

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM

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

Tuesday 05th day of May, 2026
(15th day of , Vaishaka 1948 S.E.)

ORIGINAL PETITION (MV) Nos. 270/2022 & 299/2024

OP MV 270/2022

Petitioner

1. Balasubramanian aged 39 years S/o Parameswaran, Kolakkad House, (Kolakkattil Manissery (PO) Ottappalam Taluk, Palakkad (Dist) Pin – 679 521 (DIED) His legal heirs
1. Maheswary aged 33 years, Kolakkattil House, Manissery (PO) Ottappalam Taluk, Palakkad (Dist) Pin – 679 521
PAN No: CYDPA9333B
2. Akshay Krishna (minor) aged 14 years, S/o Late Balasubramanian, D.O.B – 17-12-2010 represented by his mother Maheswary (Ist petitioner) residing at Kolakkathil House, Manissery P.O, Ottappalam Taluk, Palakkad District.
PAN No: PBLPK4098D
3. Sreenandhana (minor) aged 10 years, D/o (Late) Balasubramanian D.O.B 13-11-2014, represented by her mother Maheswary (Ist petitioner residing at Kolakkathil House, Manissery P.O, Ottappalam Taluk, Palakkad District.
PAN No: PGRPK7104M
4. Sarojini Amma, aged 74 years M/o (Late) Balasubramanian Kolakkathil House, Manissery P.O, Ottappalam Taluk, Palakkad District.
PAN No: SUUPS6879B

Supplemental P2 to P4 amended as per order in IA 2/24 dated 30/08/24

By Advocates : Sri.P.R. Sajan & Smt. Suja. S. Nair
P2 to P4 : Sri. P.R. Sajan

V/s

Respondents

1. Arun aged about 37 years S/o Raghavan ,Amrutha, Palappuram (PO), Ottapalam Taluk, Palakkad (District) Pin – 679103
(Driver cum owner of the Motor cycle KL-51-E-2358)
2. The New India Assurance Co. Ltd. Divisional Office, JRJ Complex 2nd floor, Main Road, Ottapalam – Pin – 679 101 Palakkad District
(Insurer of the Motor cycle KL- 51-E- 2358)

R1 : Adv. Hasheem Muhammed. P.M

R2 : Adv. Sajitha Krishnadas

OP MV 299/2024

Petitioner

Arun. R,aged 36 years 07-05-1986, S/o Raghavan M.V, “Amritha”, Palappuram (PO), Ottapalam (Via), Palakkad (District) Pin – 679103

Physically and Mentally unstable

PAN No: BDWPR8962A

So Living with & Represented by next friend/wife Anjana.P, aged 29 years, W/o. Arun. R, Date of birth: 30-05-1993, all residing at Thekkevariyaam House, Kayalot, Nenmini, Thachinganadam P.O, Pattikkad (Via), Kizhatoor Panchayath, Nenmini Village, Perinthalmanna village, Malappuram District, Pin 679325.

PAN No: GPHPP5312C

By Advocates : Sri. Abdul Navid.P & Sri. Benaseer. P.M

V/s

Respondents

1. Balasubramanian. K, aged 37 years S/o Parameswaran, Kolakkattu House, Manissery, Ottappalam P.O, Palakkad (Dist)
Pin – 679 103(DIED)
D/L No. 51/104/2003, Validity : 31-05-2017 to 30-05-2020
(Rider cum Owner of Motor cycle No. KL-51/D-4934)
2. The new India Assurance Company Ltd., Divisional Office, JRJ complex, II floor, Main Road, Ottappalam, Palakkad District,
Pin: 679 101. Policy No. 76270031200100039553
Validity : 10-02-2021 to 09-02-2022.
(Insurer of Motor cycle No. KL- 51/D-4934).
3. Maheswari aged 34 years, W/o (Late) Balasubramanian, Kolakkattil House, Manissery P.O, Ottappalam Taluk, Palakkad District
4. Akshay Krishna (minor) S/o Late Balasubramanian, Kolakkathil House, Manissery P.O, Ottappalam Taluk, Palakkad District.
DOB: 17-12-2010
5. Sreenandhana (minor) D/o (Late) Balasubramanian D.O.B 13-11-2014, Kolakkathil House, Manissery P.O, Ottappalam Taluk, Palakkad District.
6. Sarojini Amma, aged 74 years M/o (Late) Balasubramanian Kolakkathil House, Manissery P.O, Ottappalam Taluk, Palakkad District.
Supplemental R3 to R6 amended as per order in IA 3/25 dated 28-03-25

R1 : Died
R2 : Adv. Sajitha krishnadas
R3 to R6 : Adv. P.R. Sajan

These petitions having been finally heard on 31/03/2026 and the Tribunal on 05/05/2026 passed the following.

