

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

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

Wednesday 06<sup>th</sup> day of May, 2026

(16<sup>th</sup> day of Vaisakha, 1948 S.E.)

**ORIGINAL PETITION (MV) No. 531/2024**

**Petitioner**

Latha.K.K, aged 47 years, D.O.B: 21/04/1977, W/o Sureshkumar, Muttikkal Colony, Muttikkal, Kundannoor, P.O. Kanjirakode, Thrissur, Kerala – 680590  
PAN No. KICPK5875D

By Advocates: Sri. P.K.John and Sri. Lloyd John

V/s

**Respondents**

- R1. Mohan Varghese, aged 72 years, S/o K.K.Varghese, Kuchanparambil House, Nedungottoor Desom, Shornur, Ottapalam Taluk, Palakkad. 679308 ( Driver of KL-71-C-6393 Car )
- R2. Mobi Mohan Varghese, aged 45 years, S/o George Varghese, Puthupallil House, Nilambur R S P.O., Nilambur Taluk, Malappuram. 679330 (R.C. Owner of KL-71-C-6393 Car)
- R3. Universal Sompo General Insurance Company Ltd., 2<sup>nd</sup> Floor, Grace Corner, TB/54/3106C, K.K Road, & Subash Chandra Bose Road Junction, Opp. Petrol Pump, Kadavanthra, Kochi- 682020 (Insurer of KL-71-C-6393 Car)  
Policy No. 2311/71006619/00/000  
Valid from 10/08/2023 to 09/08/2024

R1 & R2 : Adv. Asoka Krishnan

R3 : Adv. Sajitha Krishnadas

This petition having been finally heard on 01/04/2026 and the Tribunal on 06/05/2026 passed the following.

**AWARD**

This is an application filed by the petitioner for compensation for the injuries sustained in a motor vehicle accident under section 166(1) (a) of the Motor Vehicles Act, 1988.

2. Case of the petitioner in brief is that on 03.01.2024 at about 5.00 p.m., the 1<sup>st</sup> respondent being the driver of the car bearing registration No. KL-71/C-6393, drove the vehicle in a rash and negligent manner through Shornur - Thrissur public road and when it reached near Maliban jewellery, it hit the petitioner while she was walking along the side of the road thereby she was sustained serious injuries. Hence, the petition for a total compensation of ₹5,00,000/-.

3. The 1<sup>st</sup> and 2<sup>nd</sup> respondents filed written statement denying the petitions averments. According to these respondents there was no negligence on the part of the 1<sup>st</sup> respondent as alleged in the petition. In fact negligence of the petitioner alone 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 was validly insured with the 3<sup>rd</sup> respondent. Even if the Tribunal finds that the petitioner is entitled to get any amount it has to be paid by the 3<sup>rd</sup> respondent.

4. The 3<sup>rd</sup> respondent insurance company filed written statement denying the petition averments. At the same time, this respondent admits that the car bearing registration No.KL-71/C-6393 was validly insured with this respondent

at the material time of accident. 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 petitioner alone was the reason for the accident. The age, occupation and income of the petitioner have to be proved by her. 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 the petitioner Exts.A1 to A11 were marked. Exts.B1 to B3 were marked on the side of the respondents.

6. Heard both sides.

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

1. Whether the 1<sup>st</sup> respondent who was the driver of the offending vehicle bearing registration No. KL-71/C-6393 was driving the vehicle in a rash and negligent manner with excessive speed and thereby caused the accident?
2. Whether the petitioner was sustained injuries and 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 petitioner?

8. Issue No.1:- It is the case of the petitioner that on 03.01.2024 at about 5.00 p.m., the 1<sup>st</sup> respondent being the driver of the car bearing registration No. KL-71/C-6393, drove the vehicle in a rash and negligent manner through Shornur - Thrissur public road and when it reached near Maliban jewellery, it hit the

petitioner while she was walking along the side of the road thereby she was sustained serious injuries. To prove the negligence of the 1<sup>st</sup> respondent, copy of FIR was marked as Ext.A1, copy of final report was marked as Ext.A3, copy of scene mahazar was marked as Ext.A4 and copies of AMVI reports were marked as Ext.A5(2 nos)

Ext.A2 is the copy of wound certificate, Ext.A6 is the discharge summary, Ext.A7 is the disability certificate, Ext.A8 series are the medical bills, Ext.A9 is the is the copy of Aadhar card of petitioner, Ext.A10 is the copy of PAN card of petitioner, Ext.A11 is the copy of Bank details of petitioner.

