

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM

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

Wednesday 08th day of April, 2026

(18th day of Chaithra, 1948 S.E.)

ORIGINAL PETITION (MV) Nos. 307/2022, 370/22, 554/22 & 575/2022

OP MV 307/2022

Petitioners

1. Nabeesa P P W/o Late Muhammed P.P, aged 58 years, Puthan Peedikakkal (H), Ezhuvanthala. PO, Nellaya, Ottappalam Taluk, Palakkad Dt., Pin -679335. PAN No. DVKPN7120L
2. Puthan Peedikakkal Khaleel Ibrahim, S/o Late Muhammed P.P, aged 37 years, Puthan Peedikakkal (H), Ezhuvanthala PO, Nellaya, Ottappalam Taluk, Palakkad Dt. Pin- 679335. PAN No. JSQPK5212K
3. Unais P.P S/o Late Muhammed PP, aged 26 years, Puthan Peedikakkal (H), Ezhuvanthala PO, Nellaya, Ottappalam Taluk, Palakkad Dt., Pin -679335 PAN No. GPXPP7950C

By Advocate : Adv.Mohammed Ali. M

V/s

Respondents

1. Husainkutty, aged about 50 years, Koodamangalam House, Cherpulassery PO, Palakkad Dt, Pin- 679 503.
(Legal heir and father of the deceased Thahir, the Driver of KL-51-L- 3253 Bolero Jeep)
2. Bushara T, D/o Kareem, aged about 45 years, Thankayathil House, Panniyamkurussi PO, Cherpulassery, Ottappalam, Palakkad Dt. 679503
(Owner of KL- 51-L-3253 Bolero Jeep)
3. The Reliance General Insurance Co. Ltd, 2nd Floor, Mangalam Towers, Opp. Town Bus Stand, T.B Road, Palakkad, Kerala- 678014.
(Insurer KL- 51-L- 3253 Bolero Jeep)
Policy Number : 220921923740000698
Valid from – 01/08/2019 to 31/07/2022

4. Sahir. K, aged about 32 years, S/o Sulaiman, Kolarveetil House, Edakara, Nellikothu, Nambooripadi PO, Malappuram., Pin- 679333 (Driver of the TN- 39-BS- 6582 numbered Lorry)
5. M/s, P.S Agencies, No.9/28, Kannagi Nagar, First Street, P.N Road, Thirupur - 641 602, Tamilnadu (Owner of the TN -39- BS- 6582 numbered Lorry)
6. IFFCO TOKIO General Insurance Co. Ltd, Branch office, Kingsway Towers, 30/228/8 (A), 3rd floor, C.Achuthan Menon Road, Pookunnam, Thrissur Pin- 680 020 Policy No. 7502 94 42, Valid from 20-02-2021 to 19-02-2022 (Insurer of the TN -39-BS-6582 numbered Lorry)
(Supplemental R4 to R6 amended as per order in IA 6/25)

R1 : Exparte
R2 : Adv. Sujith Mangalassery
R3 : Adv.Manoj.S
R4 : Adv. Divyasree. P
R5 : Exparte
R6 : Adv. P. Prasad

OP MV 370/2022

Petitioners

1. Nasriya, W/o Late Muhammed Nasar Vadakkethil, aged 22 years, Kallingalthody (H), Irumbalassery. PO, Nelloya, Ottapalam Taluk, Palakkad Dt. Pin- 679335 PAN. No. QTFPK0577J
2. Fathima Nashva, D/o Late Muahammed Nasar, minor, aged 1 ½ years, (DOB 3/11/20) Vadakkethil (H), Mulayankavu PO, Pattambi Taluk, Palakkad Dt, Pin -679337, rep by Guardian Mother , Ist petitioner Nasriya, W/o Late Muhammed Nasar, aged 22 years, Kallingalthody (H), Irumbalassery, P.O, Nelloya, Ottapalam Taluk, Palakkad Dt, Pin 679335.
3. Ibrahim, F/o Late Muhammed Nasar, aged 49 years, Vadakkethil (H), Mulayankavu PO, Pattambi Taluk, Palakkad Dt., Pin- 679337 PAN No. CRJPV1623E
4. Ramla, M/o Late Muhammed Nasar, aged 44 years, Vadakkethil (H), Mulayankavu PO, Pattambi Taluk, Palakkad., Pin- 979337 PAN No. HXPPR2410L

