

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM

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

Monday 06th day of April, 2026

(16th day of Chaithra, 1948 S.E.)

ORIGINAL PETITION (MV) No.675/2024

Petitioner

Ayisha Salwa P @ Ayisha Salwa, aged 33 years, DOB: 12.07.1990, HR Assistant cum Tailor, Paruvingal House, Kalachal, Alamcode, Malappuram, Kerala- 679 585, PAN: HYIPP1211H

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

V/s

Respondents

1. Pradeep, aged 43 years, S/o Vasudevan, Chennathodi House, Edayur North PO, Edayoor, Valanchery, Malappuram, Kerala- 676 552.
(RC Owner cum Driver of KL-55-AF-5155 numbered car)
D/L.No. KL 55 20010008533. Valid from 05.11.2001 to 22.06.2032
2. United India Insurance Co. Ltd, 2nd Floor, A.A.K Tower, Thazhepalam, Tirur, Malappuram, Kerala- 676 101. Notice through:- Branch Office: 2nd Floor, Parappurath Tower, Main Road, Ottapalam, Palakkad- 679 101
Policy No. 3006003123P107169332. Valid from 21.09.2023 to 20.09.2024.

R1 : Exparte

R2 : Adv. Sajitha Krishnadas

This petition having been finally heard on 30/03/2026 and the Tribunal on 06/04/2026 passed the following.

AWARD

The petition is filed for compensation for the injuries sustained by the petitioner in a motor vehicle accident u/s 164 of the Motor Vehicles Act,1988.

2. Case of the petitioner is that on 05.04.2024 at about 11.00 p.m., while the petitioner was riding the scooter bearing registration No.KL-54/J-4953 through

Thrissur - Kuttippuram public road and when the scooter reached at the place Kalachal the car bearing registration No.KL-55/AF-5155 driven by the 1st respondent in a rash and negligent manner hit on petitioner's vehicle thereby the petitioner was sustained grievous injuries. Hence the petition for a total compensation of ₹2,50,000/-.

3. The 1st respondent remained exparte.

4. The 2nd respondent, insurance company filed written statement denying the petition averments. According to this respondent, there was no negligence on the part of the 1st respondent as alleged in the petition. The petitioner was responsible for the accident by riding the scooter. As per the wound certificate the date of accident is 06.04.2024. the petitioner was not wearing helmet at the time of accident. At the same time, this respondent admits that the vehicle bearing registration No.KL-55/AF-5155 was validly insured with this respondent at the material time of 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 petitioner Exts.A1 to A11 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 are:

1. Whether the petitioner was sustained grievous injuries in the accident arising out of the use of motor vehicles?
2. Whether the petitioner is entitled to get compensation u/s 164 of the Motor Vehicles Act, 1988?

3. If so, what is the quantum to be awarded?
4. Who is liable to pay compensation to the petitioner?

8. Issue Nos.1 to 3:- The petitioner approached this Tribunal claiming compensation u/s 164 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 petitioner need only to establish the fact that the injuries were sustained due to the accident arising out of the use of motor vehicles. If the petitioner succeeds in establishing that fact then he will be entitled to receive compensation as per section 164 of the Act.

9. It is the case of petitioner that as a result of the accident she was sustained grievous injuries. Immediately after the accident, the petitioner was taken to Edappal Hospital, Edappal and from there taken to Healfort Hospital, Kuttipuram and treated there. To prove the injuries sustained and treatment given to the petitioner copy of wound certificate was marked as Ext.A2 and discharge summary was marked as Ext.A8. As per Ext.A2 the petitioner was sustained the following injuries: -

left elbow dislocation

lacerated wound on left knee

As per Ext.A8 the diagnosis is as follows: -

diagnosis:-

elbow dislocation (left)

lacerated wound (left) knee

The above documents would show that the petitioner was sustained injuries

in the road traffic accident. Therefore, I find that the petitioner was sustained grievous injuries due to the accident involved in this case. According to the petitioner the accident occurred due to the negligence of the 1st respondent. In a claim under section 164, there is no need to prove negligence. It is the option of the petitioner to claim compensation from any of the vehicles. Admittedly the accident occurred by collision between two vehicles. Hence the petitioner has option to claim compensation from any of the vehicles. The petitioner was the rider of the scooter bearing registration No.KL-54/J-4953. She was sustained serious injuries in the accident and claimed compensation from the respondents.

