

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, ATTINGAL

Present: Sri. Sreekumar.D, Motor Accidents Claims Tribunal

THURSDAY 23rd APRIL, 2026/ 3rd VYSAKHAM, 1948**OP(MV) –247/2020****Applicant:-**

Reghu, S/o Sekharan, aged 51 years, R.S. Bhavan,
Paraikkaravetta Keezhppalur, Vinobanikethan P.O,
Aryanad, Thiruvananthapuram.

By Advocate: - Sri. R.S. Jayan**Respondents:-**

1. Siddikh, S/o Aboobacker, Thellikkottukonam, Killy,
Kattakkada, Kollodu P.O.
2. Branch Manager, New India Assurance Co. Ltd,
Branch Officer, Attingal.

R1 :- ex-parte**R2 By Advocate :- Smt. V. S. Geetha**

This Petition having been finally heard on 23.04.2026 and on the same day the Tribunal passed the following.

AWARD

1. Petition filed under section 166 of the Motor Vehicles Act 1988.
2. The petitioner's case is briefly stated as follows:-The accident referred to in this case occurred on 31/12/2019 at about 01.00 p.m. while the petitioner was riding a motorcycle bearing Reg.No.KL-21P-1754 from Kattakada to Poovachal. When the motorcycle reached in front of Nakranchara School, an autorickshaw bearing Reg.No.KL-21-3772,

driven by the 1st respondent in a rash and negligent manner and coming from the opposite direction, hit the petitioner's motorcycle. As a result, he fell off the vehicle and sustained serious injuries. He underwent treatment at the primary health center Kattakkada, Medical College Hospital, Trivandrum and the Taluk Hospital, Vithura. The respondents Nos.1 and 2 are the registered owner cum rider and insurer, respectively of the offending autorickshaw. The accident occurred due to the rash and negligent driving of the autorickshaw by the 1st respondent. Hence, the petitioner claims compensation from the respondents.

3. The 1st respondent remained absent despite notice. Hence, he was set ex parte.

4. The 2nd respondent filed a written statement, the substance of which is as follows:-The original petition is not maintainable either in law or on facts. The autorickshaw bearing Reg.No.KL-21-3772 was duly insured with the respondent No. 2 for the period from 07/11/2019 to 06/11/2020. However, the respondent No. 2 has no liability to compensate the petitioner. The accident did not occur due to the negligence on the part of the 1st respondent. The accident occurred due to the petitioner's own negligence. The petitioner is bound to prove his age, occupation and income. He has sustained only minor injuries. The amounts claimed under

various heads of compensation are exorbitant. The original petition is liable to be dismissed.

5. On the basis of the pleadings, the following issues were framed for consideration:-

- (1) Who is responsible for the accident referred to in this case?
- (2) Is the petitioner entitled to compensation? If so, what shall be the amount?
- (3) Who is liable to pay the compensation, if any ?
- (4) Reliefs and costs

6. From the side of the petitioner Exts. A1 to A12 were marked. No evidence was adduced from the side of the 2nd respondent.

7. Heard.

8. **Issue No.(1)** :- To prove the negligence on the part of the 1st respondent, the petitioner has relied on Exts.A1 to A5 documents. Ext.A1 is a copy of the FIR registered as Crime No.0119/2020 at the Kattakada Police Station on 02/02/2020. Ext.A2 is a copy of the scene mahazar prepared in this connection on 02/02/2020. Ext.A3 is a copy of the mahazar of the vehicles involved in the accident prepared on 07/02/2020. Ext.A4 series consists of the copies of the inspection reports of the vehicles bearing Reg.Nos.KL-21-3772 and KL-21P-1754 prepared by the

