

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM

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

Thursday 12th day of March 2026
(21st day of Phalguna, 1947 S.E.)

ORIGINAL PETITION (MV) No.690/2023

Petitioner

Dr. C.A Thambi aged 68 years, S/0 (Late) Abraham 611 (114/91)
Chemmirikkat House, Mayilvahanam Shornur PO, Ottapalam taluk,
Palakkad (Dist), Pin: 679121
PAN Card No. ABKPT5297R

By Advocates : Adv. Suja S Nair
V/s

Respondents

1. Jagadeesh Sahoo aged about 43 years, S/o Karthik Sahoo Brabahala (villa)
Kolaghat, Madinipur East, West Bangal, Pin: 721134
(Driver of the Lorry TN 61 D 0968)
2. P.K Jaleel age and father's name not known. Best Transport, ICL Complex,
Cement Nagar (po) Sendurei TK, Dalavai, Ariyalur, Thrichi, Tamilnadu,
Pin: 621704, (Owner of the Lorry TN 61 D 0968)
3. The New India Assurance Co. Ltd. TP Hub, 2nd Floor, Perincheri Building,
Round North, Thrissur (Dist), Pin- 680001
(Insurer of the Lorry TN 61 D 0968)

R1 & R2 : Adv. K G Santhoshkumar
R3 : Adv. C K Rethy

This petition having been finally heard on 27/02/2026 and the Tribunal on
12/03/2026 passed the following.

AWARD

This is an application filed by the petitioner for compensation for the damages
caused to the bus bearing registration No.KL-51/A-9500 under section 166(1)(b) of the
Motor Vehicles Act, 1988.

2. Case of the petitioner in brief is that he is the registered owner of the bus bearing registration No.KL-51/A-9500. On 10.04.2023 when the bus was coming from Palakkad and when it reached at Parali Chakkanthara bus stop, the lorry bearing registration No. TN-61/D-0968 driven by the 1st respondent in a rash and negligent manner hit on petitioner's vehicle. As a result, the bus got heavy damages. Hence the petition for a total compensation of ₹88,500/-.

3. The 1st and 2nd respondents filed written statement denying the petition averments. According to these respondents there was no negligence on the part of the 1st respondent as alleged in the petition. In fact negligence of the driver of the bus bearing registration No.KL-51/A-9500 alone was the reason for the accident. At the material time of accident, the 1st and respondents were having valid and effective driving licence to drive the offending vehicle and the vehicle was validly insured with the 3rd respondent and vehicular documents were in order. Therefore, the petition is to be dismissed accordingly.

4. The 3rd respondent insurance company filed written statement denying the petition averments. According to this respondent the petition is barred by limitation. The accident was happened on 10.04.2023 and the petition was filed on 16.12.2023, after six months. At the same time this respondent admits that the vehicle bearing registration No.TN-61/D-0968 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 1st respondent as alleged in the petition. In fact negligence of the petitioner's bus bearing registration No.KL-51/A-9500 alone was the reason for the accident. The petitioner shall prove that he was the owner of the vehicle bearing registration No.KL-51/A-9500. The amount claimed under various heads are very excessive and exaggerated. Therefore, the petition is to be disposed accordingly.

5. To prove the case of the petitioner PW1 was examined and Exts.A1 to A13 were marked. Ext.B1 was marked on the side of the respondents.

6. Heard both sides.

7. The issues that arise for consideration are as follows:-

1. Whether the 1st respondent was driving the vehicle bearing registration No.TN-61/D-0968 in a rash and negligent manner with excessive speed and thereby caused the accident?
2. Whether the bus bearing registration No. KL-51/A-9500 owned by the petitioner was sustained damages and he is 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 10.04.2023 when the bus was coming from Palakkad and when it reached at Parali Chakkanthara bus stop, the lorry bearing registration No. TN-61/D-0968 driven by the 1st respondent in a rash and negligent manner hit on petitioner's vehicle. As a result, the bus got heavy damages. According to the respondents there was no negligence on the part of the 1st respondent as alleged in the petition. In fact negligence of the driver of the bus alone was the reason for the accident. Though so many contentions are raised in the written statement of the respondents no evidence has been adduced to prove this. On the other hand to prove the negligence of the 1st respondent copy of scene mahazar was marked as Ext.A2, copy of AMVI report was marked as Ext.A3, copy of final report was marked as Ext.A4 and copy of FIR with FIS was marked as Ext.A5.

