

IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM

Present :- Smt. Gosha C.G., M.A.C. Tribunal

Thursday, the 09th day of October, 2025

(17th day of Aswina, 1947 S.E.)

ORIGINAL PETITION (MV) Nos. 667/2022 & 668/2022

OP (MV) No. 667/2022

Petitioner :

Rajesh, 44 Years, S/o Kunjunni Ezhuthachan, Kottilinkal Kayiliad,
Chalavara, Palakkad, Kerala - 679 122

By Advocate : Sri. K.Sujith Kumar & Karan O Sudhakar

V/s

Respondents :

- 1) Karappan A N, 44 years, S/o Ayyappan Kinattinkara House, Vadakkethara,
Pazhayannur Thrissur, Kerala - 680 587
(Driver Cum Owner Of KL-48-R-0832 Motor Cycle)
- 2) Bajaj Allianz General Insurance Company Limited, Bajaj Finserv building, 1st
Floor, Behind Weikfield IT-park, Viman Nagar,
Pune – 411014 (Policy No-OG-22-9906-1826-00013076)
(Valid From-27/11/2021 to 26/11/2026)

R1 : Adv. Sajan P R

R2 : Adv. S Manoj

OP (MV) No. 668/2022

Petitioner :

Ramachandran MP, 46 Years, S/o Raman & Chakki Moothedathpadi House,
Vemalathpadam, Kayiliad, Chalavara.. Palakkad, Kerala - 679 122

By Advocate : Sri. K.Sujith Kumar & Karan O Sudhakar

V/s

Respondents :

- 1) Karappan A N, 44 Years, S/o Ayyappan Kinattinkara House, Vadakkethara,
Pazhayannur Thrissur, Kerala - 680 587 (Driver Cum Owner Of KL-48-R-0832
Motor Cycle)

- 2) Bajaj Allianz General Insurance Company Limited, Bajaj Finserv building, 1st Floor, Behind Weikfield IT-park, Viman Nagar, Pune - 411014 (Policy No-OG-22-9906-1826-00013076) (Valid From-27/11/2021 To 26/11/2026)

R1 : Adv. Sajan P R
R2 : Adv. S Manoj

These petitions having been finally heard on 03/10/2025 and the Tribunal on 09/10/2025 passed the following.

COMMON AWARD

These two claim petitions are filed by the respective petitioners for compensation to the injuries sustained to them in a motor vehicle accident u/s 166(1)(a) of the Motor Vehicles Act, 1988.

2. Though the petitioners are different in both petitions the respondents are same and the accident involved in both cases are also same. Therefore, the petitioner in OP(MV)No.667/2022 filed I.A.No.1/2025 for joint trial of the above said petitions and it was allowed treating OP (MV)No.667/2022 as the leading case.

3. Common case of the petitioners in both petitions in brief is that on 08.05.2022 at about 16.00 hours, while the petitioners were traveling on the motor cycle bearing registration No.KL-51/L-9671 ridden by the petitioner in OP(MV) No.667/2022 through Vallapuzha - Kayiliyad public road and when they reached near ESAF bank, a motor cycle bearing registration No.KL-48/R-0832 ridden by the 1st respondent in a rash and negligent manner hit

on petitioners' vehicle thereby they were sustained serious injuries. Hence OP(MV) No.667/2022 is for a total compensation of ₹5,00,000/- and OP(MV) No.668/2022 is for a total compensation of ₹2,00,000/-.

4. The 1st respondent did not file any written statement.

5. The 2nd respondent filed written statements in both the claim petitions with identical contentions denying the petition averments. At the same time this respondent admits that the vehicle bearing registration No.KL-48/R-0832 was validly insured with this respondent at the material time of accident. This respondent denies the accident. According to this respondent there was no negligence on the part of the 1st respondent as alleged in the petitions. In fact negligence of the rider of the motor cycle bearing registration No.KL-51/L-9671 was the reason for the accident. At the time of accident the rider of the motor cycle bearing registration No.KL-51/L-9671 was not wearing helmet and the vehicle was not having valid insurance coverage. The accident took place on 08.05.2022 and the complaint was given on 11.05.2022. The amount claimed in the petitions are highly excessive and exaggerated. The age, occupation and income of the petitioners have to be proved by them. Therefore, the petitions are to be disposed accordingly.

