

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, NEYYATTINKARA

Present:- Smt. Kavitha Gangadharan, Motor Accidents Claims Tribunal

Thursday, the 30th day of April, 2026

10th day of Vaisakha, 1948

O.P. (M.V.) Nos. 1305 / 2018 and 1304 / 2018

O.P. (M.V.) No. 1305 / 2018

Applicant:-

Suseela, Aged 51 years, W/o. Shobhanaraj,
2/227, Kuzhivila, Chenkal Village,
Keezhkolla Desom, Amaravila,
Thiruvananthapuram, Kerala, Pin- 695 122.

By Advs: Sri. C. Sebastian and Sri. K.V. Abilash

Respondents:-

1. The Managing Director,
Tamilnadu State Transport Corporation,
Madurai Division 3rd, Ranithottam, Nagercoil. (Deleted)
(R1 deleted from the party array on 12.11.2025)

Addl.2. The Managing Director,
State Express Transport Corporation,
Thiruvalluvar House, Pallavan Salai, Chennai- 600 002.
(Additional 2nd Respondent is impleaded as per order
in IA.06/2024, dated 12.12.2024)

By Advs: R1 - Sri. P.S. Mohanan
Addl.R2 - Sri. S. Manoharan

O.P. (M.V.) No. 1304 / 2018**Applicant:-**

Syam Raj S., Aged 21 years, S/o. Shobhanaraj,
2/227, Kuzhivila, Chenkal Village, Keezhkolla Desom,
Amaravila, Thiruvananthapuram, Kerala, Pin- 695 122.

By Advs: Sri. C. Sebastian and Sri. K.V. Abilash

Respondents:-

1. The Managing Director,
Tamilnadu State Transport Corporation,
Madurai Division 3rd, Ranithottam, Nagercoil. (Deleted)
(1st Respondent is deleted as per order in IA.02/2024,
dated 12.11.2025)

- Addl.2. The Managing Director,
State Express Transport Corporation,
Thiruvalluvar House, Pallavan Salai, Chennai- 600 002.
(Additional 2nd Respondent is impleaded as per order in
IA.03/2024, dated 12.12.2024)

By Advs: R1 - Sri. P.S. Mohanan
Addl.R2 - Sri. S. Manoharan

These Claim Petitions having been finally heard on 29-04-2026 and the Tribunal on 30-04-2026 delivered the following.

COMMON AWARD

The above applications are filed u/s. 166 of the M.V Act by the applicants for getting compensation for the injuries sustained in the road traffic accident. As per order in I.A 01/26 dated 13.01.26 joint trial was ordered. The 1st respondent is deleted from party array as per order in

I.A 02/24 dated 12.11.25. Additional R2 is impleaded as per order in I.A 03/24 dated 12.12.24.

2. The common case of the applicants / claimants is as follows:--

On 26.06.18 at about 08.30 pm, while the applicant in O.P 1304/18 was riding a motorcycle bearing Reg. No. KL-19-G-8168 with the applicant in O.P 1305/18 as a pillion rider from Neyyattinkara to Amaravila and when they reached near NI ITI, Amaravila, a Tamilnadu Road Transport Corporation Bus bearing Reg. No. TN-01-AN-618 came from the same direction driven by its driver in a rash and negligent manner so as to endanger human life, hit to the motorcycle in which the applicants were travelling. As a result, the applicants were thrown on the road and sustained serious injuries. The accident was happened solely due to the rash and negligent driving of the TNSTC bus by its driver. The 1st respondent is its registered owner. The 1st respondent is deleted from party array. Additional 2nd respondent is the owner of the bus and hence additional 2nd respondent is liable to pay compensation to the applicants.

3. The applicant in O.P 1305/18, aged 51 years, is a coolie. Due to the injuries sustained in the accident the applicant had suffered severe pain and she became physically disabled. The applicant claimed a compensation of ₹5,75,000/- and limited the claim to ₹5,00,000/-.

4. The applicant in O.P 1304/18, aged 21 years, is a coolie. Due to the injuries sustained in the accident the applicant had suffered

severe pain and he became physically disabled. The applicant claimed a compensation of ₹2,00,000/- and limited the claim to ₹1,00,000/-.

5. Additional 2nd respondent filed written statement in both cases.

6. Additional 2nd respondent commonly alleged that the applications are not maintainable either in law or on facts. The application is bad for mis-joinder of necessary parties. The averments in the applications are to be proved by the applicants. If the motorcyclist was not at fault the accident would not be happened. Hence, the additional 2nd respondent prayed to dismiss the applications with cost.

