

**IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM**

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

Thursday 12<sup>th</sup> day of March 2026  
(21<sup>st</sup> day of Phalguna, 1947 S.E.)

**ORIGINAL PETITION (MV) No.521/2023**

**Petitioners**

1. Abdul Rasheed, S/o Kuttimammed, aged 50 years, Pattarathil House, Naduvattam P.O, Thiruvegapura, Pattambi Taluk, Palakkad Dist, Pin- 679 308, PAN: CVFPP8092P
2. Rasiya, W/o Abdul Rasheed, aged 44 years, Pattarathil House, Naduvattam P.O, Thiruvegapura, Pattambi Taluk, Palakkad Dist, Pin- 679 308, PAN: QODPK4262M

By Advocates : Adv. Mohammed Ali Mattamthadam  
V/s

**Respondents**

1. Junais, S/o Marakkar, aged 30 years, Thekkethil (H), Kalladippatta Post, Pattambi Tauk, Palakkad Dist. Pin- 679 313 (Driver of KL-07-BY-0238 ACE Goods Carrier)
2. Shoukathali, S/o Yusaf, aged 30 years, Chungath(H), Kalladippatta Post, Pattambi Taluk, Palakkad Dist, Pin- 679 313(Owner of of KL-07-BY-0238 ACE Goods Carrier)
3. Shreeram Genaral Insurance Co. Ltd., Door No. 24/450(4). Second Floor, Aravind Arcade, Coimbatore Rd, Kunathurmedu, Palakkad, Pin-678001  
(Insurer of KL-07-BY-0238 ACE Goods Carrier) Policy No: 419014/31/23/010828  
Valid from: 23/01/2023 to 22/01/2024

R1 & R2 : Adv. A A Jamal  
R3 : Adv. Rajasankar P

This petition having been finally heard on 20/02/2026 and the Tribunal on 12/03/2026 passed the following.

**AWARD**

This is an application for compensation filed by the legal heirs of deceased Arfas., S/o. Abdul Rasheed, who died in a motor vehicle accident under section

166(1) (c) of the Motor Vehicles Act, 1988.

2. The 1<sup>st</sup> petitioner is the father and 2<sup>nd</sup> petitioner is the mother of the deceased. Case of the petitioners in brief is that on 04.04.2023 at about 8.45 a.m., the 1<sup>st</sup> respondent being the driver of the ACE goods vehicle bearing registration No.KL-07/BY-238 drove the vehicle in a rash and negligent manner through Valanchery - Koppam public road and when it reached near Pulassery GWLP school, it hit on the motor cycle bearing registration No.KL-52/P-6825 ridden by the deceased thereby he was sustained serious injuries and further succumbed to the injuries. Hence the petition for a total compensation of ₹30,00,000/- by the dependents/legal heirs of deceased.

3. The 1<sup>st</sup> and 2<sup>nd</sup> respondents filed written statement denying the petition averments. According to this respondent there was no negligence on the part of the 1<sup>st</sup> respondent as alleged. In fact negligence of the deceased in riding the motor cycle was the reason for the accident. At the time of accident, the 1<sup>st</sup> respondent was having valid driving licence to drive the offending vehicle and the vehicle bearing registration No.KL-07/BY-238 was validly insured with the 3<sup>rd</sup> respondent. Even if the Tribunal finds that the petitioners are entitled to get any amount, it has to be paid by the 3<sup>rd</sup> respondent. The age, occupation and income of the deceased have to be proved by the petitioners. The amount claimed in the petition is highly excessive and exaggerated. Therefore, the petition is to be disposed accordingly.

4. The 3<sup>rd</sup> respondent filed written statement denying the petition averments. The accident in this case was happened on 04.04.2023 and the petition was filed after six months. So the petition is barred by limitation. At the same time this respondent admits that at the material time of accident the car bearing registration No.KL-07/BY-238 was validly insured with this respondent. According to this

respondent, there was no negligence on the part of the 1<sup>st</sup> respondent as alleged in the petition. In fact negligence of the deceased alone was the reason for the accident. The 1<sup>st</sup> petitioner was charge sheeted by the police for allowing the minor deceased to ride the motor cycle without a valid license. The petitioners have to prove that they are the dependents of the deceased. The age, occupation and income of the deceased have to be proved by the petitioners. The amount claimed in the petition is highly excessive and exaggerated. Therefore, the petition is to be disposed accordingly.

5. To prove the case of the petitioners Exts.A1 to A15 were marked. No oral or documentary evidence has been adduced on the side of the respondents.

