In the Court of the Motor Accidents Claims Tribunal, Mavelikara

Present: Sri.C.S.Mohit, B.Com., LL.M., Motor Accidents Claims Tribunal (Addl. District & Sessions Judge-II)
Saturday, the 17th August 2019/26th Sravana 1941

COMMON AWARD IN OP(MV).1183/2014, OP(MV).1209/2014, OP(MV).241/2015, OP(MV).288/2015, OP(MV).920/2015, OP(MV).921/2015, OP(MV).922/2015, OP(MV).923/2015, OP(MV).925/2015, OP(MV).926/2015 & OP(MV).927/2015

OP (MV).1183/2014

(Filed on 18.08.2014)

Petitioner : Aneesh, aged 23 years,
S/o.Late Kuttan, Vilayil Vadakkethil,
Menampally, Peringala, Pathiyoor.P.O.,
Chettikulangara

By Advs.Sri.N.Manmadhan and
Sri.K.V.Vijayakumar

Respondents :

1. Ajayakumar (Driver), S/o.Natarajan,
Puthen Veettil Kizhakkathil,
Peringala.P.O., Nadackavu

2. Gopakumar (Owner), S/o.Gopinathan Nair,
Kochuthara Vadakkathil,
Chettikulangara, Mavelikara

3. The Manager,
Bajaj Allianz General Insurance Co.Ltd.,
TC/28/2222, 2nd Floor Division,
Anugraha, M.G.Road, Pazhavangadi,
Thiruvananthapuram, Pin-695 023

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

OP (MV).1209/2014

(Filed on 21.08.2014)

Petitioner : Aneesh, aged 23 years, S/o.Late Kuttan, Vilayil Vadakkethil, Menampally, Peringala, Pathiyoor.P.O., Chettikulangara

By Advs.Sri.N.Manmadhan and Sri.K.V.Vijayakumar

Respondents :

1. Ajayakumar (Driver), S/o.Natarajan, Puthen Veettil Kizhakkathil, Peringala.P.O., Nadackavu

2. Gopakumar (Owner), S/o.Gopinathan Nair, Kochuthara Vadakkathil, Chettikulangara, Mavelikara

3. The Manager, Bajaj Allianz General Insurance Co.Ltd., TC/28/2222, 2nd Floor Division, Anugraha, M.G.Road, Pazhavangadi, Thiruvananthapuram, Pin-695 023

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

OP (MV).241/2015

(Filed on 19.03.2015)

Petitioner : Santhamma, aged 56 years, W/o.Raghavan, Vilayil Vadakkethil, Menampally, Peringala, Pathiyoor.P.O., Chettikulangara

By Advs.Sri.N.Manmadhan and Sri.K.V.Vijayakumar

Respondents : 1. Ajayakumar (Driver), S/o.Natarajan,
Puthen Veettil Kizhakkathil,
Peringala.P.O., Nadackavu

2. Gopakumar (Owner), S/o.Gopinathan Nair,
Kochuthara Vadakkathil,
Chettikulangara, Mavelikara

3. The Manager,
Bajaj Allianz General Insurance Co.Ltd.,
TC/28/2222, 2nd Floor Division,
Anugraha, M.G.Road, Pazhavangadi,
Thiruvananthapuram, Pin-695 023

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

OP (MV).288/2015

(Filed on 26.03.2015)

Petitioner : Aji, aged 27 years, S/o.Raghavan,
Vilayil Vadakkethil, Menampally, Peringala,
Pathiyoor.P.O., Chettikulangara

By Advs.Sri.N.Manmadhan and
Sri.K.V.Vijayakumar

Respondents : 1. Ajayakumar (Driver), S/o.Natarajan,
Puthen Veettil Kizhakkathil,
Peringala.P.O., Nadackavu

2. Gopakumar (Owner), S/o.Gopinathan Nair,
Kochuthara Vadakkathil,
Chettikulangara, Mavelikara

3. The Manager,
Bajaj Allianz General Insurance Co.Ltd.,
TC/28/2222, 2nd Floor Division,
Anugraha, M.G.Road, Pazhavangadi,
Thiruvananthapuram, Pin-695 023

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

<u>OP (MV).920/2015</u>

(Filed on 18.08.2015)

<u>Petitioners</u> :

1. Narayanan, aged 76 years,
Pallarimangalathu, Kaitha South,
Chettikulangara, Mavelikara

2. Padmakumari, aged 39 years,
D/o.Late Kamalamma of -do-do-

3. Ambili, aged 36 years,
D/o.Late Kamalamma of -do-do-

4. Vinod, aged 31 years,
S/o.Late Kamalamma of -do-do-

By Adv.Sri.T.S.Krishnakumar

<u>Respondents</u> :

1. Ajayakumar (Driver), S/o.Natarajan,
Nadakavu Kizhakkathil Veedu,
Peringala, Chettikulangara, Mavelikara

2. Gopakumar (Owner), S/o.Gopinathan Nair,
Kochithara Vadakkathil,
Chettikulangara, Mavelikara

3. The Manager,
Bajaj Alliance General Insurance Co.Ltd.,

4. Girija, aged 35 years, D/o.Late Kamalamma, Pallarimangalathu, Kaitha South, Chettikulangara, Mavelikara

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

<u>OP (MV).921/2015</u>

(Filed on 18.08.2015)

<u>Petitioners</u> :

1. Janamma, aged 52 years, W/o.Late Gopi, Puthuvana Vadakkathil Tharayil, Menampally, Pathiyoor.P.O.

2. Krishnamma, aged 37 years, D/o.Late Gopi of -do-do-

3. Rema, aged 36 years, D/o.Late Gopi of -do-do-

4. Gopakumar, aged 34 years, S/o.Late Gopi of -do-do-

By Adv.Sri.T.S.Krishnakumar

<u>Respondents</u> :

1. Ajayakumar (Driver), aged 27 years, S/o.Natarajan, Nadakavu Kizhakkathil Veedu, Peringala, Chettikulangara, Mavelikara

2. Gopakumar (Owner), S/o.Gopinathan Nair, Kochithara Vadakkathil, Chettikulangara, Mavelikara

3. The Manager, Bajaj Alliance General Insurance Co.Ltd., TC/28/2222, 2nd Floor, Anugraha, M.G.Road, Pazhavangadi, Thiruvananthapuram

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

OP (MV).922/2015

(Filed on 18.08.2015)

Petitioner : Krishnamma, aged 35 years,
W/o.Sumesh, Unisseril Tharayil,
Menampally, Pathiyoor.P.O.

By Adv.Sri.T.S.Krishnakumar

Respondents : 1. Ajayakumar (Driver), aged 27 years,
S/o.Natarajan,
Nadakavu Kizhakkathil Veedu,
Peringala, Chettikulangara, Mavelikara

2. Gopakumar (Owner), S/o.Gopinathan Nair,
Kochithara Vadakkathil,
Chettikulangara, Mavelikara

3. The Manager,
Bajaj Alliance General Insurance Co.Ltd.,

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

OP (MV).923/2015

(Filed on 18.08.2015)

Petitioner: Sukumaran, aged 62 years,
S/o.Narayanan,
Aashante Kizhakkethil, Menampally,
Pathiyoor.P.O., Mavelikara

By Adv.Sri.T.S.Krishnakumar

<u>Respondents</u> : 1. Ajayakumar (Driver), aged 27 years,
S/o.Natarajan,
Nadakavu Kizhakkathil Veedu,
Peringala, Chettikulangara, Mavelikara

2. Gopakumar (Owner), S/o.Gopinathan Nair,
Kochithara Vadakkathil,
Chettikulangara, Mavelikara

3. The Manager,
Bajaj Alliance General Insurance Co.Ltd.,

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

<u>OP (MV).925/2015</u>

(Filed on 18.08.2015)

<u>Petitioner</u>: Ramraj, aged 55 years,
S/o.Kumaran, Rejila Bhavanam,
Leksham Veedu, Valanjanadakavu
Mavelikara

By Adv.Sri.T.S.Krishnakumar

<u>Respondents</u> : 1. Ajayakumar (Driver), aged 27 years,
S/o.Natarajan,
Nadakavu Kizhakkathil Veedu,
Peringala, Chettikulangara, Mavelikara

2. Gopakumar (Owner), S/o.Gopinathan Nair,
Kochithara Vadakkathil,
Chettikulangara, Mavelikara

3. The Manager,
Bajaj Alliance General Insurance Co.Ltd.,

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

<u>OP (MV).926/2015</u>

(Filed on 18.08.2015)

