

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

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

Wednesday 29<sup>th</sup> day of April, 2026

(09<sup>th</sup> day of Vaishaka, 1948 S.E.)

**ORIGINAL PETITION (MV) No.594/2024**

**Petitioner**

Arjun N.B. @ Arjun, aged 21 years, DOB: 10.07.2002, S/o. Baby N,  
Njarakkaparambil House, Thazhapara Road, Vettikkatiri P.O, Cheruthuruthi,  
Vettikkattiri R.S, Thrissur, Kerala – 679 571.

PAN No.DYPPA6425M

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

V/s

**Respondents**

1. Baburajan, aged 55 years, S/o Krishnan, Kunnath House, Kolazhy P.O,  
Thrissur, Kerala – 676 307.  
(RC Owner cum Driver of KL -30-C- 0555 numbered Car)  
D/L. No. 51/310/1993  
Valid from 17.09.2019 to 16.09.2024.
2. United India Insurance Co. Ltd, Micro Office, Ayyappa Complex, Near Post  
Office, Main Road, Wadakkanchery, Thrissur, Kerala – 680582.  
Notice through :- Branch Office: 2<sup>nd</sup> Floor, Parapurath Tower, Main Road,  
Ottapalam, Palakkad, Kerala – 679 101.  
Policy No. 3009813123P105088793.  
Valid from 10.08.2023 to 09.08.2024.

R1 :Adv. Deepna. M.D

R2 : Adv. R.Sreekaladevi

This petition having been finally heard on 17/03/2026 and the Tribunal on  
29/04/2026 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 16.02.2024 at about 11.00 hours, the 1<sup>st</sup> respondent being the driver of the car bearing registration No.KL-30/C-0555, drove the vehicle in a rash and negligent manner through Thrissur- Wadakanchery public road and when he reached near Peringavu junction, it hit on the motor cycle bearing registration No.KL-48/Q-3840 ridden by the petitioner thereby the petitioner was sustained serious injuries. Hence, the petition for a total compensation of ₹1,00,000/-.

3. The 1<sup>st</sup> respondent filed written statement denying the petition averments. According to this respondent there was no negligence on his part as alleged in the petition. In fact negligence of the the petitioner alone was the reason for the accident. The age, occupation and income of the petitioner have to be proved by him. The amount claimed in the petition is highly excessive and exaggerated. At the time of accident this respondent was having valid driving licence to drive the offending vehicle and the vehicle was validly insured with the 2<sup>nd</sup> respondent. Even if the Tribunal finds that the petitioner is entitled to get any amount it has to be paid by the 2<sup>nd</sup> respondent. Therefore, the petition has to be disposed accordingly.

4. The 2<sup>nd</sup> respondent insurance company filed written statement denying the petition averments. At the same time, this respondent admits that the car 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 the petitioner alone was the reason for the accident. The age, occupation and income of the petitioner have to be proved by him. The amount claimed in the petition is highly excessive and exaggerated. Therefore, the petition has to be disposed accordingly.

5. To prove the case of the petitioner Exts.A1 to A9 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 the petition are:

1. Whether the 1<sup>st</sup> respondent who was the driver of the offending vehicle bearing registration No.KL-30/C-0555 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 16.02.2024 at about 11.00 hours, the 1<sup>st</sup> respondent being the driver of the car bearing registration No.KL-30/C-0555, drove the vehicle in a rash and negligent manner through Thrissur-Wadakanchery public road and when he reached near Peringavu junction, it hit on the motor cycle bearing registration No.KL-48/Q-3840 ridden by the petitioner thereby the petitioner 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 scene mahazar was marked as Ext.A3, copies of AMVI reports were marked as Ext.A4 and copy of final report was marked as Ext.A5.

Ext.A2 is the copy of wound certificate, Ext.A6 is the copy of Aadhar card of petitioner, Ext.A7 is the copy of PAN card, Ext.A8 is the copy of bank account details of petitioner and Ext.A9 series are the medical bills.

A perusal of Ext.A5 shows that the then Sub Inspector of Police, Viyyur Police Station, conducted investigation of the case, completed the investigation and submitted the final report with finding that on 16.02.2024 at about 11.00 hours, the 1<sup>st</sup> respondent being the driver of the car bearing registration No.KL-30/C-0555, drove the vehicle in a rash and negligent manner through Thrissur- Wadakanchery public road and when he reached near Peringavu junction, it hit on the motor cycle bearing registration No.KL-48/Q-3840 ridden by the petitioner thereby the petitioner 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 his 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 he was sustained grievous injuries, immediately taken to Daya Hospital, Thrissur and treated there as an outpatient. To prove the injuries sustained and treatment given to the petitioner, copy of wound certificate was marked as Ext.A2. As per the above document, the petitioner was treated as stated above. As per Ext.A2 the petitioner was sustained the following injuries: -

multiple abrasions – right forearm, right knee, right foot and left hand.