6. Heard both sides.

7. Now the issues that arise for consideration in this petition are:

1. Whether the 1<sup>st</sup> respondent was driving the vehicle bearing registration No.KL-07/BY-238 in a negligent manner thereby caused the accident?
2. Whether Arfas, S/o. Abdul Rasheed, died due to the injuries sustained in the accident and if so, whether the petitioners are entitled to get compensation as claimed?
3. If so, what is the quantum to be awarded?
4. Reliefs and costs?

8. Issue No.1:- It is the case of petitioners that on 04.04.2023 at about 8.45 a.m., the 1<sup>st</sup> respondent being the driver of the ACE goods vehicle bearing registration No.KL-07/BY-238 drove the vehicle in a rash and negligent manner through Valanchery - Koppam public road and when it reached near Pulassery GWLP school,

it hit on the motor cycle bearing registration No.KL-52/P-6825 ridden by the deceased thereby he was sustained serious injuries and further succumbed to the injuries. To prove the negligence of the 1<sup>st</sup> respondent copy of FIR was marked as Ext.A1, copy of FIS was marked as Ext.A2, copy of scene mahazar was marked as Ext.A3 and copy of final report was marked as Ext.A5.

Ext.A4 is the copy of wound certificate, Ext.A6 is the copy of postmortem certificate, Ext.A7 is the copy of Aadhar card of P1, Ext.A8 is the copy of bank passbook of P1, Ext.A9 is the copy of PAN card of P1, Ext.A10 is the copy of Aadhar card of P2, Ext.A11 is the copy of bank passbook of P2, Ext.A12 is the copy of PAN card of P2, Ext.A13 is the copy of death certificate of Arfas P, Ext.A14 is the copy of SSLC of the deceased, Ext.A15 is the copy of relationship certificate.

9. A perusal of Ext.A5 shows that the then Sub Inspector of Police, Koppam police station, conducted investigation of the case, completed the investigation and submitted the final report with finding that on 04.04.2023 at about 8.45 a.m., the 1<sup>st</sup> respondent being the driver of the ACE goods vehicle bearing registration No.KL-07/BY-238 drove the vehicle in a rash and negligent manner through Valanchery - Koppam public road and when it reached near Pulassery GWLP school, it hit on the motor cycle bearing registration No.KL-52/P-6825 ridden by the deceased thereby he was sustained serious injuries and further succumbed to the injuries. Therefore, I find that the 1<sup>st</sup> respondent had committed the offences punishable under Sections 279, 338 and 304(A) 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 that the accident was

occurred solely due to the negligent driving of the offending vehicle by the 1<sup>st</sup> respondent with the aid of Exts.A1 to A3 and A5. Issue No.1 is answered accordingly.

10. Issue Nos.2 & 3:- It is the case of the petitioners that as a result of the rash and negligent act of the 1<sup>st</sup> respondent, deceased was sustained grievous injuries, immediately taken to KIMS Alshifa Health Care, Perinthalmanna and further succumbed to the injuries. As per Ext.A6 copy of postmortem certificate, the death was due to head injury following the road traffic accident.

11. Ext.A15 is the relationship certificate dated 22.05.2024 issued from Thiruvegappura village office produced and marked by the petitioners. As per this, the 1<sup>st</sup> petitioner is the father of the deceased aged 52 years and 2<sup>nd</sup> petitioner is the mother aged 42 years. Therefore, I find that the petitioners who are the dependents/legal heirs of the deceased are entitled to get compensation.

12. According to the petitioners at the time of accident and death the deceased was aged 17 years, student and part time catering staff and his monthly income was of ₹15,000/-. No evidence has been adduced to prove the occupation and income. Even then considering the age of the deceased and other attending circumstances, I find that monthly notional income of the petitioner can be calculated as of ₹14,000/- for the purpose of computing compensation. Ext.A14 is the copy of SSLC of the deceased. As per Ext.A14 his date of birth is 28.05.2005. Therefore, I find that at the time of accident and death the deceased was aged 17 years and 10 months. It has come out in evidence that at the time of accident the deceased was a bachelor. The deceased being aged 20 years at the time of accident and death the proper multiplier is 18. 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 17 years, 40% of the monthly income is to be added for future prospects. By adding so the monthly income comes to ₹19,600/-

(14000+5600). It has come on record that at the time of accident, the deceased was a bachelor. Therefore, deduction towards personal and living expenses should be 1/2 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  $19600 \times 12 \times 18 \times 1/2 = 21,16,800/-$ . The 1<sup>st</sup> petitioner is the father of the deceased and 2<sup>nd</sup> petitioner is the mother. Therefore, 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 1<sup>st</sup> and 2<sup>nd</sup> petitioners are entitled to get ₹48,400/- each towards loss of consortium. The petitioners are also entitled to get ₹20,000/- towards loss of estate and ₹20,000/- towards funeral expenses.*