COMMON AWARD

Initially OP(MV) No.270/2022 was filed for compensation filed by the petitioner Balasubraanian, S/o. Parameswaran (unconscious) represented by his wife Maheswary for compensation for the injuries sustained to him in a motor vehicle accident u/s 166(1)(a) of the Motor Vehicles Act,1988. Subsequently, Balasubramanian died and his legal heirs were impleaded as petitioners 1 to 4.

OP(MV) No.299/2024 was filed for compensation filed by the petitioner (physically & mentally unstable) represented by his wife for compensation for the injuries sustained to him in a motor vehicle accident u/s 166(1)(a) of the Motor Vehicles Act,1988.

2. The petitioner/2nd respondent in OP(MV)No.299/2024 filed I.A.No.1/2024 for joint trial of the above said petitions and it was allowed.

3. Case of the petitioners in OP(MV)No.270/2022 in brief is that on 10.10.2021 at about 9.30 p.m., while Balasubramanian was riding his motor cycle from his house to Pazhayalakkidi and when he reached near Palappuram Old post office the 1st respondent being the rider of the motor cycle bearing registration No.KL-51/E-2358 ridden by the 1st respondent in a rash and negligent manner

dashed against the petitioner's motor cycle thereby Balasubramanian was sustained serious injuries and on 04.05.2024 he died while undergoing treatment.

4. Case of the petitioner in OP(MV)No.299/2024 in brief is that on 10.10.2021 at about 9.30 p.m., while Arun was riding his motor cycle bearing registration No.KL-51/E-2358 from Ottapalam side to Lakkidi side and when he reached near Palappuram Post Office in Ottapalam – Lakkidi public road, another motor cycle bearing registration No.KL-51/D-4934 ridden by the 1st respondent in a rash and negligent manner dashed against the petitioner's motor cycle thereby Arun was sustained serious injuries. Hence the OP(MV) No.270/2022 is for a total compensation of ₹1,00,00,000/- and OP(MV)No.299/2024 is for a total compensation for ₹1,10,00,000/-.

5. The 1st respondent in OP(MV)No.270/2022 filed written statement denying the petition averments. According to this respondent the accident happened due to the sole negligence of the petitioner. At the time of accident the 1st respondent was holding valid driving licence to ride the offending vehicle and the vehicle bearing registration No.KL-51/E-2358 was validly insured with the 2nd respondent during the time of accident. Even if the Tribunal finds that the petitioner is entitled to get any amount it has to be paid by the 2nd respondent.

6. The 2nd respondent filed written statements in OP(MV)No.270/2022 denying the petition avements. According to this respondent there is a delay of 10

days in registering the FIR. At the material time of accident the motor cycle bearing registration No. KL-51/E-2358 was insured with this respondent. The entire negligence is on the part of the petitioner. At the time of accident the petitioner was not wearing helmet. The police framed charge against the petitioner for rash and negligent driving. This respondent cannot be held liable to pay compensation to the petitioner. The age, occupation and income of the petitioner have to be proved by the petitioner. The amount claimed in the petition is highly excessive and exaggerated. The petitioners have changed the claim from injury to death and the same stands denied by this respondent. This respondent also denies the direct nexus of injuries in causing death and that the petitioners are the sole legal heirs of the injured/deceased. Therefore, the petition is to be disposed accordingly.

7. The 2nd respondent in OP(MV)No.299/2024 filed written statement denying the petition averments. According to this respondent there is a delay of 10 days in registering the FIR. The motor cycle bearing registration No.KL-51/D-4934 was validly insured with this respondent at the material time of accident. The entire negligence is on the part of the petitioner. At the time of accident the petitioner was not wearing helmet. The police framed charge against the petitioner for rash and negligent driving. This respondent cannot be held liable to pay compensation to the petitioner. The age, occupation and income of the

petitioner have to be proved by the petitioner. The amount claimed in the petition is highly excessive and exaggerated. Therefore, the petition is to be disposed accordingly.

8. The 1st respondent Balasubramanian died during the pendency of the petition. His legal heirs were impleaded as supplemental respondents 3 to 6. They filed written statement denying the petition averments. According to these respondents, the accident happened due to the negligence of the petitioner. The rider (deceased) has got a valid driving licence to ride the offending vehicle. The vehicle bearing registration No. KL-51/D-4934 was validly insured with the 2nd respondent at the material time of accident. Even if the Tribunal finds that the petitioner is entitled to get any amount it has to be paid by the 2nd respondent. The age, occupation and income of the petitioner have to be proved by the petitioner. The amount claimed in the petition is highly excessive and exaggerated. Therefore, the petition is to be disposed accordingly.

