

IN THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, MANJERI

Present:- Smt. Resmi.S, Motor Accidents Claims Tribunal, Judge.

Tuesday, the 31st day of March, 2026**OP (MV) No. 1135/2022****Between:-**

1.	Anees.T, 27 Years, S/o. Mohammed, Thondi House, Mutheeri, Chathangottupuram (P.O), Porur, Nilambur Taluk, Malappuram District – 679328.	: Petitioner
	By: Adv. Lalumon.K & Adv. Hitha.K	

And:-

1.	Vinu, 38 Years, S/o. Appunni, Karaparambil House, Pandikkad (P.O), Valarad, Ernad Taluk, Malappuram District – 676521. (Rider)	: Respondents
2.	Vidya.K.P, W/o. Vinu, Karaparambil House, Pandikkad (P.O), Valarad, Ernad Taluk, Malappuram District – 676521. (Owner)	

R1 & R2 : Exparte

Claim	₹15,00,000/-
Court Fee Payable	₹14,372.50/- +5/-
Court fee paid	5/-
LBF Payable	₹15,000/-
Application Presented on	01-10-2022

This petition coming on this day for final hearing before me and upon perusing the records and on hearing the arguments, this Tribunal passed the following :-

A W A R D

This is a petition filed u/s.166 of the Motor Vehicles Act claiming compensation for the injuries sustained by the petitioner in the road traffic accident.

2. The averments in the petition can be briefly stated as follows: On 30.11.2021 at about 8.00 P.M the petitioner was riding a motorcycle bearing regn. No. KL 71/4326 from Kuttipara to Manjeri. When he reached at the place of accident, a motorcycle bearing regn. No. KL 10 AS 927 ridden by the 1st respondent came from Manjeri side in a rash and negligent manner and hit against the motorcycle ridden by the petitioner. Due to the impact of the hit, the petitioner sustained grievous injuries. The first respondent being the rider and the second respondent being the owner of the motorcycle bearing regn. No. KL 10 AS 927 are jointly and severally liable to compensate the petitioner. There was no insurance coverage to the offending vehicle.

3. Notice was issued to the respondents 1 and 2 and served upon them. 1st and 2nd respondents failed to appear before court and they were called absent and set exparte.

4. Based on the pleadings the following issues arise for consideration:

ISSUES

1. Were the injuries caused to the petitioner a result of the rash and negligent driving of the 1st respondent in the road traffic accident mentioned in the petition?
2. Is the petitioner entitled to compensation for the injuries sustained in the road traffic accident? If so what shall be the quantum and from whom to be realised?
3. Relief and costs.

5. The petitioner produced Ext.A1 attested copy of FIR, Ext A2 attested copy of Final Report, Ext A3 attested copy of wound certificate, Ext A4 series discharge summaries (5 Nos), Ext.A5 series CT scan reports (5 Nos), Ext.A6 series prescription (9 Nos), Ext.A7 series of Medical Bills, Ext A8 attested copy of the Aadhar card of the petitioner, Ext A9 attested copy of the bank account pass book of the petitioner and Ext A10 attested copy of the PAN card of the petitioner and these were marked in evidence. Ext. X1 medical board report was also marked. No oral or documentary evidence produced on the side of respondents. Heard both sides.

Issue No.1

6. Exts A1 to A3 documents show that the petitioner sustained injuries in the road traffic accident. Ext A1 was registered consequent to the road traffic accident mentioned by the petitioner. From Ext A2 final report of the police it can be seen that the police after investigation found that the incident occurred as a result of the rash and negligent driving of the first respondent. Ext A2 gives proof of the negligent driving of the 1st respondent herein in the absence of contra evidence. As held in ***New India Assurance v. Palaniammal, 2011 (3) KLT 648***, *charge sheet filed by the police after due investigation can be accepted as evidence of negligence against the indictee. If any one of the parties do not accept such charge sheet the burden must be on such party to adduce oral evidence.* So the negligence on the part of the 1st respondent being the driver of the offending vehicle is proved.

Issue No. 2

7. The petitioner injured in the road traffic accident being hit by motorcycle ridden by the 1st respondent is eligible for compensation. The 2nd respondent is the R.C owner of the offending vehicle. There was no insurance coverage to the offending vehicle. It is seen in Ext.A2 charge

sheet that the 1st respondent was not having a valid driving licence at the time of accident and the police has charged Section 3(1) r/w 181 of Motor Vehicles Act. The vehicle had no insurance and also charged Section 146 r/w 169 of Motor Vehicles Act. Hence, the respondents 1 and 2 are jointly and severally liable to compensate the petitioner.

