THE MOTOR ACCIDENTS CLAIMS TRIBUNAL/ ADDITIONAL DISTRICT AND SESSIONS COURT, TALIPARAMBA

Present:- Sri.**Prasanth.K.N**, Motor Accidents Claims Tribunal/
Additional District and Sessions Judge

Tuesday, the 25th day of November, 2025/ 4th Agrahayana, 1947

O.P.(MV) No. 601/2022

Kerala State Electricity Board, represented by The Assistant Executive Engineer, Electrical Sub Division, Sreekandapuram, Sreekandapuram Village, Sreekandapuram P.O, Taliparamba Taluk, Kannur Dist. 670631.	Petitioner

Vs.

1. Abdul Rahim.K.P, S/o.Abdul Khadar.K.P, Aged 31 years, Chekkintakath Puthiyapurayil, Ayipuzha, Pattanur (PO), Kannur Dist. 670595 Driver of KL-58-AE-0147 Goods Carrier 2. Farook.C.C, Aged 45 years, Proprietor, ATC Traders, 389 A, KTS Building, Ayippuzha Pattanur, Kannur Dist. 670595. RC Owner of KL-58-AE-0147 Goods Carrier 3. The Manager, Shriram General Insurance Company Ltd., 6/50P. Manna Tower, 3rd Floor, Near English Church, Nadakavu (PO) Caclicut, Kerala, 673011. Policy No. 419014/31/22/016656	Respondents

This petition coming on this day for hearing before me in the presence of Sri.T.C.Sibi, Advocate for the petitioner; and of Sri.S.Mammu, Advocate for the 3rd respondent; 1st and 2nd respondents are being called absent set exparte and having stood over for consideration till this day, and the tribunal passed the following:-

AWARD

SUMMARY OF THE CASE

No	Heading	Description	Remarks
1	Details of parties	Petitioner - KSEB, R1 - Driver, R2 - Owner, R3 - Insurer	
2	Accident details	A goods carrier hit an electric post, and the post was damaged - **Damage case.**	
3	Occurrence	22.06.2022 - Ext.A1	FIR 589/2022, Sreekandapuram PS
4	Final report	30.07.2022 - Ext.A5	U/s 279 IPC, 139 Electricity Act
5	Petition	11.10.2022	U/s 166 MV Act
6	Licence	DL	Complied
7	Insurance	Insured	Complied
8	Total bill	Ext.A3, A4	₹63,280.76
9	Evidence	No oral evidence	Ext.A1 to A6
10	Compensation	₹63,280 - Claimed	**₹63,281 - Allowed**

1. The petition is filed under **Section 166** of the Motor Vehicles Act, claiming compensation for damage caused to a vehicle in a motor vehicle accident.

Case of the petitioner

2. On 22.06.2022, at about 8.54 pm, a Goods carrier bearing Regn. No. KL.58. AE.0147 at Thumbeni, driven by the first respondent in a rash and negligent manner, collided with an electric post owned by KSEB, causing significant damage to the post. The first respondent was the driver, the second respondent was the owner, and the third respondent was the insurer of the offending Goods carrier. The petitioner contended that all the respondents are jointly and severally liable to compensate and has claimed an amount of **₹63,280** as compensation.

3. The first and second respondents did not appear on summons and were set ex parte. The third respondent entered into an appearance and filed a written statement.

Case of the respondent

4. The third respondent filed a written statement admitting that the Goods carrier bearing Regn. No. KL.58. AE.0147 was insured by the third respondent. However, it is contended that the compensation claimed was unreasonable, exorbitant, and speculative.

5. Based on the above pleadings and documents produced, the following points are raised for consideration.

Points for consideration

1. ***Did the accident occur due to the first respondent's negligent driving of the Goods carrier?***
2. ***Did the petitioner's electric post sustain any damage in the motor vehicle accident?***
3. ***Is the petitioner entitled to recover any amount as compensation? If so, what is the quantum?***
4. ***Who is liable to compensate the petitioner?***
5. ***Reliefs and Costs?***

6. Neither side has adduced any oral evidence. Exts.A1 to A6 documents were marked on the petitioner's side, and no evidence was adduced on the respondents' side.

7. Both sides were heard, and evidence perused.

Point No.1/ Negligence

8. These points are considered together for convenience. To prove the accident and negligence, the petitioner relied on Ext.A1 FIR and Ext.A5 final Report. These records show that the police had registered a case regarding the incident as Crime No. 589/2022 of Sreekandapuram Police Station and filed the final report under **Section 173 (2)** of the **Cr.P.C**, inculpating the first respondent. The petitioner also produced the certified copy of the judgment in S.C. 669/2022 of the Hon'ble Sessions Court, Thalassery, marked as Ext.A6, which shows that the first respondent pleaded guilty to the same crime. As per the final report, the Goods carrier driver has been charged under **Section 279** of the **IPC** for his rash and negligent driving, which caused this accident. Moreover, the FIR and final report show that the electric post was damaged in the accident.

9. It has been held by the Hon'ble High Court of Kerala in ***New India Assurance Company V. Pazhaniammal, 2011 (3) KLT 648*** that it can safely be accepted that production of the charge sheet is prima facie sufficient evidence of negligence for a claim under **Section 166** of the **MV Act** unless the contrary is proved. Once the claimant produces the charge sheet, the burden of proof shifts to the party who does not accept the charge sheet to adduce contra evidence. The respondents could not adduce rebuttal evidence to challenge the final report, so the petitioners' case concerning the cause of the accident, which

appears believable and probable, must be accepted. Hence, in the light of Exts.A1 and A5 documents, I hold that the evidence adduced is sufficient to prove that the accident occurred due to the rash and negligent driving of the first respondent. Point No. 1 is answered in favour of the petitioner accordingly.