13. The learned counsel for the 3<sup>rd</sup> 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)**.

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       | Transportation expenses                      | 10000             | 4000           | Considering the distance between the place of accident, hospitals and home. |
| 2       | Medical expenses                             | 20000             | 0              | No medical bills produced   |
| 3       | Damages to clothing and articles             | 30000             | 1000           | Nominal amount  |
| 4       | Compensation for loss of dependency          | 2100000           | 2116800        | 19600x12x18x1/2   |
| 5       | Funeral expenses                             | 100000            | 20000          | 2023(1) KLJ 12  |
| 6       | Loss of estate                               | 100000            | 20000          | 2023(1) KLJ 12  |
| 7       | Compensation for loss of consortium          | 0                 | 96,800         | (48400x2) 2023(1) KLJ 12  |
| 8       | Pain and suffering                           | 100000            | 0              | Instantaneous death   |
| 9       | Compensation for loss of love and affection  | 300000            | 0              |   |
| 10      | Compensation for loss of expectation of life | 300000            | 0              |   |
| 11      | Compensation for loss of future prospects    | 1000000           | 0              |   |
|         | Total  | 40,60,000         | 22,58,600      |   |
|         | Limited to                                   | 30,00,000         |                |   |

The issue is answered accordingly.

14. Issue No.4:- The 3<sup>rd</sup> respondent has admitted insurance coverage of the vehicle bearing registration No.KL-07/BY-0238. This Tribunal found that the accident occurred due to the negligence on the side of the 1<sup>st</sup> respondent. Therefore, I find that the 3<sup>rd</sup> respondent is liable to indemnify the other respondents. The issue is answered accordingly.

In the result,

The petition is allowed in part and an award is passed for ₹22,58,600/- (Rupees twenty two lakh fifty eight thousand six hundred only) with interest @ 8% per annum from the date of filing of the application on 04.10.2023 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)**.

The award amount shall be paid equally to the petitioners.

1. The 3<sup>rd</sup> respondent is directed to furnish cheque ₹29,368/- being court fee and ₹30,000/- being Legal Benefit Fund payable by the petitioners in the name of 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/s | Name of Bank        | Name of Branch | Account Number | IFSC Code   |
|----------------------|---------------------|----------------|----------------|-------------|
| ABDUL RASHEED        | State Bank of India | Pattambi       | 67366256574    | SBIN0070186 |
| RASIYA P             | Canara Bank         | Valanchery     | 0859101053013  | CNRB0000859 |

3. Upon such remittance/deposit, 3<sup>rd</sup> 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.      |  |

4. The 3<sup>rd</sup> 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 12<sup>th</sup> day of March 2026.

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**APPENDIX**

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

|    |   |            |   |                        |
|----|---|------------|---|------------------------|
| A1 | : | 04.04.2023 | : | Attested Copy of FIR   |
| A2 | : | 04.04.2023 | : | Attested Copy of FIS   |
| A3 | : | 05.04.2023 | : | Scene mahazar          |
| A4 | : | 04.04.2023 | : | Wound Certificate      |
| A5 | : | 08.05.2023 | : | Final Report           |
| A6 | : | 04.04.2023 | : | Postmortem Certificate |

|     |   |            |   |                                      |
|-----|---|------------|---|--------------------------------------|
| A7  | : | 22.11.2013 | : | Copy of Aadharcard of P1             |
| A8  | : | Nil        | : | Copy of Bank Passbook of P1          |
| A9  | : | Nil        | : | Copy of Pan card of P 1              |
| A10 | : | 19.09.2012 | : | Copy of Aadharcard of P 2            |
| A11 | : | 03.10.2025 | : | Copy of Bank Passbook of P 2         |
| A12 | : | Nil        | : | Copy of Pan card of P 2              |
| A13 | : | 26.04.2023 | : | Copy of Death Certificate of Arfas P |
| A14 | : | Nil        | : | Copy of SSLC Certificate of Arfas P  |
| A15 | : | 22.05.2024 | : | Copy of Relationship Certificate     |

Respondent's Witness examined : Nil

Respondent's Exhibits Marked : Nil

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### MEMO OF COST

Petitioner's Cost : Allowed. Cost list filed

| Sl No | Particular         | Amount           |
|-------|--------------------|------------------|
| 1     | Court fee          | 21,958.00        |
| 2     | Stamp on vakkalath | 5.00             |
| 3     | Writing fee        | 200.00           |
| 4     | Advocate Fee       | 50,000.00        |
| 5     | Stamp on Petition  | 10.00            |
| 6     | Stamp on document  | 100.00           |
| 7     | Process fee        | 135.00           |
|       | <b>Total</b>       | <b>72,408.00</b> |

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 : Rahul K

Compared by :

Fair/Copy of Award  
in OP (MV) No.521/2023  
Dated 12.03.2026

(1+3)