

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM

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

Wednesday 08th day of April, 2026

(18th day of Chaithra, 1948 S.E.)

ORIGINAL PETITION (MV) No.977/2024

Petitioner

Rosily @ Rosliy C.D, aged 81 years, DOB: 01.01.1943, Tailor, C/o Riju, Chalakkal House, Aloor Post, Mattom Road, Talappilly Taluk, Thrissur, Kerala- 680 102, PAN: HFSPR8543R

By Advocates : Adv. P D Jose, Adv. P S Shonith & Adv. Abdul Hakkim
V/s

Respondents

1. Ashokan, aged 44 years, S/o Kuttan, Thottupurath House, Mattam, Kandanassery, Guruvayur, Thrissur, Kerala- 680 602.
(RC Owner cum rider of KL-46-G-7283 numbered Motorcycle)
D/L No. 46/3869/2013, Valid from: 30.04.2013 to 22.03.2030
2. United India Insurance Co. Ltd, East Nada, Guruvayur, Thrissur, Kerala- 680 101. Notice Through :- Branch Office : 2nd floor, Parapurath Tower, Main Road, Ottapalam, Palakkad, Kerala- 679 101.
Policy No. 3010023123P110832471. Valid from: 30.11.2023 to 29.11.2024

R1 : Exparte
R2 : Adv. A P Sudheer

This petition having been finally heard on 26/03/2026 and the Tribunal on 08/04/2026 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 164 of the Motor Vehicles Act, 1988.

2. Case of the petitioner is that on 06.06.2024 at 7.15 p.m., while the petitioner was walking along the side of Mattom – Kechery road near St.Joseph's school, Aloor, a motor cycle bearing registration No.KL-46/G-7283 ridden by the 1st respondent in a rash and negligent manner hit the petitioner 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 filed written statement denying the petition averments. At the same time this respondent admits that at the time of accident, the motor cycle bearing registration No.KL-46/G-7283 was validly insured with this respondent. According to this respondent, the petition is not maintainable under section 164 of Motor Vehicles Act. There was no negligence on the part of the 1st respondent as alleged in the petition. 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 A10 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 and permanent disability due to the injuries sustained in the accident arising out of the use of motor vehicle?
2. Whether the petitioner is entitled to get compensation in both claim petitions 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 a motor vehicle. 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 taken to St.Joseph's Hospital, Choondal, admitted and treated there as an inpatient from 06.06.2024 to 18.06.2024. To prove the injuries sustained, hospitalisation 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 the above documents the petitioner was sustained the following injuries: -

1. hematoma @ hand dorsum (3x2) cm
2. abrasion @ elbow
3. pain @ hip
4. fracture inferior pubic ramus

As per Ext.A8 the diagnosis and procedure done are as follows: -

diagnosis:-

inferior pubic rami fracture right pelvis

procedure done:-

conservative management with skin traction, analgesics

Apart from the above evidence, to prove the case of the petitioner the petitioner produced Ext.A1 copy of FIR with FIS, Ext.A3 copy of scene mahazar, Ext.A4 copy of AMVI report, Ext.A5 charge sheet, Ext.A6 copy of Aadhar card, Ext.A7 copy of PAN card, Ext.A8 discharge summary, Ext.A9 prescription and Ext.A10 is copy of bank passbook.

10. 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. While the petitioner was crossing the road the accident happened due to the negligence of the 1st respondent. The petitioner was sustained serious injuries due to the accident. Therefore, he claimed compensation from the respondents.

11. The Sub Inspector of Police, Guruvayur police station conducted investigation and filed final report with finding that on 06.06.2024 at 19.15 hours, the 1st respondent being the rider of the motor cycle bearing registration No.KL-46/G-7283 rode the vehicle in a rash and negligent manner through Mattom - Kechery public road and when it reached in front of Alur St. Joseph School hit the petitioner while she was walking along the road side thereby the petitioner was sustained injuries.

12. Considering the medical documents, I am of the view that the nature of the injuries are grievous in nature and hence she is entitled to get claim under section 164 of the Motor Vehicles Act. In this case the petitioner specifically stated that she claimed compensation from the respondents.

13. It is not in dispute that the petitioner was sustained grievous injuries in

the accident arose out of the use of motor cycle bearing registration No.KL-46/G-7283. 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 vehicle.

14. Ext.A6 is the copy of Aadhar card of the petitioner. As per Ext.A6 her date of birth is 01.01.1943. Therefore, I find that at the time of accident, the petitioner was aged 81 years.

15. The next question is whether the petitioner is entitled to get compensation under section 164 of the Motor Vehicles Act. 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.

16. Issue No. 4:- This Tribunal already found that the accident occurred due to the negligence of the 1st respondent. It is stated in the written statement of the 2nd respondent that the offending vehicle bearing registration No.KL-46/G-7283 was validly insured with this respondent at the material time of accident. 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 25.10.2024 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.

Name of petitioner/s	Name of Bank	Name of Branch	Account Number	IFSC Code
ROSILY YACOB	Kerala State Co-operative Bank Ltd	Ayyanthole	146512301233832	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 08th day of April 2026.

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APPENDIX

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

A1	:	09.06.2024	:	FIR & FIS in Cr.NO- 562/24 Attested copy
A2	:	06.06.2024	:	Wound Certificate Issued from St. Josephs Hospital Choondal
A3	:	10.06.2024	:	Copy of Scene mahazar
A4	:	21.06.2024	:	Copy of AMVI Report

A5	:	23.07.2024	:	Copy of Charge Sheet in Cr.NO- 562/24
A6	:	17.12.2012	:	Aadharcard copy of Petitioner
A7	:	Nil	:	Pan Card copy of Petitioner
A8	:	18.06.2024	:	Discharge Summary issued from St. Josephs Hospital Choondal
A9	:	04.07.2024	:	Prescription
A10	:	28.08.2025	:	Passbook copy of Petitioner

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	70.00
8	LBF	2,500.00
	Total	19,592.00

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.977/2024
Dated : 08.04.2026

(1+3)