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OP(MAC)No.18/2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 11<sup>TH</sup> DAY OF FEBRUARY 2026 / 22ND MAGHA, 1947

OP (MAC) NO. 18 OF 2024

OP(MV) NO.1696 OF 2016 OF MOTOR ACCIDENT CLAIMS TRIBUNAL & SPECIAL COURT FOR E.C. ACT CASES, THRISSUR

PETITIONER/PETITIONER:

MENON P.S,  
AGED 69 YEARS, S/O.K.RAMACHANDRAN, RESIDING AT NO T5,  
3RD FLOOR, NARAYANA APARTMENT, MOGALIVAGAM MAIN ROAD,  
PORUR, CHENNAI, PIN - 600116

BY ADVS.  
SRI.R.NIKHIL  
SMT.SAJNA JALEEL

RESPONDENT/S:

- 1 THE REGISTRAR GENERAL,  
HIGH COURT OF KERALA, ERNAKULAM, KOCHI, PIN - 682031
- 2 UNITED INDIA INSURANCE COMPANY LTD,  
PARK HOUSE ROUND, NORTH, THRISSUR, PIN - 680001
- 3 FIJO P.J,  
AGED 30 YEARS, S/O.JOY P.L, PORATHUR HOUSE, PARAPPUR  
P.O, CHALAKKAL, THRISSUR DISTRICT, PIN - 680552

BY ADV SMT.VINITHA B.FOR R1  
SRI.P.K. MANOJKUMAR, SC FOR R2

THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 23.01.2026,  
THE COURT ON 11.02.2026 DELIVERED THE FOLLOWING:



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“C.R’

**MOHAMMED NIAS C.P., J.**

**O.P (MAC) No.18 of 2024**

Dated this the 11<sup>th</sup> day of February, 2026

**JUDGMENT**

The petitioner herein is the 2<sup>nd</sup> respondent in O.P.(MV) No.1696/2016 on the file of the Motor Accidents Claims Tribunal, Thrissur. The 1<sup>st</sup> respondent herein is the claimant in the original petition, and respondents 2 and 3 herein are respondents 3 and 1, respectively, in the said original petition. The original petition was instituted by the 1<sup>st</sup> respondent claiming compensation for the damage caused to the High Court vehicle bearing registration No. KL-07-BG-3165 (Innova), which was involved in a road traffic accident. In this OP(MAC), the petitioner challenges Exts. P7 and P8 orders of the Tribunal, by which Exts. P3 and P4 interlocutory applications were dismissed.

2. The accident is alleged to have occurred on 09.02.2013 at about



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6.00 a.m. at Chembukkavu Junction, near KSFE Office, Ramanilayam, Thrissur. According to the claimant, while the Innova car, used as a Judges' tour vehicle and proceeding from Ernakulam to Kannur, reached the said spot, a Toyota Corolla bearing registration No. TN-10-V-1786, owned by the petitioner and driven by the 3rd respondent, emerged from a side road at high speed and collided with the front portion of the Innova, causing damage to the bumper, bonnet, radiator, condenser, headlight assembly grill, name board, flag post and engine hood. The case of the petitioner, on the other hand, is that the 3rd respondent was travelling from Cheroor towards Ernakulam and, while crossing the road, the High Court vehicle, which was being driven rashly and at excessive speed from Ernakulam towards Kannur, collided with the rear portion of the petitioner's vehicle. It is further asserted that the police authorities had informed the respondents that no case was registered against the 3rd respondent.

3. While the claim petition was pending, the petitioner filed Ext.P3 I.A. No.1/2023 seeking to summon the Scientific Assistant who conducted the sample paint comparison test, along with the report



prepared in connection with the criminal proceedings, and Ext. P4 I.A. No.2/2023 seeking acceptance of the witness list, including the said expert and the 3<sup>rd</sup> respondent. The claimant opposed the said applications by filing Exts. P5 and P6 objections, contending that there was no bonafides in the request and that the forensic report was unnecessary for adjudication of the claim.

