

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM

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

Tuesday 28th day of April, 2026

(08th day of Vaishaka, 1948 S.E.)

ORIGINAL PETITION (MV) Nos. 750/2024 & 751/2024

OP (MV) No. 750/2024

Petitioner

Babu Rajan Thathammal @ Baburaj, aged 55 years, DOB: 20.05.1968, Driver,
S/o Govindan Thathammal, Kanakkaparambil House, Cheruvaikkara, Ponnani,
Biyyam Post, Edappal, Malappuram, Ponnani Taluk,
Kerala – 679576.

PAN No: CSYPB0195B

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

Respondents

1. The proprietor K.H. Vinod, Nice Fertilizers, 8/60, Jarapady Mannam, Airport Road, Near Ajooba Supermarket, Manjaly, Ernakulam, Kerala – 683 520.
(RC Owner of KL – 42-U- 9386 numbered Bolero Van)
2. Santhosh M.T, aged 48 years, S/o Thevan, Madalamparambil House, Thannipadam, Mannam P.O, Ernakulam, Kerala – 683 520
(Driver of KL- 42-U- 9386 numbered Bolero Van)
D/L. No. 7/3725/1994, Valid from 15-02-2019 to 25.01.2026.
3. New India Assurance Co. Ltd, Sivam Towers, South Naluvazhy, North Paravur, Kerala – 683513.
Notice through:- Branch Office: Divisional Office, JRJ Complex, 2nd floor, Main Road, Ottappalam, Palakkad – 679101.
Policy No. 76040731230300006021
Valid from 07.07.2023 to 06.07.2024.

R1 : Exparte

R2 : Exparte

R3 : Adv. Sajitha Krishnadas

OP (MV) No. 751/2024

Petitioner

Prameela @ Prameela K, aged 49 years, DOB: 26.10.1974, W/o. Baburajan,
Kanaka Parambil House, Cheruvaikkara, Edappal, Malappuram, Ponnani Taluk
Kerala – 679 576

PAN No: DMOPP8849H

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

V/s

Respondents

1. The proprietor K.H. Vinod, Nice Fertilizers, 8/60, Jarapady Mannam, Airport Road, Near Ajooba Supermarket, Manjaly, Ernakulam, Kerala – 683 520.
(RC Owner of KL – 42-U- 9386 numbered Bolero Van)
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Policy No. 76040731230300006021
Valid from 07.07.2023 to 06.07.2024.

R1 : Exparte
R2 : Exparte
R3 : Adv. Sajitha Krishnadas

These petitions having been finally heard on 12/03/2026 and the Tribunal on 28/04/2026 passed the following.

AWARD

These two claim petitions are filed by the respective petitioners for compensation to the injuries sustained to them in a motor vehicle accident u/s 166(1)(a) of the Motor Vehicles Act,1988.

2. Though the petitioners are different in both petitions the respondents are same and the accident involved in both cases are also same. The petitioner in OP(MV)No.750/2024 filed I.A.No.1/2025 for joint trial of the above said petitions and it was allowed treating OP (MV)No.750/2024 as the leading case.

3. Common case of the petitioners in both petitions in brief is that on 29.04.2024 at about 3.30 p.m., while the petitioner in OP(MV)No.750/2024 was riding the scooter bearing registration No.KL-54/N-4313 along with the petitioner in OP(MV) No.751/2024 as pillion rider through Edappal - Ponnani public road and when they reached near ISS School, Ponnani the Bolero van bearing registration No.KL-42/U-9386 driven by the 2nd respondent in a rash and negligent manner hit on petitioners' vehicle thereby they were sustained serious injuries. Hence both the petitions are filed for a total compensation of ₹1,00,000/- each.

4. The 1st and 2nd respondents remained exparte.

5. The 3rd respondent filed written statement in both the claim petitions with identical contentions denying the petition averments. At the same time this

respondent admits that the vehicle bearing registration No.KL-42/U-9386 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 2nd respondent as alleged in the petitions. In fact negligence of the petitioner in OP(MV)No.750/2024 alone was the reason for the accident. At the time of accident, the petitioners were not wearing helmet. At the time of accident, the 2nd respondent was not having valid driving licence to drive the offending vehicle. The amount claimed in the petitions are highly excessive and exaggerated. The age, occupation and income of the petitioners have to be proved by them. Therefore, the petitions are to be disposed accordingly.