Respondents

1. Husainkutty, aged about 50 years, Koodamangalam House, Cherpulassery PO, Palakkad Dt, Pin- 679 503.
(Legal heir and father of the deceased Thahir, the Driver of KL-51-L- 3253 Bolero Jeep)
2. Bushara T, D/o Kareem, aged about 45 years, Thankayathil House, Panniyamkurussi PO, Cherpulasseri, Ottapalam, Palakkad Dt. 679503
(Owner of KL- 51-L-3253 Bolero Jeep)
3. The Reliance General Insurance Co. Ltd, 2nd Floor, Mangalam Towers, Opp. Town Bus Stand, T.B Road, Palakkad, Kerala- 678014.
(Insurer KL- 51-L- 3253 Bolero Jeep)
Policy Number : 220921923740000698
Valid from – 01/08/2019 to 31/07/2022
4. Sahir. K, aged about 32 years, S/o Sulaiman, Kolarveettil House, Edakara, Nellikkothu, Nambooripadi PO, Malappuram., Pin- 679333
(Driver of the TN- 39-BS- 6582 numbered Lorry)
5. M/s, P.S Agencies, No.9/28, Kannagi Nagar, First Street, P.N Road, Thirupur - 641 602, Tamilnadu (Owner of theTN -39- BS- 6582 numbered Lorry)
6. IFFCO TOKIO General Insurance Co. Ltd, Branch office, Kingsway Towers, 30/228/8 (A), 3rd floor, C.Achuthan Menon Road, Pookunnam, Thrissur Pin- 680 020 Policy No. 7502 94 42, Valid from 20-02-2021 to 19-02-2022 (Insurer of the TN -39-BS-6582 numbered Lorry)
(Supplemental R4 to R6 amended as per order in IA 5/25)

R1	:	Exparte
R2	:	Adv. Sujith Mangalassery
R3	:	Adv.Manoj.S
R4	:	Adv. Divyasree. P
R5	:	Exparte
R6	:	Adv. P. Prasad

OP MV 554/2022

Petitioners

1. Muhammed Abdul Salam. K.M, 54 years, S/o Unnimammu, Kavukkulam, Vallappuzha PO, Palakkad, Kerala – 679336. (Father of the Deceased) PAN No.MEMPK0230C
2. Safiya, 48 years, W/o. Muhammed Abdul Salam, Kavukkulam, Vallappuzha PO, Palakkad, Kerala – 679336. (Mother of the Deceased) PAN No. PVGPS0180F
3. Swahibath Safiya. K.K, 25 years, D/o Muhammed Abdul Salam, Kavukkulam, Vallappuzha PO, Palakkad, Kerala – 679336. (Sister of the Deceased) PAN No. MCIPK5843H
4. Muhammed Saifudeen. K.K, 20 years, S/o. Muhammed Abdul Salam, Kavukkulam, Vallapuzha. PO, Palakkad, Kerala -679336. (Brother of the Deceased) PAN No. PKYPK2897C
5. Muhammed Sahaludeen. K.K, 18 years, S/o Muhammed Abdul Salam, Kavukkulam, Vallappuzha P.O, Palakkad, Kerala – 679336. (Brother of the Deceased) PAN No. NCCPK7567E

By Advocates : Adv. P.S. Shonith, Adv. P.D. Jose and Adv. K.P Abdul Hakkim

V/s

Respondents

1. Husainkutty, aged about 50 years, Koodamangalam House, Cherpulassery PO, Palakkad Dt, Pin- 679 503. (Legal heir and father of the deceased Thahir, the Driver of KL-51-L- 3253 Bolero Jeep)
2. Bushara T, D/o Kareem, aged about 45 years, Thankayathil House, Panniyamkurussi PO, Cherpulasseri, Ottapalam, Palakkad Dt. 679503 (Owner of KL- 51-L-3253 Bolero Jeep)
3. The Reliance General Insurance Co. Ltd, 2nd Floor, Mangalam Towers, Opp. Town Bus Stand, T.B Road, Palakkad, Kerala- 678014. (Insurer KL- 51-L- 3253 Bolero Jeep)
Policy Number : 220921923740000698
Valid from – 01/08/2019 to 31/07/2022

4. Sahir. K, aged about 32 years, S/o Sulaiman, Kolarveetil House, Edakara, Nellikothu, Nambooripadi PO, Malappuram., Pin- 679333 (Driver of the TN- 39-BS- 6582 numbered Lorry)
5. M/s, P.S Agencies, No.9/28, Kannagi Nagar, First Street, P.N Road, Thirupur - 641 602, Tamilnadu (Owner of the TN -39- BS- 6582 numbered Lorry)
6. IFFCO TOKIO General Insurance Co. Ltd, Branch office, Kingsway Towers, 30/228/8 (A), 3rd floor, C.Achuthan Menon Road, Pookunnam, Thrissur Pin- 680 020 Policy No. 7502 94 42, Valid from 20-02-2021 to 19-02-2022 (Insurer of the TN -39-BS-6582 numbered Lorry)
(Supplemental R4 to R6 amended as per order in IA 6/25)

R1 : Exparte
R2 : Adv. Sujith Mangalassery
R3 : Adv.Manoj.S
R4 : Adv. Divyasree. P
R5 : Exparte
R6 : Adv. P. Prasad

