

**IN THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,  
IRINJALAKUDA**

Present:- Sri.Vinod Kumar N., Motor Accidents Claims Tribunal  
Tuesday, 24<sup>th</sup> March 2026 / 03<sup>rd</sup> Chaithra, 1948

**OP(MV) 1201/2020 and OP(MV) 1210/2020**

**OP(MV) 1201/2020**

**PETITIONER:**

Milanth, aged 18 years, S/o. Jayan, Edathadan House,  
Ambalam Road, Aloor, Aloor P.O., Thrissur District,  
Pin – 680 683, Chalakudy Taluk.

By Advs. E.J.Baburaj & Jo John

**RESPONDENTS:**

1. Baiju, S/o. Rajan, Pazhampilly House, Mannampetta P.O.,  
Varakkara, Thrissur District, Pin – 680 302.  
(Rider of KL-45-J-9852 Motor Cycle)
2. Sigi Xavi, Managing Director, Al-Noor Dental Designing,  
Cathedral Building, Tana Irinjalakuda, Thrissur District,  
Pin – 680 121, Residential Address, 2/445, Ooken House,  
Narakkal, Ernakulam, Pin 682505  
(Owner of KL-45-J-9852 Motor Cycle)
3. The Manager, United India Insurance Co.Ltd., IInd Floor,  
Alengadan Building, Tana – Irinjalakuda, Pin 680121

R1: By Adv. Clemance Thottappilly, R2: Exparte  
R3: Adv.Usha Mohan.

**OP(MV) 1210/2020**

**PETITIONER:**

Adarsh, aged 18 years, S/o. Minnan, Eledath House,  
Thanipara Desom, Aloor Village, Chalakudy Taluk.  
Thrissur District, Aloor P.O., Pin – 680 683,

By Advs. E.J.Baburaj & Jo John.

**RESPONDENTS:**

1. Baiju, S/o. Rajan, Pazhampally House, Mannampetta P.O.,  
Varakkara, Thrissur District, Pin – 680 302.  
(Rider of KL-45-J-9852 Motor Cycle)
2. Sigi Xavi, Managing Director, Al-Noor Dental Designing,

Cathedral Building, Tana Irinjalakuda, Thrissur District,  
Pin – 680 121, Residential Address, 2/445, Ooken House,  
Narakkal, Ernakulam, Pin 682505  
(Owner of KL-45-J-9852 Motor Cycle)

3. The Manager, United India Insurance Co.Ltd., IInd Floor,  
Alengadan Building, Tana – Irinjalakuda, Pin 680121.

R1: By Adv. Clemance Thottappilly, R2: Exparte  
R3: Adv.Usha Mohan.

These petitions having come up before me for final hearing on 16/03/2026 and having stood over to this day for consideration this Tribunal passed the following:

### **COMMON AWARD**

The above applications are filed u/s 166(1)(a) of the Motor Vehicles Act, 1988 claiming compensation by the petitioners for the injuries sustained by them in a motor vehicle accident.

2. As the petitions arose out of the same accident, they are jointly tried by taking OP(MV) 1201/2020 as the leading case.

3. According to the petitioners, on 02/03/2019 at about 12.15 pm, when the petitioner in OP(MV)1201/2020 was riding a motorcycle No.KL-45-H-942 with the petitioner in OP(MV)1210/2020 as pillion rider, another motorcycle No. KL-45-J-9852 ridden by the respondent No.1, came in a rash and negligent manner and hit the motorcycle No. KL-45-H-942 and due to which both the petitioners sustained injuries. The respondent Nos.1 to 3 being the rider, owner and the insurer respectively of motorcycle No. KL-45-J-9852 are jointly and severally liable to pay the compensation to the petitioners.

4. Notice was issued to the respondents in both cases. The respondent Nos.1 and 3 entered appearance and filed written statement in both cases. Respondent No.2 remained absent and he was set exparte.

5. According to respondent No.1, he was having a valid driving licence and the vehicle had a valid insurance policy at the time of accident. It is further contended that the petitioner in OP(MV) 1201/20 was a minor at the time of accident and he was not having valid driving licence to ride the motorcycle No.KL-45-H-942. It is contended that the accident took place due to the rash and negligent riding of the petitioner in OP(MV) 1201/20. The respondent No.3 filed written statement admitting that the motorcycle No. KL-45-J-9852 was insured at the time of accident, but denied the allegation of negligence on the part of the respondent No.1. It is contended that the compensation claimed is highly excessive. The respondent No.3 disputed the age, occupation, income etc of the petitioners as stated in the petitions. It is further contended that the petitioner in OPMV1201/2020 had no valid driving licence at the time of accident.

