

**IN THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, MANJERI**

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

Wednesday, the 5<sup>th</sup> day of November, 2025

**OP (MV) No. 1157/2022**

**Between:-**

- 1 Jamaludheen Chengarayi, aged 42 years,  
S/o.Muhammed, Kunnummal House, Cheruvetty, : **Petitioner**  
Elenkoor, Malappuram 676122

**By: Adv. Jalaludheen.N & Junaid.O**

**And :-**

1. Noushad Ali, aged 38 years, S/o.Kunjimammed,  
Kalathingal Palliyali House, Pallikkal, Cherayil.P.O.,  
Kondotty Malappuram 673638 (RC owner)
2. Shameer Kalathingal Palliyali, aged 41 years,  
S/o.Kunjimammed, Kalathingal Palliyali House,  
Kuttalungal, Cherayil.P.O, Pallikkal, Malappuram  
673638 (Driver)
3. The New India Assurance Co.Ltd, Silver Plaza, 3<sup>rd</sup>  
Floor, 5/3397, A-27 Mavoor Road, Arayidathpalam,  
Kozhikode 673004 (Insurer)

**R1,R2 : Adv.K.P.Mujeebu Rahman.**  
**R3 : Adv.Midhun Raj.E.M.**

|                          |              |
|--------------------------|--------------|
| Claim                    | ₹ 8,00,000/- |
| Claim limited to         | ₹ 5,00,000/- |
| Court Fee Payable        | ₹ 4,378/-    |
| Court fee paid           | ₹ 5/-        |
| LBF Payable              | ₹ 5,000/-    |
| Application Presented on | 06-10-2022   |

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 under s. 166 of Motor Vehicles Act claiming compensation for the injuries sustained by the petitioner in a road traffic accident.

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

On 27-03-2022 at about 11.00 A.M the petitioner was riding his motorcycle bearing regn. No. KL 46-H-4978 from Kozhikode to Kondotty and when reached in front of HP petrol Pump near Kondotty Kuruppath a car bearing reg No. KL-65-C 1581 driven by the 2<sup>nd</sup> respondent in a rash and negligent manner and hit the petitioner's motorcycle. Due to the impact of hit, the petitioner sustained serious injuries. The 2<sup>nd</sup> respondent is the rider, 1<sup>st</sup> respondent is the owner and the 3<sup>rd</sup> respondent is the insurer of the vehicle bearing reg No. KL-65-C 1581 and are jointly and severally liable to compensate the petitioner.

3. Notice was issued to the respondents and served upon them. The respondents No.1 to 3 entered appearance and filed written statements.

4. R1 and R2 denied the entire allegations in the petition. They admitted that R2 was driver of the offending car bearing regn. No. KL 65-C 1581 and the vehicle is insured with 3<sup>rd</sup> respondent at the time of accident. The rashness and negligence in driving is denied by R2. The amount claimed as compensation is highly exorbitant.

5. The 3<sup>rd</sup> respondent denied all the allegations in the petition. The insurance policy of the car bearing regn. No. KL- 65-C 1581 is admitted. The averments regarding the injuries, treatment availed by the petitioner, monthly income, age, occupation etc., are denied. The amount claimed in the petition is highly exorbitant.

6. The issues arising for consideration in this case are:

### **ISSUES**

1. Are the injuries caused to the petitioner a result of the road traffic accident by the rash and negligent riding of the 1<sup>st</sup> 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.

7. The evidence of the petitioner was taken. Ext A1 attested copy of the FIR, Ext A2 attested copy of wound certificate, Ext A3 attested copy of Final report, Ext A4 copy of scene mahazar, Ext A5 Insurance certificate, Ext.A6 discharge summary, Ext.A7 attested copy of Aadhar card of the petitioner, Ext.A8 attested copy of bank pass book of the petitioner and Ext.A9 attested copy of the PAN card of the petitioner were marked in evidence. The respondent did not adduce any oral or documentary evidence. Both sides were heard.

### **Issue No.1**

8. 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 driving of the 2<sup>nd</sup> respondent. Ext A3 gives proof of the

negligent driving of the 2<sup>nd</sup> 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 2<sup>nd</sup> respondent being the rider of the offending vehicle is proved.

### **Issue No. 2**

9. The petitioner injured in the road traffic accident being hit by the car driven by the 2<sup>nd</sup> respondent is eligible for compensation. The 1<sup>st</sup> respondent is the owner of the offending vehicle. The 3<sup>rd</sup> respondent admitted the insurance coverage of the offending vehicle. There was no violation of policy conditions. Hence the respondents are jointly and severally liable to compensate the petitioner. R3 is liable to indemnify R1.

10. The petitioner is stated to be a Madrssa Teacher and Khatheeb and earning an income of Rs. 30,000/- 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 A7 attested copy of Aadhar card and Ext A9 attested copy of PAN card the date of birth of the petitioner is 23-05-1980. The date of accident is 27-03-2022. So the petitioner was 41 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.*

11. The petitioner sustained both bone fracture right forearm. Considering the injury of the petitioner, **Rs. 60,000/-** is awarded to him as compensation under the head of **pain and suffering**.

12. 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.

13. Considering the injury sustained in a motor vehicle accident and for the purpose of giving compensation it is reasonably assumed that he was prevented from going for work for at least 5 months. Hence **Rs.67,500/-** (13500x5) is awarded to him on the head of **loss of earnings**.