<u>Discussion on Point No.2</u>

10. The damages of the electric post are substantiated with the FIR and final report. The fact of the accident and damage to the electric post is not disputed by the respondents. Hence, I hold that the petitioners proved that the electric post was damaged in the accident, as alleged in the first point. Point No.2 is answered in favour of the petitioner accordingly.

<u>Discussion on Point No.3</u>

11. It has already been found that the electric post was damaged in the accident due to negligent driving by the first respondent, and the petitioner is entitled to compensation under the provisions of the Motor Vehicles Act, 1988. To prove the damages and compensation, the petitioner has produced Ext.A2 site mahazar, Ext.A3 estimate, and Ext.A4 utilization certificate. The estimate indicates that the approximate cost of renewing the post is ₹63,280.76. The utilization certificate would show that the petitioner had spent **₹63,280.75** towards the renewal of the post.

12. Conjoint reading of the estimate and utilization certificate proved that the petitioner had spent the above amount for the replacement of the post,

which was caused by the accident. The amount shown seems fair and reasonable. Therefore, the petitioner is entitled to recover the said amount from the respondents. Point no.3 is answered accordingly. Other claims are rejected in the absence of evidence.

13. The compensation to which the petitioner is entitled under different heads is summarized as follows.

SUMMARY OF CLAIMS RAISED AND ALLOWED

No	**Head of Claim**	**Claimed ₹**	**Awarded ₹**	**Details in a nutshell**
1	Damage to property and articles	63,280	63,281	Ext.A4
	Claim allowed		**₹63,281**	**Just Compensation**

Point No.4/Liability

14. It has been found that the accident occurred due to the negligence of the first respondent, the Goods driver. The second respondent is the owner, who is vicariously liable to compensate the petitioner. Admittedly, the third respondent was the insurer of the offending vehicle, who is liable to indemnify the first respondent and compensate the petitioner. There was no violation of the policy conditions. So, the third respondent, the insurer, is liable to compensate the petitioner. Point no.4 is answered accordingly.

Interest and Cost /Point No.5

15. According to **Section 171** of the Motor Vehicle Act, the Tribunal can direct a simple interest in addition to the compensation in motor vehicle

accident cases. However, the rate of interest is not fixed by the statute. Therefore, relying on the Judgment rendered by a three-bench of the Hon'ble Supreme Court in ***Supe Dei V. National Insurance Co. Ltd, 2009 KHC 4551*** and ***Kaushnuma Begum V. New India Assurance Co. Ltd, 2001 (2) SCC 9***, it is reiterated that **9%** is the appropriate rate of interest in Motor Vehicle accident compensation cases. Upshot to the above discussion, the rate of interest is fixed accordingly.

16. With regard to cost, no circumstance has been brought out to depart from the standard rule that cost shall follow the event. Therefore, I hold that the applicant is entitled to recover the proportional cost of the proceeding from the third respondent. Thus, the petitioner is entitled to recover a total amount of **₹63,281.**

As a result, the petition is allowed as follows,

1. The petitioner is entitled to realize an amount of **₹63,281** (Rupees Sixty-Three Thousand Two Hundred and Eighty-One only) as compensation from the third respondent with interest **@9%** per annum from **11.10.2022**, the date of application, until deposit/realization.
2. The Court Fee has already been paid in the amount of ₹189 (Rupees One Hundred and Eighty-Nine only).
3. The additional court fee has already been paid, ₹633 (Rupees Six Hundred and Thirty-Three only).
4. The third respondent/insurer is directed to deposit the entire balance amount due to the petitioner ***within one month*** into the petitioner's

bank account listed below.

Name of the person	KSEB Collection Account
Name of the Bank & Branch	State Bank of India, Payyannur
Account Number	57068427385
IFSC Number	SBIN0070259

5. The third respondent /insurer shall instruct their bank to ensure the deposit of the amount by direct transfer to the account of the petitioner mentioned above containing the following information in the prescribed format in compliance with the award.

1	OP(MV)Number	
2	On the file of MACT	
3	Date of award	
4	Amount deposited	
5	Amount of FD/No	
6	Name of the minor	
7	Income Tax Deduction at Source	
8	Bank Transaction Reference No/UTR	

6. After deposing the compensation amount, the third respondent/insurer shall submit a statement of transfer details to this Tribunal, enclosing a copy of the bank advice, in the format prescribed in Circular No. 1/25 dated 19.09.2025 of the Hon'ble High Court of Kerala, and also serve a copy on ***the petitioner and their counsel forthwith.***
7. The third respondent/insurer is directed to furnish the claimant with Form 16A of the Income Tax Act if tax is deducted at the source.

(Dictated to the Confidential Assistant, transcribed and prepared by her in computer, corrected, and pronounced by me in open court on this 25th day of November 2025.)

Sd/
JUDGE
MOTOR ACCIDENTS CLAIMS TRIBUNAL
TALIPARAMBA

Petitioner's Exhibits:-

A1	22-07-2022	Copy of FIR No.589/2022 of Sreekandapuram Police Station
A2	22-06-2022	Site mahazar
A3	--	Estimate
A4	27-06-2022	Utilization Certificate
A5	30-07-2022	Final report
A6	07-06-2023	Certified copy of Judgment in SC 669/2022 of Session Court, Thalassery.

Petitioner's Witness - Nil

Respondent's Exhibits & Witness - Nil

Third Party Exhibits - Nil

Sd/
JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TALIPARAMBA