

IN THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, MANJERI
Present:- Smt. Resmi.S, Motor Accidents Claims Tribunal Judge.

Tuesday, the 21st day of April, 2026

OP (MV) No. 1167/2022

Between:-

1. Aboobacker, 50 years, S/o. Kunhimohammed, **:Petitioner**
 Cheruvambaram House, Velluvangad South (P.O),
 Vettakkattiri, Pandikkad Via, Malappuram – 676521.

By: Adv. C K Jafer and Adv. P Abdul Rasheed.

And :-

1. Abdul Azeez, 44 years, S/o. Muhammed, Thekkodan
 House, Karaya, Velluvangad (P.O), Pandikkad Via,
 Malappuram – 676521. (Driver cum Owner) **: Respondents**
2. The New India Assurance Co. Ltd., Manjeri Branch,
 1st Floor, M C Mall, Rajiv Gandhi Bypass Road,
 Melakkam, Manjeri – 676123. (Insurer)

R1 : Exparte
R2 : Adv. M P Madhusoodanan.

Claim	₹ 10,00,000/-
Court Fee Payable	₹ 9,372.50+5/-
Court fee paid	₹ 5/-
LBF Paid	₹ 10,000/-
Application Presented on	07-10-2022

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 injury sustained by the petitioner in the road traffic accident.

2. The averments in the petition can be stated as follows:

On 01-03-2022 at about 10 AM, the petitioner was walking through the extreme right hand side road margin at Velluvangad to his house, through the Manjeri-Pandikkad public road. At that time a Car bearing reg. no. KL-10/AX-8719, came from Manjeri side, driven by the 1st respondent in a most rash and negligent manner and hit on the body of the applicant and the applicant sustained grievous injuries. The accident occurred due to the rash and negligence of 1st respondent. The 1st respondent being the driver cum owner and the 2nd respondent, insurer of the car bearing regn. no. KL-10/AX-8719 are jointly and severally liable to compensate the petitioner.

3. Notice was issued to the respondents. The 1st respondent failed to appear before court and he was called absent and set exparte. R2 entered appearance and filed written statement.

4. The 2nd respondent denied all the allegations in the petition. The insurance policy of the offending vehicle bearing regn. No. KL-10-AX-8719 is admitted. This respondent submits that this application is not filed within the prescribed time. The averments regarding the age, job and income, injuries sustained to the petitioner etc., are denied. The amount claimed in the petition under various heads are highly exorbitant.

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

ISSUES

1. Are the injuries caused to the petitioner a result of the road traffic

accident caused by the rash and negligent riding of the 1st respondent?

2. Is the petitioner entitled to the compensation as prayed for? If so, what shall be the quantum and from whom to be realised?

3. Relief and costs.

6. The evidence of petitioner was taken. Exts A1 to A11 documents and Ext.X1 medical board report were also marked. Ext A1 is the attested copy of FIR, Ext A2 is the attested copy of Wound certificate, Ext A3 is the attested copy of Final report, Ext A4 is the attested copy of Aadhar card of the petitioner, Ext A5 is the Discharge summary, Ext A6 series are Prescriptions, Ext.A7 is the OP ticket, Ext.A8 is the attested copy of the PAN card of the petitioner, Ext.A9 is the attested copy of the bank pass book of the petitioner, Ext.A10 is the CT scan report and Ext.A11 series are Medical Bills. No oral or documentary evidence produced on the side of respondents. Heard both sides.

Issue No. 1

7. Exts A1 to A3 documents show that the petitioner sustained injuries in the road traffic accident mentioned in the petition. Ext A1 was registered consequent to the road traffic accident mentioned by the petitioner. From Ext A3 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 riding of the first respondent. Ext A3 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. Hence it is found that the injuries sustained were

as a result of the road traffic accident mentioned in the petition.