7. On the basis of the above pleadings the following issues arise for determination in O.P 1305/18 by this Tribunal : –

1. Whether the accident alleged in the above case arose out of the use of a motor vehicle and whether it was due to the negligent driving of the offending vehicle bearing Reg. No. TN-01-AN-618 by its driver ?
2. Whether due to the negligent driving of the offending vehicle by its driver, he hit the vehicle on the vehicle in which the applicant was travelling as a pillion rider and caused injuries to the applicant ?
3. Whether the applicant is entitled to get compensation from the respondents and if so, from which respondent ?
4. The quantum of compensation to which the applicant is entitled ?
5. Reliefs and costs ?

8. On the basis of the above pleadings the following issues arise for determination in O.P 1304/18 by this Tribunal : –

1. Whether the accident alleged in the above case arose out of the use of a motor vehicle and whether it was due to the negligent driving of the offending vehicle bearing Reg. No. TN-01-AN-618 by its driver ?
2. Whether due to the negligent driving of the offending vehicle by its driver, he hit the vehicle on the vehicle ridden by the applicant and caused injuries to the applicant ?
3. Whether the applicant is entitled to get compensation from the respondents and if so, from which respondent ?
4. The quantum of compensation to which the applicant is entitled ?
5. Reliefs and costs ?

9. No oral evidence was adduced by either of the parties in both cases. Exts.A1 to A16 were marked from the side of the applicants. Exts.A1 to A13 relate to O.P 1305/18. Exts.A14 to A16 relate to O.P 1304/18. No documents were marked from the side of the additional 2nd respondent. Heard both sides.

10. **Issue Nos.1 & 2 in both cases** : – These issues can be considered together for the sake of convenience.

11. The common case of the applicants is that on 26.06.18 at about 08.30 pm, while the applicant in O.P 1304/18 was riding a motorcycle bearing Reg. No. KL-19-G-8168 with the applicant in O.P 1305/18 as a pillion rider from Neyyattinkara to Amaravila and when

they reached near NI ITI, Amaravila, a Tamilnadu Road Transport Corporation Bus bearing Reg. No. TN-01-AN-618 came from the same direction driven by its driver in a rash and negligent manner so as to endanger human life, hit to the motorcycle in which the applicants were travelling. As a result, the applicants were thrown on the road and sustained serious injuries. Exts.A1 to A16 documents were produced by the applicants to prove their case. Ext.A1 is the copy of FIR & FIS in crime No. 1207/18 of Parassala Police Station. Ext.A2 is the copy of final report in Ext.A1 FIR. Ext.A3 is the copy of accident register cum wound certificate issued from Dr. S.M C.S.I Medical College & Hospital, Karakonam. Ext.A4 is the outpatient record issued from the District Hospital, Neyyattinkara. Ext.A5 is the prescription. Ext.A6 is the scan report. Ext.A7 is the discharge summary issued from Dr. S.M C.S.I Medical College & Hospital, Karakonam. The applicant was admitted in the said hospital on 27.06.18 and was discharged on 28.06.18. Ext.A8 is the copy of driving licence. Ext.A9 is the copy of certificate of registration. Ext.A10 are the medical bills amounting to ₹3,815.22. Ext.A11 is the copy of case sheet. Ext.A12 is the copy of PAN card. Ext.A13 is the copy of Aadhaar card. Ext.A14 is the copy of accident register cum wound certificate issued from the General Hospital, Neyyattinkara. Exts.A15 and A16 are the outpatient records issued from the General Hospital, Neyyattinkara.

12. The accident was disputed by the insurer. Ext.A1, the copy of FIR in crime No. 1207/18 of Parassala Police station alleging the offence u/s. 279, 337 and 338 IPC and Ext.A2, the copy of final report in crime No. 1207/18 of Parassala Police station are sufficient to prove the accident narrated in the application and it also proved that the accident was happened due to the negligent driving of offending vehicle by its driver. It was held in New India Assurance Co. Ltd. v. Pazhani Ammal reported in 2011 (3) KLT 648 that the production of police charge sheet is prima facie sufficient evidence of negligence for the purpose of a claim u/s. 166. If any one of the parties did not accept such charge sheet, the burden must be on such party to adduce oral evidence. If oral evidence is adduced by any party, in case where charge sheet is filed, the Tribunal should give further opportunity to others also to adduce oral evidence and in such a case, the charge sheet will pale into insignificance and the dispute will have to be decided on the basis of the evidence. In all other cases, such charge sheet can be reckoned as sufficient evidence of negligence. Even though the additional 2nd respondent disputed the accident, no oral evidence is tendered to prove their case. On a careful scrutiny of Exts.A1 and A2, it is found that the accident was happened due to the rash and negligent driving of the bus bearing Reg. No. TN-01-AN-618 by its driver and thereby he hit the vehicle on the vehicle in which the applicants were travelling and thus the applicant in O.P 1305/18 had sustained injuries such as fracture