Petitioner: Suseela, aged 47 years,
W/o.Sivadasan, Mangattu Vadakkathil,
Ponakam, Punnamoodu.P.O., Mavelikara

By Adv.Sri.T.S.Krishnakumar

Respondents : 1. Ajayakumar (Driver), aged 27 years,
S/o.Natarajan,
Nadakavu Kizhakkathil Veedu,
Peringala, Chettikulangara, Mavelikara

2. Gopakumar (Owner), S/o.Gopinathan Nair,
Kochithara Vadakkathil,
Chettikulangara, Mavelikara

3. The Manager,
Bajaj Alliance General Insurance Co.Ltd.,

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

<u>OP (MV).927/2015</u>

(Filed on 18.08.2015)

Petitioner: Pathmavathi, aged 50 years,
W/o.Ramraj, Rejila Bhavanam,
Leksham Veedu, Valanjanadakavu
Mavelikara

By Adv.Sri.T.S.Krishnakumar

Respondents : 1. Ajayakumar (Driver), aged 27 years,
S/o.Natarajan,
Nadakavu Kizhakkathil Veedu,
Peringala, Chettikulangara, Mavelikara

2. Gopakumar (Owner), S/o.Gopinathan Nair,
Kochithara Vadakkathil,
Chettikulangara, Mavelikara

3. The Manager,
Bajaj Alliance General Insurance Co.Ltd.,

R1 and R2 Exparte,
R3 By Adv.Sri.Oommen Thomas

These O.Ps having been finally on 23.07.2019 and the Tribunal on 17.08.2019 passed the following :

COMMON AWARD

These applications are filed u/s.166 of the Motor Vehicles Act, 1988 read with Rules 371 of the Kerala Motor Vehicles Rules, 1989. These original petitions are filed by the legal representatives and victims of a motor accident that occurred on 13.09.2013 at 6.40 am near Alamcode Junction along the Kollam-Thiruvananthapuram National Highway. While OP(MV) 1183/2014, OP(MV)1209/2014, OP(MV) 920/2015 and OP(MV) 921/2015 are claims filed on account of death of victims, the other seven OP(MV)s are injury claims filed by the victims. OP(MV) 1183/2014 and OP(MV) 1209/2014 are filed by the same petitioner Aneesh on account of the death of his mother Ushakumari in OP(MV) 1183/2014 and father Kuttan in OP(MV) 1209/2014. Significantly, the FIS in the connected crime was tendered by Mr.R.Aji, the petitioner in OP(MV) 288/2015.

2. All the victims were members of an unfortunate and ill-fated group of relatives who ironically were proceeding to Thiruvallam, in Thiruvananthapuram to offer Bali rituals for their ancestors.

3. The common material averments in the eleven

OP(MV)s are the following:- The victims were passengers in a Scorpio Car bearing Reg.No.KL 04P 9999 that was driven by the first respondent, Ajaykumar in a rash and negligent manner and at high speed along the Kollam-Thiruvananthapuram National Highway from north to south. When the said Car reached near Alamcodu Junction it hit against a private bus bearing Reg.No.KL 16E 5434 that was kept stationery at Alamcode for the purpose of boarding and de-boarding of passengers in the bus stop. The victims sustained serious injuries and a few victims died on account of the accident. The offending vehicle was owned by the 2nd respondent Gopakumar and it was insured with the 3rd respondent, Bajaj Alliance General Insurance Company Limited.

4. The motor accident occurred solely due to the rash and negligent driving of the Scorpio Car by the first respondent Ajayakumar. Hence the respondents 1 to 3 are jointly and severally liable for payment of compensation to the applicants whose details are as follows:-

5. The applicant in OP(MV) 1183/2014 namely Aneesh is the son of late Ushakumari who died on account of a motor accident of 13.09.2013. Ushakumari was aged 45 years and she was a labourer earning a monthly income of Rs.10,000/-.

6. The applicant in OP(MV) 1209/2014 is Aneesh and the application is filed for compensation on account of the death of his father, Kuttan in the said motor accident of 13.09.2013. Kuttan died on 25.09.2013 while undergoing treatment in MCH, Thiruvananthapuram. Kuttan was aged 55 years and he was a mason by profession earning a monthly income of Rs.10,000/-.

7. The applicant in OP(MV) 241/2015 is Santhamma the injured and she is a manual labourer aged 56 years earning a monthly

income of Rs.9,000/-.

8. The applicant in OP(MV) 288/2015 namely Aji mentioned above is the injured and he is aged 27 years and is a painter earning a monthly income of Rs.10,000/-.

9. The applicants in OP(MV) 920/2015 are the legal representatives of late Kamalamma who died in the motor accident of 13.09.2013. Kamalamma was a housewife aged 56 years.

10. The applicants in OP(MV) 921/2015 are the legal representatives of late Gopi who died in the aforesaid motor accident on 13.09.2013. Late Gopi was a tree climber and a wood cutter aged 68 years earning a monthly income of Rs.10,000/-.

11. The applicant in OP(MV) 922/2015 is Krishnamma who is the injured in the aforesaid accident. Krishnamma is a housewife aged 35 years.

12. The applicant in OP(MV) is Sukumaran who is the injured in the aforesaid motor accident. Sukumaran is aged 56 years and he is a wood climber by profession earning a monthly income of Rs.10,000/-.

13. The applicant in OP(MV) 925/2015 is Ramraj who is the injured in the aforesaid motor accident. Ramraj is aged 55 years and he is a coconut tree climber by profession earning a monthly income of Rs.10,000/-.

14. The applicant in OP(MV) 926/2015 is Suseela who is the injured in the aforesaid motor accident. Suseela is aged 47 years and she is a housewife and also a Kudumbasree activist. Finally the applicant in OP(MV) 927/2015 is Padmavathi who is aged 50 years and she is a housewife and a Kudumbasree activist. Accordingly, the aforesaid applicants claimed compensation from the respondents 1 to 3 as

mentioned in the respective applications.

15. The respondents 1 and 2 are exparte.

16. The 3rd respondent, insurer filed separate written statement in all the claim petitions. The main contentions in the written statements are that, the narration of the alleged accident of 13.09.2013 is false, that the negligence and rashness alleged against the first respondent is false, that 12 persons were travelling in the Scorpio Car as against the 8 persons permitted by law, that the first respondent lost control over the vehicle, since the vehicle was overloaded, that overloading was the only cause of the accident, that there is no cause of action against the respondents, that the age, academic status, occupation, injury, treatment, disability mentioned are false, and that the amount of compensation claimed is exorbitant and without any basis. The respondent however admitted that it had issued a private Car policy in the name of the 2nd respondent and contended that the vehicle should not have been used by the 2nd respondent for hire and reward. The respondent contended that the 2nd respondent rented out the vehicle to the first respondent and hence committed breach of policy conditions. Accordingly, the respondent contended that the respondent is not liable to indemnify the 2nd respondent. Further, it was contended that the liability of the respondent towards third parties is subject to the terms and conditions of the policy and holding of a valid driving licence by the first respondent. It was also contended that since there was overloading in the vehicle, there was a fundamental violation of policy conditions and that the respondent is not liable under the policy.

17. On the basis of the aforesaid contentions, the respondents prayed for dismissal of the applications with costs.

18. From the aforesaid rival pleadings, the following

issues are framed for adjudication:

1. *Whether the victims in OP(MV) 1183/2013, OP(MV) OP(MV) 241/2015, OP(MV) 288/2015, OP(MV) 920/2015, OP(MV) 921/2015, OP(MV) 922/2015, OP(MV) 923/2015, OP(MV) 925/2015, OP(MV) 926/2015 and OP(MV) 927/2015 sustained death and injuries in a motor accident on 13.09.2013 at 6.40 am near Alamcode Junction along the Kollam-Thiruvananthapuram National Highway on account of the rash and negligent driving of a Scorpio Car bearing Reg.No.KL 04P 9999 by the first respondent Ajayakumar?*
2. *Whether the applicants in OP(MV) 1183/2013, OP(MV) 1209/2013,OP(MV) 241/2015, OP(MV) 288/2015, OP(MV) 920/2015, OP(MV) 921/2015, OP(MV) 922/2015, OP(MV) 923/2015, OP(MV) 925/2015, OP(MV) 926/2015 and OP(MV) 927/2015 are entitled to recover compensation as claimed in the applications from the respondents 1 to 3?*
3. *What is the order to be passed regarding the interest and costs?*
4. *Reliefs?*

19. The applicants in OP(MV) 1183/2014, OP(MV) 1209/2014, OP(MV) 241/2015 and OP(MV) 923/2015 filed applications for joint trial of the aforesaid OP(MV)s. Accordingly, IA 2329/2018 in OP(MV) 1183/2014, IA 2623/2018 in OP(MV) 1209/2014, IA 2628/2018 in OP(MV) 241/2015 and IA 6379/2017 in OP(MV)

923/2015 were allowed. OP(MV) 1183/2014 was made as the leading case.

