

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

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

Tuesday 17<sup>th</sup> day of March 2026  
(26<sup>th</sup> day of Phalguna, 1947 S.E.)

**ORIGINAL PETITION (MV) No.774/2024**

**Petitioner**

Mohandas, aged 67 years, S/o (Late) V P Krishnan Vadakke Panchikkal House, Manissery (PO), Ottapalam Taluk, Palakkad (Dist), Pin: 679521, PAN: BAUTM1503K

By Advocates : Adv. Suja S Nair

V/s

**Respondents**

1. Sivasankaran, aged about 44 years S/o Velu Thekkekara House, Poothakkad, Veeramangalam (PO), Thrikkideeri Ottapalam taluk, Palakkad (Dist), Pin: 679502 (Driver cum owner of the Auto rickshaw KL-71-F-0235)
2. The National Insurance Co. Ltd, 2<sup>nd</sup> floor, Alex Arcade, Palakkad Road, Mele Pattambi, Palakkad (Dist), Pin: 679306 (Insurer of the Auto rickshaw KL-71 -F-0235)

R1 : Adv. K R Santhosh Kumar  
R2 : Adv. Sajitha Krishnadas

This petition having been finally heard on 12/03/2026 and the Tribunal on 17/03/2026 passed the following.

**AWARD**

This is an application for compensation filed by the legal heirs of deceased Nalini, w/o.Mohandas, who died in a motor vehicle accident under section 166(1) (c) of the Motor Vehicles Act, 1988.

2. The petitioner is the husband of the deceased. Case of the petitioner in brief is that on 02.03.2024 at about 10.30 a.m., the 1<sup>st</sup> respondent being the driver of the autorickshaw bearing registration No.KL-71/F-0235 drove the vehicle in a

rash and negligent manner through Ottapalam – Kulappully public road and when it reached at the place East Ottapalam, hit the deceased Nalini while she was crossing the road thereby she was sustained serious injuries and further succumbed to the injuries on 03.03.2024 at 9.57 p.m while undergoing treatment. Hence the petition for a total compensation of ₹15,00,000/- by the dependents/legal heirs of deceased.

3. The 1<sup>st</sup> respondent though filed vakalath, no written statement was filed by him.

4. The 2<sup>nd</sup> respondent filed written statement denying the petition averments. At the same time this respondent admits that at the material time of accident the autorickshaw bearing registration No.KL-71/F-0235 was insured with this respondent. According to this respondent there was no negligence on the part of the 1<sup>st</sup> respondent as alleged. The accident occurred due to the negligence of the deceased. The petitioner should prove that the deceased died due to the direct result of the injuries sustained in the accident. The petitioner should prove that he is the legal heir of the deceased. The age, occupation and income of the deceased have to be proved by the petitioner. 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 petitioners Exts.A1 to A12 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 this petition are:

1. Whether the 1<sup>st</sup> respondent was driving the vehicle bearing registration No. KL-71/F-0235 in a negligent manner thereby caused the accident?

2. Whether Nalini died due to the injuries sustained in the accident and if so, whether the petitioners are entitled to get compensation as claimed?
3. If so, what is the quantum to be awarded?
4. Reliefs and costs?

8. Issue No.1:- It is the case of petitioners that on 02.03.2024 at about 10.30 a.m., the 1<sup>st</sup> respondent being the driver of the autorickshaw bearing registration No.KL-71/F-0235 drove the vehicle in a rash and negligent manner through Ottapalam – Kulappully public road and when it reached at the place East Ottapalam, hit the deceased Nalini while she was crossing the road thereby she was sustained serious injuries and further succumbed to the injuries on 03.03.2024 at 9.57 p.m while undergoing treatment. To prove the negligence of the 1<sup>st</sup> respondent copy of FIR with FIS was marked as Ext.A1, copy of scene mahazar was marked as Ext.A2, copy of final report was marked as Ext.A3 and copy of AMVI report was marked as Ext.A4.

Ext.A5 is the copy of postmortem certificate, Ext.A6 is the copy of Aadhar card of deceased Nalini, Ext.A7 is the relationship certificate, Ext.A8 is the copy of Aadhar card of P1, Ext.A9 is the copy of bank passbook of P1, Ext.A10 is the copy of PAN card, Ext.A11 series are the medical bills, Ext.A12 is the ambulance bill.