6. To prove the case of the petitioners Exts.A1 to A20 were marked. No oral or documentary evidence has been adduced on the side of the respondents.

7. Heard both sides.

8. The common issues that arise for consideration in OP(MV) Nos.750/2024 and 751/2024 are as follows:-

1. Whether the 2nd respondent was driving the vehicle bearing registration No.KL-42/U-9386 in a rash and negligent manner with excessive speed and thereby caused the accident?
2. Whether the petitioners were sustained injuries and are 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 petitioners?

9. Issue No.1 in OP(MV)Nos.750/2024 and 751/2024:- It is the case of the petitioners that on 29.04.2024 at about 3.30 p.m., while the petitioner in OP(MV)No.750/2024 was riding the scooter bearing registration No.KL-54/N-4313 along with the petitioner in OP(MV) No.751/2024 as pillion rider through Edappal - Ponnani public road and when they reached near ISS School, Ponnani the Bolero van bearing registration No.KL-42/U-9386 driven by the 2nd respondent in a rash and negligent manner hit on petitioners' vehicle thereby they were sustained serious injuries. According to the contesting respondent, there was no negligence on the part of the 2nd respondent as alleged. Though so many contentions are raised by the 3rd respondent no evidence has been adduced to prove this. On the other hand to prove the negligence of the 2nd respondent copy of FIR with FIS was marked as Ext.A1, copy of scene mahazar was marked as Ext.A3, copy of AMVI report was marked as Ext.A4 and copy of final report was marked as Ext.A5.

Exhibits marked in OP(MV)No.750/2024

Ext. A2 is the copy of wound certificate, Ext.A6 is the copy of Aadhar card, Ext.A7 is the copy of PAN card, Ext.A8 is the copy of driving licence of petitioner in OP(MV)No.750/2024, Ext.A9 is the treatment certificate issued from Edappal

Hospital, Ext.A10 is the prescription (5 nos.) from Edappal Hospital, Ext.A11 is the injury photo of petitioner in OP (MV)No.750/2024, Ext.A12 is the extract of driving licence of petitioner in OP(MV)No.750/2024, Ext.A13 is the copy of passbook of petitioner in OP(MV)No.750/2024, Ext.A14 series are the medical bills, Ext.A15 is wound certificate of petitioner in OP(MV)No.751/2024, Ext.A16 is the copy of Aadhar card of petitioner in OP(MV)No.751/2024, Ext.A17 is the copy of PAN card of petitioner in OP(MV)No.751/2024, Ext.A18 is the prescription, Ext.A19 is the copy of passbook, Ext.A20 series are the medical bills in OP(MV)No.751/2024.

A perusal of Ext.A5 shows that the then Sub Inspector of police, Ponnani Police Station conducted investigation of the case, completed the investigation and submitted the final report with finding that on 29.04.2024 at about 3.30 p.m., while the petitioner in OP(MV)No.750/2024 was riding the scooter bearing registration No.KL-54/N-4313 along with the petitioner in OP(MV) No.751/2024 as pillion rider through Edappal - Ponnani public road and when they reached near ISS School, Ponnani the Bolero van bearing registration No.KL-42/U-9386 driven by the 2nd respondent in a rash and negligent manner hit on petitioners' vehicle thereby they were sustained serious injuries. Hence the 2nd respondent had committed the offences punishable under sections 279 and 337 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 petitioners have successfully proved their case that the accident was occurred solely due to the rash and negligent driving of the 2nd respondent with the aid of Exts.A1 and A3 to A5. Issues are answered accordingly.