20. The evidence in the aforesaid eleven OP(MV)s on the side of the applicants comprises of Ext.A1 to Ext.A9 and Ext.A29 to Ext.A42 and Ext. B1 to Ext. B3 in OP(MV) 1183/2014, Ext.A10 and Ext.A11 in OP(MV) 1209/2014, Ext.A12 in OP(MV) 241/2015 and Ext.A13 in OP(MV) 288/2015, Ext.A14, Ext.A20 and Ext.A21 in OP(MV) 920/2013, Ext.A15, Ext.A22 and Ext.A23 in OP(MV) 921/2015, Ext.A16, Ext.A43 to Ext.A45 in OP(MV) 922/2015, Ext.A24 and Ext.A25 in OP(MV) 923/2015, Ext.A17 and Ext.A26 in OP(MV) 925/2015, Ext.A18 and Ext.A46 in OP(MV) 926/2015, Ext.A19, Ext.A27 and Ext.A28 in OP(MV) 927/2015.

21. The learned counsels appearing for the applicants and the contesting 3rd respondent were heard.

22. **Issue No.1**:- The applicants in the eleven original petitions filed under S. 166 of the MV Act are the legal representatives of the deceased victims and the injured victims in a tragic motor accident that took place on 13.09.2013 about 300 metres south of Alamcode junction along the Kollam-Thiruvananthapuram National Highway at 6.40 am. All the victims were the passengers in a Scorpio Car bearing Reg.No.KL 04P 9999 that was heading for Thiruvallam in Thiruvananthapuram District in connection with the offering of Bali rituals for the ancestors of the passengers and victims mentioned above. Four unfortunate passengers namely, Ushakumari and her husband, Kuttan, Kamalamma and Gopi died pursuant to the motor accident. All the remaining victims sustained injuries in the accident.

23. It is the definite case of the of the applicants that the motor accident occurred solely due to the rash and negligent driving of

the Scorpio Car by the first respondent, Ajayakumar and at high speed which caused the Scorpio Car to hit against a private bus bearing Reg.No.KL 16E 5434 that was in a stationery position in a bus stop for boarding and deboarding of passengers. The 3rd respondent, the insurer namely, Bajaj Alliance General Insurance Company Limited, in its written statement contended that the accident occurred due to the over crowding in the Scorpio Car as a result of which the first respondent lost control over the vehicle. It is also contended that there was no negligence on the part of the first respondent as averred. Hence this issue.

24. Significantly, in order to prove the rashness and negligence of the first respondent, the applicants produced Ext.A7 final report in Ext.A1 FIR indicting the first respondent Ajayakumar for the offences punishable under S. 279, 337 & 304 of IPC. Further, the applicants have produced Ext.A3 which is the scene mahazar in Ext.A1 FIR evidencing the fact that spot of accident is a point 300 metres south of Alamcode Junction and about 8.35 metres east from the western road margin of National Highway. Ext.A7 final report clearly establishes primafacie negligence and rashness on the part of the first respondent. It is true, that the vehicle was overloaded since the permitted capacity of the vehicle going by Ext.B1 insurance policy and Ext.B3 registration certificate was 8 passengers. However, there is nothing to hold that the aforesaid over crowding resulted in loosing of control over the vehicle as contended by the 3rd respondent in its written statement. Ext.A7 final report in Cr.No.1026/2013 of Attingal police station clearly states that the accused there in namely Ajayakumar had driven the aforesaid Car in a rash and negligent manner and at a high speed and that was the reason for the crime. It is by now settled law going by the dictum in

New India Assurance Co.Ltd v. Pazhani Ammal (2011 (3) KLT 648) which was reiterated by our Hon'ble High Court in the decision reported in **Kolavan and others v. Salim and others (2018 (1) KLT 489)** that the final report in the police investigation is primafacie proof of negligence and that the person who challenges the final report has to adduce evidence to counter the report. In the case on hand there is no evidence forthcoming from the side of the respondents 1 to 3 to counter Ext.A7 final report. Accordingly, this issue is answered in favour of the applicants holding that the motor accident occurred solely due to the negligence of the 1st respondent.

25. **Issue No.2**:- The applicants as mentioned above are the legal representatives of the victims and the injured victims in the aforesaid original petitions who have claimed varying amounts as compensation from the respondents 1 to 3. Accordingly, the claims of each of the applications can be considered in the aforesaid order.

26. **OP(MV) 1183/2014**:- The applicant namely Aneesh is the son of late Ushakumari who died in the motor accident. It is alleged that Ushakumari was a manual labourer aged 45 years earning a monthly income of Rs.10,000/-. Ext.A5 and Ext.A6 inquest report and postmortem certificate of Ushakumari will evidence the fact that Ushakumari was aged 45 years and that she was a housewife. Ext.A34, Ext.A35 and Ext.A37, the identity card of Ushakumari from Agricultural Workers Welfare Scheme, Family Labour Card of Ushakumari under the National Rural Employee Guarantee Act, 2005 and Passbook of Ushakumari under the Kerala Agricultural Workers Welfare Scheme 1990 will evidence the fact that Ushakumari was in fact an agricultural labourer. Considering the aforesaid documents, a notional income of Rs.5,000/- is fixed for Ushakumari for the purpose of compensation.

Accordingly compensation is computed as follows:-

27. An amount of **Rs.1,600/-** is awarded towards transport to hospital. The claim of Rs.2,000/- for extra-nourishment is disallowed. An amount of **Rs.1,500/-** is awarded for damage to clothings and articles. Coming to funeral expenses, the applicant is granted **Rs.15,000/-** towards funeral expenses, going by the dictum of the Hon'ble Supreme court in the ruling reported in **National Insurance Company Limited v Pranay Sethi 2017 (4) KLT 662(SC).** Likewise an amount of **Rs.15,000/-** is awarded towards loss of estate. Coming to general damages, an amount of **Rs.20,000/-** is awarded towards pain and sufferings. An amount of **Rs.30,000/-** is awarded towards loss of love and affection for the applicant who is the son of the deceased.

28. Finally, coming to the compensation on account of loss of dependency, the monthly income of the deceased was taken as Rs.4,500/-. Since the deceased was aged 45 years, 25% of the income is added towards future prospects going by the dictum in **Pranay Sethi's Case.** Accordingly, the total monthly income inclusive of future prospects would be Rs.6,250/- and the annual income would be Rs.75,000/-. After deducting 1/3rd of the said amount towards personal and living expenses, the contribution to the family would be Rs.50,000/-. Going by the decision of the Hon'ble Supreme Court in the ruling reported in **Sarala Varma(SMT) and other v Delhi Transport Corporation and another 2009 (6) SCC 121** the multiplier to be applied is “14”. That being so, the total amount of compensation payable on account of loss of dependency would be **Rs.7,00,000/-**. That being so, the applicant is awarded total compensation of **Rs.7,88,100/- (Rupees Seven lakh eighty eight thousand one hundred only)** together with interest and costs as discussed below. The quantum of compensation is shown in

tabular form below under various heads:

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings			
2	Partial loss of earnings			
3	Transport to hospital	2,500	1,600	
4	Funeral expenses, ambulance charges and medicines	30,000	15,000	Reasonable estimate
5	Damage to clothing	2,000	1,500	Reasonable estimate
6	Extra nourishment	2,000		
7	Compensation for pain and sufferings	65,000	25,000	
8	Compensation for expectation of life and prospects of the family			
9	Compensation for loss of dependency loss to the estate.	8,00,000	7,00,000 15,000	
10	Compensation for loss of consortium and loss of love and affection and mental agony.	60,000	30,000	
11	Compensation for loss of care and guidance to the minor compensation for loss of amenities in life			Considering the injuries
12	Total	**9,61,500/- (Ltd to 9,00,000/-)**	**7,88,100/-**	

29. Significantly, an interim award was passed under S. 140 of the Act, in IA 2191/2014 awarding Rs.50,000/-. Accordingly, the applicant would be entitled to get the balance amount with interest and costs as discussed below.

