IN THE ADDITIONAL MOTOR ACCIDENTS CLAIMS TRIBUNAL,
N. PARAVUR

Present:-

Smt. Jyothi V., Additional Motor Accidents Claims Tribunal

Tuesday, the 30th day of December, 2025/9th Pousha, 1947

OP (MV) No.644/2023

Petitioner:-

Dhaneesh, aged 44 years, S/o. Vijayan, Kallingal House, Thevarkad, Varapuzha P.O., 683517.

By Advs. Sri. T. A. Reji & Sri. P. G. Santhosh

Respondents:-

1. Sahira Jalal, W/o. Jalal Yousef, Peandanath House, Pezhakkappilly P.O., Muvattupuzha, 686673.
2. Faisal, S/o. Moidheen Kunju, Vadayar House, Mulavur Desom, Mulavur P.O., Moovattupuzha, 686673.
3. United India Insurance Company Ltd., Municipal Building, Main Road, N. Paravur, 683513.

R1, R2:- Ex-parte, R3:- By Adv Smt. Mini Suresh

This O.P.(M.V.) having been finally heard on 05.12.2025 and the Tribunal on 30.12.2025 delivered the following:-

AWARD

This Claim Petition is filed u/s. 166 of the Motor Vehicles Act, 1988 for compensation of Rs. 6,00,000/- for the injuries sustained by the petitioner in a road traffic accident.

2. The case of the petitioner, in brief, is as follows:- On 19.11.2021 at 12.30 a.m., while the petitioner was travelling as a passenger in a car bearing registration No. KL 42 N 5366 from north to south direction through the eastern side of the Chavakkad - Kodungalloor road. When he reached near Korprakalam

junction, a lorry bearing registration No. KL 17 U 2719 driven by the 2nd respondent came in the most rash and negligent manner from the opposite direction and hit on the petitioner's vehicle. Due to the accident the petitioner fell down and has sustained serious injuries. Immediately after the accident, he was taken to Aster Medcity Hospital, Ernakulam and was treated there as an inpatient. The accident occurred solely due to the negligence of the 2nd respondent, who is driver of the offending vehicle of which 1st respondent is the owner. The 3rd respondent, as the insurer of the vehicle, is jointly and severally liable with the 1st and 2nd respondent to compensate the petitioner. The petitioner seeks a total compensation of ₹6,00,000/-.

3. The 1st and 2nd respondents, despite being served with notice, failed to appear before the Tribunal, and was thus set exparte.

4. The 3rd respondent, in its written statement, admitted that the offending vehicle, bearing registration No. KL 17 U 2719 was covered by an insurance policy with number 1011023121P103752782/1 valid from 26.10.2021 to 26.07.2022. This petition is not maintainable either in law or on facts. However, the 3rd respondent denied negligence on the part of the 1st respondent and contended that the accident occurred due to the negligence of the petitioner, who was riding his motorcycle without proper care. The quantum of compensation claimed by the petitioner is also disputed.

5. The following issues were framed:-

(I) Whether the accident was caused due to the rash or negligent driving by R2?

(II) Whether the petitioner has sustained injuries in the accident?

(III) Whether the petitioner is entitled to get compensation and if so, who is liable to pay the same?

(IV) If Issues Nos.1 to 3 is decided in favour of the petitioner, what should be the quantum of compensation?

(V) Reliefs and costs?

6. No oral evidence was adduced on either side, however, Exts. A1 to A8 were marked on the side of the petitioner with Ext.A6 objection. No evidence was adduced on the side of the respondents. Heard both sides.

7. **Issue Nos:I to IV:-** The petitioner alleged negligence on the part of R2, who was the driver of the offending vehicle bearing Registration No.KL17 U 2719. The 3rd respondent denied the liability alleging that negligence is on the part of the petitioner. To prove his case, the petitioner produced Ext.A2, a copy of charge/final report in Crime No. 864/2021 of Kaipamangalam Police Station filed by the police charging the first respondent with offences punishable under Sections 279 and 338, 304(A) of the IPC,. Ext.A1 is the copy of FIR. As per the **judgment of the Hon'ble High Court in New India Assurance Co. Ltd. v. Pazhaniammal 2011 (3) KLT 648,** the finding in Ext. A2 is prima facie evidence of the negligence of the second respondent, which resulted in the accident and injuries to the petitioner. There is no contra evidence to show that there was any negligence on the side of the petitioner.