10. Issue No.2 and 3 in OP(MV)No.750/2024:- It is the case of petitioner that as a result of the accident he was sustained injuries, immediately taken to Edappal Hospital, Edappal 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.A15 and treatment certificate was marked as Ext.A9. As per the above documents the petitioner was treated as stated above. As per Ext.A15 the petitioner was sustained contusion and abrasion over right shoulder, right and left knees and left ankle. It is stated in Ext.A9 that the petitioner Baburaj was sustained contusion left ankle with wound over left leg and left hand with multiple abrasions. He was managed by debridement from both leg and hand and plaster immobilisation for a period of 4 weeks starting from 29.04.2024.

Going through the above, I find that the petitioner was sustained injuries in the accident which was caused due to the rash and negligent driving of the 2nd 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.

11. Ext.A14 series are the medical bills produced and marked by the petitioner for ₹9,409/- which is not in dispute. Ext.A10 series are the prescriptions produced by the petitioner. Ext.A10 shows that the petitioner went to the the hospital six times for review. Considering the distance between the place of accident, house and hospital, this Tribunal is of the view that the petitioner is entitled to get ₹10,000/- towards transportation expenses. According to the petitioner at the time of accident he was aged 55 years, driver by profession and his monthly income was of ₹40,000/-. As per Ext.A6 copy of Aadhar card of the petitioner, his date of birth is 20.05.1968. Therefore, I find that at the time of accident the petitioner was aged 56 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 income of the petitioner can be calculated as of ₹14,500/- for the purpose of computing compensation. According to the petitioner due to the accident he was not able to go for work for a long period. Considering the age of the petitioner and nature of injuries and the medical records are concerned, I am of the view that he was not able to do work for two months. So he is entitled to get ₹29,000/- (14500x2) 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	29000	14500x 2 months
2	Transportation expenses	50000	1000	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	150000	0	Treated as outpatient
6	Personal assistance	150000	0	
7	Medical expenses	50000	9409	As per Ext.A14 series
8	Future treatment expenses	150000		
9	Compensation for pain and suffering	200000	30000	Considering the nature of injuries
10	Compensation for loss of enjoyment and amenities of life	150000	20000	Considering the nature of injuries
11	Compensation for permanent disability	800000	0	No disability
12	Compensation for loss of earning power	100000	0	
13	Compensation for injury itself	150000	0	
	Compensation for disfiguration	150000	0	
	Total	2610000	93,409	
	Limited to	1,00,000		

Issues are answered accordingly.

12. Issue No.2 and 3 in OP(MV)No.751/2024:- It is the case of petitioner that as a result of the accident she was sustained injuries, immediately taken to Edappal Hospital, Edappal 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 and prescription was marked as Ext.A18. As per the above documents the petitioner was treated as stated above. As per Ext.A2 the petitioner was sustained contusion and pain on left side of back of chest.

Going through the above, I find that the petitioner was sustained injuries in

the accident which was caused due to the rash and negligent driving of the 2nd 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.

13. Ext.A20 series are the medical bills produced and marked by the petitioner for ₹831/- which is not in dispute. According to the petitioner at the time of accident she was aged 49 years, Anganvadi teacher by profession and her monthly income was of ₹40,000/-. As per Ext.A16 copy of Aadhar card of the petitioner, her date of birth is 26.10.1974. Therefore, I find that at the time of accident the petitioner was aged 50 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 income of the petitioner can be calculated as of ₹14,500/- for the purpose of computing compensation. According to the petitioner due to the accident she was not able to go for work for a long period. Considering the age of the petitioner and nature of injuries and the medical records are concerned, I am of the view that she was not able to do work for two months. So she is entitled to get ₹14,500/- (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	14500x 1 month
2	Transportation expenses	50000	1000	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	150000	0	Treated as outpatient
6	Personal assistance	150000	0	
7	Medical expenses	10000	831	As per Ext.A20 series
8	Future treatment expenses	150000		
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	800000	0	No disability
12	Compensation for loss of earning power	100000	0	
13	Compensation for injury itself	150000	0	
	Compensation for disfiguration	150000	0	
	Total	2570000	45,331	
	Limited to	1,00,000		

Issues are answered accordingly.