9. To prove the case of the petitioners Exts.A1 to A43 and Ext.X1 were marked. No oral or documentary evidence has been adduced by the respondents.

10. Heard both sides.

11. Now the issues that arise for consideration in OP(MV)No.270/2022

are:

1. Whether the 1st respondent was riding the motor cycle bearing registration No.KL-51/E-2358 vehicle in a rash and negligent manner with excessive speed and thereby caused the accident?
2. Whether Balasubramanian died due to the injuries sustained in the accident and whether the petitioners are entitled to get compensation as claimed?
3. If so, what is the quantum to be awarded?
4. Who is liable to pay compensation to the petitioners?

12. Now the issues that arise for consideration in OP(MV)No.299/2024 are:

1. Whether the 1st respondent was driving the vehicle bearing registration No.KL-51/D-4934 in a negligent manner thereby caused the accident?
2. Whether the petitioner was sustained grievous injuries thereby the petitioner are entitled to get compensation as claimed?
3. If so, what is the quantum to be awarded?
4. Reliefs and costs?

13. Issue No.1 in O.P.(MV) Nos.270/2022 & 299/2024:- Case of the petitioners in OP(MV)No.270/2022 in brief is that on 10.10.2021 at about 9.30 p.m., while Balasubramanian was riding his motor cycle from his house to Pazhayalakkidi and when he reached near Palappuram Old post office the 1st respondent being the rider of the motor cycle bearing registration No.KL-51/E-2358 ridden by the 1st

respondent in a rash and negligent manner dashed against the petitioner's motor cycle thereby Balasubramanian was sustained serious injuries and on 04.05.2024 he died while undergoing treatment.

14. Case of the petitioner in OP(MV)No.299/2024 in brief is that on 10.10.2021 at about 9.30 p.m., while Arun was riding his motor cycle bearing registration No.KL-51/E-2358 from Ottapalam side to Lakkidi side and when he reached near Palappuram Post Office in Ottapalam – Lakkidi public road, another motor cycle bearing registration No.KL-51/D-4934 ridden by the 1st respondent in a rash and negligent manner dashed against the petitioner's motor cycle thereby Arun was sustained serious injuries. To prove the negligence of the rider of the motor bike bearing registration No.KL-51/E-2358, copy of the FIR with FIS was marked as Ext.A1, copy of final report was marked as Ext.A3 and copies of AMVI reports were marked as Ext.A5.

Discharge certificate for police case was marked as Ext.A2, discharge summaries dated 11.10.21 and 19.1.2022 were marked as Exts.A4, death certificate of Balasubramanian was marked as Ext.A6, relationship certificate was marked as Ext.A7, copy of Aadhar card of petitioner in OP(MV)No.270/2022 was marked as Ext.A8, Ext.A9 is the copy of passbook, Ext.A10 is the copy of Aadhar card of P2, Ext.A11 is the copy of passbook of P2, Ext.A12 is the copy of birth certificate of P2, Ext.A13 is the copy of Aadhar card of P3, Ext.A14 is the copy of passbook of P3,

Ext.A15 is the copy of birth certificate of P3, Ext.A16 is the copy of Aadhar card of P4, Ext.A17 is the copy of passbook of P4, Ext.A18 is the legal heirship certificate, Ext.A19 is the medical certificate, Ext.A20 is the CT scan report, Ext.A21 is the income tax return acknowledgment (5 nos), Ext.A22 series are the medical bills, Ext.A23 is the copy of postmortem certificate of Balasubramanian, Ext.A24 is the copy of PAN card of P1, Exts.A25 to A27 are the copies of PAN cards of P2, P3 and P4, Ext.A28 is the copy of driving licence of Balasubramanian.

Exhibits marked in OP(MV)No.299/2024:-

Ext.A29 is the copy of accident register cum wound certificate of petitioner, Ext.A30 is the copy of charge sheet in crime No.685/2021, Ext.A31 is the copy of Aadhar card of injured, Ext.A32 is the copy of Aadhar card of petitioner, Ext.A33 is the account details of injured, Exts.A34 and 35 are the discharge summaries, Ext.A36 is the copy of passbook of petitioner, Exts.A37 and 38 are the copies of PAN card of petitioner and injured, Ext.A39 is the salary slip of injured, Ext.A40 is the discharge summary of petitioner dated 15.07.2022, Ext.A41 is the income tax return for the year 2022-2023 of the injured, Ext.A42 series are the medical bills for ₹2,71,214/-, Ext.A43 is the discharge certificate for police case of Balasubramnian.

Ext.X1 is the MBR issued from Government Medical College Hospital, Thrissur.