8. In order to prove the injuries sustained by the petitioner, he has produced Ext.A3 copy of wound certificate issued from Modern hospital, Kodungalloor which shows that mild traumatic brain injury, fracture olecranon left elbow, multiple soft tissue laceration of face and right ear. Ext.A4 is the copy of Discharge summary from Aster Medcity Hospital, Ernakulam for the period from 09.11.2021 to 15.11.2021. The respondent has no serious dispute on the injuries sustained to the petitioner in this incident.

9. The petitioner is claiming a sum of ₹1,60,000/- towards loss of earnings. As per the petition, he was a Mechanic and earning a monthly income of ₹20,000/-. The petitioner has not produced any document to prove his income or employment. The petitioner was aged 44 years at the time of accident. He has produced the Ext.A7 copy of the PAN card to prove his age. The accident was on 09.11.2021. Considering the age and other circumstances, a notional income of ₹13,000/- can be taken for the purpose of computing loss of income. Considering the nature of the injuries and treatment, it can be presumed that he might have been prevented from doing any work for a period of 3 months. So, the petitioner is entitled to get a sum of **₹39,000/-** (13,000 x3).

10. The petitioner is claiming a sum of ₹10,000/- towards partial loss of earning. Since the petitioner failed to prove his actual income, partial loss of earning cannot be accessed. Hence the petitioner is not entitled to get any amount under the head partial loss of earning.

11. The petitioner is claiming a sum of ₹7,000/- towards transportation. The petitioner is entitled to get **₹4000**/- towards transport to hospital.

12. The petitioner claims a sum of ₹3,000/- towards damage to clothing and articles. He is entitled to get **₹2000**/- towards damage to clothing.

13. The petitioner is claiming a sum of ₹40,000/- towards bystanders expenses. Considering the fracture, he would have required the assistance of a bystander even after discharge from hospital. With a reasonable amount of Rs. 7500/- for two months might be required. Hence, he is entitled to **₹15000/-** under this head.

14. The petitioner is claiming a sum of ₹80,000/- towards medical expenses. He has produced Ext.A5 Medical bills for a sum of ₹4,28,465/- and obtained an insurance admissible amount of Rs.3,00,000/-. Thus a balance amount of ₹128465/- is the expenses incurred by the petitioner , which are not disputed. So, he is entitled to get **₹1,28,465/-** under this head.

15. The petitioner is claiming a sum of ₹60,000/- towards future medical treatment. He has not produced any document to show that any future medical treatment is necessary for he sustained injuries after three years. Hence no amount is allowed under this head.

16. The petitioner is claiming a sum of ₹2,00,000/- towards compensation for pain and suffering. An amount of **₹ 60,000/-** is allowed under this head.

17. The petitioner is claiming a sum of ₹2,00,000/- towards compensation

for loss of amenities and enjoyment in life. Considering the nature of the injuries, the petitioner is entitled to get a sum of **₹80,000/-** towards loss of amenities and enjoyment in life.

18. The petitioner is claiming a sum of ₹3,00,000/- towards compensation for permanent disability. In order to prove the disability, the petitioner produced the Ext.A6 Disability Certificate issued by Dr. Thomas Mammen, Consultant Orthopedic Surgeon, District Hospital, Aluva. Ext.A6 shows that the petitioner has sustained a whole-body permanent disability of **9%.** Learned Counsel for R3/insurer has seriously objected to the marking of Ext.A6 on the ground that it is not issued by a Medical Board. This objection will not sustain in view of the settled position of law that it is not absolutely necessary that all claimants should be referred to the Medical Board and a disability certificate should be obtained from there. As per the dictums of the **Hon'ble High Court of Kerala in Karunakaran @ Kannan v. Abdul Rasheed and Others 2015 (5) KHC 355 and Venu and others v. Senen Fernandez and others 1995 KHC 216,** it was held that, there is no hard and fast rule that in order to accept a Disability Certificate issued by a competent authority as evidence, the person who issued it be examined. So, considering the seriousness of the injuries, treatment and calculation of disability shown in Ext.A7, the disability assessed appears to be reasonable. I have already taken the notional income as ₹13,000/-. As on the date of accident, the petitioner was aged 44 years as proved by Ext.A7 Copy of PAN card of the petitioner. So, the multiplier applicable for the

age of 44 as per Sarala Varma's Case, is **14**. Hence, the petitioner is entitled to get a sum of **₹1,96,560/-** (13000x12x14x9/100) under this head.

