

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

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

Monday 06<sup>th</sup> day of April, 2026  
(16<sup>th</sup> day of Chaithra, 1948 S.E.)

**ORIGINAL PETITION (MV) No. 685/2024**

**Petitioner**

Johnson.P.A, aged 53 years, S/o Abraham, Pallissery House, Ondayangadi, Vemon P.O., Wayanad, Wayanad District. Pin: 670645  
Presently residing at Pallissery House, Rahath quarters, Pallppuram Road, Near Nila Hospital, P.O.Pattambi, Pattambi Taluk, Palakkad District.  
Pin: 679303 ( D.O.B: 01/02/1971 ), PAN: EDFPA6431K

By Advocates: Adv. Anoop.C, and Adv. K.P.Vijayakrishnan

V/s

**Respondents**

1. Jithin.K, aged 28 years, S/o Jayadasan.K, Kavungal House, Kolathur P.O., Perinthalmanna Taluk, Malappuram District. Pin: 679338  
Driver of Bus bearing Reg. No. KL-13V-2244  
DL No. KL-53-20140003096 valid up to 01/08/2027 with Badge
2. Dileepkumar, S/o Gopalakrishnan.P, Santhi Nivas, Manissery P.O., Vaniyamkulam, Ottapalam Taluk, Palakkad District. Pin: 679521  
Owner of Bus bearing Reg No. KL-13V-2244
3. Oriental Insurance Co. Ltd., Branch Office, Main Road, Ottapalam.  
Pin: 679101  
Insurer of Bus bearing Reg. No. KL-13V-2244  
Policy No. 442090/31/2024/7418  
Valid from 21/02/2024 to 20/02/2025

R1 & R2 : Exparte

R3 : Adv. Randhir Kumar.M.P

This petition having been finally heard on 19/03/2026 and the Tribunal on 06/04/2026 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 10.07.2024 at about 5.15 p.m., the 1<sup>st</sup> respondent being the driver of the bus bearing registration No.KL-13/V-2244 drove the vehicle in a rash and negligent manner through Perinthalmanna- Pattambi public road and when it reached near Sankaramangalam schoolpadi it hit on the motor cycle bearing registration No.KL-09/Z-7127 ridden by the petitioner thereby he was sustained serious injuries. Hence, the petition for a total compensation of ₹7,00,000/-.

3. The 1<sup>st</sup> and 2<sup>nd</sup> respondents remained exparte.

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 bus bearing registration No. KL-13/V-2244 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 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 A13 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-13/V-2244 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 10.07.2024 at about 5.15 p.m., the 1<sup>st</sup> respondent being the driver of the bus bearing registration No.KL-13/V-2244 drove the vehicle in a rash and negligent manner through Perinthalmanna- Pattambi public road and when it reached near Sankaramangalam schoolpadi it hit on the motor cycle bearing registration No.KL-09/Z-7127 ridden by the petitioner thereby he was sustained serious injuries. To prove the negligence of the 1<sup>st</sup> respondent, copy of FIR with FIS was marked as Ext.A2, copy of scene mahazar was marked as Ext.A3, copy of final report was marked as Ext.A4 and copies of AMVI report was marked as Ext.A5.

Ext.A1 is the disability certificate, Ext.A6 is the copy of driving licence of petitioner, Ext.A7 is the copy of wound certificate, Ext.A8 is the discharge summary, Ext.A9 is the copy of Aadhar card, Ext.A10 is the copy of PAN card of petitioner, Ext.A11 is the election ID card, Ext.A12 is the copy Bank account details of petitioner and Ext.A13 series are the medical bills.

A perusal of Ext.A4 shows that the then Sub Inspector of Police, Pattambi Police Station, conducted investigation of the case, completed the investigation and submitted the final report with finding that on 10.07.2024 at about 5.15 p.m., the 1<sup>st</sup> respondent being the driver of the bus bearing registration No.KL-13/V-2244 drove the vehicle in a rash and negligent manner through Perinthalmanna- Pattambi public road and when it reached near Sankaramangalam schoolpadi it hit on the motor cycle bearing registration No.KL-09/Z-7127 ridden

by the petitioner thereby he was sustained serious injuries. Hence the 1<sup>st</sup> respondent had committed the offences punishable u/ss. 125(b), 281 BNS. 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 to A3 and 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 Nila Hospital, Pattambi, admitted and treated there as an inpatient from 10. 07.2024 to 15.07.2024. To prove the injuries sustained, hospitalisation and treatment given to the petitioner, copy of wound certificate was marked as Ext.A7 and discharge summary was marked as Ext.A8. As per the above documents, the petitioner was treated as stated above. As per Ext.A7 petitioner was sustained the following injuries:

fracture distal fibula ® wrist of forearm, fracture distal radius and volar baron fracture.