8. The petitioner is stated to be a Salesman, Soudi Gold Collections, Vaniyambalam and earning an income of Rs. 15,000/- per month. There is nothing to prove the job and income of the petitioner. Hence for the purpose of compensation the notional income can be taken. As per Ext A8 attested copy of Aadhar card and Ext A10 attested copy of PAN card the date of birth of the petitioner is 12.06.1995. The date of accident is 30.11.2021. So the petitioner was **26** years of age at the time of the incident. In ***Ramachandrappa Vs. Manager Royal Sundharam Alliance Insurance Company Limited reported in 2011 (13) SCC 236*** the Apex court reckoned in the monthly income of a coolie (manual labourer) who met with a road accident in the year 2004 at the age of 35 years notionally as Rs. 4,500/-. In ***Sayed Sadiq & Others Vs. Divisional manager United India Insurance Co. Ltd 2014 (2) SCC 735*** taking note of the earlier decision in *Ramachandrappa's case supra*, the Apex court reckoned the monthly income of a vegetable vendor who met with a road accident in the year 2008 at the age of 24 years notionally fixed as Rs. 6,500/-. In ***Ulahannan Vs. Rajeesh and Others (ILR 2020 (2) Kerala 295)*** the Honourable High Court of Kerala reckoned a monthly income of a coolie (manual labourer) who met with a road accident in the year 2013 at the age of 53 years notionally fixed as Rs. 9,000/-. Considering the above three cases it is seen that there is an increase of Rs. 500/- per year in the notional income. So the same increase can be given in the present case also. The accident in the present case happened in 2021. So the notional income would be Rs. **13,000/-** per month.

9. The petitioner sustained severe traumatic brain injury, right FTP contusion, SDH – S/p right FTP decompressive craniectomy + evacuation, craniectomy evacuation of SDH. Considering all these, **Rs. 70,000/-** could be awarded to him under the head of **pain and suffering**.

10. Considering the injuries sustained, the petitioner might have been prevented from doing his job for at least 7 months. Hence the petitioner could be given compensation for **loss of earnings** for 7 months which would come to **Rs. 91,000/- (13,000*7)**.

11. The inconvenience due to the injuries might have diminished the **enjoyment of the life's amenities** by the petitioner. Hence under this head he could be given a reasonable compensation of **Rs.30,000/-**.

12. The petitioner had spent a total of 70 days as inpatient. He might have taken **extra nourishment** at least for those days. Hence he is entitled to **Rs. 10,000/-** as compensation for the same.

13. The petitioner might have needed the assistance of a **bystander** for the 70 days spent in IP. So a reasonable compensation of **Rs. 35,000/- (500*70)** would suffice this requirement.

14. The petitioner has produced medical bills for **Rs.4,59,727/-**. The respondent has no objection regarding the admissibility of these bills. Hence, the petitioner is entitled to get an amount of **Rs. 4,59,727/-** towards the **medical expenses**.

15. Immediately after the incident, the petitioner was taken to MES Medical College Hospital, Perinthalmanna. Again taken to EMS Co-operative Hospital, Perinthalmanna. He visited the hospital on 25 occasions for review. So as **transportation expenses** he is awarded compensation of **Rs. 13,500/- [1000+(25x500)]**.

16. The accident might have resulted in **damage to his clothing and articles**. Hence a reasonable compensation of **Rs. 1000/-** could be given.

17. The medical board has assessed the physical difficulties and

inabilities of the petitioner due to the impact of the accident and has given a report showing **44% disability**. Hence the Ext X1 report can be accepted in evidence. For the purpose of calculating compensation for disability, the future prospects of income as well as multiplier according to the age of the petitioner should be taken. As per the dictum in *National Insurance co. Ltd. v. Pranay Sethi and others 2017(4) KLT 662 SC* where the deceased was below 40 years of age 40% of his income should be added to his income as future prospects. Here the injured was **26** years old at the time of the incident. So 40% of the notional income is $13000 \times 40 / 100 = 5200/-$. Adding this amount to the notional income would make it Rs. **18200/-** per month. In *Sarla Verma case* the Honourable Apex court has calculated the loss of dependency based on the multiplier table prepared by applying the cases of *Susamma Thomas, Trilok Chandra and Charlie*. As per the table if the deceased is aged 26-30, the multiplier would be 17. Here the injured was aged 27 years. So the multiplier of **17** could be applied to this case of **loss of future earnings due to disability**. When computed it would come to Rs.**16,33,632/-** ($18200 \times 12 \times 17 \times 44 / 100$).

18. All other claims are disallowed for want of evidence.

19. The total compensation payable on all these heads would come to Rs.23,43,859/- rounded to **Rs.23,43,900/-** (Rupees Twenty Three lakhs Forty Three Thousand Nine hundred only) payable jointly and severally by the respondents.

