

**IN THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM**  
**Present :- Smt. Gosha C.G., M.A.C. Tribunal**

Friday, the 01<sup>st</sup> day of November, 2024  
(10<sup>th</sup> day of Karthika, 1946 S.E.)

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**ORIGINAL PETITION (MV) No. 657/2022, 669/2022,**  
**673/2022 & 679/2022**

**OP (MV) No. 657/2022**

**Petitioner**

Fathima P.K., aged 50 years, W/o Abdullakutty, SFR Manzil,  
Chokkichintakath House, Palappuram P.O., Ottapalam Taluk, Palakkad  
Dt, Pin 679 103.

**By Advocate : Adv. Sajitha P.A**

**Vs**

**Respondents:**

- 1) Yousef, aged 49 years, S/o Moidu, Kizhakkekara House, Palappuram  
P.O., Ottapalam Taluk, Palakkad Dt, Pin 679 103,  
(Driver of KL 51 L 9591 Auto)
- 2) Assankutty, aged about 45 years, S/o Kunjava, Pullanikkal House,  
Mulanhur P.O., Lakkidi Perur, Palakkad Dt, Pin 679 511  
(Owner of KL 51 L 9591 Auto)
- 3) The United India Insurance Co. Ltd, Parappurath Tower, Main Road,  
Ottapalam, Palakkad Dt, Pin 679 101  
(Insurer of KL 51L 9591auto)

R1, R2 : Adv. T.K. Kalidas

R3 : Adv. Sajitha Krishnadas

**OP (MV) No. 669/2022****Petitioner**

Abdulllakutty, aged 63 years, S/o Syed Kutty, SFR Manzil  
Chokkichintakath House, Palappuram P.O., Ottapalam Taluk, Palakkad  
Dt, Pin 679 103

**By Advocates :** Adv. Sajitha P.A

**Vs**

**Respondents:**

- 1) Yousef, aged 49 years, S/o Moidu, Kizhakkekara House,  
Palappuram P.O., Ottapalam Taluk, Palakkad Dt, Pin 679 103.  
(Driver of KL 51 L 9591 Auto)
- 2) Assankutty, aged about 45 years, S/o  
Kunjava, Pullanikkal House, Mulanhur P.O., Lakkidi Perur,  
Palakkad Dt, Pin 679 511  
(Owner of KL 51 L 9591 Auto)
- 3) The United India Insurance Co. Ltd, Parappurath Tower, Main Road,  
Ottapalam, Palakkad Dt, Pin 679 101  
(Insurer of KL 51 L 9591auto)

R1, R2 : Adv. T.K. Kalidas

R3 : Adv. Sajitha Krishnadas

**OP (MV) No. 673/2022****Petitioner**

Ajmal Faarisha, aged 22 years, D/o Abdullakutty, SFR Manzil,  
GJB School Road, Palappuram P.O., Ottapalam Taluk, Palakkad  
Dt, Pin 679 103

**By Advocates :** Adv. Sajitha P.A

**Vs**

**Respondents:**

- 1) Yousef, aged 49 years, S/o Moidu, Kizhakkekara House, Palappuram P.O., Ottapalam Taluk, Palakkad Dt, Pin 679 103, (Driver of KL 51 L 9591 Auto)
- 2) Assankutty, aged about 45 years, S/o Kunjava, Pullanikkal House, Mulanhur P.O., Lakkidi Perur, Palakkad Dt, Pin 679 511 (Owner of KL 51 L 9591 Auto)
- 3) The United India Insurance Co. Ltd, Parappurath Tower, Main Road, Ottapalam, Palakkad Dt, Pin 679 101 (Insurer of KL 51 L 9591auto)

R1, R2 : Adv. T.K. Kalidas

R3 : Adv. Sajitha Krishnadas

**OP (MV) No. 679/2022**

**Petitioner**

Adam Ayzal, aged 1 years, Minor, S/o Muhammed Riyas, Riyas Manzil, Vennakkara, Noorani P.O., Pin 678 004, Represented by Guardian Mother Ajmal Faarisha, aged 22 years, D/o Abdullakutty, SFR Manzil, Palappuram P.O., Ottapalam Taluk, Palakkad Dt, Pin - 679 103.