OP MV 575/2022

Petitioners

1. Hajarumma, 29 years, D/o. Abdul Kareem, Myladi, Aliparamba, Malappuram, Vazhenkad, Kerala – 679357
(Wife of the Deceased) PAN. No. BWDPH4218P
2. Yoosafali, 61 years, S/o. Muhammed, Ponmukham Thodi, Cherukod Po, Vallapuzha, Palakkad, Kerala – 679336
(Father of the Deceased) PAN No. BSQPY9536C
3. Minor Muhammed Ziyad, 5 years, S/o . Subair. P.P & Hajarumma. M, Puthankode Puthanpurakkal House, Ezhuvanthala PO, Nellore, Palakkad, Kerala, (son of the Deceased.
4. Minor Fathima Henza. P.P 1 ½ years, D/o. Subair P.P & Hajarumma. M, Angadiyil House, Ezhuvanthala PO, Palakkad, Kerala
(Daughter of the Deceased)
(3rd and 4th petitioners are represented by next friend and Guardian mother

Ist Petitioner Hajarumma, 29 years, D/o. Abdul Kareem, Myladi,
Aliparamba, Malappuram, Vazhenkad, Kerala -679357

By Advocates : Adv. P.S. Shonith, Adv. P.D. Jose and Adv. K.P Abdul Hakkim

V/s

Respondents

1. Husainkutty, aged about 50 years, Koodamangalam House,
Cherpulassery PO, Palakkad Dt, Pin- 679 503.
(Legal heir and father of the deceased Thahir, the Driver of
KL-51-L- 3253 Bolero Jeep)
2. Bushara T, D/o Kareem, aged about 45 years, Thankayathil House,
Panniyamkurussi PO, Cherpulasseri, Ottapalam, Palakkad Dt. 679503
(Owner of KL- 51-L-3253 Bolero Jeep)
3. The Reliance General Insurance Co. Ltd, 2nd Floor, Mangalam Towers,
Opp. Town Bus Stand, T.B Road, Palakkad, Kerala- 678014.
(Insurer KL- 51-L- 3253 Bolero Jeep)
Policy Number : 220921923740000698
Valid from – 01/08/2019 to 31/07/2022
4. Sahir. K, aged about 32 years, S/o Sulaiman, Kolarveettil House,
Edakara, Nellikkothu, Nambooripadi PO, Malappuram., Pin- 679333
(Driver of the TN- 39-BS- 6582 numbered Lorry)
5. M/s, P.S Agencies, No.9/28, Kannagi Nagar, First Street, P.N Road,
Thirupur - 641 602, Tamilnadu (Owner of the TN -39- BS- 6582
numbered Lorry)
6. IFFCO TOKIO General Insurance Co. Ltd, Branch office, Kingsway
Towers, 30/228/8 (A), 3rd floor, C.Achuthan Menon Road, Pookunnam,
Thrissur Pin- 680 020 Policy No. 7502 94 42, Valid from 20-02-2021 to
19-02-2022 (Insurer of the TN -39-BS-6582 numbered Lorry)
(Supplemental R4 to R6 amended as per order in IA 5/25)

R1 : Exparte
R2 : Adv. Sujith Mangalassery
R3 : Adv. Manoj.S
R4 : Adv. Divyasree. P

R5 : Exparte
R6 : Adv. P. Prasad

These petitions having been finally heard on 23/03/2026 and the Tribunal on 08/04/2026 passed the following.

COMMON AWARD

These applications are filed under section 163-A of the Motor Vehicles Act 1988 claiming compensation by the legal heirs of deceased Hussainar @ Assainar, s/o. late Muhammed PP, Muhammed Nasar, S/o.Ibrahim, Muhammed Shaheer KK, Muhammed Abdul Salam, Subair, S/o.Yoosuf Ali who died in a motor vehicle accident.

2. Though the petitioners are different in all claim petitions the respondents are same and the accident involved in all cases are also same. The petitioners in OP(MV)No.307/2022 filed I.A.No.7/2025 for joint trial of the above said petitions and it was allowed treating OP (MV)No.307/2022 as the leading case.

3. Common case of the petitioners is that on 21.06.2021 at about 4.45 a.m., while the deceased were travelling in a Bolero jeep bearing registration No.KL-51/L-3253 through Ramanattukara – Kondotty national highway towards Kondotty side and when the vehicle reached at Vydrangadi – Pulintechottil, the

deceased Thahir, S/o.Husainkutty, aged about 25 years, who was driving the said jeep in a rash and negligent manner lost control of the vehicle and hit on the lorry bearing registration No.TN-39/BS-6582 driven by the 4th respondent thereby the deceased were sustained grievous injuries and further the deceased succumbed to the injuries. Hence, all the petitions for a total compensation of ₹8,00,000/- each.

4. The 1st respondent remained exparte.

5. The 2nd respondent filed written statement in all claim petitions denying the petition averments with identical contentions. At the time of accident the Bolero vehicle bearing registration No.KL-51/L-3253, involved in the accident, was sold to one Abdul Shukkur, S/o.Koodallur Muhammed, Kulukkallur amsom desom in Pattambi Taluk for ₹7,54,338/-. Since the vehicle was mortgaged at Sundaram Finance Ltd at the time of accident, name of this respondent was not changed in the RC. At the time of accident the above vehicle was in the illegal possession and illegal custody of the above Abdul Shukkur. The above Abdul Shukkur was not impleaded in the petition. Even if the Tribunal finds that the petitioners are entitled to get compensation it has to be paid by respondents 3 to 6.