AMVI. According to these documents, the accident was not a result of any mechanical defect in the vehicles. Ext.A5 is a copy of the final report filed in this case. In Ext.A5 final report, the conclusion of the investigating officer is that the accident occurred due to the rash and negligent driving of the autorickshaw bearing Reg.No.KL-21-3772, by the 1st respondent. The Hon'ble High Court of Kerala in '**New India Assurance Company Ltd Vs. Pazhani Ammal and Others**': 2011(3) KHC 595, has held as follows: *“Prima Facie, charge sheet filed by a police officer after due investigation can be accepted as evidence of negligence against the indictee. If any one of the parties do not accept such a charge sheet, the burden must be on such party to adduce oral evidence. If oral evidence is adduced by any party, in a case where charge sheet is filed, the tribunals 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 the absence of any evidence to prove the contrary, the above said evidence adduced by the petitioner, when read in the light of the above said decision, persuades me to hold that the petitioner has proved that the accident referred to in this case occurred due to the rash and negligent driving of the autorickshaw bearing Reg.No.KL-21-3772, by the 1st

respondent. Issue No.(1) is answered accordingly.

9. **Issue No. (2)**:The petitioner has produced the records relating to the treatment undergone by him following the accident to show that he had sustained injuries in the above accident .

10. Ext.A6 is a copy of the treatment certificate issued from the Medical College Hospital, Thiruvananthapuram showing that the petitioner sought treatment at the above hospital on 31/01/2020 with a history of RTA. Exts.A7, A8 series is are outpatient records dated 31/12/2019, 01/01/2020, 07/01/2020. 28/01/2020 issued from the Community Health Centre, Kattakada and Medical College Hospital, Thiruvananthapuram showing that the petitioner sought outpatient treatment at the above hospitals. Ext.A9 is a discharge summary issued from the Govt.Taluk Hospital, Vithura which shows that the petitioner had undergone inpatient treatment for 6 days from 01/01/2020 to 06/01/2020. The discharge summary shows that the petitioner sustained **extensor tendon repair injury right ring finger**.Ext.A10 series, bills reveal that an amount of ₹3,200/- was spent for the treatment of petitioner.

11. I have already found under Issue No.(1) that the accident in which the petitioner sustained injuries, occurred due to the negligent driving of the offending autorickshaw by the 1st respondent. Thus, the petitioner has proved his entitlement to compensation.

12. Now, the question remains with respect to the quantum of compensation.

13. According to the petitioner, at the time of the accident, he was a Barber, with a monthly income of ₹20,000/-. Ext.A11, a copy of the Adhaar card would show that the year of birth of the petitioner is 17/01/1964. It means the petitioner was 56 years old at the time of the accident.

14. Having heard both sides and considered the minor nature of injuries I am satisfied that it would be just and proper to award a consolidated amount of compensation to the petitioner. Therefore, I am inclined to award an amount of ₹1,00,000/-. The petitioner is thus entitled to get a total compensation of **₹1,00,000/-(Rupees One Lakh Only)**. Issue No.(2) is answered accordingly.

15. **Issue No.(3):-** I have already found that the accident took place due to the negligent driving of the autorickshaw bearing Reg.No.KL-21-3772, by the 1st respondent, who also happens to be the undisputed

owner of the said vehicle. Therefore the 1st respondent is liable to pay compensation in his dual capacity as the owner-cum-driver of the said vehicle. It is admitted by the 2nd respondent that the autorickshaw was insured with the 2nd respondent at the time of the accident. The 2nd respondent has taken a contention that the 1st respondent was not having valid driving licence on the date of the accident. The 2nd respondent also filed I.A. No.7/2025, seeking a direction to the 1st respondent to produce the driving licence. The 1st respondent failed to produce the driving licence. I am, therefore, inclined to draw adverse inference in the matter to the effect that the 1st respondent was not having valid driving licence at the time of the accident and I hold so. It is a violation of condition of insurance policy issued by the 2nd respondent. In view of the above said violation, I hold that the 2nd respondent is not bound to indemnify the 1st respondent. But the 2nd respondent, insurer has to pay the amount to the petitioner, who happens to be a third party, at the first instance and then can recover the amount paid from the 1st respondent, the owner of said autorickshaw. Issue No.(3) is answered accordingly.

16. **Issue No.(4):- In view of my findings on Issue Nos.(1), to (3) the petition is allowed in part and an award is passed as follows:**

(1) Respondent No.1 is liable to pay an amount of **₹1,00,000/-**

(Rupees One Lakh Only) to the petitioner with interest at the rate of 8% per annum from the date of petition [28/02/2020] till realization or payment with proportionate costs.