**By Advocates : Adv. Adv. Sajitha P.A**

**Vs**

**Respondents:**

- 1) Yousef, aged 49 years, S/o Moidu, Kizhakkekara House, Palappuram P.O., Ottapalam Taluk, Palakkad Dt, Pin 679 103, (Driver of KL 51 L 9591 Auto)
- 2) Assankutty, aged about 45 years, S/o Kunjava, Pullanikkal House, Mulanhur P.O., Lakkidi Perur, Palakkad Dt, Pin 679 511 (Owner of KL 51 L 9591 Auto)

- 3) The United India Insurance Co. Ltd, Parappurath Tower, Main Road, Ottapalam, Palakkad Dt, Pin 679 101  
(Insurer of KL 51 L 9591auto)

R1, R2 : Adv. T.K. Kalidas  
R3 : Adv. Sajitha Krishnadas

This petition having been finally heard on 29/10/2024 and the Tribunal on 01/11/2024 passed the following.

**COMMON AWARD**

OP(MV)Nos.657/2022, 669/2022, 673/2022 are filed by the respective petitioners for compensation to the injuries sustained to the petitioners in a motor vehicle accident u/s 166(1) (a) of the Motor Vehicles Act,1988. OP(MV)No.679/2022 is filed by the minor petitioner represented by guardian mother for compensation for the injuries sustained in a motor vehicle accident under section 166(1)(d) of the Motor Vehicles Act, 1988.

2. Though the petitioners are different in all petitions the respondents are same and the accident involved in both cases are also same. Therefore, the petitioner in OP(MV)No.657/2022 filed I.A.No.1/2024 for joint trial of the above said petitions and they were allowed treating OP(MV)No.657/2022 as the leading case.

3. Common case of the petitioners in brief is that on 05.06.2022 while the petitioners were travelling in an autorickshaw bearing registration No.KL-51/L-9591 driven by the 1<sup>st</sup> respondent from Palappuram to Karappotta and when they reached at the place Poruthikode, Thiruvilwamala, due to the rash and negligent driving of the 1<sup>st</sup>

respondent, the autorickshaw capsized thereby the petitioners were sustained injuries. Hence OP(MV)No.657/2022 and 669/2022 are for a total compensation of ₹2,00,000/- each, OP(MV)No.673/2022 is for ₹1,50,000/- and OP(MV)No.679/2022 is for ₹1,00,000/-.

4. The 1<sup>st</sup> and 2<sup>nd</sup> respondents, driver and owner of the offending vehicle filed joint written statement in OP(MV)No.657/22. The 2<sup>nd</sup> respondent in all other claim petitions filed written statement with identical contentions denying the petition averments. According to these respondents, there was no negligence on the part of the 1<sup>st</sup> respondent as alleged in the petition. At the material time of accident, the 1<sup>st</sup> respondent was having valid and effective driving licence and badge to drive the offending vehicle and the vehicle was having valid registration certificate and fitness certificate. At the material time of accident, the vehicle was validly insured with the 3<sup>rd</sup> respondent. Even if the Tribunal finds that the petitioner is entitled to get any amount, it has to be paid by the 3<sup>rd</sup> respondent. The age, occupation and income of the petitioners have to be proved by the petitioners. The amount claimed in the petitions are highly excessive and exaggerated. Therefore, the petitions are to be disposed accordingly.

5. The 3<sup>rd</sup> respondent filed written statement in all the claim petitions with identical contentions denying the petition averments. At the same time this respondent admits that the vehicle bearing registration No.KL-51/L-9591 was validly insured with this respondent at the material time of accident. But the offending vehicle was not having valid fitness certificate at the material time of accident.