6. The 3rd respondent, insurer filed written statement in all claim petitions denying the petition averments with identical contentions. At the same time this respondent admits that the vehicle bearing registration No.KL-51/L-3253 was

validly insured with this respondent at the material time of accident. According to this respondent the accident happened due to the negligence of the driver of the lorry. The deceased persons were travelling in the Bolero jeep bearing registration No.KL-51/L-3253 to commit a crime with a common intention and at the time of accident they were chasing a vehicle in an overspeed to commit robbery. From 01.08.2020 onwards the vehicle had 3rd party insurance only with this respondent. The age, occupation and income of the deceased have to be proved by the petitioners. The amount claimed under various heads are excessive and exaggerated. Therefore, the petition has to be disposed accordingly.

7. The 4th respondent filed written statement in all claim petitions denying the petition averments with identical contentions. According to this respondent there was no negligence on his side. The accident occurred only due to the negligent driving of the Bolero jeep. At the time of accident the 4th respondent was having valid driving licence to drive the offending vehicle and the vehicle bearing registration No.TN-30/BS-6582 validly insured with the 6th respondent. Even if the Tribunal finds that the petitioners are entitled to get any amount it has to be paid by the 6th respondent. The age, occupation and income of the deceased have to be proved by the petitioners. The amount claimed under various heads are excessive and exaggerated. Therefore, the petition has to be disposed accordingly.

8. The 5th respondent, owner of the vehicle bearing registration No.TN-30/BS-6582 remained exparte.

9. The 6th respondent filed written statement in all claim petitions denying the petition averments with identical contentions. According to this respondent, this respondent is an unnecessary party to the petitions. The accident occurred due to the rash and negligent driving of the Bolero bearing registration No.KL-51/L-3253 by its driver Thahir Shah and the police laid charge sheet against the driver of the car under sections 279,304(A) IPC. The 5th respondent had not produced the permit and fitness certificate of the lorry bearing registration No.TN-39/BS-6582. This respondent admits that the above lorry was insured with this respondent at the time of accident. This respondent apprehends collusion between the petitioners, 4th and 5th respondents. The age, occupation and income of the deceased have to be proved by the petitioners. The amount claimed under various heads are excessive and exaggerated. Therefore, the petition has to be disposed accordingly.

10. To prove the case of petitioners Exts.A1 to A62 were marked. No oral or documentary evidence has been adduced on the side of the respondents.

11. Heard both sides.

12. Now the issues that arise for consideration in all the application are:

1. Hussainar @ Assainar, s/o. late Muhammed PP, Muhammed Nasar, S/o.Ibrahim, Muhammed Shaheer KK, S/o.Muhammed Abdul Salam, Subair, S/o.Yoosuf died due to the injuries sustained in the accident arising out of the use of lorry bearing registration No. TN-39/BS-6582 driven by the 4th respondent?
2. Whether the petitioners are entitled to get compensation u/s 164 of the Motor Vehicles Act, 1988 and if so, what is the quantum to be awarded?
3. Who is liable to pay compensation to the petitioners?
4. Reliefs and costs?

13. Issue Nos.1 to 3:- The petitioners approached this Tribunal claiming compensation u/s 163-A 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 petitioners need only to establish the fact that injuries were sustained due to the accident arising out of the use of a motor vehicle. If the petitioners succeed in establishing that fact then they will be entitled to receive compensation as per section 164 of the Act. Now the corresponding section to 163-A is 164 of the MV Act. According to the petitioners the accident occurred due to the negligence of the 4th respondent. In a claim under section 164, there is no need to prove negligence.

OP(MV)No.307/2022:

14. It is the case of petitioners in OP(MV)No.307/2023 that as a result of the accident deceased was sustained grievous injuries, immediately taken to

Medical College Hospital, Kozhikode, but he succumbed to the injuries on the way to hospital. A perusal of Ext.A7 relationship certificate issued from Nellaya village Office shows that the 1st petitioner is the mother of the deceased aged 58 years, 2nd and 3rd petitioners are the brothers aged 36 years and 25 years respectively. There were five other persons were shown as brothers and sisters of deceased in the relationship certificate.

Ext.A2 is the copy of postmortem certificate. As per Ext.A2 opinion as to cause of death was ‘died due to injuries sustained to head, neck and chest’ following the road traffic accident. The above documents would indicate that deceased Hussainar was sustained injuries in the accident and further succumbed to the injuries. The accident occurred due to the collision between two vehicles. A perusal of Ext.A6 shows that the then Sub Inspector of police, Feroke Police station conducted investigation of the case, completed the investigation and submitted the final report with finding that on 21.06.2021 at 4.45 a.m., the 4th respondent being the driver of the lorry bearing registration No.TN-39/BS-6582 through Ramanattukara – Kondotty national highway and when the lorry reached at the place Vadiyarupadi Pulintechottil, it hit on the Bolero car bearing registration No.KL-51/L-3253 driven by driven by one Thahir thereby thereby five persons travelling in the car were sustained grievous injuries and further