6. On the basis of the above pleadings, the following issues were framed for consideration:

- (1) Whether the accident was caused due to the rash and negligent riding of respondent No.1 ?
- (2) Whether the petitioner in OP(MV)1201/2020 sustained injuries and is entitled to get the compensation as claimed and if so, what is the quantum?
- (3) Whether the petitioner in OP(MV)1210/2020 sustained injuries and is entitled to get the compensation as claimed and if so, what is the quantum?
- (4) Who is liable to pay compensation to the petitioners?
- (5) Relief and cost ?

7. In order to prove the case of the petitioners, Exts.A1 to A13 documents were marked. No oral evidence was adduced by the petitioners. On the side of respondent No.1 Exts.B1 to B4 documents were marked.

8. Heard both sides.

9. **Issue No.1:-** To prove the rashness and negligence of the respondent No.1, the petitioners relied on Ext.A3 final report which would show that the accident took place due to the rash and negligent riding of the respondent No.1 and he committed the offences punishable u/s 279 and 337 of IPC. But according to respondent No.1, the accident took place due to the negligence of the petitioner in OP(MV) 1201/2020 who is a minor at the time of accident and the respondent No.1 produced Ext.B1 copy of the complaint filed against the petitioner in OP(MV) 1201/2020 and against the RC owner of the motorcycle No.KL-45H-942 before the Judicial First Class Magistrate, Chalakudy. But, the respondent No.1 has not produced any other document to show that cognizance was taken against the minor petitioner by any appropriate authority. Respondent No.3 also contended that the petitioner in OP(MV)1201/2020 had no valid driving licence at the time of accident. Respondent No.3 filed I.A.3/2022 to direct the petitioner OP(MV)1201/2020 to produce his driving licence, but no driving licence was produced by the petitioner. *In **Sudhir Kumar Rana v. Surinder Singh [AIR 2008 SC 2405]** the Apex Court held that 'contributory negligence' may be defined as negligence in not avoiding the consequences arising from the negligence of some other person, when means and opportunity are afforded to do so. The question of contributory negligence would arise only when both parties are found to be negligent. If a person drives a vehicle without a licence, he commits an offence. The same, by itself, may not lead to a finding of negligence as regards the accident. It has been held by the courts below that it was the driver of the mini truck which was being driven rashly and negligently. It is one thing to say that the appellant [rider of the two wheeler] was not possessing any licence but no finding of fact has been arrived at that, he was riding the two - wheeler rashly and negligently. If he was not driving rashly and negligently which contributed to the accident, only because he was not having a licence, he would not be held to be guilty of contributory negligence. The matter might have been different if, by reason of his rash*

*and negligent driving, the accident had taken place.* Therefore, if any party disputes the final report, the burden is on such party to adduce evidence and discredit the final report. In *New India Assurance Company Limited Vs Pazhaniammal and Other (2011(3) KHC 595)*, the Hon'ble High Court of Kerala held that, *the final report submitted by the police can be considered as a prima facie case of negligence in a claim for compensation under the Motor Vehicles Act.* No contrary evidence to disprove the negligence on the part of the respondent No.1 was adduced. Considering the evidence available before the Tribunal, I find that the accident took place due to the rash and negligent riding of the respondent No.1. Issue No.1 is found in favour of petitioners.

10. **Issue No.2** :-Ext.A2 wound certificate and Ext.A7 discharge summary would show that the petitioner in OP(MV) 1201/2020 sustained minor head injury, nasal bleed and abrasions over forehead. In the above circumstances, I hold that the petitioner in OP(MV) 1201/2020 is entitled to get a just and reasonable compensation. Now the question to be decided is the quantum of compensation to be awarded to the petitioner.