(2) The 2nd respondent is directed to deposit the awarded sum directly to the credit of the Savings Bank Account of Reghu, A/c No.40350101027907 of the Kerala Gramin Bank Vithura Branch with IFSC Code: KLGB0040350 & PAN No.EQLPR9275M as per Ext.A12 series documents furnished by the petitioner and send a copy of the payment advice to this Tribunal and also serve a copy of the same to petitioner or his counsel, as required by the Hon'ble High Court in its Circular No.01/2025 dated 19/09/2025. In case of TDS, form 16-A of the Income Tax Act 1961 shall be provided to the petitioner to enable him to seek refund of the tax deducted.

(3) The 2nd respondent shall produce cheques for ₹4,373/- and ₹3,000/- respectively as court fee and additional court fee towards legal benefit fund in the name of MACT, Attingal, payable in the case.

(4) Upon deposit being made, the 2nd respondent shall submit to the Tribunal a copy of the bank advice and a memo in the

prescribed format. A copy of the payment advice, along with a copy of the memo shall also be served on the contesting parties and their respective counsel, if any.

(5) The office is directed to make necessary entries in the registers maintained in the office evidencing the payment of the amount to the petitioner.

(6) The 2nd respondent is directed to pay the amount within one month failing which the petitioner can recover the same in accordance with law.

(7) The 2nd respondent, the insurer is entitled to recover the amount paid by it in terms of this award, from the 1st respondent. However, the right of reimbursement shall become inoperative, if in a proceedings for recovery, the 1st respondent produces record to show that he was having valid driving licence on the date of the accident and a finding to that effect is entered in that petition subject to payment of reasonable cost to the insurance company.

*Dictated to the C.A., transcribed and typed by her, corrected by me
and pronounced in open court on the 23rd day of April, 2026*

Sd/-

SREEKUMAR.D
MOTOR ACCIDENTS CLAIMS TRIBUNAL

APPENDIX

- A1 02.02.2020 : Copy of FIR & FIS in Crime No. 0119/2020 of Kattakada Police Station.
- A2 02.02.2020 : Copy of Scene Mahazar
- A3 07.02.2020 : Copy of Vehicle Mahazar
- A4 series : Copies of AMVI
- A5 13.02.2020 : Copy of Final Report
- A6 31.01.2020 : Treatment Certificate
- A7 31.12.2019 : Out Patient Record from Community Health Centre, Kattakada
- A8 series : Out Patient Record from Govt. Medical College Hospital, Thiruvananthapuram.
- A9 06.01.2020 : Discharge Summary from Govt.Taluk Hospital, Vithura
- A10 series : Medical Bills
- A11 : Copy of Aadhar Card
- A12 series : Cancelled Cheque, Copy of Bank Passbook and Copy of Pan Card

Exhibits for the Respondent: Nil

Court Exhibits: Nil

Witness for the Petitioner: Nil

Witness for the Respondent: Nil

Id/-

MOTOR ACCIDENTS CLAIMS TRIBUNAL

MEMO OF COSTSCost for the Applicant:

Court fee and Additional Court fee	Rs. 1373/-	
Petition fee	Rs. 30/-	
Vakalath fee	Rs. 5/-	
Process fee	Rs. 60/-	
Document fee	Rs. 12/-	
Advocate fee (as per certificate)	Rs. 7150/-	(Certificate produced)

Total	Rs. 8630/-	(Order for realization)
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Cost for the Respondents:

Vakalath fee	Rs. 5/-	

Total	Rs. 5/-	(No order for realization)
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Sd/-

MOTOR ACCIDENTS CLAIMS TRIBUNAL

NB: The parties should apply as soon as possible for the return of all documents which they may wish to preserve, as the record will be liable to be destroyed after twelve years from this date.

Typed by:Raji
 Compared by:Jr
 FCS:

Copy of Award in OP(MV) 247/2020

Dated : 23/04/2026