Issue No. 3

20. On the basis of the above findings the petition is allowed. The petitioner is entitled to a total compensation of **Rs.23,43,900/-** (Rupees Twenty Three lakhs Forty Three Thousand Nine hundred only) as follows:

S.No	Head of Claim	Amount Claimed	Amount Awarded	Remarks
1	Income	Nil	13,000/-	
2	Future prospects		5,200/-	40% of income
3	Total income		18,200/-	13,000+5,200
4	multiplier		17	
5	Disability		44.00%	
6	Compensation for continuing or permanent disability & loss of earning power	2,00,000/- 5,00,000/-	16,33,632/-	18,200x12x17 x44/100
7	Pain & suffering	2,00,000/-	70,000/-	
8	Medical expenses	3,00,000/-	4,59,727/-	
9	Loss of earnings	90,000/-	91,000/-	13000x7
10	Transport to hospital	20,000/-	13,500/-	(1000+25x500)
11	Extra nourishment	10,000/-	10,000/-	
	Bystander Expenses	10,000/-	35,000/-	
12	Damage to clothing & articles	5,000/-	1,000/-	
13	Loss of amenities	1,65,000/-	30,000/-	
16	Disfigurement		Nil	
Total Rs.15,00,000/-			Rs.23,43,859/- (rounded to Rs.23,43,900/-)	

21. In the result this petition is allowed as follows. :

(1) Respondents 1 and 2 are found jointly and severally liable to pay a sum of **Rs.23,43,900/-** (Rupees Twenty three lakhs forty three Thousand nine hundred only) as compensation to the petitioner with interest at the rate of 8% per annum from the date of petition i.e., 01.10.2022 till the date of deposit with proportionate cost.

- (2) *R1 and R2 are directed to deposit the compensation so arrived within thirty days from the date of this Award.*
- (3) *R1 and R2 shall issue 2 cheques/ DDs for Rs.22,812/- (Rupees Twenty two Thousand eight Hundred and twelve only) and for Rs.23,439/- (Rupees Twenty three Thousand four Hundred thirty nine only) in favour of the M.A.C.T, Manjeri being the value of court fee and legal benefit fund.*
- (4) *The R1 and R2 shall deposit the entire balance amount directly into the bank account of petitioner ie., Anees.T, Kerala Gramin Bank, Cherukode branch, account No.40191101075250 IFSC Code KLGB0040191.*
- (5) *Upon such deposit the respondents 1 and 2 shall submit to this Tribunal a copy of the bank advice and a memo in the format as prescribed in High Court Circular No.1/2025.*
- (6) *A copy of the payment advice, along with copy of the memo shall also be served on the contesting party/ies and their respective counsel.*
- (7) *If any tax is deducted at source, the R1 and R2 shall produce Form-16A of Income Tax Act so as to enable the petitioner to seek refund of the tax.*
- (8) *The office is directed to make necessary entries in the Cheque Issue Register or any other Registers concerned, evidencing payment of above amount to the petitioner in claim petition.*

(Pronounced by me in open court on this 31st day of March, 2026.)

Sd/-

Motor Accident Claims Tribunal.

Appendix:-

Witness Examined for the petitioner:-Nil

Witness Examined for the Respondent:-Nil

Exhibits Marked for the petitioner:-

A1	01-12-2021	Attested Copy of FIR
A2	15-12-2021	Attested Copy of Charge sheet
A3	08-12-2021	Attested Copy of Wound Certificate
A4	Series	Discharge Summary
A5	Series	CT Scan Report
A6	Series	Prescriptions
A7	Series	Medical Bills
A8	-	Attested copy of Aadhar Card of the Petitioner
A9	-	Attested copy of Bank Pass book of the Petitioner
A10	-	Attested copy of PAN Card of the petitioner

Exhibits Marked for the Respondents :-Nil**Third Party Exhibits Marked:-**

X1 03-07-2025 Disability Certificate

Sd/-**Motor Accident Claims Tribunal.****Petitioner's cost allowed:-**

1	Court fee	₹22812/-
2	Typing charge	₹200/-
3	Process Batta	₹68/-
4	Stamp on Documents	₹40/-
5	LBF	₹23439/-
6	Advocate fee Senior	₹119595/-
7	Advocate fee Junior	₹59797/-
8	Stamp on Petitions	₹5/-
	Total	2,25,956/-

Sd/-**Motor Accident Claims Tribunal**

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Sheristadar

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: - Suprabha

Compared by: - *1. Suprabha*
 2. Arya K Anil

Fair /copy Award in OP (MV)No. 1135/2022
Dated: 31-03-2026