succumbed to the injuries. As per Ext.A2 postmortem report the opinion as to cause of death is “died due to injuries sustained to head, neck and chest’ due to road traffic accident. Hence the 4th respondent had committed the offences punishable under sections 279 and 304(A) of IPC. The 3rd respondent contended that the accident occurred due to the rash and negligent driving of the lorry bearing registration No. TN-39/BS-6582 driven by the 4th respondent. The 6th respondent contended that the accident occurred due to the rash and negligent driving of the Bolero car bearing registration No.KL-51/L-3253 by its driver Thahir Shah and the police laid charge sheet against the driver of the car under sections 279,304(A) IPC. It is settled that, insurer is not entitled to raise any defence of negligence on the part of the victim in a proceeding u/s 164 of the Act. (**United India Insurance Company Limited vs Sunil Kumar and another – AIR 2017 SC 5710**). It is not in dispute that Hussainar was sustained injuries in the accident and further succumbed to the injuries arose out of the use of Bolero car bearing registration No.KL-51/L-3253 and lorry bearing registration No. TN-39/BS-6582. Therefore, from the materials on record, I find that the petitioners have successfully established their case that Hussainar was sustained injuries in the accident and further succumbed to the injuries in the accident arose out of the use of motor vehicles.

OP(MV)No.370/2022:-

15. It is the case of petitioners in OP(MV)No.370/2022 that as a result of the accident deceased was sustained grievous injuries, immediately taken to Medical College Hospital, Kozhikode, but he succumbed to the injuries on the way to hospital. A perusal of Ext. A 61 relationship certificate issued from Kulukkallur village Office shows that the 1st petitioner is the wife of the deceased aged 23 years, 2nd petitioner is the daughter aged one year, 3rd petitioner is the father aged 49 years and 4th petitioner is the mother aged 43 years.

Ext.A62 is the copy of postmortem certificate of Muhammed Nasar. As per Ext. 62 opinion as to cause of death was 'died due to injuries sustained to head, spine, chest and abdomen' following the road traffic accident. The above documents would indicate that deceased Muhammed Nasar was sustained injuries in the accident and further succumbed to the injuries. The accident occurred due to the collision between two vehicles. A perusal of Ext.A6 shows that the then Sub Inspector of police, Feroke Police station conducted investigation of the case, completed the investigation and submitted the final report with finding that on 21.06.2021 at 4.45 a.m., the 4th respondent being the driver of the lorry bearing registration No.TN-39/BS-6582 through Ramanattukara – Kondotty national highway and when the lorry reached at the place Vadiyarupadi Pulintechottil, it hit

on the Bolero car bearing registration No.KL-51/L-3253 driven by one Thahir thereby five persons travelling in the car were sustained grievous injuries and further succumbed to the injuries. Hence the 4th respondent had committed the offences punishable under sections 279 and 304(A) of IPC. The 3rd respondent contended that the accident occurred due to the rash and negligent driving of the lorry bearing registration No. TN-39/BS-6582 driven by the 4th respondent. The 6th respondent contended that the accident occurred due to the rash and negligent driving of the Bolero car bearing registration No.KL-51/L-3253 by its driver Thahir Shah and the police laid charge sheet against the driver of the car under sections 279,304(A) IPC. It is settled that, insurer is not entitled to raise any defence of negligence on the part of the victim in a proceeding u/s 164 of the Act. **(United India Insurance Company Limited vs Sunil Kumar and another – AIR 2017 SC 5710)**. It is not in dispute that Muhammed Nasar was sustained injuries in the accident and further succumbed to the injuries arose out of the use of Bolero car bearing registration No.KL-51/L-3253 and lorry bearing registration No. TN-39/BS-6582. Therefore, from the materials on record, I find that the petitioners have successfully established their case that Muhammed Nasar was sustained injuries in the accident and further succumbed to the injuries in the accident arose out of the use of motor vehicles.

OP(MV)No.554/2022:-

16. It is the case of petitioners in OP(MV)No.554/2022 that as a result of the accident deceased was sustained grievous injuries, immediately taken to Medical College Hospital, Kozhikode, but he succumbed to the injuries on the way to hospital. A perusal of Ext.A7 relationship certificate issued from Vallappuzha village Office shows that the 1st petitioner is the father of the deceased aged 54 years, 2nd petitioner is the mother aged 48 years, 3rd petitioner is the sister aged 25 years, 4th and 5th petitioners are the brothers aged 20 and 18 years respectively.