30. **<u>OP(MV) 1209/2014:-</u>** The victim in this case is Kuttan, the father of Aneesh and husband of Late Ushakumari. Kuttan

allegedly was a mason by profession earning a monthly income of Rs.10,000/- and he was aged 55 years. Ext.A10 is the inquest report of Kuttan and Ext.A11 is the postmortem certificate. From the aforesaid two documents, it is evident that the age of the deceased was 57 years. Accordingly, the age is fixed at 57 years. Ext. A36 and Ext.A38 are the ID card of Kuttan from the Kerala Agricultural Workers Welfare Scheme and his passbook under the said Scheme. The aforesaid documents would evidence the fact that Kuttan like his wife is an agricultural worker. In the absence of any evidence to prove income, a notional income of Rs.5,000/- is fixed as the income of the deceased. Accordingly, the compensation is computed as follows:-

31. An amount of **Rs.1,000/**- is awarded towards transport to hospital. Significantly, Kuttan died only on 25.09.2013, about 12 days after the accident. That being so, an amount of **Rs.1,500**/- is awarded towards extra-nourishment and **Rs.1,000**/- is awarded towards damage to clothings. Coming to funeral expenses, the applicant is granted **Rs.15,000**/- towards funeral expenses, going by the dictum of the Hon'ble Supreme Court in the ruling reported in **National Insurance Company Limited v Pranay Sethi 2017 (4) KLT 662 (SC).** Likewise an amount of **Rs.15,000/-** is awarded towards loss of estate. Coming to general damages, an amount of **Rs.25,000/-** is awarded towards pain and sufferings. An amount of **Rs.30,000**/- is awarded towards loss of love and affection for the applicant who is the son of the deceased.

32. Finally, coming to the compensation on account of loss of dependency, the monthly of the deceased was taken as Rs.5,000/-. Since the deceased was aged 57 years, 10% of the income is added towards future prospects going by the dictum in the **Pranay Sethi’s Case (Supra).** Accordingly, the total monthly income inclusive of

future prospects would be Rs.5,500/- and the annual income would be Rs.66,000/-. After deducting 1/3rd of the said amount towards personal and living expenses, the contribution to the family would be Rs.44,000/-. Going by the decision of the Hon'ble Supreme Court in the ruling reported in **Sarala Varma(SMT) and other v Delhi Transport Corporation and another 2009 (6)SCC 121** the multiplier to be applied is “9”. That being so, the total amount of compensation payable on loss of dependency would be **Rs.3,96,000**/-. That being so, the applicant is awarded total compensation of **Rs.4,84,500/- (Rupees Four lakh eighty four thousand five hundred only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads:

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings			
2	Partial loss of earnings			
3	Transport to hospital	2,500	1,000	
4	Funeral expenses, ambulance charges and medicines	40,000	15,000	Reasonable estimate
5	Damage to clothing	2,000	1,000	Reasonable estimate
6	Extra nourishment	2,000	1,500	
7	Compensation for pain and sufferings	50,000	25,000	
8	Compensation for expectation of life and prospects of the family			
9	Compensation for loss of dependency loss to the estate.	6,50,000	3,96,000 15,000	
10	Compensation for loss of consortium and loss of love and affection and	60,000	30,000	

	mental agony.			
11	Compensation for loss of care and guidance to the minor compensation for loss of amenities in life			Considering the injuries
12	Total	**8,06,500/- (Ltd to 8,00,000/-)**	**4,84,500/-**	

33. Significantly, an interim award was passed under S. 140 of the Act, in IA 1700 (a)/2014 awarding Rs.50,000/-. Accordingly, the applicant would be entitled to get the balance amount with interest and costs as discussed below.

34. **<u>OP(MV)241/2015</u>:-** The applicant who is a victim namely Santhamma has alleged that she is aged 56 years and that she is a labourer having an income of Rs.9,000/- per month. Ext.A12 is the discharge summary from the MCH, Thiruvananthapuram which evidences an age of 56 years. Interestingly, in Ext.A12, the income of the applicant is stated as zero. Ext.A12 also evidences the fact that a lower abdomen mass was incidentally detected pursuant to IP treatment from 13.09.2013 to 15.09.2013. In the light of the aforesaid evidence, the age of the applicant is fixed at 56 years and her notional income is fixed at Rs.4,500/-. Accordingly, the compensation is computed as follows:-

35. An amount of **Rs.9,000**/- is awarded towards loss of earnings for 2 months @ Rs.4,500/-. An amount of Rs.1,000/- each is awarded towards transportation to hospital, extra-nourishment and damage to clothings. In the absence of medical bills, an amount of **Rs.5,000**/- is awarded for medical expenses considering Ext.A12 discharge summary. An amount of **Rs.1,000/-** is awarded for bystander's expenses. Coming to general damages, an amount of **Rs.5,000/-** is awarded towards pain and sufferings. No amount is awarded towards

loss of disability. An amount of **Rs.5,000/-** is awarded towards compensation for loss of amenities and enjoyment in life. Accordingly the applicant is awarded total compensation of **Rs.28,000/- (Rupees Twenty Eight thousand only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads:

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings	20,000	9,000	Earnings for 2 months
2	Partial loss of earnings			
3	Transport to hospital	3,000	1,000	Reasonable estimate
4	Extra nourishment	1,500	1,000	Reasonable estimate
5	Damage to clothing	2,000	1,000	Reasonable estimate
6	Medical expenses	50,000	5,000	Reasonable estimate
7	Bystander's expenses		1,000	
8	Pain and suffering compensation for dis-figuration	40,000	5,000	Considering the injuries
9	Compensation for disability	50,000		
10	Compensation for loss of earning power			
11	Loss of amenities Compensation for deformity	50,000	5,000	Considering the injuries
12	Total	**2,16,500/- (Ltd to 1,50,000/-)**	**28,000/-**	

36. **<u>OP(MV)288/2015</u>**:-The applicant herein is the first informant in Ext.A1 FIR namely, Aji. He has alleged that he is aged 27 years and that he is earning a monthly income of Rs.10,000/- as a painter. Ext.A2 is the copy of FIS of Aji wherein it is stated that he is a painter. Ext.A13 is a discharge summary from MCH, Thiruvananthapuram evidencing an age of 27 years and inpatient treatment from 13.09.2013 to 15.09.2013 for soft tissue injury.

Considering the aforesaid documents, the age of the applicant is fixed at 27 years and his notional income is fixed at Rs.6,000/-. Accordingly, compensation is computed as follows:-

37. An amount of **Rs.12,000**/- is awarded towards loss of earnings for 2 months @ Rs.6,000/-. An amount of **Rs.1,000/-** each is awarded towards transportation to hospital, extra-nourishment and damage to clothings. Coming to medical expenses, an amount of **Rs.5,000**/- is awarded towards medical expenses in the light of Ext.A13 documents and in the absence of medical bills. Coming to general damages, an amount of **Rs.6,000**/- is awarded towards pain and sufferings. No amount is awarded towards loss of disability. Finally, an amount of **Rs.4,000/-** is awarded towards compensation for loss of amenities and enjoyment in life. Accordingly the applicant is awarded total compensation of **Rs.30,000/- (Rupees Thirty thousand only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads:

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings	15,000	12,000	Earnings for 2 months
2	Partial loss of earnings			
3	Transport to hospital	2,500	1,000	Reasonable estimate
4	Extra nourishment	1,500	1,000	Reasonable estimate
5	Damage to clothing	1,000	1,000	Reasonable estimate
6	Medical expenses	25,000	5,000	Reasonable estimate
7	Bystander's expenses			
8	Pain and suffering compensation for dis-figuration	20,000	6,000	Considering the injuries
9	Compensation for disability	30,000		
10	Compensation for loss of			

	earning power			
11	Loss of amenities Compensation for deformity	25,000	4,000	Considering the injuries
12	Total	**1,20,000/- (Ltd to 50,000/-)**	**30,000/-**	

38. **<u>OP(MV) 920/2015:</u>-** The petitioners and the 4th respondent are the husband and children of late Kamalamma, the victim in this case. It is alleged that Kamalamma was aged 56 years and that she was a housewife. Ext.A14 is the postmortem certificate of Kamalamma evidencing an age of 56 years and that the death was due to injury to the head and chest. Ext.A20 is the Identity card of the first petitioner and Ext.A21 is the death certificate of the first petitioner evidencing the fact that the first petitioner died on 09.07.2016 after the filing of the OP. In the light of the aforesaid documents, the age of the victim is fixed at 56 years for the purpose of compensation and a notional income of Rs.3,500/- is taken for compensation.