Ext.B1 is the copy of driving licence of R1, Ext.B2 is the copy of policy of accused's vehicle, Ext.B3 is the RC copy of accused's vehicle.

A perusal of Ext.A3 shows that the then Sub Inspector of Police, Wadakkanchery Police Station, conducted investigation of the case, completed the investigation and submitted the final report with finding that on 03.01.2024 at about 5.00 p.m., the 1<sup>st</sup> respondent being the driver of the car bearing registration No. KL-71/C-6393, drove the vehicle in a rash and negligent manner through Shornur - Thrissur public road and when it reached near Maliban jewellery, it hit the petitioner while she was walking along the side of the road thereby she was sustained serious injuries. Hence the 1<sup>st</sup> respondent had committed the offences punishable u/ss. 279 and 338 of IPC. It is well settled that final report is the sufficient prima facie evidence to prove negligence in a claim for compensation u/s

166 of the Motor Vehicles Act (**New India Assurance Company Ltd. v. Palani Ammal and others – ILR 2011(3) Kerala 677**). So I find that the petitioner has successfully proved her case that the accident was occurred solely due to the rash and negligent driving of the 1<sup>st</sup> respondent with the aid of Exts. A1 and A3 to A5. Issue is answered accordingly.

9. Issue Nos.2 & 3:- It is the case of petitioner that as a result of the accident she was sustained grievous injuries, immediately taken to District Hospital, Wadakanchery and from there taken to Jubilee Mission Medical College Hospital, Thrissur, admitted and treated there as an inpatient from 04.01.2024 to 07.01.2024. To prove the injuries sustained, hospitalisation and treatment given to the petitioner, copy of wound certificate was marked as Ext.A2 and discharge summary was marked as Ext.A6. As per the above documents, the petitioner was treated as stated above. As per Ext.A2 petitioner was sustained tenderness (L) forearm.

As per Ext.A6 the final diagnosis is as follows: -

**final diagnosis:-**

Galeazzi fracture - left

10. 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 driving of the 1<sup>st</sup> respondent while driving the vehicle in question. The learned counsel for the 3<sup>rd</sup> respondent further contended that the accident as alleged is not

happened. No steps were taken to prove the same. But as per the charge the petitioner was sustained injuries following the road traffic accident. Therefore, I find that the petitioner is entitled to get compensation for the injuries sustained in the accident. According to the petitioner at the time of accident she was aged 47 years, mason and her monthly income was of ₹30,000/-. Ext.A10 is the copy of PAN card of the petitioner. As per the above document her date of birth is 21.04.1977. Therefore, I find that at the time of accident the petitioner was aged 47 years. To prove the occupation and income of the petitioner, no evidence has been adduced. Even then considering the age of the petitioner and other attending circumstances, I find that monthly notional income of the petitioner can be calculated as of ₹14,500/- for the purpose of computing compensation.

11. Ext.A8 series are the medical bills produced and marked by the petitioner for ₹1,982/- which is not in dispute.

12. Ext.A7 is the disability certificate issued by Dr.T.G.Gopinathan. As per Ext.A7, the petitioner is having permanent whole body disability of 9.88 (10%). The learned counsel for the 3<sup>rd</sup> respondent contended that the disability assessed without any basis and it very high. No steps were taken by the petitioner to examine the doctor who issued Ext.A7 disability. The 3<sup>rd</sup> respondent is amenable for 7%. Considering the nature of injuries, this Tribunal is of the view that the disability assessed as per Ext.A6 is high. Hence I am of the view that the petitioner is having permanent whole body disability of 8%. The petitioner being aged 47