Ext.A2 is the copy of postmortem certificate of Muhammed Shaheer. As per Ext.A2 opinion as to cause of death was 'died due to injuries sustained to head, chest, abdomen and vertebral column' following the road traffic accident. The above documents would indicate that deceased Muhammed Shaheer was sustained injuries in the accident and further succumbed to the injuries. The accident occurred due to the collision between two vehicles. A perusal of Ext.A6 shows that the then Sub Inspector of police, Feroke Police station conducted investigation of the case, completed the investigation and submitted the final report with finding that on 21.06.2021 at 4.45 a.m., the 4th respondent being the driver of the lorry bearing registration No.TN-39/BS-6582 through Ramanattukara – Kondotty national highway and when the lorry reached at the place Vadiyarupadi

Pulintechottil, it hit on the Bolero car bearing registration No.KL-51/L-3253 driven by one Thahir thereby five persons travelling in the car were sustained grievous injuries and further succumbed to the injuries. Hence the 4th respondent had committed the offences punishable under sections 279 and 304(A) of IPC. The 3rd respondent contended that the accident occurred due to the rash and negligent driving of the lorry bearing registration No. TN-39/BS-6582 driven by the 4th respondent. The 6th respondent contended that the accident occurred due to the rash and negligent driving of the Bolero car bearing registration No.KL-51/L-3253 by its driver Thahir Shah and the police laid charge sheet against the driver of the car under sections 279,304(A) IPC. It is settled that, insurer is not entitled to raise any defence of negligence on the part of the victim in a proceeding u/s 164 of the Act. (**United India Insurance Company Limited vs Sunil Kumar and another – AIR 2017 SC 5710**). It is not in dispute that Muhammed Shaheer was sustained injuries in the accident and further succumbed to the injuries arose out of the use of Bolero car bearing registration No.KL-51/L-3253 and lorry bearing registration No. TN-39/BS-6582. Therefore, from the materials on record, I find that the petitioners have successfully established their case that Muhammed Shaheer was sustained injuries in the accident and further succumbed to the injuries in the accident arose out of the use of motor vehicles.

OP(MV)No.575/2022:-

17. It is the case of petitioners in OP(MV)No.575/2022 that as a result of the accident deceased was sustained grievous injuries, immediately taken to Medical College Hospital, Kozhikode, but he succumbed to the injuries on the way to hospital. A perusal of Ext.A9 relationship certificate issued from Nellaya village Office shows that the 1st petitioner is the wife of the deceased aged 29 years, 2nd petitioner is the father aged 61 years, 3rd petitioner is the son aged 4 years and 4th petitioner is the daughter aged 0 years.

Ext.A8 is the copy of postmortem certificate of Subair. As per Ext.A8 opinion as to cause of death was 'died due to the injuries sustained to head, chest and abdomen' following the road traffic accident. The above documents would indicate that deceased Muhammed Shaheer was sustained injuries in the accident and further succumbed to the injuries. The accident occurred due to the collision between two vehicles. A perusal of Ext.A6 shows that the then Sub Inspector of police, Feroke Police station conducted investigation of the case, completed the investigation and submitted the final report with finding that on 21.06.2021 at 4.45 a.m., the 4th respondent being the driver of the lorry bearing registration No.TN-39/BS-6582 through Ramanattukara – Kondotty national highway and when the lorry reached at the place Vadiyarupadi Pulintechottil, it hit on the Bolero

car bearing registration No.KL-51/L-3253 driven by one Thahir thereby five persons travelling in the car were sustained grievous injuries and further succumbed to the injuries. Hence the 4th respondent had committed the offences punishable under sections 279 and 304(A) of IPC. The 3rd respondent contended that the accident occurred due to the rash and negligent driving of the lorry bearing registration No. TN-39/BS-6582 driven by the 4th respondent. The 6th respondent contended that the accident occurred due to the rash and negligent driving of the Bolero car bearing registration No.KL-51/L-3253 by its driver Thahir Shah and the police laid charge sheet against the driver of the car under sections 279,304(A) IPC. It is settled that, insurer is not entitled to raise any defence of negligence on the part of the victim in a proceeding u/s 164 of the Act. (**United India Insurance Company Limited vs Sunil Kumar and another – AIR 2017 SC 5710**). It is not in dispute that Muhammed Shaheer was sustained injuries in the accident and further succumbed to the injuries arose out of the use of Bolero car bearing registration No.KL-51/L-3253 and lorry bearing registration No. TN-39/BS-6582. Therefore, from the materials on record, I find that the petitioners have successfully established their case that Subair was sustained injuries in the accident and further succumbed to the injuries in the accident arose out of the use of motor vehicles.

The next question is whether the petitioners in all claim petitions are entitled to get compensation under section 164 of the Motor Vehicles Act. A perusal of all claim petitions shows that the petitioners are claiming a total compensation of ₹8,00,000/- each under various heads. But as per section 163-A of the un-amended Act the petitioners are 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 ₹8,00,000/- and in case of grievous hurt a sum of ₹2,50,000/-. Hence, I find that the petitioners in all claim petitions are entitled for a sum of ₹5,00,000/- (Rupees five lakh only) each as compensation. The issues are answered accordingly.

18. Issue No. 4:- This Tribunal already found that the accident occurred out of the use of Bolero jeep bearing registration No.KL-51/L-3253 and lorry bearing registration No.TN-39/BS-6582. The 6th respondent has filed I.A.7/2025 to direct the 5th respondent to produce the fitness certificate and permit of lorry bearing registration No.TN-39/BS-6582 during the time of accident. But it was not produced. Therefore, it has to be presumed that there was no fitness certificate and permit for the above said vehicle at the material time of accident. Hence the 6th respondent is entitled to recover

the entire award amount from the 4th and 5th respondents jointly and severally after effecting payment to the petitioners in all claim petitions. The issue is answered accordingly.