15. The police has registered 'A' charge against the rider of the motor cycle bearing registration No.KL-51/E-2358 (injured/petitioner in OP(MV)No.299/2024). Whereas 'B' charge is registered against Balasubramanian (injured/deceased in OP(MV)No.270/2022) who was the rider of the motor cycle bearing registration No.KL-51/D-4934). A perusal of Ext.A3 and A30 show that the then Sub Inspector of Police, Ottapalam police station, conducted investigation of the case, completed the investigation and submitted the final report with finding that on 10.10.2021 at about 22.30 hours, Balasubramanian being the rider of the motor cycle bearing registration No.KL-51/D-4934 rode the vehicle through Ottapalam – Palakkad public road and when he reached Palappuram Old post office, it hit on another motor cycle bearing registration No.KL-51/E-2358 ridden by Arun thereby the riders were sustained serious injuries and the rider of the motor cycle bearing registration No.KL-51/D-4934 and further succumbed to the injuries on 04.05.2024 while undergoing treatment. Therefore, I find that both the riders had committed the offences punishable under Sections 279 and 308 of IPC. It is well settled that final report is the sufficient prima facie evidence to prove negligence in a claim for compensation under Section 166 of the Motor Vehicles Act (**New India Assurance Company Limited v. Palani Ammal and others – I.L.R 2011 (3) Kerala 677**). So I find that the petitioners have successfully proved their case with the aid of Exts.A1, A3 and A30. Hence I am of the view that as per Exts.A3 and A30, 'A' charge and 'B'

charge, there is contributory negligence on the part of the riders of both motor cycles. Hence the 2nd respondent is liable to pay half of the compensation awarded. Issue No.1 is answered accordingly.

16. Issue Nos.2 & 3 in O.P.(MV) No.270/2022:- It is the case of the petitioner that as a result of the rash and negligent act of the 1st respondent, deceased was sustained grievous injuries, immediately taken to Valluvanad Hospital, Ottapalam and from there taken to KIMS Alshifa Hospital, Perinthalmanna, admitted and treated there as inpatient from 11.10.2021 to 09.12.2021, from 19.01.2022 to 27.01.2022, from 07.06.2022 to to 29.06.2022 and thereafter at IQRAA international Hospital, Malaparamba from 29.06.2022 to 05.07.2022. To prove the injuries sustained and treatment given to the petitioner, discharge certificate for police case was marked as Ext.A2 and discharge summaries were marked as Ext.A4 series. As per the above documents, the petitioner was treated as stated above. As per Ext.A4 the diagnosis and procedure done are as follows: -

diagnosis: -

severe traumatic brain injury

procedure done: -

managed with elective ventilation, antiedema measures, appropriate antibiotics for

chest infection

As per Ext.A4 another discharge summary the diagnosis and procedure done are as follows: -

diagnosis: -

severe traumatic brain injury

procedure done: -

ventriculo peritoneal shunt (Rt) done under GA on 20.01.2022

As per Ext.A4 another discharge summary the diagnosis and procedure done are as follows: -

diagnosis: -

TBI – DAI 8 months

decompressive craniectomy, cranioplasty, VP shunt

contracture bilateral upper and lower limbs

W4 VI M3

RLAS level 3

single sacral pressure injury NPIAP stage 3 - healing

procedure done: -

right sciatic NB, left tibial NB at popliteal fossa under LA on 15.06.2022

As per Ext.A4 another discharge summary the final diagnosis and

procedure done are as follows: -

final diagnosis: -

severe head injury, post traumatic hydrocephalus, post VP shunt

shunt malfunction

procedure done: -

left VP shunt (medium pressure) under GA on 30.06.2022

Going through the above medical records, I find that the petitioner was sustained injuries in the accident which was caused due to the rash and negligent riding of the 1st respondent while riding the vehicle in question. Ext.A19 is the certificate issued from Rajiv Gandhi Co-operative Hospital, Kallekkad. It is stated in Ext.A19 that Sri.Balasubramanian was under treatment of that hospital from 05.07.2022 to 04.05.2024 under physiotherapy section and has expired on 04.05.2024. Ext.A6 is the death certificate of Balasubramanian. As per Ext.A6 he died on 04.05.2024. Ext.A23 is the copy of postmortem certificate. As per Ext.A23 opinion as to cause of death is that 'the deceased died to complications of injuries sustained in road traffic accident'. Therefore, I find that the petitioner is entitled to get compensation for the injuries sustained in the accident.