years at the time of accident the proper multiplier is 13. Therefore, the compensation for loss of functional disability can be assessed at  $\text{₹}14500 \times 12 \times 13 \times 8 / 100 = 1,80,960/-$ . According to the petitioner she 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 she was not able to do work for five months. So she is entitled to get  $\text{₹}72,500/-$  ( $14500 \times 5$ ) 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	100000	72500	14500x5 months
2	Partial loss of earning	50000	0	
3	Transportation expenses	50000	6000	Considering the distance between the place of accident, hospitals and home
4	Extra nourishment	40000	3000	
5	Damage to clothing and articles	10000	1000	Nominal amount
6	Bystander expenses	50000	4500	500x9 days
7	Medical expenses	200000	1982	Ext.A8 series medical bills produced
8	Future treatment expenses	100000	0	
9	Compensation for pain and suffering	200000	60000	Considering the nature of injuries
10	Compensation for loss of enjoyment and amenities of life	50000	50000	Considering the disability
11	Compensation for permanent disability	500000	180960	$14500 \times 12 \times 13 \times 8 / 100$
12	Compensation for loss of earning power	50000	0	

13	Compensation for injury itself	50000	0	
	Total	14,50,000	3,79,942	
	Limited to	5,00,000		

Issues are answered accordingly.

13. Issue No.4:- It is stated in the written statement of the 3<sup>rd</sup> respondent that the scooter bearing registration No. KL-71/C-6393 was validly insured with this respondent at the material time of accident. This Tribunal found that the accident occurred due to the negligence on the side of the 1<sup>st</sup> respondent. Therefore, the 3<sup>rd</sup> respondent is liable to indemnify the 1<sup>st</sup> and 2<sup>nd</sup> respondents. The issue is answered accordingly.

In the result, the petition is allowed and an award is passed for ₹3,79,942/- (Rupees three lakh seventy nine thousand nine hundred and forty two only) with interest @ 8% per annum from the date of filing of the petition ie. from 25.06.2024 till realisation with proportionate cost. The issue is answered accordingly.

1. The 3<sup>rd</sup> respondent is directed to furnish cheques for ₹4,368/- being court fee and ₹5,000/- 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 her Savings Bank Account shown below, as direct payment, within one month.

Name of petitioner	Name of Bank	Name of Branch	Account Number	IFSC Code
LATHA KK	ICICI Bank Ltd	RPC, Mumbai	TDC 101100010009784	ICIC0000103

3. Upon such remittance/deposit, R3/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. R3/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 6<sup>th</sup> day of May 2026.

Motor Accidents Claims Tribunal

**APPENDIX**

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

A1	:	07-01-24	:	Copy of FIR
A2	:	03-01-24	:	Copy of Wound Certificate
A3	:	31-01-24	:	Copy of Final Report
A4	:	08-01-24	:	Copy of Scene Mahazar
A5	:	24-01-24	:	Copy of AMVI Reports
A6	:	07-01-24	:	Discharge Summary
A7	:	19-02-26	:	Disability Certificate
A8	:	Series	:	Medical bills
A9	:	----	:	Copy of Aadhar card of petitioner
A10	:	----	:	Copy of Pan Card of petitioner
A11	:	----	:	Copy of Bank account details of petitioner

Respondent's Witness examined : Nil

Respondent's Exhibits Marked :

B1 : Driving licence of R1

B2 : Copy of Policy of accused's vehicle

B3 : Copy of Registration Certificate of accused's vehicle

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

<b>Sl No</b>	<b>Particular</b>	<b>Amount ₹</b>
1	Stamp on Vakkalath	5.00
2	Advocate Fee	21397.00
3	Writing Fee	200.00
4	Stamp on petition	30.00
5	Stamp on document	30.00
6	Process Fee	105.00
7	Court Fee	3172.00
8	LBF	3799.00
	<b>Total</b>	<b>28,738.00</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 : Manjula.M.R  
 Compared by : Umaibhan.K.A

Fair/Copy of Order  
in OP (MV) No.531/2024  
Dated : 06/05/2026  
(1+3)