In the result,

19. OP(MV)Nos.307/2022 is allowed in part and award is passed for ₹5,00,000/- (Rupees five lakh only) with interest @ 8% per annum from the date of filing of the petition ie. from 30.05.2022 till realisation with proportionate cost.

70% of the award amount shall be paid to the 1st petitioner and 15% each to 2nd and 3rd petitioners.

1. The 6th respondent is directed to furnish cheque ₹7,368/- being court fee and ₹8,000/- 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
NABEESA & MUHAMMED	Vallapuzha Service Co-op. Bank Ltd	Main Branch, Nellore	WA10002001004674	ICIC0000103

PUTHAN PEEDIKAKK AL KHALEEL IBRAHIM	Federal Bank	Cherpulassery	99980109672688	FDRL0001532
PUTHAN PEEDIKAKK AL UNAIS	Central Bank of India	Cherpulassery	-----

3. Upon such remittance/deposit, R6/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.	

20. OP(MV)Nos.370/2022 is allowed in part and award is passed for ₹5,00,000/- (Rupees five lakh only) with interest @ 8% per annum from the date of filing of the petition ie. from .07.06.2022 till realisation with proportionate cost.

40% each of the award amount shall be paid to the 1st and 2nd petitioners and 10% each to 3rd and 4th petitioners.

1. The 6th respondent is directed to furnish cheque ₹7,368/- being court fee and ₹8,000/- being Legal Benefit Fund payable by the petitioners in the name of Motor Accidents Claims Tribunal, Ottapalam.

2. The balance amount due to the 1st, 3rd and 4th 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
NASRIYA	Federal Bank	Kulukkallur	13150100199072	FDRL0001315
FATHIMA NASHWA (minor aged 1½ years)
IBRAHIM	Federal Bank	Kulukkallur	13150100125085	FDRL0001315
RAMLA	Federal Bank	Kulukkallur	13150100065513	FDRL0001315

The 6th respondent shall invest the share amount in the name of minor 2nd petitioner for a period till she attains 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, R6/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.	

21. OP(MV)Nos.554/2022 is allowed in part and award is passed for ₹5,00,000/- (Rupees five lakh only) with interest @ 8% per annum from the date of filing of the petition ie. from 07.10.2022 till realisation with proportionate cost.

35% each of the award amount shall be paid to the 1st and 2nd petitioners and 10% each to 3rd, 4th and 5th petitioners.

1. The 6th respondent is directed to furnish cheque ₹7,368/- being court fee and ₹8,000/- being Legal Benefit Fund payable by the petitioner6s 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
MUHAMME D ABDUL SALAM K.K.	Kerala State Co-op. Bank Ltd	Ayyanthole	146512301226498	KSBK0001465
SAFIYA MUHAMME D	Kerala State Co-op. Bank Ltd	Ayyanthole	146512301226513	KSBK0001465
SWAHIBATH SAFIYA KK	Kerala State Co-op. Bank Ltd	Ayyanthole	146512301226531	KSBK0001465
	Kerala State Co-op.	Ayyanthole	146512301226522	KSBK0001465

MUHAMME D SAIFUDHEE N KK	Bank Ltd			
MUHAMME D SAHALUDHE EN KK	Kerala State Co-op. Bank Ltd	Ayyanthole	146512301226504	KSBK0001465

3. Upon such remittance/deposit, R6/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.	

22. OP(MV)Nos.575/2022 is allowed in part and award is passed for ₹5,00,000/- (Rupees five lakh only) with interest @ 8% per annum from the date of filing of the petition ie. from 12.10.2022 till realisation with proportionate cost.

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

1. The 6th respondent is directed to furnish cheque ₹7,368/- being court fee and ₹8,000/- being Legal Benefit Fund payable by the petitioners in the name of Motor Accidents Claims Tribunal, Ottapalam.

2. The balance amount due to the 1st and 2nd 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
HAJARUMM A SUBAIR	Kerala State Co-op. Bank Ltd	Ayyanthole	146512301224409	KSBK0001465
YOOSAFALI	Kerala State Co-op. Bank Ltd	Ayyanthole	146512301224393	KSBK0001465

The 6th respondent shall invest the share amount in the name of minor petitioners 3rd and 4th 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.

Upon such remittance/deposit, R6/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.	A30
8	Bank Transaction Reference No./Unique Transaction Reference (UTR) No.	

4. R6/insurer 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).

The 6th respondent is entitled to recover the entire award amount from the 4th and 5th respondents jointly and severally after effecting payment to the petitioners in all claim petitions.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 08th day of April 2026.