6. To prove the case of the petitioners Exts.A1 to A21 were marked. No oral or documentary evidence has been adduced on the side of the respondents.

7. Heard both sides.

8. The common issues that arise for consideration in OP(MV) Nos.667/2022 and 668/2022 are as follows:-

1. Whether the 1st respondent was driving the vehicle bearing registration No.KL-48/R-0832 in a rash and negligent manner with excessive speed and thereby caused the accident?
2. Whether the petitioners were sustained injuries and are entitled to get compensation as claimed?
3. If so, what is the quantum to be awarded?
4. Who is liable to pay compensation to the petitioners?

9. Issue No.1 in OP(MV)Nos.667/2022 and 668/2022:- It is the case of the petitioners that on 08.05.2022 at about 16.00 hours, while the petitioners were traveling on the motor cycle bearing registration No.KL-51/L-9671 ridden by the petitioner in OP(MV) No.667/2022 through Vallapuzha - Kayiliyad public road and when they reached near ESAF bank, a motor cycle bearing registration No.KL-48/R-0832 ridden by the 1st respondent in a rash and negligent manner hit on petitioners' vehicle thereby they were sustained serious injuries. According to the 2nd respondent, there was no negligence on the part of the 1st respondent as alleged. Though so many contentions are raised by the respondent no evidence has been adduced to prove this. On the other hand to prove the negligence of the 1st respondent copy of FIR with FIS was marked as Ext.A1, copy of scene mahazar was marked as Ext.A2, copy of final report was marked as Ext.A3 and copy of AMVI report was marked as Ext.A4.

Exts.A5 is the copy of discharge summary, Ext.A6 is the copy of wound certificate,

Ext.A8 is the disability certificate in OP(MV)No.667/2022, Ext.A9 is the OP ticket, Ext.A10 is the discharge summary, Ext.A11 series are the medical bills, Ext.A12 is the copy of bank passbook of petitioner in OP(MV)No.667/2022, Ext.A13 is the copy of Aadhar card of petitioner in OP(MV)No.667/2022, Ext.A14 is the copy of PAN card of petitioner in OP(MV)No.667/2022. Ext.A7 is the copy of wound certificate, Ext.A15 is the disability certificate in OP(MV)No.668/2022, Ext.A16 is the OP ticket, Ext.A17 is the discharge summary, Ext.A18 series are the medical bills, Ext.A19 is the copy of bank passbook of petitioner in OP(MV) No.668/2022, Ext.A20 is the copy of Aadhar card of petitioner in OP(MV) No.668/2022 and Ext.A21 is the copy of PAN card in OP(MV) No.668/ 2022.

A perusal of Ext.A3 shows that the then Sub Inspector of police, Shornur Police Station conducted investigation of the case, completed the investigation and submitted the final report with finding that on 08.05.2022 at 16.00 hours, the 1st respondent being the rider of the motor cycle bearing registration No.KL-48/R-0832 rode the vehicle in a rash and negligent manner through Kayiliyad - Vallappuzha public road and when it reached near ESAF bank, it hit on the motor cycle bearing registration No.KL-51/L-9671 ridden by the petitioner in OP(MV)No.667/2022 thereby the petitioners in both claim petitions were sustained grievous injuries. Hence the 1st respondent had committed the offences punishable under sections 279, 337 and 338 of IPC. It is well settled that final report is the sufficient prima facie evidence to prove negligence in a claim for compensation u/s 166 of the Motor Vehicles Act (**New India Assurance Company Ltd. v. Palani Ammal and others – ILR 2011(3) Kerala 677**). So I

find that the petitioners have successfully proved their case that the accident was occurred solely due to the rash and negligent driving of the 1st respondent with the aid of Exts.A1 to A4. Issues are answered accordingly.