Issue No. 2

8. The petitioner injured in the road traffic accident being hit by the car driven by the 1st respondent is eligible for compensation. The 1st respondent was the driver cum owner and the 2nd respondent was the insurer of the offending vehicle. The 2nd respondent insurer, admitted the insurance coverage of the offending vehicle. R2 contented that the application is not filed within the prescribed time. But the date of accident is before the date of amendment coming into effect on 1.4.2022. So there was no limitation period for filing OP at the time of the accident in this case. There was no violation of policy conditions. Hence, the respondents are jointly and severally liable to compensate the petitioner. The 2nd respondent, insurer is liable to indemnify the first respondent.

9. The petitioner is stated to be a Coolie and earning an income of Rs.30,000/- per month. But there is nothing to prove the income of the petitioner. Hence for the purpose of compensation the notional income can be taken. As per Ext A4 attested copy of Aadhar card and Ext.A8 attested copy of PAN card the date of birth of the petitioner is 01-01-1971. The date of accident is 01-03-2022. So the petitioner was **51** years of age at the time of the accident. 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 2022. So the notional income would be **Rs.13,500/-** per month.

10. As per Ext X1 report, the medical board has assessed **10%** disability after knowing his difficulties and inabilities caused as a result of the accident. Hence this report is accepted in evidence. The Hon'ble Apex court in the case *Sarla Verma Vs Delhi Transport Corporation (2010 (2) KLT 802 (SC)* adopted the multiplier method for calculation of compensation due to disability. In that case also the Honourable Apex Court has calculated the multiplier table prepared by applying Susamma Thomas, Trilok Chandra and Charlie and which is elaborately explained in para. 42 of said decision. As per the table if the injured in the age of 51 to 55 years, the multiplier is **11**. As per the dictum of the honourable Apex court in *National insurance company v. Pranay Sethi 2017 (16) SCC 680*, income should be increased by **10%** if the injured is in the age of 50 to 60 years. So the future prospects of 10% of the notional income could be added for determining compensation for **permanent disability**. Here the injured was **55** years old at the time of the incident. So 10% of the notional income is $13500 \times 10 / 100 = 1350/-$. Adding this amount to the notional income would make it **Rs.14850/-** (13500 + 1350) per month. So the compensation for disability calculated would be as $14850 \times 12 \times 11 \times 10 / 100 = \text{Rs.1,96,020/-}$.

11. The petitioner sustained Traumatic brain injury – bilateral frontal contusion and Right nasal bone fracture. Considering the injuries and treatment of the petitioner, compensation for **pain and suffering** for an

amount of **Rs. 50,000/-** is reasonable.

12. Considering the injuries the petitioner might have been prevented to go for daily work for at least 3 months. Hence a compensation for **loss of earnings** for 3 months is to be given to him. This amount worked out would be **13500*3=Rs.40,500/-**.

13. Immediately after the incident, the petitioner was taken to Neo Hospital, Pandikkad and thereafter he was taken to M.E.S. Hospital, Perinthalmanna. He had visited the hospital on further 3 occasions for review. So as **transportation expenses** he is awarded compensation of **Rs.2,000/- [(1000+(2x500))]**.

14. The petitioner might have been prevented from his enjoyment of life's **amenities** due to the injuries sustained for a considerable period. Hence a compensation of **Rs.20,000/-** under this head is reasonable.

15. The petitioner has produced medical bills for **Rs.20,346/-**. One bill objected, but accepted as discharge summary produced. So the petitioner is entitled to **Rs.20,346/-** under the head of **medical expenses**.

16. The petitioner might have needed the assistance of a **bystander** for the 4 days spent in IP. So a reasonable compensation of **Rs.2,000/- (500*4)** would suffice this requirement.

17. The petitioner is entitled to get **Rs.2,000/-** as compensation for the head of **extra nourishment**

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

19. The compensation claimed on all other heads are declined for want of evidence.

20. The total compensation for the injuries sustained by the petitioner in the road traffic accident worked out from the discussion above comes to rupees 3,33,866/- **rounded as Rs.3,33,900/-** (Rupees Three Lakh Thirty Three Thousand Nine Hundred only).