14. The petitioner was taken to Relief Hospital Kondotty. Thereafter he was taken to Ernad Hospital, Manjeri. So as **transportation expenses** he is awarded compensation of **Rs. 1,000/-**.

15. The petitioner had spent a total of 5 days as inpatient. He might have taken **extra nourishment** at least for those days. Hence he is entitled to **Rs.2,500/-** (500\*5) as compensation for the same.

16. The petitioner might have needed the assistance of a **bystander** for the 5 days spent in IP. So a reasonable compensation of **Rs.2,500/- (500\*5)** would suffice this requirement.

17. The accident might have resulted in **damage to his clothing and articles**. Hence a reasonable compensation of Rs. **1,000/-** could be given.

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

19. The total compensation for the injuries sustained by the petitioner in the road traffic accident worked out from the discussion above comes to **Rs.1,54,500/-** (Rupees One Lakh Fifty Four Thousand Five Hundred only).

### **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.1,54,500/-** (Rupees One Lakh Fifty Four Thousand Five Hundred only) as follows:

| S. No | Head of Claim                                                | Amount Claimed           | Amount Awarded | Remarks |
|-------|--------------------------------------------------------------|--------------------------|----------------|---------|
| 1     | Compensation for permanent disability ,loss of earning power | 1,00,000/-<br>3,00,000/- | Nil            |         |
| 2     | Compensation for pain & suffering                            | 1,00,000/-               | 60,000/-       |         |
| 3     | Medical expenses                                             | 50,000/-                 | Nil            |         |
| 4     | Bystander Expenses                                           | 10,000/-                 | 2,500/-        | 5x500   |
| 5     | Transport to hospital                                        | 10,000/-                 | 1,000/-        |         |
| 6     | Extra nourishment                                            | 10,000/-                 | 2,500/-        | 5x500   |
| 7     | Damage to clothing & articles                                | 5,000/-                  | 1,000/-        |         |

|                                                         |                   |            |               |          |
|---------------------------------------------------------|-------------------|------------|---------------|----------|
| 8                                                       | Loss of amenities | 15,000/-   | 20,000/-      |          |
| 9                                                       | Loss of earnings  | 2,00,000/- | 67,500/-      | 13,500x5 |
| Total Rs.8,00,000/-<br>(claim limited to Rs.5,00,000/-) |                   |            | Rs.1,54,500/- |          |

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

(1) Respondents are found jointly and severally liable to pay a sum of **Rs.1,54,500/- (Rupees One Lakh Fifty Four Thousand Five Hundred only)** as compensation to the petitioner with interest at the rate of **8% per annum** from the date of petition i.e., **06-10-2022** till the date of deposit with proportionate cost.

(2) R3 is directed to deposit the compensation so arrived within thirty days from the date of this Award.

(3) R3 shall issue 2 cheques/ DDs for Rs.4,373/- (Rupees Four Thousand Three Hundred and Seventy Three only) and for Rs. 5,000/- (Rupees Five Thousand only) in favour of the M.A.C.T, Manjeri being the value of court fee and legal benefit fund.

(4) The 3<sup>rd</sup> respondent shall deposit the entire balance amount directly into the bank account of petitioner named **Jamaludheen.C Kerala Gramin Bank, Elankur branch, account No.40193100105722 IFSC Code KLGB0040193.**

(5) Upon such deposit the 3<sup>rd</sup> 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 5<sup>th</sup> day of November, 2025)

Sd/-

Motor Accident Claims Tribunal.

**APPENDIX :-**

**Witness Examined for the petitioner:-** Nil

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

**Exhibits Marked for the petitioner:-**

|    |            |                                                   |
|----|------------|---------------------------------------------------|
| A1 | 02-04-2022 | Attested Copy of FIR.                             |
| A2 | 27-03-2022 | Attested copy of Wound Certificate.               |
| A3 | 08-04-2022 | Attested copy of Final Report.                    |
| A4 | 03-04-2022 | Copy of Scene Mahazar                             |
| A5 | --         | Insurance Certificate.                            |
| A6 | 31-03-2022 | Discharge Summary.                                |
| A7 | --         | Attested copy of Aadhar Card of the Petitioner.   |
| A8 | --         | Attested copy of Bank Passbook of the Petitioner. |
| A9 | --         | Attested copy of PAN card of the petitioner..     |

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

**Third Party Exhibits Marked:-** Nil

Sd/-

Motor Accident Claims Tribunal.

**Petitioner's cost allowed:-**

|   |                       |                   |
|---|-----------------------|-------------------|
| 1 | Court fee             | Rs.918/-          |
| 2 | LBF                   | Rs.1545/-         |
| 3 | Stamp on vakalath     | Rs.5/-            |
| 4 | Writing charge        | Rs.200/-          |
| 5 | Process Fee           | Rs.102/-          |
| 6 | Stamp on documents    | Rs.18/-           |
| 6 | Stamp on petition     | Rs.10/-           |
| 7 | Advocate fee (Senior) | Rs.10125/-        |
| 8 | Advocate fee (Junior) | Rs.5662/-         |
|   | <b>Total</b>          | <b>Rs.18585/-</b> |

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: - Ajeesh T.P

Compared by: -1. Arya.K.Anil

2. Ajeesh T.P

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**Fair/copy Award in OP (MV)No.1157/2022**  
**Dated: 05-11-2025**  
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