10. Issue No.2 and 3 in OP(MV)No.667/2022:- It is the case of petitioner that as a result of the accident he was sustained injuries, immediately taken to Al Madeena Hospital, Vallappuzha and from there taken to PK Das Institute of Medical Sciences, Vaniyamkulam admitted and treated there as an inpatient from 08.05.2022 to 13.05.2022. To prove the injuries sustained, hospitalisation and treatment given to the petitioner, copy of wound certificate was marked as Ext.A7 and discharge summary was marked as Ext.A10. As per the above documents the petitioner was treated as stated above. As per Ext.A7 the petitioner was sustained the following injuries:-

1. lacerated wound of size 8x2x1 cm over the scalp on ® side of vertex
2. echynosis present on ® eye
3. abrasion of size 2x1 cm on upper lip
4. abrasion of size 3x2 cm over ® knee

As per Ext.A10 the diagnosis and procedure done are as follows:-

diagnosis:-

right lefort II fracture with midpalatal split

B/L zygomatic arch fracture

procedure done: -

1. zygomatic elevation done
2. U/L IMF done

11. Going through the above, I find that the petitioner was sustained injuries in the accident which was caused due to the rash and negligent driving of the 1st respondent while driving the vehicle in question. Therefore, I find that the petitioner is entitled to get compensation for the injuries sustained in the accident.

12. Ext.A11 series are the medical bills produced and marked by the petitioner for ₹55,905/-. Out of which the 2nd respondent has admitted only the bills of ₹53,655/-. With respect to the remaining bills the objection of the 2nd respondent is that some bills are duplicate bills. In view of the objection raised by the 2nd respondent, this Tribunal is of the view that the petitioner is entitled to get only ₹53,655 /- towards medical expenses. According to the petitioner at the time of accident he was aged 44 years, coolie and his monthly income was of ₹15,000/-. As per Ext.14 copy of PAN card of the petitioner, his date of birth is 25.05.1977. Therefore, I find that at the time of accident the petitioner was aged 44 years. To prove the occupation and income of the petitioner no evidence has been adduced. Even then considering the age of the petitioner and other attending circumstances, I find that monthly income of the petitioner can be calculated as of ₹13,500/- for the purpose of computing compensation.

13. Ext.A8 is the disability certificate issued by Dr.P.J.Jacob. As per Ext.A8, the petitioner is having permanent whole body disability of 4%. Considering the nature of injuries, this Tribunal is of the view that Ext.A8 is acceptable one. The petitioner being aged 44 years at the time of

accident the proper multiplier is 14. Therefore, the compensation for loss of functional disability can be assessed at ₹13500x12x14x4/100 =90720/-. According to the petitioner due to the accident he was not able to go for work for a long period. Ext.A8 itself shows that the petitioner was having temporary disability for first three months. Considering the age of the petitioner and nature of injuries and the medical records are concerned, I am of the view that he was not able to work for three months. So he is entitled to get ₹40,500/- (13500x3) towards loss of earning.

Considering the entire facts and circumstances of the case, nature of injuries sustained, period of treatment, disability etc. I find that the following can be fixed as just and reasonable compensation in the case.

Sl. No.	Head of Claim	Amount claimed	Amount awarded	Basis-vital details in a nut shell
1	Loss of earning	100000	40500	13500x3 months
2	Partial loss of earnings	20000	0	
3	Transportation expenses	10000	4000	Considering the distance between the place of accident, hospitals and home
4	Extra nourishment	10000	3000	
5	Damage to clothing and articles	1000	1000	Nominal amount
6	Bystander expenses	10000	3000	500x6 days
7	Medical expenses	100000	53655	Ext.A11series medical bills
8	Future medical expenses	50000	0	
9	Compensation for pain and suffering	100000	40000	Considering the nature of injuries
10	Compensation for loss of enjoyment and amenities of life	100000	35000	Considering the disability
11	Compensation for permanent disability	200000	90720	13500x12x14x4/100
12	Compensation for loss of earning power	100000	0	

	Total	8,01,000	2,70,875	
	Limited to	5,00,000		

Issues are answered accordingly.

14. Issue No.2 and 3 in OP(MV)No.668/2022:- It is the case of petitioner that as a result of the accident he was sustained injuries, immediately taken to Al Madeena Hospital, Vallappuzha and from there taken to PK Das Institute of Medical Sciences, Vaniyamkulam admitted and treated there as an inpatient from 08.05.2022 to 09.05.2022. To prove the injuries sustained, hospitalisation and treatment given to the petitioner, discharge summary was marked as Ext.A17. As per the above document the petitioner was treated as stated above.