17. Ext.A22 series are the medical bills produced and marked by the petitioner

for ₹12,96,268 + 1882/- totalling to ₹12,98,150/-. Out of this the 2nd respondent has objected ₹1,45,859/- stating that in some bills name of patient differs, some bills are discount bills and some bills are receipts only. In view of the objection raised by the 2nd respondent , this Tribunal is of the view that the petitioners are entitled to get only ₹11,52,291/- towards medical bills. According to the petitioner at the time of accident he was aged 39 years, welder and his monthly income was of ₹50,000/-. Ext.A21 series are the income tax returns produced by the petitioner for the financial year 2015-16, 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21. For the last year the total income of Balasubramanian was ₹4,56,130/-. So the monthly average income of Balasubramanian was ₹38,010/-. Ext.A28 is the copy of driving licence of the petitioner. As per Ext.A28 his date of birth is 25.04.1983. Therefore, I find that at the time of accident the petitioner was aged 38 years. Considering the age of the petitioner and other attending circumstances, I find that monthly notional income of the petitioner can be calculated as of ₹38,010/- for the purpose of computing compensation.

18. Ext.A7 and A18 the 1st petitioner is the wife of the deceased aged 35 years, 2nd petitioner is the son aged 14 years, 3rd petitioner is the daughter aged 10 years and 4th petitioner is the mother aged 73 years. Therefore, I find that the petitioners who are the dependents/legal heirs of the deceased are entitled to get

compensation. The deceased being aged 38 years at the time of accident and death the proper multiplier is 15. In view of the dictum laid by the Hon'ble Apex Court in **National Insurance Company v. Pranay Sethi - 2017(4)KLT 662 (SC)**, the deceased being aged 38 years 40% of the income is to be added for future prospects. By adding so the monthly income comes to ₹53,214/- (38010+15204). The deduction towards personal and living expenses should be 1/4 in the light of the decision reported in **Sarla Verma v. Delhi Transport Corporation - 2010(2) KLT 802** and **National Insurance Company v. Pranay Sethi**. So the annual loss to the dependents is assessed as $53214 \times 12 \times 15 \times 3/4 = 71,83,890/-$. The petitioners being the wife, children and mother of the deceased they are entitled to get consortium.

It has held by the Hon'ble Apex Court in **Rajwati @ Rajjo & Others v. United India Insurance Company Ltd. & Others 2023(1) KLJ 12** in paragraph 31 thus:-

“The deceased left behind four dependants, i.e, the present appellants. In view of this, the grant of 40,000/- by the Tribunal towards loss of consortium is insufficient in our view, and deserves interference.

Placing reliance on the Satinder Kaur @ Satwinder Kaur (Supra), the grant of ₹40,000/- towards loss of consortium is increased to ₹44,000/- to each

appellant, amounting to a total of ₹1,76,000/-. Along with this, ₹15,000/- each for the heads of 'funeral expenses' and 'loss of estate' is also increased to ₹20,000/- each.”.

*As held by the Hon'ble Apex Court, in **Rojalini Nayak vs. Ajit Sahoo** there should be 10% enhancement in every three years. In view of the above dictum, I find that the petitioner is entitled to get ₹48,400/- towards loss of consortium. The petitioners are also entitled to get ₹20,000/- towards loss of estate and ₹20,000/- towards funeral expenses.*

19. The learned counsel for the 2nd respondent contended that interest cannot be allowed for future prospects. That is a contention sustainable in law, in view of the decision of the Hon'ble Apex Court as **R.D.Hattangadi v. Pest Control (India) Private Limited (AIR 1995 SC 755)**.

The accident in this case occurred on 10.10.2021 and the petitioner died on 04.05.2024. So he is entitled to get loss of earning for that period. The learned counsel for the 2nd respondent objected Ext.A19 stating that the injured underwent only physiotherapy in the hospital and not shows that he was treated as inpatient. According to the petitioner the injured was admitted in the hospital for 771 days (672+99). But no steps were taken by the petitioner to prove it. Hence he is not entitled to get any amount for by stander expenses during that period. So the

petitioner is entitled to get by stander expenses in the hospital for 99 days. The petitioner claimed ₹1000/- per day for 188 days for appointing home nurse. A perusal of the records shows that he is entitled to get that amount. So he is entitled to get ₹1,88,000/- on that count.

Considering the entire facts and circumstances of the case, I find that the following can be fixed as just and reasonable compensation in this case.