distal end of radius [R], T12 compression fracture, blunt injury [L] chest wall, lacerated wound on the [R] parietal region and [L] frontal region, tenderness [L] hypochondrium, abrasion [L] arm, abrasion [L] forearm, abrasion [R] elbow, cervical sprain, pain [R] shoulder, pain [R] foot, multiple abrasions over both lower limb, contusion [R] thigh and pain all over the body and the applicant in O.P 1304/18 had sustained injuries such as lacerated wound on the chin, abrasion neck, abrasion [R] knee, abrasion [R] elbow, abrasion [R] thumb, pain [R] shoulder, pain [R] foot, multiple abrasions over both lower limb, contusion [R] thigh and pain all over the body. These issues are accordingly found in favour of the applicants.

13. **Issue Nos. 3 & 4: --** These issues can be considered together for the sake of convenience.

14. The offending vehicle bearing Reg. No. TN-01-AN-618 was driven by its driver at the time of the accident, as proved from Exts.A1 and A2. The offending vehicle was owned by the additional 2nd respondent at the time of accident. Ext.A9 is the copy of certificate of registration. Ext.A8 is the copy of driving licence. So, the additional 2nd respondent is liable to pay compensation to the applicants for the injuries sustained in the road traffic accident.

15. The applicant in O.P 1305/18 was aged 51 years at the time of accident. She was said to be a coolie and was said to be earning ₹10,000/- per month. In Angad Tiwari V. National Insurance Company

Ltd., reported in 2024 KHC 8590, it is held that, while fixing the notional income, the court shall not fix the income below the minimum wage fixed under the Minimum wages Act. As per the G.O.(P)No.56/2017/Fin dated 28.04.2017, The State of Kerala had fixed the minimum wage of a manual labourer as ₹17,325/-. As the accident had happened in the year 2018, I fix her monthly notional income as ₹17,325/-.

16. The principles for assessing loss of earning capacity on account of permanent disability are well settled by ruling of Rajkumar v. Ajayakumar (2011)1 SCC 343. It is held that the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The court or tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury.

17. The injuries sustained by the applicant in O.P 1305/18 were proved by Exts.A3, A4 and A7. Ext.A3 is the copy of accident register cum wound certificate issued from Dr. S.M C.S.I Medical College & Hospital, Karakonam. Ext.A4 is the outpatient record issued from the

District Hospital, Neyyattinkara. Ext.A7 is the discharge summary issued from Dr. S.M C.S.I Medical College & Hospital, Karakonam. The applicant was admitted in the said hospital on 27.06.18 and was discharged on 28.06.18. No disability certificate is seen produced. Considering the nature of injuries sustained by the applicant, I find that the disability percentage can be fixed as 8%. The multiplier to be applied is 11. So, the applicant is entitled to future loss of earning on account of permanent disability to the tune of $\text{₹}17,325 \times 12 \times 11 \times 8 / 100 = \text{₹}1,82,952/-$.

18. Considering the nature of injuries sustained by her, I find that she is entitled to get an amount of ₹50,000/- as compensation for pain and suffering and further an amount of ₹60,000/- towards compensation for loss of amenities and enjoyment in life.

19. Considering the nature of injuries sustained by her, I find that the said applicant is entitled to loss of earning for a period of 2 months during the period of treatment to the tune of ₹34,650/-.

20. It is seen that the applicant in connection with the treatment visited the hospital. I find that under head transportation expenses she can be awarded an amount of ₹6,000/-.

21. She is entitled to get an amount of ₹7,000/- towards extra nourishment charges.

22. She is also entitled to get an amount of ₹2,500/- towards damage to clothing and articles as her clothing might have been damaged in the accident.

23. She was treated as inpatient and outpatient for a period of 8 days. So, towards bystander's expense she is entitled to get an amount of ₹5,200/- @ ₹650/- per day.

24. The medical bills are produced and the amount claimed is ₹3,815.22. Hence she is entitled to get ₹3,815.22 towards medical expenses.