**The quantum of compensation to be awarded in OP(MV) 1201/2020**

11. Ext.A7 discharge summary would show that the petitioner was treated as an inpatient from 02/03/2019 to 03/03/2019 in St. James' Hospital, Chalakudy. Ext.A8 series medical bills would show that he had incurred ₹6,238/- towards medical expense. The nature of injuries and the period of treatment undergone by the petitioner would indicate that the petitioner would have been prevented from doing any sort of work for 15 days. According to the petitioner, he is a student (catering worker) and was earning ₹20,000/- per month. Though no evidence is adduced, going by the law laid down in *Ramachandrappa vs. Manager, Royal Sundaram Alliance Insurance Company Ltd. (2011) 13 SCC 236*], and in *Soman v. Jinesh James and Others 2020 (4) KHC 623*, the notional monthly income of the petitioner is fixed at ₹12,000/-, considering the fact that the

accident took place in the year 2019 and an amount of ₹6,000/- can be granted to the petitioner under the head loss of earning. Considering the injuries and hospitalization, I am inclined to allow ₹1,000/- towards travelling expense, ₹1,000/- towards damage to clothing and articles, ₹1,400/- towards extra nourishment, ₹6,238/- towards medical expenses and ₹1,200/- towards by-stander's expenses.

12. Now the claims under general compensation have to be considered. The petitioner has not produced any document to show that he sustained any permanent disability. But due to the injuries, the petitioner would find it difficult to carry on his day to day work as he was doing before the accident. Considering these aspects, I am inclined to allow ₹5,000/- under the head pain and suffering and ₹3,000/- under the head loss of enjoyment and amenities in life.

13. The compensation claimed by the petitioner and the compensation payable to the petitioner under different heads are summarized in the table below:

Sl. No.	Head of claim	Amount claimed	Amount awarded	Basis
<b>Part. I</b>				
a	Loss of earning	50,000	6,000	
b	Transport to hospital	10,000	1,000	Reasonable amount
c	Damage to clothing and articles	10,000	1,000	
d	Extra nourishment	10,000	1,400	Reasonable amount
e	Others:			Ext.A8 series
	(i) Compensation for the medical expense	50,000	6,238	
	(ii)Future medical expenses	20,000	Nil	
	(iii)By-stander's expenses	10,000	1,200	

Part II				
f	Compensation for pain and suffering	50,000	5,000	Nature of injuries
g	Compensation for continuing or permanent disability	50,000	Nil	
h	Compensation for loss of amenities	20,000	3,000	Considering injuries
i	Compensation for loss of disfiguration	20,000	Nil	
	Total	₹3,00,000/- the claim is limited to ₹2,00,000/-	₹24,838/- is rounded of to ₹24,900/-	

14. Therefore, I find it just and reasonable to award ₹24,900/- as compensation. Issue No.2 is answered in favour of the petitioner in respect of the compensation awarded as referred to above.

15. **Issue No.3:-** Ext.A11 wound certificate would show that the petitioner in OP(MV)1210/2020 sustained lacerated wound over the right knee. In the above circumstances, I hold that the petitioner in OP(MV) 1210/2020 is entitled to get a just and reasonable compensation. Now the question to be decided is the quantum of compensation to be awarded to the petitioner.

**The quantum of compensation to be awarded in OP(MV) 1210/2020**

16. Ext.A11 wound certificate would show that the petitioner was treated as an outpatient on 02/03/2019 in St. James' Hospital, Chalakudy. Ext.A8(a) series medical bills would show that he had incurred ₹1,990/- towards medical expense. The nature of injuries and the period of treatment undergone by the petitioner would indicate that the petitioner would have been prevented from doing any sort of work for 15 days. According to the petitioner, he is a student and a catering worker and was earning ₹20,000/- per month. Though no evidence is adduced, going by

the law laid down in *Ramachandrappa vs. Manager, Royal Sundaram Alliance Insurance Company Ltd. (2011) 13 SCC 236*], and in *Soman v. Jinesh James and Others 2020 (4) KHC 623*, the notional monthly income of the petitioner is fixed at ₹12,000/-, considering the fact that the accident took place in the year 2019 and an amount of ₹6,000/- can be granted to the petitioner under the head loss of earning. Considering the injuries and hospitalization, I am inclined to allow ₹1,000/- towards travelling expense, ₹1,000/- towards damage to clothing and articles, ₹700/- towards extra nourishment, ₹600/- towards by-stander's expenses and ₹1990/- towards medical expenses.