According to this respondent, there was no negligence on the part of the 1<sup>st</sup> respondent as alleged in the petition. There is a delay of four days in registering the FIR. 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 A34 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.657/2022 & 669/2022,673/2022 and 679/2022 are as follows:-

1. Whether the 1<sup>st</sup> respondent was driving the autorickshaw bearing registration No.KL-51/L-9591 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.657/2022 & 669/2022,673/2022 and 679/2022 :-

It is the common case of the petitioners that on 05.06.2022 while the petitioners were travelling in an autorickshaw bearing registration No. KL-51/L-9591 driven by the 1<sup>st</sup> respondent from Palappuram to Karappotta and when they reached at

the place Poruthikode, Thiruvilwamala, due to the rash and negligent driving of the 1<sup>st</sup> respondent, the autorickshaw capsized thereby the petitioners were sustained injuries. According to the respondents there was no negligence on the part of the 1<sup>st</sup> respondent as alleged in the petition. Though so many contentions are raised in the written statements of the respondents no evidence has been adduced to prove this. On the other hand to prove the negligence of the 1<sup>st</sup> respondent copy of FIR with FIS was marked as Ext.A1, copy of scene mahazar was marked as Ext.A2, copies of AMVI report was marked as Ext.A3 and copy of final report was marked as Ext.A4.

Exhibits marked in OP(MV)No.657/2022 are : Ext.A5 is the copy of wound certificate, Ext.A6 is the copy of discharge certificate, Ext.A7 is the discharge summary, Ext.A8 is the copy of Aadhar card of the petitioner, Ext.A9 is the copy of bank account passbook of the petitioner, Ext.A10 copy of PAN card and Ext.A11 series are the medical bills.

Exhibits marked in OP(MV)No.669/2022: Ext.A12 is the copy of wound certificate, Ext.A13 is the discharge summary, Ext.A14 is the copy of Aadhar card of the petitioner, Ext.A15 is the copy of PAN card of the petitioner, Ext.A16 copy of bank account passbook, Ext.A17 is the copy of discharge certificate, and Ext.A18 series are the medical bills.

Exhibits marked in OP(MV)No.673/2022: Ext.A19 is the copy of wound certificate, Ext.A20 is the discharge summary, Ext.A21 is the copy of Aadhar card of the petitioner, Ext.A22 is the copy of PAN card of the petitioner, Ext.A23 copy of bank account passbook, Ext.A24 is the treatment certificate and Ext.A25 series are the medical bills.

Exhibits marked in in OP(MV)No.679/2022: Ext.A26 is the copy of wound certificate, Ext.A27 is the discharge summary, Ext.A28 is the birth certificate of the minor, Ext.A29 is the copy of treatment certificate, Ext.A30 is the copy of Aadhar card of the guardian, Ext.A31 is the copy of bank account of guardian, Ext.A32 series are the medical bills, Ext.A33 is the copy of bank account of minor petitioner and Ext.A34 is the copy of Aadhar card of the minor petitioner.

A perusal of Ext.A4 shows that the then Sub Inspector of police, Pazhayannur Police Station conducted investigation of the case, completed the investigation and submitted the final report with finding that on 05.06.2022 at 10.00 hours, the 1<sup>st</sup> respondent being the driver of the autorickshaw bearing registration No.KL-51/L-9591 drove the vehicle from Palappuram to Karappotta in a rash and negligent manner and when it reached near Cheerakuzhi bridge at Poruthikode, the autorickshaw capsized thereby the petitioners were sustained simple injuries. Hence the 1<sup>st</sup> 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 1<sup>st</sup> respondent with the aid of Exts.A1 to A4. Issues are answered accordingly.

10. Issue Nos.2 and 3 in OP(MV)No.657/2022:- It is the case of petitioner that as a result of the accident she was sustained grievous injuries, immediately taken to

Government Taluk Hospital, Pazhayannur and from there taken to PK Das Hospital, Vaniyamkulam, admitted and treated there as an inpatient from 05.06.2022 to 06.06.2022. To prove the injuries sustained, hospitalisation and treatment given to the petitioner copy of wound certificate was marked as Ext.A5, copy of discharge certificate was marked as Ext.A6 and discharge summary was marked as Ext.A7. As per the above documents, the petitioner was treated as stated above. As per Ext.A5 the petitioner was sustained contused wound 1.5x1x0.7 cm with surrounding edema. As per Ext.A6 discharge certificate the petitioner was sustained fracture of both nasal bone with proximal haematoma, undisplaced fracture. As per Ext.A7 the diagnosis and procedure done are as follows:

diagnosis:-

B/L nasal bone fracture

procedure done:

conservative

11. Going through the above medical records, I find that the petitioner was sustained injuries in the accident which was caused due to the rash and negligent driving of the 1<sup>st</sup> 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. According to the petitioner at the time of accident she was aged 50 years, coolie and her monthly income was of ₹30,000/-. As per Ext.A10 copy of Pan card of the petitioner, her date of birth is 02.05.1972. Therefore, I find that at the time of accident the petitioner was aged 50 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 the monthly income of the petitioner can be calculated as ₹13,500/-.