39. An amount of **Rs.1,000/**- each is awarded towards transport to hospital and damage to clothings. Coming to funeral expenses, the applicants have granted **Rs.15,000/**- each is awarded towards funeral expenses and loss of estate going by the dictum of the Hon'ble Supreme court in the ruling reported in **National Insurance Company Limited v Pranay Sethi 2017 (4) KLT 662 (SC).** An amount of **Rs.3,000/**- is awarded towards ambulance charges. Coming to general damages, an amount of **Rs.40,000/-** is awarded towards loss of consortium to the first petitioner. An amount of **Rs.80,000/**- is awarded towards loss of love and affection on account of the death of Kamalamma to her legal representatives mentioned above.

40. Finally, coming to the compensation on account of

loss of dependency, the monthly income of the deceased was taken as Rs.3,500/-. Since the deceased was aged 56 years, 10% of the income is added towards future prospects going by the dictum in **Pranay Sethi's Case (Supra).** Accordingly, the total monthly income inclusive of future prospects would be Rs.3,850/- and the annual income would be Rs.46,200/-. After deducting 1/4th of the said amount towards personal and living expenses, the contribution to the family would be Rs.34,650/-. Going by the decision of the Hon'ble Supreme court in the ruling reported in **Sarala Varma (SMT) and other v Delhi Transport Corporation and another 2009 (6) SCC 121** the multiplier to be applied is "9". That being so, the total amount of compensation payable on loss of dependency would be **Rs.3,11,850**/-. That being so, the applicant is awarded total compensation of **Rs.4,66,850/- (Rupees Four lakh sixty six thousand eight hundred and fifty only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads:

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings			
2	Partial loss of earnings			
3	Transport to hospital	5,000	1,000	
4	Funeral expenses, ambulance charges and miscellaneous	25,000 10,000 10,000	15,000 3,000	Reasonable estimate
5	Damage to clothing	1,000	1,000	Reasonable estimate
6	Extra nourishment			
7	Compensation for pain and sufferings			
8	Compensation for expectation of life and prospects of the family			

9	Compensation for loss of dependency loss to the estate.	6,00,000	3,11,850 15,000	
10	Compensation for loss of consortium and loss of love and affection and mental agony.	1,00,000 75,000	40,000 80,000	
11	Compensation for loss of care and guidance to the minor compensation for loss of amenities in life			Considering the injuries
12	**Total**	**8,01,000/- (Ltd to 8,00,000/-)**	**4,66,850/-**	

41. The award amount will be distributed among the petitioners 2 to 4 and respondent No.4 in equal proportions.

42. **<u>OP(MV) 921/2014:-</u>** The applicants are the widow and children of late Gopi in this case. It is alleged that Gopi was aged 68 years and that he was a tree climber and wood cutter earning a monthly income of Rs.10,000/-. Ext.A15 is the postmortem certificate of the deceased evidencing an age of about 65 years and that the death was due to chest injury. Ext.A22 is the identity card and pass book of the victim from the Agricultural Workers Union which evidences an age of 44 years in the year 2000. Ext.A23 is the death certificate which evidences the fact that the victim died on 13.09.2013. In the light of the above said documents, the age of the victim is fixed at 65 years and the notional income is fixed at Rs.5,000/- per month. Accordingly, the compensation is computed as follows:-

43. An amount of **Rs.1,000/**- each is awarded towards transport to hospital and damage to clothings. The applicants are granted **Rs.15,000/**- each towards funeral expenses and loss of estate going by the dictum of the Hon'ble Supreme Court in the ruling reported

in **National Insurance Company Limited v Pranay Sethi 2017 (4) KLT 662 (SC).** An amount of **Rs.3,000**/- is awarded towards ambulance charges. Coming to general damages, an amount of **Rs.25,000/**- is awarded towards pain and sufferings. An amount of **Rs.40,000/-** is awarded towards loss of consortium to the first petitioner. An amount of **Rs.60,000**/- is awarded towards loss of love and affection.

44. Finally, coming to the compensation on account of loss of dependency, the monthly income of the deceased was taken as Rs.5,000/-. Since the deceased was aged 65 years, no amount is added towards future prospects going by the dictum in **Pranay Sethi's Case (Supra).** Accordingly, the total annual income would be Rs.60,000/-. After deducting 1/4th of the said amount towards personal and living expenses, the contribution to the family would be Rs.45000/-. Going by the decision of the Hon'ble Supreme court in the ruling reported in **Sarala Varma (SMT) and other v Delhi Transport Corporation and another 2009 (6) SCC 121** the multiplier to be applied is "7". That being so, the total amount of compensation payable on loss of dependency would be **Rs.3,15,000**/-. That being so, the applicant is awarded total compensation of **Rs.4,75,000/- (Rupees Four lakh seventy five thousand only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads.

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings			
2	Partial loss of earnings			
3	Transport to hospital	5,000	1,000	
4	Funeral expenses,	25,000	15,000	Reasonable estimate

	ambulance charges and medicines	10,000 10,000	3,000	
5	Damage to clothing	1,000	1,000	Reasonable estimate
6	Extra nourishment			
7	Compensation for pain and sufferings	1,00,000	25,000	
8	Compensation for expectation of life and prospects of the family			
9	Compensation for loss of dependency loss to the estate.	8,50,000	3,15,000 15,000	
10	Compensation for loss of consortium and loss of love and affection and mental agony.	1,00,000 60,000	4,00,00 60,000	
11	Compensation for loss of care and guidance to the minor compensation for loss of amenities in life			Considering the injuries
12	**Total**	**11,61,000/- (Ltd to 11,00,000/-)**	**4,75,000/-**	

45. Out of the award amount, the first petitioner will be entitled to 40% and the petitioners 2 to 4 will be entitled to get 20% each. Half of the amount due to the first petitioner will be released to her and the remaining half will be deposited in a nationalized bank as fixed deposit for a period of three years. The amount in the name of the petitioners 2 to 4 will be released to them.

46. **<u>OP(MV)922/2015</u>**:- Krishnamma is the victim in this case and she has alleged that she is a housewife aged 35 years. Ext.A16 is the wound certificate evidencing an age of 55 years and lacerated wounds. Ext.A3 is the treatment certificate evidencing the age of 35 years and inpatient treatment from 26.09.2013 to 01.10.2013 and the

fracture of the mandible. Ext.A44 is the case record of the applicant from Dental College, Thiruvananthapuram evidencing an age of 35 years and Ext.A45 is a discharge card of the Dental College, Hospital, Thiruvananthapuram evidencing the age of 35 years. In the light of the aforesaid documents, the age of the applicant is fixed at 35 years as per Ext.A44 and Ext.A45 and the notional income of Rs.3,500/- is fixed for the purpose of compensation. Accordingly, compensation is computed as follows:-

47. An amount of **Rs.7,000**/- is awarded towards loss of earnings for 2 months @ Rs.3,500/-. An amount of Rs.1,000/- each is awarded towards transportation to hospital, extra-nourishment and damage to clothings. An amount of **Rs.2,000**/- is awarded for medical expenses in the absence of medical bills and considering Ext.A43 and Ext.A45 and an amount of **Rs.1,500/-** is awarded for bystander's expenses. Coming to general damages, an amount of **Rs.8,000/**- is awarded towards pain and sufferings. An amount of **Rs.5,000**/- each is awarded towards compensation for loss of permanent disability and loss of amenities. Accordingly the applicant is awarded total compensation of **Rs.31,500/- (Rupees thirty one thousand and five hundred only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads:

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings	1,00,000	7,000	Earnings for 2 months
2	Partial loss of earnings			
3	Transport to hospital	5,000	1,000	Reasonable estimate
4	Extra nourishment	3,000	1,000	Reasonable estimate
5	Damage to clothing	1,000	1,000	Reasonable estimate
6	Medical expenses		2,000	Reasonable estimate

7	Bystander's expenses		1,500	
8	Pain and suffering compensation for dis-figuration	1,00,000	8,000	Considering the injuries
9	Compensation for disability	1,00,000	5,000	
10	Compensation for loss of earning power			
11	Loss of amenities Compensation for deformity		5,000	Considering the injuries
12	Total	**3,09,000/- (Ltd to 3,00,000/-)**	**31,500/-**	

48. **OP(MV) 923/2015:-** The victim is Sukumaran who is allegedly aged 62 years and is a wood cutter earning a monthly income of Rs.10,000/-. Ext.A24 are medical bills of Rs.2,606/-. Ext.A25 are medical records of Sukumaran and in particular the discharge summary from MCH, Thiruvananthapuram evidencing inpatient treatment from 13.09.2013 to 15.09.2013. In the light of the aforesaid documents, the age of the applicant is fixed at 62 years on the basis of Ext.A25 and a notional income of Rs.6,000/- is taken for the purpose of compensation. Accordingly, the compensation is computed as follows:-

49. An amount of **Rs.12,000**/- is awarded towards loss of earnings for 2 months @ Rs.6,000/-. An amount of Rs.1,000/- each is awarded towards transportation to hospital, extra-nourishment and damage to clothings. Considering Ext.A24 medical bills and Ext.A25 discharge summary, an amount of **Rs.3,000**/- is awarded for medical expenses and an amount of **Rs.1,000/-** is awarded for bystander's expenses. Coming to general damages, an amount of **Rs.6,000/-** is awarded towards pain and sufferings. An amount of **Rs.5,000**/- each is awarded towards compensation for loss of permanent disability and loss

of amenities. Accordingly the applicant is awarded total compensation of **Rs.35,000/- (Rupees thirty five thousand only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads.