Issue No. 3

21. On the basis of the above findings the petition is allowed. The petitioner is entitled to a total compensation of **Rs.3,33,900/-** (Rupees Three Lakh Thirty Three Thousand Nine Hundred only). as follows:

S. No	Head of Claim	Amount Claimed	Amount Awarded	Remarks
1	Income	Nil	13,500/-	
2	Future prospects		1,350/-	10% of income
3	Total income		14,850/-	13,500+1350
4	multiplier		11	
5	Disability		10.00%	
6	Compensation for continuing or permanent disability and loss of amenities & loss of earning power	5,00,000/-	1,96,020/-	14850x12x11 x10/100
7	Pain & suffering	1,00,000/-	50,000/-	
8	Medical expenses	75,000/-	20,346/-	
9	Loss of earnings	1,80,000/-	40,500/-	13500x3
10	Transport to hospital	7,000/-	2,000/-	1000+(2x500)
11	Extra nourishment	5,000/-	2,000/-	
12	Bystander Expenses	6,000/-	2,000/-	
13	Loss Of amenities	50,000/-	20,000/-	
14	Damage to clothing articles	2000/-	1,000/-	
15	Future treatment	75000/-	Nil	
Total Rs.10,00,000/-			Rs.3,33,866 /- (rounded to Rs.3,33,900/-)	

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

(1) *Respondents are found jointly and severally liable to pay a sum of Rs.3,33,900/-* (Rupees Three Lakh Thirty 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., 07-10-2022 till the date of deposit with proportionate cost.

(2) R2 is directed to deposit the compensation so arrived within thirty days from the date of this Award.

(3) R2 shall issue 2 cheques/ DDs for Rs.9,373/- (Rupees Nine Thousand Three Hundred and Seventy Three only) and for Rs.10,000/- (Rupees Ten Thousand only) in favour of the M.A.C.T, Manjeri being the value of court fee and legal benefit fund.

(4) The 2nd respondent shall deposit the entire balance amount directly into the bank account of petitioner named Aboobacker, South Indian Bank, Pandikkad branch, A/c.No.063053000005446, IFSC Code SIBL0000623.

(5) Upon such deposit the 2nd respondent 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 insurance company 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 21st day of April, 2026.)

Sd/-

Motor Accident Claims Tribunal, Manjeri.

APPENDIX :-**Witness Examined for the petitioner:- Nil.****Witness Examined for the Respondents :- Nil.****Exhibits Marked for the petitioner:-**

A1	04-03-2022	Copy of FIR.
A2	02-03-2022	Copy of Wound Certificate.
A3	--	Copy of Charge Sheet.
A4	--	Copy of Aadhar card of the Petitioner.
A5	--	Discharge Summary.
A6	Series	Prescriptions.
A7	--	OP Card.
A8	--	Copy of PAN card of the Petitioner.
A9	--	Copy of Bank Passbook of the Petitioner.
A10	--	CT Scan Report.
A11	Series	Medical Bills.

Exhibits Marked for the Respondents :- Nil.**Third Party Exhibits Marked:-****Ext. X1****25-09-2025****Disability Certificate.****Sd/-****Motor Accident Claims Tribunal.**

Petitioner's cost allowed:-

1	Stamp on Documents	Rs.8/-
2	Stamp on vakalath	Rs.8/-
3	Writing charge	Rs.200/-
4	Stamp on Petitions	Rs.10/-
5	Court fee	Rs.2712/-
6	LBF	Rs.3339/-
7	Process fee	Rs.68/-
8	Advocate fee (Senior)	Rs.19095/-
9	Advocate fee (Junior)	Rs.9547/-
	Total	Rs.34,987/-

Sd/-**Motor Accident Claims Tribunal.****// True Copy//****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: - Arya .K. Anil

Fair/copy Award in OP (MV)No. 1167/2022
Dated: 21-04-2026