13. Ext.A11 series are the medical bills produced and marked by the petitioner for ₹17,673/-, which is not in dispute.

According to the petitioner she was not able to go for work for two months. Considering the age of the petitioner and nature of injuries and the medical records are concerned, I am of the view that she was not able to work for two months. So she is entitled to get ₹27,000/- towards loss of earning.

Considering the entire facts and circumstances of the case, nature of injuries sustained, period of treatment 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                                          | 90000          | 27000          | 13500x2 months                                                      |
| 2       | Transportation expenses                                  | 5000           | 4000           | As per the available documents the petitioner went to two hospitals |
| 3       | Extra nourishment                                        | 5000           | 2000           |                                                                     |
| 4       | Damage to clothing and articles                          | 2000           | 1000           | Nominal amount                                                      |
| 5       | Bystander expenses                                       | 10000          | 800            | 400x2 days                                                          |
| 6       | Medical expenses                                         | 50000          | 17673          | As per Ext.A11 series medical bills                                 |
| 7       | Future treatment expenses                                | 20000          | 0              |                                                                     |
| 8       | Compensation for pain and suffering                      | 40000          | 20000          | Considering the nature of injuries                                  |
| 9       | Compensation for loss of enjoyment and amenities of life | 30000          | 15000          | Considering the nature of injuries                                  |
| 10      | Compensation for permanent disability                    | 100000         | 0              | No disability                                                       |
|         | Total                                                    | 3,52,000       | 87,473         |                                                                     |
|         | Limited to                                               | 2,00,000       |                |                                                                     |

Issues are answered accordingly.

14. Issue Nos.2 and 3 in OP(MV)No.669/2022:- It is the case of petitioner that as a result of the accident he was sustained grievous injuries, immediately taken to Government Taluk Hospital, Pazhayannur and from there taken to PK Das Hospital, Vaniyankulam, admitted and treated there as an inpatient from 05.06.2022 to 06.06.2022. To prove the injuries sustained, hospitalisation and treatment given to the petitioner copy of wound certificate was marked as Ext.A12, discharge summary was marked as Ext.A13 and copy of discharge certificate was marked as Ext.A17 . As per the above documents, the petitioner was treated as stated above. As per Ext.A12 the petitioner was sustained lacerated wound 6.5x1x1 cm over frontal scalp near midline and lacerated wound 6x2x1.5 cm over left eye eyebrow. As per Ext.A8 the diagnosis and procedure done are as follows:

diagnosis:-

mild head injury

procedure done:

conservative

15. Going through the above medical records, I find that the petitioner was sustained injuries in the accident which was caused due to the rash and negligent driving of the 1<sup>st</sup> 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. According to the petitioner at the time of accident he was aged 63 years, coolie and his monthly income was of ₹30,000/-. As per Ext.A15 copy of Pan card of the petitioner, his date of birth is 26.02.1956. Therefore, I find that at the time of

accident the petitioner was aged 66 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 the monthly income of the petitioner can be calculated as ₹13,500/-. According to the petitioner he was not able to go for work for two 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 two months. So he is entitled to get ₹27,000/- towards loss of earning.