9. A perusal of Ext.A3 shows that the then Sub Inspector of Police, Ottapalam police station, conducted investigation of the case, completed the investigation and submitted the final report with finding that on 02.03.2024 at about 10.30 a.m., the 1<sup>st</sup> respondent being the driver of the autorickshaw bearing registration No.KL-71/F-0235 drove the vehicle in a rash and negligent manner through Ottapalam – Kulappully public road and when it reached at the place East Ottapalam,

hit the deceased Nalini while she was crossing the road thereby she was sustained serious injuries and further succumbed to the injuries on 03.03.2024 at 9.57 p.m while undergoing treatment. Therefore, I find that the 1<sup>st</sup> respondent had committed the offences punishable under Sections 279 and 304(A) of IPC. It is well settled that final report is the sufficient prima facie evidence to prove negligence in a claim for compensation under Section 166 of the Motor Vehicles Act (**New India Assurance Company Limited v. Palani Ammal and others – I.L.R 2011 (3) Kerala 677**). So I find that the petitioners have successfully proved their case that the accident was occurred solely due to the negligent riding of the offending vehicle by the 1<sup>st</sup> respondent with the aid of Exts.A1 to A4. Issue No.1 is answered accordingly.

10. Issue Nos.2 & 3:- It is the case of the petitioner that as a result of the rash and negligent act of the 1<sup>st</sup> respondent, deceased was sustained grievous injuries, immediately taken to Valluvanad Hospital, Ottapalam and from there taken to Jubilee Mission Hospital, Thrissur, admitted and treated there as an inpatient and further succumbed to the injuries on 03.03.2024 while undergoing treatment. As per Ext.A5 copy of postmortem certificate, cause of death was ‘due to blunt injury sustained to head’ following road traffic accident. Therefore, I find that Nalini died due to the injuries sustained in the accident involved in this case.

Ext.A11 series are the medical bills produced and marked by the petitioner for ₹94,272/-. Out of which the 2<sup>nd</sup> respondent has admitted only the bills of ₹93,701/-. So this Tribunal is of the view that the petitioner is entitled to get only ₹93,701/- towards medical expenses. Ext.A12 series are the ambulance bills produced and marked by the petitioner for ₹8,500/-. Considering the distance between the place of accident, hospitals and home, this Tribunal is of the view that the petitioner is entitled to get ₹8,500/- towards ambulance charges.

11. Ext.A7 is the relationship certificate issued from Vaniyamkulam 2 village office on 14.04.2024 produced and marked by the petitioner. As per this, the petitioner is the husband of the deceased aged 67 years. Therefore, I find that the petitioner who is the dependent/legal heir of the deceased is entitled to get compensation.

12. According to the petitioner at the time of accident and death the deceased was aged 60 years, tailor and her monthly income was of ₹20,000/-. To prove the occupation and income of the deceased no evidence has been adduced. Even then considering the age of the deceased and other attending circumstances, I find that monthly notional income of the deceased can be calculated as of ₹14,500/- for the purpose of computing compensation. Ext.A6 is the copy of Adhar card the deceased. As per Ext.A6 her date of birth is 15.05.1964. Therefore, I find that at the time of accident and death the deceased was aged 60 years. The deceased being aged 60 years at the time of accident and death the proper multiplier is 9. In view of the dictum laid by the Hon'ble Apex Court in **National Insurance Company v. Pranay Sethi - 2017(4)KLT 662 (SC)**, the deceased being aged 60 years, no addition of income is to be added for future prospects. The deduction towards personal and living expenses should be 1/2 in the light of the decision reported in **Sarla Verma v. Delhi Transport Corporation - 2010(2) KLT 802** and **National Insurance Company v. Pranay Sethi**. So the annual loss to the dependent is assessed as  $14500 \times 12 \times 9 \times 1/2 = 7,83,000/-$ .

It has held by the Hon'ble Apex Court in **Rajwati @ Rajjo & Others v. United India Insurance Company Ltd. & Others 2023(1) KLJ 12** in paragraph 31 thus:-

*“The deceased left behind four dependants, i.e, the present appellants. In view of this, the grant of 40,000/- by the Tribunal towards loss of consortium is*

*insufficient in our view, and deserves interference.*

*Placing reliance on the Satinder Kaur @ Satwinder Kaur (Supra), the grant of ₹40,000/- towards loss of consortium is increased to ₹44,000/- to each appellant, amounting to a total of ₹1,76,000/-. Along with this, ₹15,000/- each for the heads of 'funeral expenses' and 'loss of estate' is also increased to ₹20,000/- each.”*

*As held by the Hon’ble Apex Court, in **Rojalini Nayak vs. Ajit Sahoo** there should be 10% enhancement in every three years. In view of the above dictum, I find that the petitioner is entitled to get ₹48,400/- towards loss of consortium. The petitioner is also entitled to get ₹20,000/- towards loss of estate and ₹20,000/- towards funeral expenses.*