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings	50,000	12,000	Earnings for 2 months
2	Partial loss of earnings			
3	Transport to hospital	5,000	1,000	Reasonable estimate
4	Extra nourishment	2,000	1,000	Reasonable estimate
5	Damage to clothing	1,000	1,000	Reasonable estimate
6	Medical expenses	50,000	3,000	Reasonable estimate
7	Bystander's expenses		1,000	
8	Pain and suffering compensation for dis-figuration	20,000	6,000	Considering the injuries
9	Compensation for disability	2,00,000	5,000	
10	Compensation for loss of earning power			
11	Loss of amenities Compensation for deformity	1,00,000	5,000	Considering the injuries
12	Total	**4,28,000/- (Ltd to 4,00,000/-)**	**35,000/-**	

50. <u>**OP(MV) 925/2015:-**</u> The victim namely Ramraj is allegedly aged 55 years and is a coconut tree climber having a monthly income of Rs.10,000/-. Ext.A17 is the wound certificate of the applicant evidencing an age of 55 years and a sprained C spine. Ext.A26 is the discharge card from the MCH, Alappuzha again evidencing an age of 55 years and IP treatment from 14.09.2013 to 29.09.2013 for traverse fracture vertebra. In the light of the aforesaid documents, the age of the applicant is fixed at 55 years on the basis of Ext.A17 & Ext.A26 and a

notional income of Rs.6,000/- is fixed for computation of compensation.

51. An amount of **Rs.12,000**/- is awarded towards loss of earnings for 2 months @ Rs.6,000/-. An amount of Rs.1,000/- each is awarded towards transportation to hospital, extra-nourishment and damage to clothings. Considering the IP treatment as per Ext.A26, an amount of **Rs.3,000**/- is awarded for medical expenses and **Rs.4,000/-** is awarded for bystander's expenses. Coming to general damages, an amount of **Rs.10,000/**- each is awarded towards pain and sufferings and compensation for loss of permanent disability. An amount of **Rs.5,000/**- is awarded towards compensation for loss of amenities and enjoyment in life. Accordingly the applicant is awarded total compensation of **Rs.47,000/- (Rupees Forty seven thousand only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads:

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings	1,00,000	12,000	Earnings for 2 months
2	Partial loss of earnings			
3	Transport to hospital	5,000	1,000	Reasonable estimate
4	Extra nourishment	2,000	1,000	Reasonable estimate
5	Damage to clothing	1,000	1,000	Reasonable estimate
6	Medical expenses		3,000	Reasonable estimate
7	Bystander's expenses		4,000	
8	Pain and suffering compensation for dis-figuration	1,00,000	10,000	Considering the injuries
9	Compensation for disability	3,00,000	10,000	
10	Compensation for loss of earning power			
11	Loss of amenities Compensation for deformity	1,00,000	5,000	Considering the injuries

12	Total	**6,08,000/- (Ltd to 6,00,000/)**	**47,000/-**	

52. **<u>OP(MV) 926/2015</u>**:- The victim in this case is a housewife and a Kudumbasree worker namely Suseela aged 47 years. Ext.A18 is the wound certificate of Suseela evidencing an age of 49 years and a lacerated wound over scalp. Ext.A46 is the discharge summary from the District Hospital, Mavelikara for a period of 8 days from 16.09.2013 to 23.09.2013 and evidencing an age of 47 years. In the light of the said documents, the age of the applicant is fixed at 47 years as per Ext.A46 and notional income is fixed at Rs.4,000/- for the purpose of computation of compensation.

53. An amount of **Rs.12,000**/- is awarded towards loss of earnings for 3 months @ Rs.4,000/-. An amount of **Rs.1,000**/- each is awarded towards transportation to hospital, extra-nourishment and damage to clothings. Considering the IP treatment as per Ext.A46, an amount of **Rs.3,000**/- is awarded for medical expenses and **Rs.2,000**/- is awarded for bystander's expenses. Coming to general damages, an amount of **Rs.10,000/**- is awarded towards pain and sufferings and **Rs.5,000/**- each is awarded towards compensation for loss of disability and loss of amenities and enjoyment in life. Accordingly the applicant is awarded total compensation of **Rs.40,000**/- **(Rupees Forty thousand only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads:

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings	1,00,000	12,000	Earnings for 3 months
2	Partial loss of earnings			
3	Transport to hospital	5,000	1,000	Reasonable estimate

4	Extra nourishment	2,000	1,000	Reasonable estimate
5	Damage to clothing	1,000	1,000	Reasonable estimate
6	Medical expenses		3,000	Reasonable estimate
7	Bystander's expenses		2,000	
8	Pain and suffering compensation for dis-figuration	1,00,000	10,000	Considering the injuries
9	Compensation for disability	1,00,000	5,000	
10	Compensation for loss of earning power			
11	Loss of amenities Compensation for deformity	1,00,000	5,000	Considering the injuries
12	Total	**4,08,000/- (Ltd to 4,00,000/-)**	**40,000/-**	

54. Finally, in OP(MV) 927/2015 Padmavathi is the victim and she has alleged that she was aged 50 years and that she is a housewife and a Kudumbasree worker. Ext.A19 is the wound certificate of the applicant Padmavathi evidencing a lacerated wound on the scalp and abrasion. Ext.A27 is the discharge card from MCH, Alappuzha for the period from 14.09.2013 to 21.09.2013 for inter hemispheric bleeding and cerebral calcification. Ext.A28 is the treatment certificate for the same period. In the light of the aforesaid documents, Ext.A19, Ext.A27 and Ext.A28, the age of the applicant is fixed at 50 years and the notional income of the applicant is fixed at Rs.4,000/-. Accordingly, the compensation is computed as follows:-

55. An amount of **Rs.12,000/**- is awarded towards loss of earnings for 3 months @ Rs.4,000/-. An amount of **Rs.1,000**/- each is awarded towards transportation to hospital, extra-nourishment and damage to clothings. Considering the IP treatment as per Ext.A28, an

amount of **Rs.3,000**/- is awarded for medical expenses and **Rs.1,500**/- is awarded for bystander's expenses. Coming to general damages, an amount of **Rs.7,000/**- is awarded towards pain and sufferings and **Rs.10,000/**- is awarded towards compensation for loss of disability and an amount of **Rs.5,000**/- is awarded towards loss of amenities and enjoyment in life. Accordingly the applicant is awarded total compensation of **Rs.41,500**/- **(Rupees Forty one thousand five hundred only)** together with interest and costs as discussed below. The quantum of compensation is shown in tabular form below under various heads:

No	Head of claim	Amount claimed (in rupees)	Amount awarded (in rupees)	Details in a nut shell
1	Loss of earnings	1,00,000	12,000	Earnings for 3 months
2	Partial loss of earnings			
3	Transport to hospital	5,000	1,000	Reasonable estimate
4	Extra nourishment	2,000	1,000	Reasonable estimate
5	Damage to clothing	1,000	1,000	Reasonable estimate
6	Medical expenses		3,000	Reasonable estimate
7	Bystander's expenses		1,500	
8	Pain and suffering compensation for dis-figuration	1,00,000	7,000	Considering the injuries
9	Compensation for disability	1,00,000	10,000	
10	Compensation for loss of earning power			
11	Loss of amenities Compensation for deformity	1,00,000	5,000	Considering the injuries
12	Total	**4,08,000/- (Ltd to 4,00,000/-)**	**41,500/-**	