17. Now the claims under general compensation have to be considered. The petitioner has not produced any document to show that he sustained any permanent disability. But due to the injuries, the petitioner would find it difficult to carry on his day-to-day work as he was doing before the accident. Considering these aspects, I am inclined to allow ₹4,000/- under the head pain and suffering and ₹2,000/- under the head loss of enjoyment and amenities in life.

18. The compensation claimed by the petitioner and the compensation payable to the petitioner under different heads are summarized in the table below:

Sl. No.	Head of claim	Amount claimed	Amount awarded	Basis
<b>Part. I</b>				
a	Loss of earnings	50,000	6,000	
b	Transport to hospital	10,000	1,000	Reasonable amount
c	Damage to clothing & articles	10,000	1,000	
d	Extra nourishment	10,000	700	Reasonable amount
e	Others: (i) Compensation for the medical expenses	50,000	1,990	Ext.A8(a) series

	(ii)Future expenses	20,000	Nil	
	(iii)By stander's expenses	10,000	600	
<b>Part II</b>				
f	Compensation for pain and suffering	50,000	4,000	Nature of injuries
g	Compensation for continuing or permanent disability	50,000	Nil	
h	Compensation for loss of amenities	20,000	2,000	Considering injuries
i	Compensation for disfiguration	20,000	Nil	
	<b>Total</b>	₹3,00,000/- claim is limited to ₹2,00,000/-	₹17,290/-is rounded of to ₹17,300/-	

19. Therefore, I find it just and reasonable to award ₹17,300/- as compensation. Issue No.3 is answered in favour of the petitioners in respect of the compensation awarded as referred to above.

20. **Issue No.4:-** According to the petitioners, all the respondents are jointly and severally liable to pay the compensation. Ext.A4 copy of AMVI report would show that the respondent No.1 is the owner of the motor cycle No. KL-45-J-9852. Respondent No.3 entered appearance and filed written statement admitting that the motorcycle No. KL-45-J-9852 was insured during the period of accident. The respondent No.3 has not pointed out any violation of policy conditions. It is already found that the accident took place due to the rash and negligent riding of respondent No.1. Hence the respondent Nos.1 and 2 are jointly and severally liable to pay compensation to the petitioners. The respondent No.3 being the insurer is liable to indemnify the owner/respondent No.2, and pay compensation to the petitioners. The issue No.4 is answered accordingly.

21. **Issue No.5 :-**

**A) Relief and cost in OP(MV) 1201/2020 :-** In view of the findings

on issue Nos.1, 2 and 4, I hold that the petitioner is entitled to get the compensation of ₹24,900/- with interest @ 7.5% per annum from the date of filing of the petition i.e. 15/10/2020 till the realization with proportionate cost and that the respondent No.3 shall pay the amount within thirty days from the date of this award.

In the result the petition is allowed in part as follows: -

1. Respondent No.3 shall pay an amount of ₹24,900/- (Rupees twenty-four thousand and nine hundred only) with interest @ 7.5% per annum from the date of filing of petition i.e. 15/10/2020 till realization with proportionate cost to the petitioner.
2. Respondent No.3 shall produce a cheque for ₹1,368/- (Rupees one thousand three hundred and sixty-eight only) being the court fee payable by the petitioner in favour of Motor Accidents Claims Tribunal, Irinjalakuda.
3. Respondent No.3 is directed to deposit the balance amount with interest and proportionate cost in the bank account of the petitioner, the details of which is specifically mentioned below through NEFT or RTGS or any other electronic mode.

Sl. No	Name	Bank Account Number	Name of Bank and Branch	IFS Code
1	Milanth	00340360000 0742	Dhanlaxmi Bank, Aloor	DLXB0000034

4. Upon deposit being made, the respondent No.3 shall submit to this Motor Accidents Claims Tribunal, a copy of the bank payment advice and a memo in the prescribed format and a copy of the payment advice along with the memo shall be served on the contesting parties and their respective counsels in compliance with the Circular No.1/2025 dated 19/09/2025 of the Hon'ble High Court of Kerala.
5. The respondent No.3 shall provide Form -16 A under the Income Tax Act 1961 to the petitioner.
6. The office shall make necessary entries in the registers of the Tribunal evidencing the payment of the amount to the petitioner.