Sl. No.	Head of Claim	Amount claimed in	Amount awarded	Basis-vital details in a nut shell
1	Loss of earning from 10.10.2021 to 04.05.2024	1500000	1140300	38010X30 months
2	Transportation expenses	20000	10000	Considering the distance between the place of accident, hospital and home.
3	Damages to clothing and articles	2000	1000	Nominal amount
4	Extra nourishment	200000	4000	
5	Medical expenses	2000000	1152291	Ext.A22 series medical bills
6	Future treatment expenses	500000	0	
7	Bystander expenses	372000	49500	500x99 days
8	Compensation for pain and sufferings	1000000	150000	Died after 30 months after the accident
9	Compensation for loss of enjoyment and amenities of life	1000000	75000	
10	Compensation for loss of enjoyment and amenities of life of petitioner	10000	0	
11	Compensation for loss of future happiness of the family	20000	0	
12	Compensation for loss of dependency	9000000	7183890	53214x12x15x3/4
13	Funeral expenses	25000	20000	2023(1) KLJ 12
14	Loss of estate	50000	20000	2023(1) KLJ 12
15	Compensation for loss of consortium	100000	1,93,600	(48400x4) 2023(1) KLJ 12
16	Expenses incurred for	5000	0	

	transporting the dead body to the deceased's house			
17	Compensation for loss of gratuitous service	50000	0	
18	Compensation for mental shock and agony	10000	0	
19	Compensation for loss of love and affection	400000	0	
	Total	1,62,64,000	99,99,581	9999581X1/2=4999790.5 (Petitioner only entitled half of the amount, since B charge against deceased)
	Limited to	1,00,00,000		

The issue is answered accordingly.

20. Issue Nos.2 & 3 in O.P.(MV) No.299/2023: It is the case of petitioner that as a result of the accident he was sustained grievous injuries, immediately taken to Valluvanad Hospital, Ottapalam, admitted and treated there as an inpatient from 10.10.2021 to 08.11.2021 and from 12.01.2022 to 22.01.2022. Subsequently he was taken to KIMS Alshifa Hospital, Perinthalmanna, admitted and treated there as an inpatient from 10.10.2021 to 08.11.2021, from 12.01.2022 to 22.01.2022, from 15.07.2022 to 20.07.2022, from 07.01.23 to 09.01.23 and from 20.12.24 to 22.12.2024. To prove the injuries sustained and treatment given to the petitioner, copy of wound certificate was marked as Ext.A29 and discharge summaries were marked as Exts.A34, A35 and A40. As per the above documents, the petitioner was treated as stated above. As per Ext.A29 the petitioner was sustained the following injuries: -

severe head injury, left ear bleed, subdural hemorrhage, brain edema.

As per Ext.A40 the diagnosis is as follows: -

diagnosis: -

right focal seizure

As per Ext.A35 the diagnosis is as follows: -

diagnosis: -

seizure

As per Ext.A34 the diagnosis is as follows: -

diagnosis: -

post traumatic seizure

Going through the above medical records, I find that the petitioner was sustained injuries in the accident which was caused due to the rash and negligent riding of the 1st respondent while riding the vehicle in question. Therefore, I find that the petitioner is entitled to get compensation for the injuries sustained in the accident.

21. Ext.A42 series are the medical bills produced and marked by the petitioner for ₹2,71,214/-. Out of which the 2nd respondent has admitted only the bills of ₹2,35,601/-. So the petitioner is entitled to get only ₹2,35,601/-. According to the petitioner at the time of accident he was aged 36 years, Area Sales Manager at Elasticrun, Pune and his monthly income was of ₹82,862/-. Ext.A41 is the income tax return filed by the petitioner. As per Ext.A41 monthly salary of the injured is ₹60,958/-. Ext.A31 is the copy of Aadhar card of the petitioner. As per Ext.A31 his date of birth is 30.05.1986. Therefore, I find that at the time of accident the petitioner

was aged 35 years.

Ext.X1 is the Medical Board Report issued from Government Medical College Hospital, Thrissur. As per Ext.X1 the injured Arun is having permanent whole body disability of 30%. In this juncture the learned counsel for the 2nd respondent contended that being a permanent employee notional income is to be considered for computation of compensation. Being a skilled worker and considering percentage of disability, I am of the view that the petitioner is entitled to get monthly income as per Minimum Wages Act. So the petitioner is entitled to get ₹19,710/- per month. No evidence has been adduced to prove to that he has stopped the job. The petitioner being aged 35 years at the time of accident the proper multiplier is 16. Therefore, the compensation for loss of functional disability can be assessed at $\text{₹}19710 \times 12 \times 16 \times 30 / 100 = 11,35,296/-$. According to the petitioner he was not able to do work for a long period. Considering the nature of injuries and age of the petitioner and other medical records are concerned, I am of the view that he was not able to do work for six months. So he is entitled to get ₹1,18,260/- (19710x6) towards loss of earning.

Considering the entire facts and circumstances of the case, nature of injuries sustained, period of treatment, disability etc. I find that the following can be fixed as just and reasonable compensation in the case.