56. Significantly, it has come out in evidence that there was overloading in the vehicle involved in the accident mentioned above

since there were 11 passengers against the permitted capacity of 8 passengers. This fact is evident from Ext.B1 and Ext.B3 already mentioned above. That being so, the applicants would not be entitled to the total amount of compensation found above in all the eleven OP(MV)s, which would come to Rs.24,67,450/-. The manner of settlement of the claims in a case of overloading like the one on hand has been held by the Hon’ble Supreme Court in the ruling reported in ***National Insurance Company Limited V Anjana Syam and others in 2007 (3) KLT 993 SC***. Accordingly, the Hon'ble Supreme Court has held that the highest among the award amounts of the permitted number of passengers has to be considered. That being so, in this case, the highest of the eight award amounts are Rs.7,88,100/- in OP(MV) 1183/2014, Rs.4,84,500/- in OP(MV) 1209/2014, Rs.4,75,000/- in OP(MV) 921/2015, Rs.4,66,850/- in OP(MV) 920/2015, Rs.47,000/- in OP(MV) 925/2015, Rs.41,500/- in OP(MV) 927/2015, Rs.40,000/-in OP(MV) 926/2015 and Rs.35,000 in OP(MV) 923/2015. The total of the aforesaid amounts will be Rs.23,77,950/-. Since the 3rd respondent has admitted Ext.B1 policy for the offending vehicle, the 3rd respondent will be liable to deposit the aforesaid amount of Rs.23,77,950/-. The said amount will have to be apportioned in the proportion Rs.23,77,950/ 24,67,450/- among the eleven claimants on the basis of the amount awarded. The deficit that will arise in all the OP(MV)s will have to be paid by the 2nd respondent owner and the 2nd respondent would be hence be liable for the deficit amount of Rs.89,500/-. Accordingly the amount of Rs.23,77,950/- when apportioned among all the eleven applicants will entitle the applicants to the following amounts.

Sl.No.	OP(MV)	Amount (Rs)
1	1183/2014	7,59,498/-
2	1209/2014	4,66,919/-
3	241/2015	26,990/-
4	288/2015	28,917/-
5	920/2015	4,49,909/-
6	921/2015	4,57,764/-
7	922/2015	30,363/-
8	923/2015	33,736/-
9	925/2015	45,300/-
10	926/2015	38,554/-
11	927/2015	40,000/-
Total		**23,77,950/-**

Issue is answered accordingly in favour of the applicants.

57. **Issue No.3**:- It was found above, under the earlier issue, that the claimants are entitled to a total proportionate compensation of **Rs.7,59,498/- in OP(MV) 1183/2014, Rs.4,66,919/- in OP(MV) 1209/2014, Rs.26,990/- in OP(MV) 241/2015, Rs.28,917/- in OP(MV) 288/2015, Rs.4,49,909/- in OP(MV) 920/2015, Rs.4,57,764/- in OP(MV) 921/2015, Rs.30,363/- in OP(MV) 922/2015, Rs.33,736/- in OP(MV) 923/2015, Rs.45,300/- in OP(MV) 925/2015, Rs.38,554/- in OP(MV) 926/2015 and Rs.40,000/- in OP(MV)927/2015.** Considering the entire facts and circumstances of the case, and the principles enunciated, by the **Hon'ble Supreme Court in the decision reported in Abati Bezbaruah V Deputy Director General, Geological Survey of India and Another 2013 (3) SCC 148** and **our Hon'ble High Court in Kaushnuma Begum V New India Assurance Co.Ltd. 2011 KHC 115 and Dharampal and**

others V U.P State Road Transport Corporation 2008 (2) KHC 939 simple interest @ 8% is granted on the afore said amounts from the date of applications till realization. The applicants are also entitled to get proportionate cost. Issue answered accordingly.

58. **Issue No.4 in OP(MV) 1183/2014**:- It was found above under the earlier issue, that the applicant is entitled to proportionate compensation to a tune of **Rs.7,59,498/- (Rupees Seven lakh fifty nine thousand four hundred and ninety eight only)** together with simple interest @ 8% per annum on the said sum from the date of application till realization along with proportionate costs.

59. In the result, the application is allowed in part as follows:

1. The applicant is entitled to recover compensation of **Rs.7,59,498/- (Rupees Seven lakh fifty nine thousand four hundred and ninety eight only)** with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.

2. The 3rd respondent, insurer, is directed to produce an amount of Rs.8,373/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT, Mavelikara.

3. The 3rd respondent is also directed to produce a crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque

within a period of 60 days from today, which amount shall be released to the applicant.

4. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.

5. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of compensation.

6. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

7. The applicant is entitled to recover the deficit amount from the 2nd respondent and his assets.

60. **Issue No.4 in OP(MV) 1209/2014**:- It was found above under the earlier issues, that the applicant is entitled to compensation to a tune of **Rs.4,66,919/- (Rupees four lakh sixty six thousand nine hundred and nineteen only)** together with simple interest @ 8% per annum on the said sum from the date of application till realization along with proportionate costs.

61. In the result, the application is allowed in part as follows:

1. The applicant is entitled to recover compensation of **Rs.4,66,919/- (Rupees four lakh sixty six thousand nine hundred and nineteen only)**

together with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.

2. The 3rd respondent, insurer, is directed to produce an amount of Rs.7,373/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT, Mavelikara.

3. The 3rd respondent is also directed to produce a crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque within a period of 60 days from today, which amount shall be released to the applicant.

4. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.

5. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of compensation.

6. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

7. The applicant is entitled to recover the deficit amount the 2nd respondent and his assets.

62. **<u>Issue No.4 in OP(MV) 241/2015</u>**:- It was found above under the earlier issues, that the applicant is entitled to compensation to a tune of **Rs.26,990/- (Rupees twenty six thousand nine hundred and ninety only)** with simple interest @ 8 % per annum on the said sum from the date of application till realization along with proportionate costs.

61. In the result, the application is allowed in part as follows:

1. The applicant is entitled to recover compensation of **Rs.26,990/- (Rupees twenty six thousand nine hundred and ninety only)** with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.

2. The 3rd respondent, insurer, is directed to produce an amount of Rs.873/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT, Mavelikara.

3. The 3rd respondent is also directed to produce a crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque within a period of 60 days from today, which amount shall be released to the applicant.

4. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount

will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.

5. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of compensation.

6. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

7. The applicant is entitled to recover the deficit amount of compensation from the 2nd respondent and his assets.

62. **Issue No.4 in OP(MV) 288/2015**:- It was found above under the earlier issues, that the applicant is entitled to compensation to a tune of **Rs.28,917/- (Rupees twenty eight thousand nine hundred and seventeen only)** together with simple interest @ 8 % per annum on the said sum from the date of application till realization along with proportionate costs.

63. In the result, the application is allowed in part as follows:

1. The applicant is entitled to recover compensation of **Rs.28,917/- (Rupees twenty eight thousand nine hundred and seventeen only)** together with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.

2. The 3rd respondent is directed to produce a crossed cheque for the amount payable towards compensation by way of a crossed cheque in favour of the Addl.MACT, Mavelikara within a period of 60 days from today.

3. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.

4. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of compensation.

5. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

6. The applicant is entitled to recover the deficit amount of compensation from the 2nd respondent and his assets.

64. **<u>Issue No.4 in OP(MV) 920/2015</u>**:- It was found above under the earlier issues, that the applicants are entitled to compensation to the tune of **Rs.4,49,909/- (Rupees four lakh forty nine thousand nine hundred and nine only)** together with simple interest @ 8% per annum on the said sum from the date of application till realization along with proportionate costs.

65. In the result, the application is allowed in part as

follows:

1. The applicants and the 4th respondent are entitled to recover compensation of **Rs.4,49,909/- (Rupees four lakh forty nine thousand nine hundred and nine only)** with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent in equal proportion.

2. The 3rd respondent, insurer, is directed to produce an amount of Rs.7,373/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT, Mavelikara.

3. The 3rd respondent is also directed to produce a crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque within a period of 60 days from today, which amount shall be released to the applicant.

4. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.

5. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of

compensation.

6. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.
7. The applicant is entitled to recover the deficit amount of compensation from the 2nd respondent and his assets.

66. **<u>Issue No.4 in OP(MV) 921/2015</u>**:- It was found above under the earlier issue, that the applicant is entitled to compensation to a tune of **Rs.4,57,764/- (Rupees four lakh fifty seven thousand seven hundred and sixty four only)** together with simple interest @ 8% per annum on the said sum from the date of application till realization along with proportionate costs.

67. In the result, the application is allowed in part as follows:

1. The applicants are entitled to recover compensation of **Rs.4,57,764/- (Rupees four lakh fifty seven thousand seven hundred and sixty four only)** in the proportions mentioned above together with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.