Motor Accidents Claims Tribunal

APPENDIXPetitioner's Witness Examined :Petitioner's Exhibits Marked

A1	:	21-06-2021	:	Copy of FIR & FIS.
A2	:	21-06-2021	:	Copy of postmortem certificate.
A3	:	21-06-2021	:	Copy of Scene Mahazar.
A4	:	---	:	Copy of Inquest report.
A5	:	---	:	Copy of AMVI report (2 Nos).
A6	:	02-08-2021	:	Copy of final report
A7	:	13-09-2021	:	Copy of relationship certificate
A8	:	21-06-2021	:	Postmortem Report
A9	:	20-09-2021	:	Relationship Certificate
A10	:	-----	:	Copy of Aadhar card of the deceased Subair
A11	:	-----	:	Copy of Aadhar card of P1
A12	:	27-11-2024	:	Copy of Bank account details of P1
A13	:	-----	:	Copy of pancard of P1
A14	:	-----	:	Copy of Aadhar card of P2
A15	:	27-11-2024	:	Copy of bank account details of P2
A16	:	----	:	Copy of pancard of P2
A17	:	-----	:	Copy of Aadhar card of minor Muhammed Ziyad
A18	:	-----	:	Copy of birth certificate of Muhammed Ziyad
A19	:	-----	:	Copy of Aadhar card of minor Fathima Henza
A20	:	18-12-2020	:	Copy of birth certificate of Fathima Henza

A21	:	06-01-2012	:	Copy of birth certificate of deceased Muhammed Shahir
A22	:	-----	:	Copy of Aadhar card of P1
A23	:	03-01-2025	:	Copy of Bank Account details of P1
A24	:	----	:	Copy of Pancard of P1
A25	:	-----	:	Copy of Aadhar card of P2
A26	:	04-01-2025	:	Copy of Bank Account details of P2
A27	:	-----	:	Copy of pancard of P2
A28	:	-----	:	Copy of Aadhar card of P3
A29	:	04-01-2025	:	Copy of Bank Account details of P3
A30	:	-----	:	Copy of pancard of P3
A31	:	-----	:	Copy of Aadhar card of P4
A32	:	-----	:	Copy of Bank account details of P4
A33	:	----	:	Copy of Pancard of P4
A34	:	----	:	Copy of Aadhar card of P5
A35	:	03-01-2025	:	Copy of Bank account details of P5
A36	:	----	:	Copy of Pancard of P5
A37	:	----	:	Copy of SSLC certificate of deceased subair
A38	:	-----	:	Copy of Aadhar card of Late Muhammed Nasar

A39	:	27-07-2021	:	Copy of death certificate of late Muhammed Nasar
A40	:	10-05-1996	:	Copy of birth certificate of late Muhammed Nasar
A41	:	-----	:	Copy of Aadhar card of Nasriya
A42	:	21-12-2020	:	Copy of bank pass book of Nasriya
A43	:	-----	:	Copy of pancard of Nasriya
A44	:	-----	:	Copy of Aadhar card of Ibrahim
A45	:	04-09-2013	:	Copy of bank pass book of Ibrahim
A46	:	-----	:	Copy of pan card of Ibrahim
A47	:	-----	:	Copy of Aadhar card of Ramla
A48	:	29-08-2006	:	Copy of bank pass book of Ramla
A49	:	----	:	Copy of pancard of Ramla
A50	:	-----	:	Copy of Aadhar card of Fathima Neshwa
A51	:	---	:	Copy of Aadhar card of Nabeesa. P.P
A52	:	-----	:	Copy of bank pass book of Nabeesa. P.P
A53	:	---	:	Copy of pancard of Nabeesa. P.P
A 54	:	-----	:	Copy of Aadhar card of puthan peedikakkal Khaleel Ibrahim
A55	:	--	:	Copy of Pancard of puthan peedikakkal Khaleel Ibrahim
A56	:	-----	:	Copy of bank pass book of puthan peedikakkal Khaleel Ibrahim

A57	:	-----	:	Copy of Aadhar card of unais .P.P
A58	:	--	:	Copy of bank pass book of Unais. P.P
A59	:	----	:	Copy of Pan card of Unais. P.P
A60	:	-----	:	Copy of ration card of Unais .P.P
A61		25-05-2022		Copy of Relationship Certificate
A62		21-06-2021		Copy of Postmortem report

Respondent's Witness examined : Nil

Respondent's Exhibits Marked : Nil

Motor Accidents Claims Tribunal

MEMO OF COST

Petitioner's Cost : Allowed. Cost list filed

OPMV 307/2022 Allowed. Cost list not filed.

Sl No	Particular	Amount OPMV 575/2022	Amount OPMV 554/2022	Amount OPMV 370/2022
1	Court fee	4,372.00	4,372.00	4,372.00
2	Stamp on vakkalath	5.00	5.00	5.00
3	Writing fee	200.00	200.00	200.00
4	Advocate Fee	27,400.00	27,400.00	25,000.00
5	Process fee	220.00	220.00	185.00
6	Stamp on document	34.00	44.00	40.00
7	Stamp on Petition	10.00	40.00	100.00
8	Additional Court fee			
9	LBF	5,000.00	5,000.00	

10	Paper Publication	945.00	800.00	
	Total	38,186.00	38,081.00	29,902.00

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.307/2022,
370/22,554/22 &575/22
Dated 08/04/2026
(1+4)