claiming a total compensation of ₹2,50,000/- under various heads. But as per section 163-A of the un-amended Act the petitioner is entitled to receive

compensation only as per the IInd schedule of the Act. It is pertinent to note that the IInd schedule of the Act came into force on 22.05.2018. Thereafter, the Motor Vehicles Act has been amended w.e.f. 01.04.2022. Now the corresponding section to 163-A is 164 of the MV Act. As per this, in case of death the claimants are entitled to get a sum of ₹5,00,000/- and in case of grievous hurt a sum of ₹2,50,000/-. Hence, I find that the petitioner is entitled for a sum of ₹2,50,000/- (Rupees two lakh fifty thousand only) as compensation. The issues are answered accordingly.

13. Issue No. 4:- This Tribunal already found that the accident occurred out of the use of motor cycle bearing registration No.KL-51/K-6968. The 2nd respondent has admitted the insurance coverage of the vehicle bearing registration No.KL-51/K-6968. Therefore, I find that the 2nd respondent is liable to indemnify the 1st respondent. The issue is answered accordingly.

In the result, the petition is allowed and an award is passed for ₹2,50,000/- (Rupees two lakh fifty thousand only) with interest @ 8% per annum from the date of filing of the petition ie. from 10.02.2025 till realisation with proportionate cost. The issue is answered accordingly.

1. The 2nd respondent is directed to furnish cheques for ₹1,868/- being court fee and ₹2,500/- being Legal Benefit Fund payable by the petitioner in the name of the Motor Accidents Claims Tribunal, Ottapalam.

2. The balance amount due to the petitioner/s shall be remitted to his/their Savings Bank Account shown below, as direct payment, within one month from the date on which the petitioner/s furnish the details of his/their bank account.

Name of petitioner	Name of Bank	Name of Branch	Account Number	IFSC Code
MIDHUN KP	Federal Bank	Ottapalam	14310100222097	FDRL0001431

3. Upon such remittance/deposit, R2/insurer shall submit to this Tribunal a copy of the bank advice and a memo in the prescribed format provided below. A copy of the payment advice, along with a copy of the memo, shall also be served on the petitioner and his counsel.

Format of Memo regarding payment advice for remittance of amount.

We confirm the remittance of compensation as follows:-

1	OP(MV) Number	
2	On the file of Motor Accidents Claims Tribunal (place)	
3	Date of Award	
4	Amount deposited	
5	Amount retained in the fixed deposit with the fixed deposit receipt number	
6	Name of the minor(s)/claimant(s) in the fixed deposit	
7	Income Tax Deducted at Source, if any, in accordance with law.	
8	Bank Transaction Reference No./Unique Transaction Reference (UTR) No.	

4. R2/insurer shall provide Form 16.A under the Income Tax Act, 1961 to the

petitioner.

5. The office is further directed to make necessary entries in the cheque issue register, evidencing payment of above amount to the petitioner(s).

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 14th day of May, 2026.

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APPENDIX

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

- | | | |
|----|------------|---|
| A1 | : 18-11-24 | : Plain CT – brain with whole spine screening |
| A2 | : 22-11-24 | : Discharge Summary |
| A3 | : 30-11-24 | : Copy of General diary from Ottapalam police station |
| A4 | : ---- | : Copy of Aadhar card |
| A5 | : --- | : Copy of PAN card |
| A6 | : 29-11-24 | : Copy of bank account details of petitioner |
| A7 | : series | : Medical Bills |
| A8 | : 17-03-26 | : Copy of bank certificate |

Respondent's Witness examined : Nil

Respondent's Exhibits Marked :

- B1 : Copy of policy

MEMO OF COST**Petitioner's Cost** : Allowed. Cost list filed

Sl No	Particular	Amount
1	Court fee	1,872.00
2	Stamp on vakkalath	5.00
3	Writing fee	200.00
4	Advocate Fee	14,900.00
5	Stamp on Petition	10.00
6	Stamp on document	30.00
7	Process fee	68.00
8	LBF	2,500.00
	Total	19,585.00

Respondents Cost : Not Allowed.

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Note :- "The parties should apply as soon as possible for the return of all documents which they may wish to preserve, as the records will be liable to be destroyed after twelve years from this date."

Typed by : Manjula. M.R
 Compared by : Umaibhan. K.A

Fair/Copy of Award
in OP (MV) No.144/2025
Dated : 14.05.2026

(1+3)