Ext.A1 is the copy of FIR with FIS, Ext.A2 is the copy of wound certificate, Ext.A3 is the copy of scene mahazar, Ext.A4 is the copy of AMVI report, Ext.A5 is the copy of final report, Ext.A6 is the copy of Aadhar card, Ext.A7 is the copy of PAN card of petitioner, Ext.A8 is the discharge summary, Ext.A9 is the salary certificate, Ext.A10 is the copy of bank passbook of petitioner and Ext.A11 series are the medical bills.

Ext.A11 series are the medical bills produced and marked by the petitioner for ₹6,123/-. In a claim under section 164 of the MV Act, the petitioner is not entitled to get any amount towards medical expenses.

A perusal of Ext.A5 shows that on 05.04.2024 at about 23.00 hours, while the petitioner was riding the scooter bearing registration No. KL-54/J-4953 through Thrissur - Kuttipuram public road and when she reached at the place at Kalachal, the car bearing registration No.KL-55/AF-5155 driven by the 1st respondent in a rash and negligent manner hit on the petitioner's vehicle thereby she was sustained serious injuries. It is settled law that in a claim under section 164 there is no need to prove negligence. Admittedly the petitioner was sustained injuries in the accident. It is settled position that the petitioner has option to claim compensation from any of

the vehicles. In this case the petitioner specifically stated that she claimed compensation from the respondents.

10. It is not in dispute that the petitioner was sustained grievous injuries in the accident arose out of the use of scooter bearing registration Nos. KL-54/J-4953 and car bearing registration No.KL-55/AF-5155. Therefore, from the materials on record, I find that the petitioner has successfully established her case that she was sustained injuries in the accident arose out of the use of motor vehicles.

11. According to the petitioner at the time of accident he was aged 33 years, working as HR Assistant cum tailor and her monthly income was of ₹40,000/-. To prove the occupation and income of the petitioner, Ext.A9 salary certificate issued from 'Ayurgreen' was produced. As per Ext.A9 the monthly salary of the petitioner is ₹18,000/-. Ext.A7 is the copy of PAN card of the petitioner. As per Ext.A7 her date of birth is 12.07.1990. Therefore, I find that at the time of accident the petitioner was aged 34 years.

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

13. Issue No. 4:- This Tribunal already found that the accident occurred out of the collision of the scooter bearing registration scooter bearing registration Nos. KL-54/J-4953 and car bearing registration No.KL-55/AF-5155. The 2nd respondent has admitted the insurance coverage of the vehicle bearing registration No.KL-55/AF-5155. Therefore, I find that the 2nd respondent is liable to indemnify the 1st respondent. The issue is answered accordingly.

In the result, the petition is allowed and an award is passed for ₹2,50,000/- (Rupees two lakh fifty thousand only) with interest @ 8% per annum from the date of filing of the petition ie. from 13.08.2024 till realisation with proportionate cost. The issue is answered accordingly.

1. The 2nd respondent is directed to furnish cheques for ₹1,868/- being court fee and ₹2,500/- 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 from the date on which the petitioner/s furnish the details of his/their bank account.

Name of petitioner	Name of Bank	Name of Branch	Account Number	IFSC Code
AYISHA SALWA P	Kerala State Co-op Bank Ltd	Ayyanthole	146512301238013	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/her 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. 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 her, corrected and pronounced by me in open court, this the 6th day of April, 2026.

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APPENDIX

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

- A1 : 08.04.2024 : Copy of FIR&FIS in Cr. No 543/24
- A2 : 06.04.2024 : Accident Register cum Wound Certificate
- A3 : 09.04.2024 : Scene mahazar

A4	:	20.04.2024	:	Copy of AMVI Report
A5	:	20.04.2024	:	Copy of Charge Sheet in Cr. No 543/24
A6	:	05.03.2013	:	Copy of Aadharcard of Petitioner
A7	:	Nil	:	Copy of Pan Card of Petitioner
A8	:	06.04.2024	:	Discharge Summery issued from Healfort Hospital
A9	:	20.05.2024	:	Salary Certificate of Petitioner (Original)
A10	:	19.12.2025	:	Passboook Copy of Petitioner
A11	:	Series	:	Medical Bill

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	1,872.00
2	Stamp on vakkalath	5.00
3	Writing fee	200.00
4	Advocate Fee	14,900.00
5	Stamp on Petition	5.00
6	Stamp on document	40.00
7	Process fee	102.00
8	LBF	2,500.00
	Total	19,624.00

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 : Manjula M R

Fair/Copy of Award
in OP (MV) No.675/2024
Dated : 06.04.2026

(1+3)