As per Ext.A17 the diagnosis and procedure done are as follows:-

diagnosis:-

cerebral concussion

procedure done: -

conservative

15. Going through the above, I find that the petitioner was sustained injuries in the accident which was caused due to the rash and negligent driving of the 1st respondent while driving the vehicle in question. Therefore, I find that the petitioner is entitled to get compensation for the injuries sustained in the accident.

16. Ext.A18 series are the medical bills produced and marked by the petitioner for ₹7,937/- which is not in dispute. According to the petitioner at the time of accident he was aged 46 years, coolie and his monthly income was of ₹15,000/-. As per Ext.21 copy of PAN card of the

petitioner, his date of birth is 10.03.1976. Therefore, I find that at the time of accident the petitioner was aged 46 years. To prove the occupation and income of the petitioner no evidence has been adduced. Even then considering the age of the petitioner and other attending circumstances, I find that monthly income of the petitioner can be calculated as of ₹13,500/- for the purpose of computing compensation.

17. Ext.A15 is the disability certificate issued by Dr. P.J.Jacob. As per Ext.A8, the petitioner is having permanent whole body disability of 1.5%. Considering the nature of injuries, this Tribunal is of the view that Ext.A8 is acceptable one. The petitioner being aged 46 years at the time of accident the proper multiplier is 13. Therefore, the compensation for loss of functional disability can be assessed at $\text{₹}13500 \times 12 \times 13 \times 1.5 / 100 = 31590/-$. According to the petitioner due to the accident he was not able to go for work for a long period. Considering the age of the petitioner and nature of injuries and the medical records are concerned, I am of the view that he was not able to work for one month. So he is entitled to get ₹13,500/- (13500x1) towards loss of earning.

Considering the entire facts and circumstances of the case, nature of injuries sustained, period of treatment, disability etc. I find that the following can be fixed as just and reasonable compensation in the case.

Sl. No.	Head of Claim	Amount claimed	Amount awarded	Basis-vital details in a nut shell
1	Loss of earning	50000	13500	13500x1 month
2	Partial loss of earnings	20000	0	
3	Transportation expenses	10000	4000	Considering the distance between the place of accident, hospitals and home

4	Extra nourishment	5000	3000	
5	Damage to clothing and articles	1000	1000	Nominal amount
6	Bystander expenses	5000	1000	500x2 days
7	Medical expenses	20000	7937	Ext.A18 series medical bills
8	Future medical expenses	20000	0	
9	Compensation for pain and suffering	50000	30000	Considering the nature of injuries
10	Compensation for loss of enjoyment and amenities of life	20000	25000	Considering the disability
11	Compensation for permanent disability	100000	31590	$13500 \times 12 \times 13 \times 1.5 / 100$
12	Compensation for loss of earning power	50000	0	
	Total	3,51,000	1,17,027	
	Limited to	2,00,000		

Issues are answered accordingly.

18. Issue No.4 in OP(MV) Nos.667/2022 and 668/2022:-

The 2nd respondent has admitted the insurance coverage of the offending vehicle bearing registration No.KL-48/R-0832 in both claim petitions. This Tribunal found that the accident occurred due to the negligence on the side of the 1st respondent. Therefore, the 2nd respondent is liable to indemnify the 1st respondent. Issue is answered accordingly.

Issues are answered accordingly.

In the result,

OP(MV)No.667/2022 is allowed in part and an award is passed for ₹2,70,875/- (Rupees two lakh seventy thousand eighty hundred and seventy five only) with interest @ 8% per annum from the date of filing of the petition on 07.11.2022 till realisation with proportionate cost.

The 2nd respondent is directed to deposit/transfer the amount of compensation payable to the petitioner within thirty days from the date of this Award in accordance with the procedure laid down in the Circular No.1/2025 dated 19.09.2025 of the Hon'ble High Court.

The 2nd respondent is directed to furnish cheques for ₹4,368/- being court fee and ₹5,000/- being Legal Benefit Fund payable by the petitioner in the name of the Motor Accidents Claims Tribunal, Ottapalam.