**(B) Relief and cost in OP(MV)1210/2020:-** In view of the findings on issue Nos.1, 3 and 4 I hold that the petitioner is entitled to get the compensation of ₹17,300/- with interest @ 7.5% per annum from the date

of filing of the petition i.e. 16/10/2020 till the realization with proportionate cost and that the respondent No.3 shall pay the amount within thirty days from the date of this award. Issue No.5 is answered accordingly.

In the result, the petition is allowed in part as follows:-

1. Respondent No.3 shall pay an amount of ₹17,300/- (Rupees seventeen thousand and three hundred only) with interest @ 7.5% per annum from the date of filing of petition i.e. 16/10/2020 till realization with proportionate cost to the petitioner.
2. Respondent No.3 shall produce a cheque for ₹1,368/- (Rupees one thousand three hundred and sixty eight only) being the court fee payable by the petitioner in favour of Motor Accidents Claims Tribunal, Irinjalakuda.
3. Respondent No.3 is directed to deposit the balance amount with interest and proportionate cost in the bank account of the petitioner, the details of which is specifically mentioned below through NEFT or RTGS or any other electronic mode.

Sl. No	Name	Bank Account Number	Name of Bank and Branch	IFS Code
1	Adarsh	50100562939 479	HDFC Bank Ltd., Mogappair East	HDFC0000493

4. Upon deposit being made, the respondent No.3 shall submit to this Motor Accidents Claims Tribunal, a copy of the bank payment advice and a memo in the prescribed format and a copy of the payment advice along with the memo shall be served on the contesting parties and their respective counsels in compliance with the Circular No.1/2025 dated 19/09/2025 of the Hon'ble High Court of Kerala.
5. The respondent No.3 shall provide Form -16 A under the Income Tax Act 1961 to the petitioner.
6. The office shall make necessary entries in the registers of the Tribunal evidencing the payment of the amount to the petitioner.

*(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this 24<sup>th</sup> day of March, 2026.)*

Sd/-

**Vinod Kumar N.**  
**Motor Accidents Claims Tribunal,**  
**Irinjalakuda.**

<u>APPENDIX</u>		
<u>PETITIONER'S EXHIBITS:-</u>		
A1	: 03/03/2019	Copy of FIR No. 0129/2019 P S : Aloor
A2	: 02/03/2019	Copy of Wound Certificate
A3	: 29/03/2019	Copy of Final report
A4	: 19/03/2019	Copy of AMVI report
A5	: 19/03/2019	Copy of AMVI report
A6	: 11/03/2019	Copy of Scene Mahazar
A7	: 02/03/2019	Discharge Summary
A8	: --	Medical Bills
A8(a)	: --	Medical Bills
A9	: --	Copy of Aadhaar
A10	: --	Copy of Bank Passbook
A11	: 02/03/2019	Copy of Wound Certificate
A12	: --	Copy of Aadhaar
A13	: --	Copy of Bank Passbook
<u>RESPONDENTS EXHIBITS:</u>	:	
B1	: 06/09/2019	Certified copy of CrI.MP filed in JFCM Court, Chalakudy.
B2	: 03/03/2019	Certified copy of FIR No.0129/2019
B3	: 29/03/2019	Certified copy of Final report
B4	: 19/03/2019	Certified copy of AMVI report
B4(a)	: 19/03/2019	Certified copy of AMVI report
<u>COURT'S EXHIBITS :</u>	: Nil	
<u>PETITIONER'S WITNESS:</u>	: Nil	
<u>RESPONDENTS WITNESS:</u>	: Nil	

<b><u>COSTS:</u></b>	<b><u>OP(MV) 1201/2020</u></b>	<b><u>OP(MV) 1210/2020</u></b>
Court Fee	: 60.00	41.00
Vakalath	: 25.00	25.00
Process Batta	: 50.00	50.00
Writing fee for petition copies	: 50.00	50.00
Writing fee for process	: 50.00	50.00
Fee for certified copies	: 50.00	50.00
Senior Adv.Fee	: 2,990.00	2,230.00
Junior Adv.Fee.	: 1,495.00	1,115.00
Stamp for petitions	: 50.00	50.00
Writing fee for petitions	: 50.00	50.00
Paper Publication	: ----	1,418.00
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Total	4,870.00	5,129.00
	(Allowed)	(Allowed)
	=====	=====

Id/-  
**Vinod Kumar N.**  
**Motor Accidents Claims Tribunal,**  
**Irinjalakuda.**

**/True copy /**

**By order**

**Sheristadar**