Sl. No.	Head of Claim	Amount claimed	Amount awarded	Basis-vital details in a nut shell
1	Loss of earning	2000000	118260	19710x6 months
2	Transportation	100000	10000	Considering the distance between the place of accident, hospital and home. The petitioner went to the hospital several times.
3	Extra nourishment	50000	3000	
	Damages to clothing and articles	5000	1000	Nominal amount
4	Bystander expenses	100000	26500	500x53 days
5	Medical expenses	645000	235601	As per Ext.A42 series
	Future treatment expenses	500000	0	
	Fees for the staff male nurse	1000000	0	
6	Compensation for pain and suffering	300000	100000	Considering the nature of injuries
7	Compensation for loss of enjoyment and amenities of life	300000	90000	Considering the nature of injuries
8	Compensation for permanent disability & Compensation for loss of earning power	5000000	1135296	19710x12x16x30/100
	Compensation for disfigurement	500000	0	
	Compensation for loss of physical and mental stability	500000	0	
	Total	1,10,00,000	17,19,657	17,19,657x1/2=859828/- (entitled half of the amount, since A charge against petitioner)

Issues are answered accordingly.

22. Issue No.4 in OP(MV)No.270/2022 & 299/2024.:- The 2nd respondent has admitted insurance coverage of the vehicles bearing registration Nos.KL-51/D-4934 and KL-51/E-2358. This Tribunal already found that the injured (petitioner in OP(MV)No.299/2024 and the injured (died) in OP(MV)no.270/2022 are equally responsible for the accident. Therefore, the petitioners are entitled to get only half of the

amount awarded in the claim petitions from the 2nd respondent. The issue is answered accordingly.

In the result,

19. **OP(MV)No.270/2022** is allowed in part and an award is passed for ₹49,99,790/- (Rupees forty nine lakh ninety nine thousand seven hundred and ninety only) with interest @ 8% per annum from the date of filing of the application on 27.05.2022 till realisation with proportionate cost except for future prospects as the same relates to an income to be given in the future, in view of the ruling of the Apex Court in **R.D.Hattangadi v. Pest Control (India) Private Limited (AIR 1995 SC 755)**.

50% of the award amount shall be paid to the 1st petitioner, 20% each to the 2nd and 3rd petitioners and 10% to the 4th petitioner.

1. The 2nd respondent is directed to furnish cheque ₹99,368/- being court fee and ₹1,00,000/- being Legal Benefit Fund payable by the petitioner in the name of Motor Accidents Claims Tribunal, Ottapalam.

2. The balance amount due to the 1st and 4th petitioner/s shall be remitted to her/their Savings Bank Account shown below, as direct payment, within one month from the date on which the petitioner/s furnish the details of her/their bank account.

Name of petitioner/s	Name of Bank	Name of Branch	Account Number	IFSC Code
1. MAHESWARY . A	State Bank of India	Vaniamkulam	34335814123	SBIN0005540
2. AKSHAY KRISHNA K (minor)	SBI	Vaniamkulam	42991094443	SBIN0005540
3. SREENANDHANA K (minor)	SBI	Vaniamkulam	42398996989	SBIN0005540
4. SAROJINI AMMA K	Canara Bank	Ottapalam	0738101031231	CNRB0000738

The 2nd respondent shall invest the share amount in the name of minor petitioners 2 and 3rd for a period till they attain majority as fixed deposit with any nationalized bank and the original FD receipt shall be produced before this Tribunal.

The fixed deposit shall carry standing instructions for automatic renewals at periodic intervals (after the petitioner attaining majority), securing the maximum rate of interest, until further orders are passed by the Tribunal.

Upon the minors attaining majority, the bank shall credit the fixed deposit amount together with the accrued interest to the petitioners' bank account, if any, unless otherwise directed by the Tribunal.

3. Upon such remittance/deposit, 2nd respondent 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.	

20. **OP(MV)No.299/2024** is allowed in part and an award is passed for ₹8,59,828/- (Rupees eight lakh fifty nine thousand eight hundred and twenty eight only) with interest @ 8% per annum from the date of filing of the application on 03.10.2022 till realisation with proportionate cost.

1. The 2nd respondent is directed to furnish cheque ₹1,09,368/- being court fee and ₹1,10,000/- being Legal Benefit Fund payable by the petitioner in the name of Motor Accidents Claims Tribunal, Ottapalam.

2. Out of the balance amount due to the petitioner/s 50% each shall be remitted to the Savings Bank Accounts of the injured Arun and 50% to his next friend/wife Anjana 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/s	Name of Bank	Name of Branch	Account Number	IFSC Code
ARUN R (rep. By next friend wife Anjana)	ICICI Bank	Ottappalam	074701503400	ICIC0000635
ANJANA P (next friend of Arun the injured)	Federal Bank	Pandikkad	11200100162612	FDRL0001120

3. Upon such remittance/deposit, 2nd respondent 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 petitioners and their 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. The 2nd respondent shall provide Form 16.A under the Income Tax Act, 1961

to the petitioners

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 5th day of May 2026.