The 2nd respondent shall transfer the balance amount of the compensation with interest and cost as directed above to the person/s entitled to receive the compensation as per the Award in the account details furnished in clause 2 (a) of the Circular, which is furnished below :

Name of the petitioner	Name of Bank	Name of Branch	Account Number	IFSC Code
RAJESH	Bank of Baroda	Ottapalam	32040100023568	BARB00TTAPA

OP(MV)No.668/2022 is allowed in part and an award is passed for ₹1,17,027/- (Rupees one lakh seventeen thousand twenty seven only) with interest @ 8% per annum from the date of filing of the petition on 07.11.2022 till realisation with proportionate cost.

The 2nd respondent is directed to deposit/transfer the amount of compensation payable to the petitioner within thirty days from the date of this Award in accordance with the procedure laid down in the Circular No.1/2025 dated 19.09.2025 of the Hon'ble High Court.

The 2nd respondent is directed to furnish cheques for ₹1,368/- being court fee and ₹2,000/- being Legal Benefit Fund payable by the petitioner in the name of the Motor Accidents Claims Tribunal,

Ottapalam.

The 2nd respondent shall transfer the balance amount of the compensation with interest and cost as directed above to the persons entitled to receive the compensation as per the Award in the account details furnished in clause 2 (a) of the Circular, which is furnished below :

Name of the petitioner	Name of Bank	Name of Branch	Account Number	IFSC Code
RAMACHANDRAN MP	Bank of Baroda	Ottapalam	32040100023581	BARB00TTAPA

The Adhaar Number, PAN details and email ID, if any, of the petitioners in both petitions furnished as per Clause 1 (a) of the Circular shall be appended to the Original Award. The petitioners shall promptly notify this Tribunal of any change in bank account details, email ID, or any other particular already furnished.

The 2nd respondent shall submit a memo regarding deposits being made to this Motor Accidents Claims Tribunal enclosing a copy of the Bank Advice in the format prescribed in the Circular No.1/2025 dated 19.09.2025.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 09th day of October 2025.

Motor Accidents Claims Tribunal

APPENDIX

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

A1	:	11.05.2022	:	Copy of FIR & FIS
A2	:	12.05.2022	:	Copy of Scene Mahazar
A3	:	21.05.2022	:	Copy of Charge Sheet
A4	:	18.05.2022	:	Copy of AMVI report
A5	:	09.05.2022	:	Discharge certificate copy
A6	:	20.06.2022	:	Copy of wound certificate
A7	:	08.05.2022	:	Copy of wound certificate in OP 668/2022
A8	:	20.05.2025	:	Disability Certificate in OP 667/2022
A9	:	28.05.2025	:	OP Ticket in OP 667/2022
A10	:	13.05.2022	:	Discharge summary original
A11	:	Series	:	Medical bills
A12	:	26.05.2025	:	Bank pass book copy of petitioner in OP 667/2022
A13	:	Nil	:	Aadhar Card copy of petitioner in OP 667/2022
A14	:	Nil	:	Pan Card copy of petitioner in OP 667/2022
A15	:	28.05.2025	:	Disability certificate in OP 668/2022
A16	:	28.05.2025	:	OP Ticket original in OP 668/2022
A17	:	09.05.2022	:	Discharge Summary of petitioner in 668/2022
A18	:	Series	:	Medical bills in OP MV 668/2022
A19	:	29.05.2025	:	Bank pass book copy of petitioner in OP 668/2022
A20	:	30.08.2013	:	Aadhar Card copy of petitioner in OP 668/2022
A21	:	Nil	:	Pan Card copy of petitioner in OP 668/2022

Respondent Witness Examined : Nil

Respondent Exhibit Marked : Nil

Motor Accidents Claims Tribunal

MEMO OF COST

Petitioner's Cost : Allowed. Cost list filed

Sl No	Particular	Amount OP MV 667/2022	Amount OP MV 668/2022
1	Court Fee	1,372.00	172.00
2	Writing Fee	200.00	200.00
3	Advocate Fee	15,943.00	8,251.00
4	Stamp on Petition	50.00	35.00
5	Process fee	60.00	68.00
6	Stamp on vakalath	5.00	5.00
7	Stamp on document	42.00	32.00
	Total	17,672.00	8,763.00

Respondents Cost : Not Allowed.

Motor Accidents Claims Tribunal

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

Typed by : Aswathy P
Compared by : Deepa K S

Fair/Copy of Common Award
in OP(MV) Nos. 667/2022 &

668/2022

Dated : 09/10/2025

(1+4)