SUMMARY OF CLAIMS RAISED AND ALLOWED

Sl.No	Head of claim	Amount Claimed (₹)	Amount Awarded (₹)	Basis-vital details in a nutshell
1	Loss of earning	160000	39000	3 months
2	Partial loss of earning	10000	0	
3	Transportation expenses	7000	4000	Reasonable estimation
4	Damage to clothing and articles	3000	2000	
5	Bystanders expenses	40000	15000	Reasonable estimation
6	Medical Expenses	80000	128465	Ext.A5
7.	Future Medical Expenses	60000	0	Reasonable estimation
8	Pain and suffering	200000	60000	Reasonable estimation
9	Compensation for loss of enjoyment and amenities	200000	80000	Reasonable estimation
10	Compensation for permanent disability	300000	196560	Ext. A6
TOTAL		Rs.10,60,000/- But claim is limited to Rs.6,00,000/-	**Rs.5,25,025/-** **Rounded to** **Rs.5,25,100/-**	

19. During the discussions in the foregoing paragraphs, I have already

found that the accident occurred due to the rash and negligence of the first respondent and the petitioner sustained injuries in the accident. Admittedly, 1st respondent is the owner cum rider of the offending motorcycle of which 2nd respondent is driver. The third respondent being the insurer, is statutorily liable to indemnify the respondents and pay compensation to the petitioner. The issues are answered accordingly.

20. **Issue No:V:-** In view of the findings on issue Nos. 1 to 4, this petition is to be allowed and award is to be passed in favour of the petitioner. The issue is answered accordingly.

In the result, the petition is allowed in part and an award is passed for an amount of **₹5,25,100/-** (Rupees Five Lakhs Twenty Five Thousand and One Hundred only). The petitioner is entitled to get the amount with interest at the rate of 8% p.a. from the date of petition (20.09.2023) till realization with proportionate costs. 3rd respondent/insurer is directed to deposit the amount as aforesaid within one month from the date of this award as follows :-

1. 3rd respondent/insurer is directed to deposit two cheques in the name of MACT, North Paravur for **₹5373/-** (Rupees Five Thousand Three Hundred and Seventy Three only) being the court fee and **₹6000/-** (Rupees six thousand only) being the additional court fee towards the Legal Benefit Fund payable by the petitioner.

2. 3rd 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 their respective account (Ext. A8) details as directed in clause 2(a) of the Circular No. 1/2025, dated 19.09.2025, which is furnished below:-

Name	Name Bank and Branch	Account Number	IFSC Code
Dhaneesh KV	ESAF, North Paravur	53250003177885	ESMF0001129

3) The Aadhar Number, PAN details and email ID, if any, of the petitioner furnished as per Clause 1(a) of the Circular shall be appended to the award. The petitioner shall promptly notify this Tribunal of any change in bank account details, email ID, or any other particular already furnished.

4) 3rd respondent shall submit a memo regarding deposit being made to the respective account of the petitioner enclosing a copy of the Bank Advice in the format prescribed in the Circular No.1/2025 dated 19.09.2025.

5) Free copy of the award will be issued to both sides within 15 days from today.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, on this the 30th day of december, 2025.

Sd/-
Jyothi V.
Addl. Motor Accidents Claims Tribunal

Appendix:-

Petitioners Exhibits:-

A1	09.11.2021	Copy of FIR in Crime No. 864/2021 of Kaipamangalam Police Station.

A2	29.12.2021	Copy of Final report in Crime No. 864/2021 of Kaipamangalam Police Station.
A3	09.11.2021	Copy of Accident register cum wound certificate issued from Modern Hospital, Kodungallur.
A4	15.11.2021	Discharge Summary issued from Aster Medcity Hospital, Cheranelloor.
A5		Medical bills.
A6	11.09.2025	Disability certificate issued by Dr. Thomas Mammen, Reg. No.20356.
A7	Nil	Copy of Pan card of the petitioner.
A8	20.11.2025	Copy of Bank Pass Book of the petitioner.

Respondents' Exhibits:- Nil

Petitioner's Witness:- Nil

Respondents Witness :- Nil

Sd/-
Addl. Motor Accidents Claims Tribunal

Typed by : Jini N.S.
Comp. by: Shybin