14. Issue No.4 in OP(MV) Nos.750/2024 and 751/2024:-

The 3rd respondent has admitted the insurance coverage of the offending vehicle bearing registration No.KL-42/U-9386 in both claim petitions. This Tribunal found that the accident occurred due to the negligence on the side of the 2nd respondent. The 3rd respondent has filed IA 1/2025 to direct the 1st and 2nd respondents to produce the driving licence of the 2nd respondent during the time of accident. It was produced by the 1st and 2nd respondents. Therefore, the 3rd respondent is liable to indemnify the other respondents. Issue is answered accordingly.

In the result,

15. OP(MV)No.750/2024 is allowed in part and an award is passed for ₹93,409/- (Rupees ninety three thousand four hundred and nine only) with interest @ 8% per annum from the date of filing of the petition on 03.09.2024 till realisation with proportionate cost.

The 3rd respondent is directed to furnish cheques for ₹363/- being court fee and ₹1,000/- being Legal Benefit Fund payable by the petitioner in in the name of the Motor Accidents Claims Tribunal, Ottapalam.

2. The balance amount due to the petitioner 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
BABURAJAN T	Kerala State Co-op. Bank Ltd	Ayyanthole	146512301234822	KSBK0001465

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).

16. OP(MV)No.751/2024 is allowed in part and an award is passed for ₹45,331/- (Rupees forty five thousand three hundred and thirty one only) with interest @ 8% per annum from the date of filing of the petition on 03.09.2024 till realisation with proportionate cost.

The 3rd respondent is directed to furnish cheques for ₹363/- being court fee and ₹1,000/- being Legal Benefit Fund payable by the petitioner in in the name of the Motor Accidents Claims Tribunal, Ottapalam.

2. The balance amount due to the petitioner/s shall be remitted to her/their Savings Bank Account shown below, as direct payment, within one month from the

date on which the petitioner/s furnish the details of her/their bank account.

Name of petitioner/s	Name of Bank	Name of Branch	Account Number	IFSC Code
PRAMEELA	Kerala State Co-op. Bank Ltd	Ayyanthole	146512301234628	KSBK0001465

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 28th day of April 2026.

Motor Accidents Claims Tribunal

APPENDIX

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

A1	:	09-05-24	:	Copy of FIR & FIS
A2	:	29-04-24	:	Copy of Wound Certificate
A3	:	09-05-24	:	Copy of Scene Mahazar
A4	:	28-05-24	:	Copy of AMVI Report
A5	:	09-05-24	:	Copy of Charge Sheet
A6	:	----	:	Aadhar card copy of Petitioner in OP 750/24
A7	:	----	:	Pan Card copy of Petitioner in OP 750/24
A8	:	----	:	DL Copy of Petitioner in OP 750/24
A9	:	14-05-24	:	Treatment Certificate issued from Edappal Hospital
A10	:	----	:	Prescriptions (5Nos) from Edappal Hospital
A11	:	----	:	Injury photo of petitioner in OP 750/24
A12	:	28-08-24	:	Extract of DL of petitioner in OP 750/24
A13	:	25-09-25	:	Pass book Copy of petitioner in OP 750/24
A14	:	series	:	Medical Bills
A15	:	29-04-24	:	Copy of Wound Certificate of petitioner in OP 751/24
A16	:	----	:	Aadhar card copy of Petitioner in OP 751/24
A17	:	-----	:	Pan Card copy of Petitioner in OP 751/24

A18	:	29-04-24	Prescription
A19	:	19-09-25	Pass book Copy of petitioner in OP 751/24
A20	:	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

Sl No	Particular	Amount OP MV 750/2024	Amount OP MV 751/2024
1	Court fee	340.00	110.00
2	Stamp on vakkalath	5.00	5.00
3	Writing fee	200.00	200.00
4	Advocate Fee	7,070.00	4,500.00
5	Stamp on Petition	35.00	35.00
6	Stamp on document	44.00	34.00
7	Process fee	105.00	105.00
8	LBF	934.00	453.00
	Total	8,733.00	5,442.00

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. 750/2024
& 751/2024
Dated : 28.04.2026

(1+4)