IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM
Present :- Smt. Gosha C.G., M.A.C. Tribunal

Wednesday 06th day of May, 2026
(16th day of Vaisakha, 1948 S.E.)

ORIGINAL PETITION (MV) No. 338/2025

Petitioner

V.M Sainudheen, aged 56 years, D.O.B: 30/05/1968, S/o Muhammed, Valiyakath House, P.O. Thalakkottukara, Thrissur. 680501
PAN No: TVVPS6443E

By Advocates: Sri. P.K.John and Sri. Lloyd John

V/s

Respondents

R1. Sreenath, aged 25 years, S/o Radhakrishnan, Kolady House, Pookode Village, Koladiparambu Desom, Guruvayur, Thrissur- 680505
(Driver of KL-46-C-7925 Bus)

R2. Divya.D, aged 45 years, W/o Sethumadhavan, Kannankeran House, Beach Road, Chavakkad- 680506
(R.C.Owner of KL-46-C-7925 Bus)

R3. National Insurance Company Ltd., Branch Office, Second Floor, Alex Arcade, Palakkad Road, Mele Pattambi, Pattambi-679306
(Insurer of KL-46-C-7925 Bus)
(Policy No. 5760253124100000613
Valid from 29/05/2024 to 28/05/2025)

R1 & R2 : Exparte
R3 : Adv. Manoj.S

This petition having been finally heard on 31/03/2026 and the Tribunal on 06/05/2026 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 03.10.2024 at about 8.30 a.m., the 1st respondent being the driver of the bus bearing registration No.KL-46/C-7925 drove the vehicle in a rash and negligent manner through Thrissur - Kunnamkulam public road and when it reached in front of Kaiparambu White House hotel, it hit on the motor cycle bearing registration No.KL-48/S-4098 ridden by the petitioner thereby he was sustained serious injuries. Hence, the petition for a total compensation of ₹6,00,000/-.

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

4. The 3rd respondent insurance company filed written statement denying the petition averments. At the same time, this respondent admits that the bus bearing registration No.KL-46/C-7925 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 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 A15 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 1st respondent who was the driver of the offending vehicle bearing registration No.KL-46/C-7925 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. <u>Issue No.1</u>:- It is the case of the petitioner that on 03.10.2024 at about 8.30 a.m., the 1st respondent being the driver of the bus bearing registration No.KL-46/C-7925 drove the vehicle in a rash and negligent manner through Thrissur - Kunnamkulam public road and when it reached in front of Kaiparambu White House hotel, it hit on the motor cycle bearing registration No.KL-48/S-4098 ridden by the petitioner thereby he was sustained serious injuries. To prove the negligence of the 1st respondent, copy of FIR with FIS was marked as Ext.A1, copy of final report was marked as Ext.A3, copy of scene mahazar was marked as Ext.A4 and copy of AMVI report was marked as Ext.A5.

Ext.A2 is the copy of wound certificate, Ext.A6 is the copy of insurance policy, Ext.A7 is the copy of driving licence of R1, Ext.A8 is the copy of RC of accused vehicle, Ext.A9 is the disability certificate, Ext.A10 is the outpatient record, Ext.A11 series and A14 are the medical bills, Ext.A12 is the copy of Aadhar card of petitioner, Ext.A13 is the copy of passbook of petitioner, Ext.A15 is the copy of PAN card of petitioner.

A perusal of Ext.A3 shows that the then Sub Inspector of Police, Peramangalam Police Station, conducted investigation of the case, completed the investigation and submitted the final report with finding that on 03.10.2024 at about 8.30 a.m., the 1st respondent being the driver of the bus bearing registration No.KL-46/C-7925 drove the vehicle in a rash and negligent manner through Thrissur - Kunnamkulam public road and when it reached in front of Kaiparambu White House hotel, it hit on the motor cycle bearing registration No.KL-48/S-4098 ridden by the petitioner thereby he was sustained serious injuries. Hence the 1st respondent had committed the offences punishable u/ss. 125(a),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 1st respondent with the aid of Exts. A1 and A3 to 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 Amala Hospital, Thrissur, 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 outpatient card was marked as Ext.A10. As per the above documents, the petitioner was treated as stated above. As per Ext.A2 the petitioner was sustained abrasion left side face – laceration left eye brow 3x1 cm, tenderness left clavicular area, abrasion left foot, abrasion back of elbow left, fracture left clavicle.