17. Ext.A18 series are the medical bills produced and marked by the petitioner for ₹10,075/-, which is not in dispute.

Considering the entire facts and circumstances of the case, nature of injuries sustained, period of treatment 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                                          | 90000          | 27000          | 13500x2 months                                                      |
| 2       | Transportation expenses                                  | 5000           | 4000           | As per the available documents the petitioner went to two hospitals |
| 3       | Extra nourishment                                        | 5000           | 2000           |                                                                     |
| 4       | Damage to clothing and articles                          | 2000           | 1000           | Nominal amount                                                      |
| 5       | Bystander expenses                                       | 10000          | 800            | 400x2 days                                                          |
| 6       | Medical expenses                                         | 30000          | 10075          | As per Ext.A18 series medical bills                                 |
| 7       | Future treatment expenses                                | 20000          | 0              |                                                                     |
| 8       | Compensation for pain and suffering                      | 40000          | 15000          | Considering the nature of injuries                                  |
| 9       | Compensation for loss of enjoyment and amenities of life | 30000          | 15000          | Considering the nature of injuries                                  |
| 10      | Compensation for permanent disability                    | 50000          | 0              | No disability                                                       |
|         | Total                                                    | 2,82,000       | 74,875         |                                                                     |
|         | Limited to                                               | 2,00,000       |                |                                                                     |

Issues are answered accordingly.

18. Issue Nos.2 and 3 in OP(MV)No.673/2022:- It is the case of petitioner that as a result of the accident she was sustained grievous injuries, immediately taken to Government Taluk Hospital, Pazhayannur and from there taken to PK Das Hospital, Vaniyankulam, admitted and treated there as an inpatient from 05.06.2022 to 06.06.2022. To prove the injuries sustained, hospitalisation and treatment given to the petitioner copy of wound certificate was marked as Ext.A19, discharge summary was marked as Ext.A20 and copy of treatment certificate was marked as Ext.A24. As per the above documents, the petitioner was treated as stated above. As per Ext.A19 the petitioner was sustained contused wound abrasion 1.5x1 cm over nose. As per Ext.A20 the diagnosis and procedure done are as follows:

diagnosis:-

mild head injury

procedure done:

conservative

19. Going through the above medical records, I find that the petitioner was sustained injuries in the accident which was caused due to the rash and negligent driving of the 1<sup>st</sup> 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.

20. According to the petitioner at the time of accident she was aged 22 years, housewife and her monthly income was of ₹30,000/-. As per Ext.A22 copy of Pan card of the petitioner, her date of birth is 02.04.2000. Therefore, I find that at the time of accident the petitioner was aged 22 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 the monthly income of the petitioner can be calculated as ₹13,500/-. According to the petitioner she was not able to go for work for two months. Considering the age of the petitioner and nature of injuries and the medical records are concerned, I am of the view that she was not able to work for one month. So she is entitled to get ₹13,500/- towards loss of earning.

21. Ext.A25 series are the medical bills produced and marked by the petitioner for ₹11,693/-, which is not in dispute.

Considering the entire facts and circumstances of the case, nature of injuries sustained, period of treatment 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                                          | 30000          | 13500          | 13500x1 month                                                       |
| 2       | Transportation expenses                                  | 5000           | 4000           | As per the available documents the petitioner went to two hospitals |
| 3       | Extra nourishment                                        | 5000           | 2000           |                                                                     |
| 4       | Damage to clothing and articles                          | 2000           | 1000           | Nominal amount                                                      |
| 5       | Bystander expenses                                       | 10000          | 800            | 400x2 days                                                          |
| 6       | Medical expenses                                         | 20000          | 11693          | As per Ext.A25 series medical bills                                 |
| 7       | Future treatment expenses                                | 10000          | 0              |                                                                     |
| 8       | Compensation for pain and suffering                      | 40000          | 10000          | Considering the nature of injuries                                  |
| 9       | Compensation for loss of enjoyment and amenities of life | 30000          | 5000           | Considering the nature of injuries                                  |
|         | Total                                                    | 1,52,000       | 47,993         |                                                                     |
|         | Limited to                                               | 1,50,000       |                |                                                                     |

Issues are answered accordingly.

22. Issue Nos.2 and 3 in OP(MV)No.679/2022:- It is the case of minor petitioner that as a result of the accident he was sustained grievous injuries, immediately taken to

Government Taluk Hospital, Pazhayannur and from there taken to PK Das Hospital, Vaniyamkulam, admitted and treated there as an inpatient from 05.06.2022 to 06.06.2022. To prove the injuries sustained, hospitalisation and treatment given to the petitioner copy of wound certificate was marked as Ext.A26, discharge summary was marked as Ext.A27 and copy of treatment certificate was marked as Ext.A29. As per the above documents, the petitioner was treated as stated above. As per Ext.A26 the petitioner was sustained contused wound abrasion 2x0.1 cm parallel abrasion on right side temporo occipital region. As per Ext.A27 the diagnosis and procedure done are as follows:

diagnosis:-

mild head injury

procedure done:

conservative

23. Going through the above medical records, I find that the petitioner was sustained injuries in the accident which was caused due to the rash and negligent driving of the 1<sup>st</sup> 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.