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

diagnosis:-

fracture DER volar displacement ®

fracture bimalleolar displacement (Lt)

abrsion dorsum of wrist and hand (L) ankle and foot

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. 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 he was aged 53 years, Paster by profession and his monthly income was of ₹20,000/-. Ext.A10 is the copy of PAN card of the petitioner. As per the above document his date of birth is 01.02.1971. Therefore, I find that at the time of accident the petitioner was aged 53 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.A13 series are the medical bills produced and marked by the petitioner for ₹1,05,856/-. Out of which the 3<sup>rd</sup> respondent has admitted only the bills of ₹1,05,711/-. So the petitioner is entitled to get only ₹1,05,711/- towards medical expenses.

12. Ext.A1 is the disability certificate issued by Dr.P.J.Jacob. As per Ext.A9, the petitioner is having permanent whole body disability of 10.5%. Considering the nature of injuries, this Tribunal is of the view that Ext.A1 is acceptable one. Hence I am of the view that the petitioner is having permanent whole body disability of 10.5%. The petitioner being aged 53 years at the time of accident the proper multiplier is 11. Therefore, the compensation for loss of functional disability can be assessed at  $₹14500 \times 12 \times 11 \times 10.5 / 100 = 2,00,970/-$ . 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 four months. So he is entitled to get ₹58000/- ( $14500 \times 4$ ) 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         | 58000          | 14500x4 months  |
| 2       | Partial loss of earning                                  | 50000          | 0              |   |
| 3       | Transportation expenses                                  | 5000           | 4000           | Considering the distance between the place of accident, hospital and home |
| 4       | Extra nourishment  | 5000           | 3000           |   |
| 5       | Damage to clothing and articles                          | 2000           | 1000           | Nominal amount  |
| 6       | Bystander expenses                                       | 10000          | 3000           | 500x6 days  |
| 7       | Medical expenses   | 200000         | 105711         | Ext.A13 series medical bills produced                                     |
| 8       | Future treatment expenses                                | 50000          | 0              |   |
| 9       | Compensation for pain and suffering                      | 50000          | 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                    | 200000         | 200970         | 14500x12x11x10.5/100  |
| 12      | Compensation for for loss of earning power               | 50000          | 0              |   |
|         | Total  | 7,72,000       | 4,85,681       |   |
|         | Limited to   | 7,00,000       |                |   |

Issues are answered accordingly.

13. Issue No.4:- It is stated in the written statement of the 3<sup>rd</sup> respondent that the bus bearing registration No.KL-13/V-2244 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 other respondents. The issue is answered accordingly.

In the result, the petition is allowed and an award is passed for ₹4,85,651/- (Rupees four lakh eighty five thousand six hundred and fifty one only) with interest @ 8% per annum from the date of filing of the petition ie. from 16.08.2024 till realisation with proportionate cost. The issue is answered

accordingly.

1. The 3<sup>rd</sup> respondent is directed to furnish cheques for ₹6,368/- being court fee and ₹7,000/- 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   |
|--------------------|--------------|----------------|----------------|-------------|
| JOHNSON PA         | SBI          | Pattambi       | 67171572248    | SBIN0070186 |

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 April 2026.

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**APPENDIX**

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

|     |   |            |   |  |
|-----|---|------------|---|--|
| A1  | : | 22.10.2025 | : | Disability certificate                     |
| A2  | : | 12.07.2024 | : | Copy of FIR with FIS                       |
| A3  | : | 13.07.2024 | : | Copy of Scene Mahazar                      |
| A4  | : | 25.07.2024 | : | Copy of Charge Sheet                       |
| A5  | : | 22.07.2024 | : | Copy of AMVI Reports                       |
| A6  | : | 25.07.2016 | : | Copy of Driving licence of petitioner      |
| A7  | : | Nil        | : | Copy of Wound certificate                  |
| A8  | : | 15.07.2024 | : | Discharge summary                          |
| A9  | : | Nil        | : | Copy of Aadhar card of petitioner          |
| A10 | : | Nil        | : | Copy of Pan card of petitioner             |
| A11 | : | Nil        | : | Copy of Election ID card of petitioner     |
| A12 | : | Nil        | : | Copy of Bank Account details of petitioner |
| A13 | : | Series     | : | Medical bills                              |

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     | Stamp on Vakkalath | 5.00             |
| 2     | Advocate Fee       | 26684.00         |
| 3     | Writing Fee        | 200.00           |
| 4     | Stamp on petition  | 5.00             |
| 5     | Stamp on document  | 52.00            |
| 6     | Process Fee        | 102.00           |
| 7     | Court Fee          | 4229.00          |
| 8     | LBF                | 4856.00          |
|       | <b>Total</b>       | <b>36,133.00</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 Order  
in OP (MV) No.685/2024  
Dated : 06/04/2026  
(1+3)