2. The 3rd respondent, insurer, is directed to produce an amount of Rs.9,373/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT, Mavelikara.

3. The 3rd respondent is also directed to produce a

crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque within a period of 60 days from today, which amount shall be released to the applicant.

4. The first petitioner will be entitled to 40% and the petitioners 2 to 4 will be entitled to get 20% each. Half of the amount due to the first petitioner will be released to her and the remaining half will be deposited in a nationalized bank as fixed deposit for a period of three years. The amount in the name of the petitioners 2 to 4 will be released to them.

5. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.

6. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of compensation.

7. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

8. The applicants are entitled to recover the balance deficit amount of compensation from the 2nd respondent and his assets.

68. **<u>Issue No.4 in OP(MV) 922/2015</u>**:- It was found above under the earlier issues, that the applicant is entitled to compensation to a tune of **Rs.30,363/- (Rupees Thirty thousand three hundred and sixty three only)** together with simple interest @ 8% per annum on the said sum from the date of application till realization along with proportionate costs.

69. In the result, the application is allowed in part as follows:

1. The applicant is entitled to recover compensation of **Rs.30,363/- (Rupees Thirty thousand three hundred and sixty three only)** with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.

2. The 3rd respondent, insurer, is directed to produce an amount of Rs.2,373/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT, Mavelikara.

3. The 3rd respondent is also directed to produce a crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque within a period of 60 days from today, which amount shall be released to the applicant.

4. In the event of the 3rd respondent not paying the award mount as stipulated above, the award amount will carry interest @ 12% per annum from the date of

default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.

5. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of compensation.

6. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

7. The applicant is entitled to recover the deficit amount of compensation from the 2nd respondent and his assets.

70. **Issue No.4 in OP(MV) 923/2015**:- It was found above under the earlier issues, that the applicant is entitled to compensation to a tune of **Rs.33,736/- (Rupees Thirty three thousand seven hundred and thirty six only)** together with simple interest @ 8% per annum on the said sum from the date of application till realization along with proportionate costs.

71. In the result, the application is allowed in part as follows:

1. The applicant is entitled to recover compensation of **Rs.30,363/- (Rupees Thirty thousand three hundred and sixty three only)** together with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.

2. The 3rd respondent, insurer, is directed to produce an

amount of Rs.3,373/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT, Mavelikara.

3. The 3rd respondent is also directed to produce a crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque within a period of 60 days from today, which amount shall be released to the applicant.

4. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756.**

5. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of compensation.

6. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

7. The applicant shall be entitled to recover the deficit amount of compensation from the 2nd respondent and his assets.

72. **Issue No.4 in OP(MV) 925/2015**:- It was found above under the earlier issues, that the applicant is entitled to compensation to a tune of **Rs.45,300/- (Rupees forty five thousand**

and three hundred only) together with simple interest @ 8% per annum on the said sum from the date of application till realization along with proportionate costs.

73. In the result, the application is allowed in part as follows:

1. The applicant is entitled to recover compensation of **Rs.45,300/- (Rupees forty five thousand and three hundred only)** with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.

2. The 3rd respondent, insurer, is directed to produce an amount of Rs.5,373/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT, Mavelikara.

3. The 3rd respondent is also directed to produce a crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque within a period of 60 days from today, which amount shall be released to the applicant.

4. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.

5. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of compensation.

6. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

7. The applicant is entitled to recover the deficit amount of compensation from the 2nd respondent and his assets.

74. **Issue No.4 in OP(MV) 926/2015**:- It was found above under the earlier issue, that the applicant is entitled to compensation to a tune of **Rs.38,554/- (Rupees thirty eight thousand five hundred and fifty four only)** together with simple interest @ 8 % per annum on the said sum from the date of application till realization along with proportionate costs.

75. In the result, the application is allowed in part as follows:

1. The applicant is entitled to recover compensation of **Rs.38,554/- (Rupees thirty eight thousand five hundred and fifty four only)** together with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.

2. The 3rd respondent, insurer, is directed to produce an amount of Rs.3,373/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT,

Mavelikara.

3. The 3rd respondent is also directed to produce a crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque within a period of 60 days from today, which amount shall be released to the applicant.

4. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.

5. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a period of 15 days for the purpose of payment of compensation.

6. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

7. The applicant is entitled to recover the balance deficit amount of compensation from the 2nd respondent and his assets.

76. **Issue No.4 in OP(MV) 927/2015**:- It was found above under the earlier issues, that the applicant is entitled to compensation to a tune of **Rs.40,000/- (Rupees forty thousand only)** together with simple interest @ 8 % per annum on the said sum from the date of application till realization along with proportionate costs.

77. In the result, the application is allowed in part as follows:

1. The applicant is entitled to recover compensation of **Rs.40,000/- (Rupees forty thousand only)**with simple interest @ 8% per annum and proportionate costs from the date of filing of application till realization from the 3rd respondent.
2. The 3rd respondent, insurer, is directed to produce an amount of Rs.3,373/- towards court fee payable in the OP by way of crossed cheque out of the award amount in favour of the Addl.MACT, Mavelikara.
3. The 3rd respondent is also directed to produce a crossed cheque for the balance amount payable towards compensation after deducting the amount of CF in favour of the applicant by way of a cheque within a period of 60 days from today, which amount shall be released to the applicant.
4. In the event of the 3rd respondent not paying the award amount as stipulated above, the award amount will carry interest @ 12% per annum from the date of default till realization going by the dictum, in **National Insurance Co.Ltd. V M.K.Moidu and others 2014 (4) KHC 756**.
5. The applicant shall hand over a copy of the PAN card to the 3rd respondent/insurer, within a

period of 15 days for the purpose of payment of compensation.

6. The amount of interim compensation, if any, deposited or realized has to be adjusted accordingly.

7. The applicant is entitled to recover the deficit amount of compensation from the 2nd respondent and his assets.

(Dictated to the C.A, transcribed and typewritten by her, corrected and pronounced by me in open court on this the 17th day of August, 2019)

Sd/-
C.S.MOHIT,
MOTOR ACCIDENTS CLAIMS TRIBUNAL

Appendix

Exhibits for the petitioners

A1 :13.09.2013:Copy of FIR

A2 :13.09.2013:Copy of FIS

A3 :14.09.2013:Copy of scene mahazar

A4 :24.09.2013:Copy of AMVI report

A5 :13.09.2013:Copy of inquest report

A6 :13.09.2013:Copy of postmortem certificate

A7 :28.08.2014:Copy of final report

A8 :Copy of insurance policy

A9 :Copy of registration certificate

A10 :26.09.2013:Copy of inquest report

A11 :26.09.2013:Copy of postmortem certificate

A12 :13.09.2013:Copy of FIR

A13 :13.09.2013:Copy of FIR

A14 :13.09.2013:Copy of postmortem certificate

A15 :13.09.2013:Copy of postmortem certificate

A16 :13.09.2013:Copy of wound certificate

A17 :13.09.2013:Copy of wound certificate

A18 :13.09.2013:Copy of wound certificate

A19 :13.09.2013:Copy of wound certificate

A20 :Copy of Aadhar card

A21 :Copy of death certificate

A22 :Copy of Welfare Board pass book

A23 :Copy of death certificate

A24 :Medical bills

A25 :Medical records

A26 :29.09.2013:Discharge card

A27 :21.09.2013:Discharge card

A28 :03.10.2013:Treatment certificate

A29 :15.06.2019:Certificate from Chettikulangara Grama Panchayath

A30 :15.06.2019:Certificate from Chettikulangara Grama Panchayath

A31 :Receipt of Welfare Board

A32 :Receipt of Welfare Board

A33 :04.11.2013:Copy of letter from State Medico Legal Institute

A34 :Copy of identity card (Welfare Board)

A35 :Copy of employment card (National Rural Employment)

A36 :Copy of identity card (Welfare Board)

A37 :Copy of Welfare Board pass book

A38 :Copy of Welfare Board pass book

A39 :13.09.2013:Copy of postmortem certificate

A40 :Copy of death certificate

A41 :Copy of death certificate

A42 :Medical bill

A43 :23.10.2013:Treatment certificate

A44 :Case records

A45 :01.10.2013:Copy of discharge card

<u>Exhibits for the respondents</u>

B1 :Copy of insurance policy

B2 :Copy of insurance policy

B3 :Copy of registration certificate

<u>Witness for the petitioners</u> : Nil

<u>Witness for the respondents</u> : Nil

Id/-
MOTOR ACCIDENTS CLAIMS TRIBUNAL

Typed by:Suresh.B.
Compd.by:Lincy