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 1st 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 56 years, mason by profession and his monthly income was of ₹30,000/-. Ext.A15 is the copy of PAN card of the petitioner. As per the above document his date of birth is 30.05.1968. 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 notional income of the petitioner can be calculated as of ₹14,500/- for the purpose of computing compensation.

11. Ext.A11 series are the medical bills produced and marked by the

petitioner for ₹14,465/- and Ext.A14 is the bills for ₹579/- totaling to ₹15,044/- which are not in dispute.

12. Ext.A9 is the disability certificate issued by Dr.T.G.Gopinathan. As per Ext.A9, the petitioner is having permanent whole body disability of 10%. The learned counsel for the 3rd respondent contended that the disability is high. No steps were taken by the petitioner to prove it by examining the doctor who issued Ext.A9. The 3rd respondent is amenable for taking 5% disability. The evaluation of disability is as follows: -

loss of ROM left shoulder 40% PD 12%

loss of muscle power left shoulder gr IV 20% PD 06%

loss of grip power left hand 20% PD 06%

Considering the nature of injuries, this Tribunal is of the view that the petitioner is having permanent whole body disability of 6%. The petitioner being aged 56 years at the time of accident the proper multiplier is 9. Therefore, the compensation for loss of functional disability can be assessed at ₹14500x12x9x6/100 = 93,960/-. 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/- (14500x4) 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	50000	58000	14500x4 months
2	Partial loss of earning	50000	0	
3	Transportation expenses	50000	7000	Considering the distance between the place of accident, hospital and home. The petitioner went for review seven times
4	Extra nourishment	40000	3000	
5	Damage to clothing and articles	10000	1000	Nominal amount
6	Bystander expenses	50000	0	Treated as outpatient
7	Medical expenses	50000	15044	Ext.A11 series and A14 medical bills produced
8	Future treatment expenses	100000	0	
9	Compensation for pain and suffering	200000	45000	Considering the nature of injuries
10	Compensation for loss of enjoyment and amenities of life	50000	40000	Considering the disability
11	Compensation for permanent disability	600000	93960	14500x12x9x6/100
12	Compensation for for loss of earning power	50000	0	
13	Compensation for injury itself	50000	0	
	Total	13,50,000	2,63,004	
	Limited to	6,00,000		

Issues are answered accordingly.

13. <u>Issue No.4</u>:- It is stated in the written statement of the 3rd respondent that the bus bearing registration No.KL-46/C-7925 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 1st respondent. Therefore, the 3rd

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 ₹2,63,004/- (Rupees two lakh sixty three thousand and four only) with interest @ 8% per annum from the date of filing of the petition ie. from 02.04.2025 till realisation with proportionate cost. The issue is answered accordingly.

1. The 3rd respondent is directed to furnish cheques for ₹5,368/- being court fee and ₹6,000/- 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
VM SAINUDHEEN	ICICI Bank Ltd	RPC, Mumbai	TDC101100010009305	ICIC0000103

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 6th day of May 2026.

Motor Accidents Claims Tribunal

APPENDIX

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

A1	:	05-10-24	:	Copy of FIR & FIS
A2	:	----	:	Copy of Wound Certificate

A3	:	23-1224	:	Copy of Charge Sheet
A4	:	06-10-24	:	Copy of Scene Mahazar
A5	:	03-11-24	:	Copy of AMVI Report
A6	:	----	:	Copy of Insurance Policy
A7	:	18-01-17	:	Copy of Driving licence of R1
A8	:	----	:	Copy of Registration certificate of accused Vehicle
A9	:	04-10-25	:	Disability certificate
A10	:	----	:	Out patient record
A11	:	Series	:	Medical bills
A12	:	----	:	Copy of Aadhar card of petitioner
A13	:	----	:	Copy of Bank pass book of petitioner
A14	:	Series	:	Medical bills
A15	:	----	:	Copy of Pan Card of petitioner

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	Stamp on Vakkalath	5.00
2	Advocate Fee	15550.00
3	Writing Fee	200.00
4	Stamp on petition	30.00
5	Stamp on document	30.00

6	Process Fee	105.00
7	Court Fee	2001.00
8	LBF	2630.00
	Total	**20,551.00**

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 : Manjula.M.R
Compared by : Umaibhan.K.A

Fair/Copy of Order
in OP (MV) No.338/2025
Dated : 06/05/2026
(1+3)