Going through the above medical record, 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. Therefore, I find that the petitioner is entitled to get compensation for the injuries sustained in the accident.

10. Ext.A9 series are the medical bills produced and marked by the petitioner

for ₹1,284/- which is not in dispute. According to the petitioner at the time of accident he was aged 21 years, LIC agent and his monthly income was of ₹40,000/-. Ext.A7 is the copy of PAN card of the petitioner. As per Ext.A7 his date of birth is 10.07.2002. Therefore, I find that at the time of accident the petitioner was aged 22 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. 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 one months. So he is entitled to get ₹14500/- (14500x1) towards loss of earning.

Considering the entire facts and circumstances of the case, nature of injuries sustained, period of treatment 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	480000	14500	14500x1 month
2	Transportation expenses	50000	4000	Considering the distance between the place of accident, hospital and home
3	Extra nourishment	20000	3000	
4	Damage to clothing and articles	10000	1000	Nominal amount
5	Bystander expenses	50000	0	Treated as outpatient
6	Personal assistance	50000	0	

7	Medical expenses	10000	1284	As per Ext.A9 series
8	Future treatment expenses	50000	0	
9	Compensation for pain and suffering	200000	15000	Considering the nature of injuries
10	Compensation for loss of enjoyment and amenities of life	150000	10000	Considering the nature of injuries
11	Compensation for permanent disability	400000	0	No disability
12	Compensation for loss of earning power	100000	0	
13	Compensation for injury itself	150000	0	
14	Compensation for disfigurement	150000	0	
	Total	18,70,000	48,784	
	Limited to	1,00,000		

Issues are answered accordingly.

11. Issue No.4:- It is stated in the written statement of the 2<sup>nd</sup> respondent that the vehicle bearing registration No.KL-30/C-0555 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, I find that the 2<sup>nd</sup> respondent is liable to indemnify the 1<sup>st</sup> respondent. The issue is answered accordingly.

In the result, the petition is allowed and an award is passed for ₹48,784/- (Rupees forty eight thousand seven hundred and eighty four only) with interest @ 8% per annum from the date of filing of the petition ie. from 23.07.2024 till realisation with proportionate cost. The issue is answered accordingly.

1. The 2<sup>nd</sup> respondent is directed to furnish cheques for ₹363/- being court

fee and ₹1,000/- 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 his/their Savings Bank Account shown below, as direct payment, within one month.

Name of petitioner	Name of Bank	Name of Branch	Account Number	IFSC Code
ARJUN NB	Kerala State Co-op. Bank Ltd	Ayyanthole	146512301236981	KSBK0001465

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

**Format of Memo regarding payment advice for remittance of amount.**

We confirm the remittance of compensation as follows:-

1	OP(MV) Number	
2	On the file of Motor Accidents Claims Tribunal (place)	
3	Date of Award	
4	Amount deposited	
5	Amount retained in the fixed deposit with the fixed deposit receipt number	
6	Name of the minor(s)/claimant(s) in the fixed deposit	
7	Income Tax Deducted at Source, if any, in accordance with law.	

8	Bank Transaction Reference No./Unique Transaction Reference (UTR) No.	
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4. R2/insurer shall provide Form 16.A under the Income Tax Act, 1961 to the petitioner.
5. The office is further directed to make necessary entries in the cheque issue register, evidencing payment of above amount to the petitioner(s).

Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court, this the 29<sup>th</sup> day of April, 2026.

Motor Accidents Claims Tribunal

### APPENDIX

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

A1	:	17-02-24	:	Copy of FIR & FIS
A2	:	02-05-24	:	Copy of Wound Certificate
A3	:	18-02-24	:	Copy of Scene Mahazar
A4	:	28-02-24	:	Copy of AMVI Report
A5	:	30-04-24	:	Copy of Charge Sheet
A6	:	----	:	Aadhar card copy of Petitioner
A7	:	----	:	Pan Card copy of Petitioner
A8	:	24-11-25	:	Bank Passbook Copy of Petitioner
A9	:	series	:	Medical Bills

Respondent's Witness examined : Nil

Respondent's Exhibits Marked : Nil

Motor Accidents Claims Tribunal

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

<b>Sl No</b>	<b>Particular</b>	<b>Amount</b>
1	Court fee	119.00
2	Stamp on vakkalath	5.00
3	Writing fee	200.00
4	Advocate Fee	4,802.00
5	Stamp on Petition	5.00
6	Stamp on document	40.00
7	Process fee	70.00
8	LBF	487.00
	<b>Total</b>	<b>5,728.00</b>

**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) No.594/2024  
Dated : 29.04.2026

(1+3)