25. The compensation due to the claimant in O.P 1305/18 is shown below in the tabular column.

Sl. No.	Head of Claim	Amount claimed (in ₹)	Amount awarded (in ₹)	Basic vital details in a nut shell
1	Loss of earning	25,000	34,650	17,325 x 2 months
2	Transportation expenses	5,000	6,000	
3	Extra nourishment	5,000	7,000	
4	Damage to clothing	3,000	2,500	
5	Medical expenses	30,000	3,815.22	Medical bill produced
6	Bystander's expenses	5,000	5,200	650 x 8 days
7	Pain and sufferings	1,00,000	50,000	
8	Compensation for loss of future earning power	1,00,000	1,82,952	$17,325 \times 12 \times 11 \times 8 / 100$
9	Loss of amenities and enjoyment in life	1,00,000	60,000	
10	Permanent disability	2,00,000	--	
	Total		3,52,117.22	₹3,53,000/- with 8% interest per annum from 21.11.18 till realization.
			Rounded to 3,53,000	

26. I hold that the claimant in O.P 1305/18 is entitled to recover compensation of ₹3,53,000/- [Rupees Three Lakhs and Fifty Three Thousand Only].

27. The applicant in O.P 1304/18 was aged 21 years at the time of accident. He was said to be a coolie and was said to be earning ₹3,200/-

per month. In Angad Tiwari V. National Insurance Company Ltd., reported in 2024 KHC 8590, it is held that, while fixing the notional income, the court shall not fix the income below the minimum wage fixed under the Minimum wages Act. As per the G.O.(P)No.56/2017/Fin dated 28.04.2017, The State of Kerala had fixed the minimum wage of a Machine Operator as ₹17,325/-. As the accident had happened in the year 2018, I fix his monthly notional income as ₹17,325/-.

28. The principles for assessing loss of earning capacity on account of permanent disability are well settled by ruling of Rajkumar v. Ajayakumar (2011)1 SCC 343. It is held that the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The court or tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury.

29. The injuries sustained by the applicant in O.P 1304/18 were proved by Exts.A14 to A16. Ext.A14 is the copy of accident register cum wound certificate issued from the General Hospital, Neyyattinkara.

Exts.A15 and A16 are the outpatient records issued from the General Hospital, Neyyattinkara. No evidence of fracture or disability in medical records. Hence, the applicant is not entitled to future loss of earning on account of permanent disability.

30. Considering the nature of injuries sustained by him, I find that he is entitled to get an amount of ₹25,000/- as compensation for pain and suffering and further an amount of ₹25,000/- towards compensation for loss of amenities and enjoyment in life.

31. Considering the nature of injuries sustained by him, I find that the said applicant is entitled to loss of earning for a period of 1 month during the period of treatment to the tune of ₹17,325/-.

32. It is seen that the applicant in connection with the treatment visited the hospital. I find that under head transportation expenses he can be awarded an amount of ₹6,000/-.

33. He is entitled to get an amount of ₹4,000/- towards extra nourishment charges.

34. He is also entitled to get an amount of ₹2,500/- towards damage to clothing and articles as his clothing might have been damaged in the accident.

35. He was treated as outpatient for a period of 2 days. So, towards bystander's expense he is entitled to get an amount of ₹1,300/- @ ₹650/- per day.

36. No medical bills are produced. Hence no amount sanctioned for medicines.

37. The compensation due to the claimant in O.P 1304/18 is shown below in the tabular column.

Sl. No.	Head of Claim	Amount claimed (in ₹)	Amount awarded (in ₹)	Basic vital details in a nut shell
1	Loss of earning	25,000	17,325	17,325 x 1 month
2	Transportation expenses	5,000	6,000	
3	Extra nourishment	5,000	4,000	
4	Damage to clothing	3,000	2,500	
5	Medical expenses	30,000	--	
6	Bystander's expenses	5,000	1,300	650 x 2 days
7	Pain and sufferings	1,00,000	25,000	
8	Compensation for loss of future earning power	1,00,000	--	
9	Loss of amenities and enjoyment in life	1,00,000	25,000	
10	Permanent disability	2,00,000	--	
	Total		81,125 Rounded to 82,000	₹82,000/- with 8% interest per annum from 21.11.18 till realization.

38. I hold that the claimant in O.P 1305/18 is entitled to recover compensation of ₹82,000/- [Rupees Eighty Two Thousand Only].

39. Issue Nos. 3 & 4 are answered in favour of the applicants to the above extent.

40. **Issue No.5: --** In the result, the O.P 1305/18 is allowed as follows: --

- (1) The claimant is allowed to realize an amount of ₹3,53,000/- [Rupees Three Lakhs and Fifty Three Thousand Only], with interest @ 8% per annum from 21.11.18 till realization.