24. The petitioner was a one year old child. As per Ext.A28 copy of birth certificate of the petitioner, his date of birth is 09.03.2021. Therefore, I find that at the time of accident the petitioner was a one year old boy.

25. Ext.A32 series are the medical bills produced and marked by the petitioner for ₹4,082/-, which is not in dispute.

Considering the entire facts and circumstances of the case, nature of injuries sustained, period of treatment 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                                  |
|---------|----------------------------------------------------------|----------------|----------------|---------------------------------------------------------------------|
| 2       | Transportation expenses                                  | 5000           | 4000           | As per the available documents the petitioner went to two hospitals |
| 3       | Extra nourishment                                        | 5000           | 2000           |                                                                     |
| 4       | Damage to clothing and articles                          | 2000           | 1000           | Nominal amount                                                      |
| 5       | Bystander expenses                                       | 10000          | 800            | 400x2 days                                                          |
| 6       | Medical expenses                                         | 20000          | 4082           | As per Ext.A32 series medical bills                                 |
| 7       | Future treatment expenses                                | 10000          | 0              |                                                                     |
| 8       | Compensation for pain and suffering                      | 30000          | 15000          | Considering the nature of injuries                                  |
| 9       | Compensation for loss of enjoyment and amenities of life | 20000          | 15000          | Considering the nature of injuries                                  |
|         | Total                                                    | 1,02,000       | 41,882         |                                                                     |
|         | Limited to                                               | 1,00,000       |                |                                                                     |

Issues are answered accordingly.

**26. Issue No.4 in OP(MV) Nos.657/2022, 669/2022, 673/2022 & 679/2022:-**

It is stated in the written statement of the 3<sup>rd</sup> respondent that the vehicle bearing registration No.KL-51/L-9591 was validly insured with this respondent at the material time of accident. This Tribunal found that the accident occurred due to the negligence on the side of the 1<sup>st</sup> respondent. Therefore, the 3<sup>rd</sup> respondent is liable to indemnify the other respondents. Issue is answered accordingly.

In the result,

**27. OP(MV)No.657/2022** is allowed in part and an award is passed for ₹87,473/- (Rupees eighty seven thousand four hundred and seventy three only) with interest @ 8% per annum from the date of filing of the petition on 03.11.2022 till realisation with proportionate cost.

The 3<sup>rd</sup> 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

28. **OP(MV)No.669/2022** is allowed in part and an award is passed for ₹74,875/- (Rupees seventy four thousand eight 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 3<sup>rd</sup> 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.

29. **OP(MV)No.673/2022** is allowed in part and an award is passed for ₹47,993/- (Rupees forty seven thousand nine hundred and ninety three only) with interest @ 8% per annum from the date of filing of the petition on 08.11.2022 till realisation with proportionate cost.

The 3<sup>rd</sup> respondent is directed to furnish cheques for ₹868/- being court fee and ₹1,500/- being Legal Benefit Fund payable by the petitioner in the name of the Motor Accidents Claims Tribunal, Ottapalam.

30. **OP(MV)No.679/2022** is allowed in part and an award is passed for ₹41,882/- (Rupees forty one thousand eight hundred and eighty two only) with interest @ 8% per annum from the date of filing of the petition on 11.11.2022 till realisation with proportionate cost.

The 3<sup>rd</sup> respondent is directed to furnish cheques for ₹368/- being court fee and ₹1,000/- being Legal Benefit Fund payable by the petitioner in the name of the Motor Accidents Claims Tribunal, Ottapalam.