Ext.A1 is the survey report, Ext.A7 series are the photographs, Ext.A8 is the Survey Bill, Ext.A9 is the series are the bills, Ext.A10 is the copy of Aadhar card of petitioner, Ext.A11 is the copy of bank pass book of the petitioner, Ext.A12 is the cancelled Cheque and Ext.A13 is the copy of PAN card of the petitioner.

Ext.B1 is the copy of policy of vehicle bearing registration No.TN-61/D-0968.

A perusal of Ext.A4 shows that the then Sub Inspector of police, Mankara police station conducted investigation of the case, completed the investigation and submitted the final report with finding that on 10.04.2023 at 5.10 hours, while the 1st respondent being the driver of the lorry bearing registration No.TN-61/D-0968 drove the vehicle in a rash and negligent manner through Ottapalam - Palakkad public road and when it reached at the place Parali Chakkanthara, it hit on the bus bearing registration No.KL-51/A-9500, thereby considerable damage was sustained to the bus. Hence the 1st respondent had committed the offence punishable under section 279 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 1st respondent with the aid of Exts.A2 to A5. Issue is answered accordingly.

9. Issue Nos.2 &3:- It is the case of petitioner that he is the owner of the bus bearing registration No.KL-51/A-9500. As a result of the accident considerable damage was caused to his vehicle. Therefore, he claimed a total compensation of ₹88,500/-. To prove the contention of the petitioner, PW1 was examined and Ext.A1 copy of survey report, Ext.A8 surveyor bill and Ext.A9 bills were marked. PW1 deposed in tune with Ext.A1 and A8. As per Ext.A1, approximate net loss as per summary of assessment is ₹84,586/-. The surveyor also produced fee receipt for ₹3,500/-. Ext.A6 AMVI report would indicate that damage was sustained to the vehicle due to the accident. Considering the circumstances of the case coupled with the evidence of PW1, survey report and AMVI report would indicate that damage was sustained to the vehicle. Hence this Tribunal finds that the petitioner is entitled to get ₹88,086/- (84,586+3500). Issues are answered accordingly.

10. Issue No.4:-

It is stated in the written statement of the 3rd respondent that the vehicle bearing registration No.TN-61/D-0968 was validly insured with this respondent. This Tribunal

found that the accident occurred due to the negligence on the side of the 1st respondent. Therefore, I find that the 3rd respondent is liable to indemnify the other respondents. Issue is answered accordingly.

In the result, the application is allowed in part and an award is passed for ₹88,086/- (Rupees eighty eight thousand and eighty six only) with interest @ 8% per annum from the date of filing of the petition on 18.12.2023 till realisation with proportionate cost.

The 3rd respondent is directed to furnish cheque for ₹885/- 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/s	Name of Bank	Name of Branch	Account Number	IFSC Code
THAMBI CA	Canara Bank	Shoranur	0719101009298	CNRB0000719

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 12th day of March 2026.

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APPENDIX

Petitioner's Witness Examined :

PW1- Vishnunarayanan T V

Petitioner's Exhibits Marked :

A1	:	24.05.2023	:	Survey Report
A2	:	11.04.2023	:	Scene mahazar
A3	:	30.05.2023	:	AMVI Report
A4	:	10.04.2023	:	Charge Sheet
A5	:	10.04.2023	:	FIR & FIS
A6	:	17.05.2017	:	Registration Certificate
A7	:	Series	:	Photos
A8	:	24.05.2023	:	Survey Bill
A9	:	Series	:	Bills
A10	:	NIL	:	Aadhar Card Copy

A11 : 21.01.2020 : Bank Passbook Copy
 A12 : NIL : Canceled Cheque
 A13 : NIL : Pan Card Copy

Respondent's Witness examined : Nil

Respondent's Exhibits Marked :

B1 – Policy Copy of Vehicle bearing Reg. No. TN 61 D 0968

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MEMO OF COST

Petitioner's Cost : Allowed. Cost list filed

Sl No	Particular	Amount
1	Court fee	5.00
2	Stamp on vakkalath	5.00
3	Writing fee	200.00
4	Advocate Fee	6,804.00
5	Stamp on Petition	35.00
6	Stamp on document	36.00
7	Process fee	180.00
8	LBF	880.00
	Total	8,145.00

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. :

Fair/Copy of Award
in OP (MV) No.690/2023
Dated : 12.03.2026

(1+3)