- (2) The claimant shall be entitled to get proportionate cost.
- (3) Additional R2, being the owner is ordered to deposit cheque for ₹4,373/- in the name of M.A.C.T., Neyyattinkara towards court fees payable on the claim petition & ₹5,000/- towards LBF.
- (4) Additional R2 is directed to deposit the awarded sum to the credit of the Savings Bank Account of the claimant. The bank name, bank account number and IFSC code of bank branch is not produced by the claimant.
- (5) The claimant shall furnish attested copy of the relevant page of her bank pass book having details of the bank account number and IFSC Code of Bank branch before this Tribunal within 15 days from the date of this award.
- (6) If the claimant fails to produce the copy of pass book as directed above, she shall not be entitled to get interest for the period, for which she causes the delay.
- (7) The office is directed to give copy of the relevant page of the bank pass book to Additional R2 along with this award.

41. In the result, the O.P 1304/18 is allowed as follows: --

- (1) The claimant is allowed to realize an amount of ₹82,000/- [Rupees Eighty Two Thousand Only], with interest @ 8% per annum from 21.11.18 till realization.

- (2) The claimant shall be entitled to get proportionate cost.
- (3) Additional R2, being the owner is ordered to deposit cheque for ₹373/- in the name of M.A.C.T., Neyyattinkara towards court fees payable on the claim petition & ₹1,000/- towards LBF.
- (4) Additional R2 is directed to deposit the awarded sum to the credit of the Savings Bank Account of the claimant. The bank name, bank account number and IFSC code of bank branch is not produced by the claimant.
- (5) The claimant shall furnish attested copy of the relevant page of his bank pass book having details of the bank account number and IFSC Code of Bank branch before this Tribunal within 15 days from the date of this award.
- (6) If the claimant fails to produce the copy of pass book as directed above, he shall not be entitled to get interest for the period, for which he causes the delay.
- (7) The office is directed to give copy of the relevant page of the bank pass book to Additional R2 along with this award.

[Dictated to the Confidential Assistant, transcribed by her,
Corrected by me and pronounced in open court,
this the 30th day of April, 2026]

Sd/-
KAVITHA GANGADHARAN
MOTOR ACCIDENTS CLAIMS TRIBUNAL

APPENDIX**Exhibits Marked for the Applicants:-**

A1	03-07-2018	Copy of FIR and FIS.
A2	-	Copy of Final Report.
A3	26-06-2018	Copy of Accident Register-cum-Wound Certificate.
A4	26-06-2018	Casualty Out Patient Record.
A5	-	OP/ IP Prescription.
A6	27-06-2018	Scan Report.
A7	28-06-2018	Discharge Summary.
A8	-	Copy of Driving License.
A9	-	Copy of Certificate of Registration.
A10	-	Medical Bills.
A11	-	Copy of Case Sheet.
A12	-	Copy of PAN Card.
A13	-	Copy of Aadhaar Card.
A14	26-06-2018	Copy of Accident Register-cum-Wound Certificate.
A15	26-06-2018	Casualty Out Patient Record.
A16	11-08-2018	Out Patient Record.

Exhibit Marked for the Respondents:- Nil**Witness Examined:- Nil**

Id/-
MOTOR ACCIDENTS CLAIMS TRIBUNAL
//True copy// (By Order)

SHERISTADAR

MEMO OF COSTS IN O P (M V) No. 1305 / 2018**For the Petitioner:-**

Court Fee	-	2,903.00
Legal Benefit Fund	-	3,530.00
Vakalath Fee	-	5.00
Process Fee	-	60.00
Stamp for Exhibits	-	8.00
Stamp for Petitions	-	6.00
Advocate Fee (Senior)	-	20,050.00
Advocate Fee (Junior)	-	6,683.00

Total	-	33,245.00 (Allowed)
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For the Respondents:-

Not Allowed

Id/-
MOTOR ACCIDENTS CLAIMS TRIBUNAL
 //True copy// (By Order)

SHERISTADAR

MEMO OF COSTS IN O P (M V) No. 1304 / 2018**For the Petitioner:-**

Court Fee	-	373.00
Legal Benefit Fund	-	820.00
Vakalath Fee	-	5.00
Process Fee	-	70.00
Stamp for Exhibits	-	4.00
Stamp for Petitions	-	6.00
Advocate Fee (Senior)	-	6,500.00
Advocate Fee (Junior)	-	2,166.00

Total	-	9,944.00 (Allowed)
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For the Respondents:-

Not Allowed

Id/-
MOTOR ACCIDENTS CLAIMS TRIBUNAL
 //True copy// (By Order)

SHERISTADAR

O.P. (M.V.) Nos. 1305/2018 and 1304/2018

Copy of Common Award in

O.P.(M.V.) Nos.

1305/2018 & 1304/2018

Dated: 30..04..2026.