13. It has come on record that the accident occurred on 02.03.2024 and the deceased died on 03.03.2024. The learned counsel for the petitioners relied upon a reported ruling of the Hon'ble High Court of Kerala in **2024 KHC OnLine 112 Mable v. Lenoy Sebastian**. It has held in the said judgment that “*by virtue of statutory stipulations contained in provisions of Kerala Torts (Miscellaneous Provisions) Act, 1976, right to sue for said compensation would survive upon legal heirs if injured died at a later point of time and, they can pursue the said claim.*” In view of the above decision, this Tribunal is of the opinion that the petitioners are entitled to get a sum of ₹15,000/- towards pain and suffering.

Considering the entire facts and circumstances of the case, I find that the following can be fixed as just and reasonable compensation in this case.

Sl. No.	Head of Claim	Amount claimed in	Amount awarded	Basis-vital details in a nut shell
1	Transport to hospital	5000	8500	Considering the distance between the place of

				accident, hospitals sand home
2	Damages to clothing and articles	1000	1000	Nominal amount
3	Compensation for loss of dependency	1320000	783000	14500x12x9x1/2
4	Funeral expenses	40000	20000	2023(1) KLJ 12
5	Loss of estate	0	20000	2023(1) KLJ 12
6	Compensation for loss of consortium	100000	48400	48400x1
7	Compensation for loss of love and affection	200000	0	
8	Pain and suffering	50000	15,000	2024 KHC OnLine 112
9	Compensation for amenities and enjoyment of life of petitioner	10000		
10	Compensation for loss of gratuitous service	50000	0	
11	Compensation for mental shock, agony and anguish to the petitioner	10000	0	
12	Expenses for transporting dead body to deceased's house	5000	0	
13	Extra nourishment	5000	0	
14	Medical expenses	75000	93,701	As per Ext.A11 medical bills
15	Bystander expenses	10000	1,000	500x2 days
16	Nursing attendance	5000	0	
	Total	19,16,000	9,90,601	
	Limited to	1500000		

15. Issue No.4.:- The 2<sup>nd</sup> respondent has admitted the insurance coverage of the vehicle bearing registration No. KL-71/F-0235. 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 in part and an award is passed for ₹9,90,601/- (Rupees nine lakh ninety thousand six hundred and sixty one only) with interest @ 8% per annum from the date of filing of the petition ie. from 06.09.2024 till

realisation with proportionate cost.

The entire award amount shall be paid to the petitioner.

The 2<sup>nd</sup> respondent is directed to furnish cheque ₹14,368/- being court fee and ₹15,000/- being Legal Benefit Fund payable by the petitioners in the name of Motor Accidents Claims Tribunal, Ottapalam.

2. The balance amount due to the petitioners/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/s	Name of Bank	Name of Branch	Account Number	IFSC Code
MOHANDAS VP	SBI	Ottapalam	10641314005	SBIN0000257

Upon such remittance/deposit, 2<sup>nd</sup> respondent 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/s 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. The 2<sup>nd</sup> respondent shall provide Form 16.A under the Income Tax Act, 1961 to the petitioners
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 17<sup>th</sup> day of March 2026.

## Motor Accidents Claims Tribunal

### APPENDIX

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

A1	:	03.03.2024	:	Copy of FIR&FIS
A2	:	04.03.2024	:	Copy of Scene mahazar
A3	:	20.03.2024	:	Copy of Final Report
A4	:	14.03.2024	:	Copy of AMVI Report
A5	:	04.03.2024	:	Copy of Postmortem Report
A6	:	30.08.2013	:	Copy of Aadharcard (Nalini)
A7	:	14.04.2024	:	Original Relationship Certificate
A8	:	Nil	:	Copy of Aadharcard (Mohandas)
A9	:	13.02.2004	:	Copy of Bank Account (Mohandas)
A10	:	Nil	:	Copy of Pan Card
A11	:	Series	:	Medical Bills
A12	:	02.03.2024	:	Ambulance Bill

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
1	Court fee	9,278.00
2	Stamp on vakkalath	5.00
3	Writing fee	200.00
4	Advocate Fee	51,930.00
5	Stamp on Petition	65.00
6	Stamp on document	40.00
7	Process fee	102.00
8	LBF	9,906.00
	<b>Total</b>	<b>71,526.00</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 Award  
in OP (MV) No.774/2024  
Dated : 17.03.2026

(1+3)