Motor Accidents Claims Tribunal

APPENDIX

Petitioner's Witness Examined :

Petitioner's Exhibits Marked

A1	:	20-10-21	:	Copy of FIR & FIS
A2	:	10-12-21	:	Copy of Discharge certificate for police cases
A3	:	14-03-22	:	Copy of Final report
A4	:	series	:	Copy of Discharge summaries
A5	:	03-11-21	:	Copy of AMVI report
A6	:	23-05-24	:	Copy of Death certificate of Balasubramanian
A7	:	10-06-24	:	Copy of Relationship certificate
A8	:	----	:	Aadhar card copy of Petitioner in OP(MV) 270/2022
A9	:	----	:	Bank pass book copy of Petitioner in OP(MV) 270/2022
A10	:	----	:	Aadhar card copy of Supplemental P2 in OP(MV) 270/2022
A11	:	----	:	Bank pass book copy of P2 in OP(MV) 270/2022
A12	:	23-12-10	:	Copy of Birth certificate of P2 in OP(MV) 270/2022
A13	:	----	:	Aadhar card copy of Supplemental P3 in OP(MV) 270/2022
A14	:	---	:	Bank pass book copy of Supplemental P3 in OP(MV) 270/2022
A15	:	21-05-19	:	Copy of Birth certificate of Supplemental P3 in OP(MV) 270/2022
A16	:	---	:	Aadhar card copy of Supplemental P4 in OP(MV) 270/2022
A17	:		:	Bank pass book copy Supplemental P4 in OP(MV) 270/2022
A18	:	03-09-24	:	Copy of Legal heirship certificate

A19	:	23-10-24	:	Medical certificate
A20	:	10-10-21	:	C.T. Scan report
A21	:	----	:	Income tax return acknowledgement (5 nos)
A22	:	series	:	Medical bills
A23	:	05-05-24	:	Copy of Postmortem certificate of Balasubramanian
A24	:	----	:	Copy of PAN card of P1 in OP(MV) 270/22
A25	:	-----	:	Copy of PAN card of supplemental P2 in OP(MV) 270/22
A26	:		:	Copy of PAN card of supplemental P3 in OP(MV) 270/22
A27	:		:	Copy of PAN card of supplemental P4 in OP(MV) 270/22
A28	:	----	:	Copy of Driving licence of Balasubramanian in OP(MV) 270/22
A29	:	10-10-21	:	Copy of Accident register cum wound certificate of petitioner in OP(MV) 299/24
A30	:	18-06-22	:	Copy of Charge sheet in Cr. No. 685/21
A31	:	----	:	Aadhar card copy of petitioner in OP(MV) 299/2024
A32	:	----	:	Aadhar card copy of petitioner in OP(MV) 299/2024
A33	:	----	:	Account details of petitioner in OP(MV) 299/2024
A34	:	22-12-24	:	Discharge summary of injured in OP(MV) 299/24
A35	:	09-01-23	:	Discharge summary of injured in OP(MV) 299/24
A36	:	----	:	Copy of Bank pass book of petitioner in OP(MV) 299/24
A37	:	----	:	Copy of PAN card of petitioner in OP(MV) 299/24
A38	:	----	:	Copy of PAN card of Petitioner (injured) in OP(MV) 299/24
A39	:	----	:	Salary slip of Petitioner (injured) in OP(MV) 299/24
A40	:	20-07-22	:	Discharge summary of petitioner in OP(MV) 299/24
A41	:	----	:	Income tax return of Petitioner (injured) in OP(MV) 299/24
A42	:	series	:	Medical bills
A43	:	10-12-21	:	Copy of Discharge certificate of police cases

Respondent's Witness examined : Nil

Respondent's Exhibits Marked : Nil

Third Party Witness examined : Nil

Third Party Exhibits Marked :

X1 : Medical Board Report

Motor Accidents Claims Tribunal

MEMO OF COST

Petitioner's Cost : Allowed. Cost list filed

Sl No	Particular	Amount OPMV 270/2022	Amount OPMV 299/2024
1	Court fee	49,370.00	7,971.00
2	Stamp on vakkalath	5.00	5.00
3	Writing fee	200.00	200.00
4	Advocate Fee	252,389.00	40,500.00
5	Process fee	70.00	170.00
6	Stamp on document	70.00	44.00
7	Stamp on Petition	30.00	20.00
8	LBF		8,598.00
	Total	302,134.00	57,508.00

Respondents Cost : Not Allowed.

Motor Accidents Claims Tribunal

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)Nos.270/2022
& 299/2024
Dated 05/05/2026

(1+4)