(1) R3/insurer shall deposit the balance Award amount in all the claim petitions within one month to the credit of the Bank Account of Motor Accidents Claims Tribunal, Ottapalam shown below, directly by National Electronic Fund Transfer (NEFT)/ Real Time Gross Settlement (RTGS) or any other electronic mode.

| Name of Account Holder | Name of Bank        | Name of Branch | Account Number | IFSC Code   |
|------------------------|---------------------|----------------|----------------|-------------|
| Ottapalam MACT         | State Bank of India | Ottapalam      | 42798164060    | SBIN0000257 |

(2) R3/insurer shall instruct their bank to ensure deposit of the Award amount by way of Direct Bank Transfer to the account of the Motor Accidents Claims Tribunal, Ottapalam shown above containing following information in the prescribed format (which is already circulated) by way of compliance of the Award.

|   |                                                                       |  |
|---|-----------------------------------------------------------------------|--|
| 1 | OP(MV) Number                                                         |  |
| 2 | On the file of (Motor Accidents Claims Tribunal Name)                 |  |
| 3 | Date of Award                                                         |  |
| 4 | Compensation Amount                                                   |  |
| 5 | Income Tax Deduction at Source, if any, in accordance with law.       |  |
| 6 | Bank Transaction Reference No./Unique Transaction Reference (UTR) No. |  |

(3) The 3<sup>rd</sup> respondent is further directed to deposit the balance award amount of the petitioner in OP(MV)679/2022 in the account of MACT, Ottapalam which will be retained as fixed deposit till he attains majority.

(4) On attaining majority of the petitioner, the amount in the FD with accrued interest shall be transferred to his bank account to be furnished at that time, after due verification.

(5) On such deposit being made R3/insurer shall submit a letter to this Tribunal enclosing a copy of said bank advice in the prescribed format (which is already circulated) as per which deposit was made to the bank account of this Tribunal.

(6) R3/insurer shall also send a copy of payment advice to the Motor Accidents Claims Tribunal concerned and serve a copy of the same on the claimants or their counsels.

(7) The Office of this Tribunal shall ensure that as and when the Award amount is received in the Bank account of MACT, it shall be disbursed to the credit of the bank accounts of claimants shown below directly by way of NEFT/ RTGS or any other electronic mode.

**Bank details of the petitioner in OP(MV)No.657/2022:-**

| Name of petitioner | Name of Bank            | Name of Branch | Account Number  | IFSC Code   |
|--------------------|-------------------------|----------------|-----------------|-------------|
| FATHIMA<br>PK      | Indian<br>Overseas Bank | Ottapalam      | 256301000006552 | IOBA0002563 |

**Bank details of the petitioner in OP(MV)No.669/2022:-**

| Name of petitioner  | Name of Bank               | Name of Branch | Account Number  | IFSC Code   |
|---------------------|----------------------------|----------------|-----------------|-------------|
| ABDULLAK<br>UTTY CS | Indian<br>Overseas<br>Bank | Ottapalam      | 256301000003163 | IOBA0002563 |

**Bank details of the petitioner in OP(MV)No.673/2022:-**

| Name of petitioner    | Name of Bank            | Name of Branch | Account Number  | IFSC Code   |
|-----------------------|-------------------------|----------------|-----------------|-------------|
| C.A.AJMAL<br>FAARISHA | Indian<br>Overseas Bank | Ottapalam      | 256301000007600 | IOBA0002563 |

**Bank details of the petitioner in OP(MV)No.679/2022:-**

| Name of petitioner | Name of Bank            | Name of Branch | Account Number  | IFSC Code   |
|--------------------|-------------------------|----------------|-----------------|-------------|
| ADAM<br>AYZAL M    | Indian Overseas<br>Bank | Ottapalam      | 256301000007635 | IOBA0002563 |

(6) The office is further directed to make necessary entries in the Cheque Issue Register or any other Registers concerned, evidencing payment of above amount to the petitioners.

*Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 1<sup>st</sup> day of November 2024.*

Motor Accidents Claims Tribunal

**APPENDIX**

Petitioner's Witness Examined : Nil

Petitioner's Exhibits Marked :

A1 : 09/06/2022 : Copy of FIR and FIS  
A2 : 09/06/2022 : Copy of Scene Mahazar

|     |   |            |   |                                       |
|-----|---|------------|---|---------------------------------------|
| A3  | : | 20/07/2022 | : | Copy of AMVI report                   |
| A4  | : | 23/07/2022 | : | Copy of Charge sheet                  |
| A5  | : | 05/06/2022 | : | Copy of Wound Certificate             |
| A6  | : | Nil        | : | Copy of Discharge Certificate         |
| A7  | : | 06/06/2022 | : | Discharge Summary                     |
| A8  | : | 24/10/2013 | : | Copy of Aadhaar Card of petitioner    |
| A9  | : | 27/10/2022 | : | Copy of Bank Account of petitioner    |
| A10 | : | Nil        | : | Copy of Pan card of petitioner        |
| A11 | : | Series     | : | Medical Bills                         |
| A12 | : | 05/06/2022 | : | Copy of Wound Certificate             |
| A13 | : | 06/06/2022 | : | Discharge Summary                     |
| A14 | : | Nil        | : | Copy of Aadhaar Card of petitioner    |
| A15 | : | Nil        | : | Copy of Pan card of petitioner        |
| A16 | : | 31/08/2018 | : | Copy of Bank Account of petitioner    |
| A17 | : | 19/07/2022 | : | Copy of Discharge Certificate         |
| A18 | : | Series     | : | Medical Bills                         |
| A19 | : | 05/06/2022 | : | Copy of Wound Certificate             |
| A20 | : | 06/06/2022 | : | Discharge Summary                     |
| A21 | : | 23/03/2012 | : | Copy of Aadhaar card of petitioner    |
| A22 | : | Nil        | : | Copy of Pan card of petitioner        |
| A23 | : | 20/05/2024 | : | Copy of Of Bank Account of petitioner |
| A24 | : | 19/07/2022 | : | Treatment Certificate                 |
| A25 | : | Series     | : | Medical Bills                         |
| A26 | : | 05/06/2022 | : | Copy of Wound Certificate             |
| A27 | : | 06/06/2022 | : | Discharge Summary                     |
| A28 | : | 20/03/2021 | : | Birth Certificate of Minor            |
| A29 | : | 19/07/2022 | : | Copy of Treatment Certificate         |
| A30 | : | Nil        | : | Copy Aadhaar Card of guardian         |
| A31 | : | 02/05/2024 | : | Copy of Bank account of Guardian      |
| A32 | : | Series     | : | Medical Bills                         |

A33 : 16/05/2024 : Copy of Bank Account of minor petitioner

A34 : 29/03/2024 : Copy of Aadhaar Card of Minor petitioner

Respondent's Witness examined : Nil

Respondent's Exhibits Marked : Nil

### Motor Accidents Claims Tribunal

#### MEMO OF COST

**Petitioner's Cost :** Allowed. Cost list filed

| Sl No | Particular         | Amount ₹<br>OP (MV)<br>657/2022 | Amount ₹<br>OP (MV)<br>669/2022 | Amount ₹<br>OP (MV)<br>673/2022 | Amount ₹<br>OP (MV)<br>679/2022 |
|-------|--------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| 1     | Stamp on Vakkalath | 5.00                            | 5.00                            | 5.00                            | 5.00                            |
| 2     | Advocate Fee       | 6,774.00                        | 6,144.00                        | 4,739.00                        | 4,250.00                        |
| 3     | Writing Fee        | 200.00                          | 200.00                          | 200.00                          | 200.00                          |
| 4     | Process Fee        | 95.00                           | 95.00                           | 95.00                           | 95.00                           |
| 5     | Court Fee          | 497.00                          | 371.00                          | 117.00                          | 102.00                          |
| 6     | Stamp on petition  | 10.00                           | 10.00                           | 10.00                           | 10.00                           |
| 7     | Stamp on document  | 18.00                           | 10.00                           | 8.00                            | 12.00                           |
|       | <b>Total</b>       | <b>7,599.00</b>                 | <b>6,835.00</b>                 | <b>5,174.00</b>                 | <b>4,674.00</b>                 |

**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 : Smeril Samuel

Compared by :

Fair/Copy of Award  
in OP (MV)

No.657/2022, 669/2022,  
673/2022, 679/2022

Dated 01/11/2024

(1+3)