4. The Tribunal, by Exts. P7 and P8 orders dated 07.09.2023, dismissed the applications on the sole ground that the 3<sup>rd</sup> respondent driver had been convicted by the criminal court on the basis of a plea of guilt. According to the petitioner, the Tribunal failed to appreciate that findings in criminal proceedings cannot be treated as determinative of negligence in proceedings under the Motor Vehicles Act. It is contended that the plea of guilt by the driver does not preclude the petitioner from disputing negligence before the Tribunal and adducing evidence to disprove the police version, particularly when the petitioner himself had no opportunity to contest the criminal charge. By rejecting the applications, the Tribunal effectively foreclosed the petitioner's right to adduce relevant evidence, thereby resulting in a denial of a fair



opportunity and causing serious prejudice.

5. The learned counsel for the petitioner placed reliance on **New India Assurance Co. Ltd. v. Pazhaniammal and Others** [2011 (3) KHC 595] and **National Insurance Co. Ltd., North Paravur v. Sajeev and Others** [2018 (1) KHC 795] to contend that a charge sheet or the outcome of criminal proceedings is not conclusive on the issue of negligence in a motor accident claim, and that the Claims Tribunal is duty-bound to independently assess negligence on the basis of the entire evidence, applying the standard of preponderance of probabilities, without mechanically fastening liability.

6. In the counter affidavit filed by the 1<sup>st</sup> respondent, the Registrar General, High Court of Kerala, it is contended that the accident occurred solely due to the rash and negligent driving of the Toyota Corolla bearing registration No. TN-10-V-1786, owned by the petitioner. According to the 1<sup>st</sup> respondent, the Innova car, which was being used as a Judges' tour vehicle, was proceeding in its correct lane, and on noticing the offending vehicle, its driver brought the car to a halt. However, the Toyota Corolla, which was being driven at an excessive speed, collided



with the front portion of the Innova, resulting in the damage complained of. It is further stated that, pursuant to the complaint lodged by the 1<sup>st</sup> respondent, criminal proceedings were initiated against the driver of the Toyota Corolla, the 3<sup>rd</sup> respondent herein, who pleaded guilty and was convicted and fined by the competent criminal court on 28.10.2013. The said criminal court records were produced before the Tribunal and relied upon, and the Tribunal found that no forensic report or scientific material was ever filed or produced by the petitioner. On that basis, the Tribunal rejected the applications, holding that, in view of the conviction on a plea of guilt, further summoning of witnesses or documents was unnecessary.

7. It is contended that the Tribunal was justified in relying upon the criminal court records and the admitted plea of guilt, which are relevant facts under Section 43 of the Indian Evidence Act, for the purpose of establishing primary negligence. Reliance is placed on **K.G. Premshankar v. Inspector of Police** [(2002) 8 SCC 87] to contend that findings in criminal proceedings, particularly when founded on admission, can be relied upon in civil liability proceedings. It is further submitted that the petitioner was afforded sufficient opportunity to place



materials on record but failed to do so, and therefore cannot subsequently allege a violation of principles of natural justice. In this context, reliance is placed on *Oriental Insurance Co. Ltd. v. Meena Variyal* [(2007) 5 SCC 428], wherein it was held that a party who fails to avail the opportunity provided cannot later complain of procedural unfairness.

8. It is further contended that the procedure adopted by the Tribunal was strictly in accordance with Section 169 of the Motor Vehicles Act and Rule 240 of the Kerala Motor Vehicles Rules, 1989, which permit summary adjudication based on documentary evidence where the facts are not seriously in dispute. The contention of the petitioner that independent forensic evidence was required is stated to be untenable, particularly in the absence of any such material. Reliance is placed on *Ravi Kapur v. State of Rajasthan* [(2012) 9 SCC 284] to submit that where negligence is clearly borne out from primary materials such as charge sheets, admissions and court orders, further oral or scientific evidence is not mandatory. It is therefore submitted that the original petition is devoid of merit both on facts and in law, that the Tribunal acted well within its jurisdiction, and that there is no violation of any statutory



provision warranting interference by this Court.

9. In the reply affidavit filed by the petitioner to the counter affidavit filed by the 1<sup>st</sup> respondent, it is stated that the contentions in the counter affidavit regarding the filing of IAs seeking to summon certain forensic documents and the Tribunal found no such forensic report was ever filed or produced are imaginary and without pursuing the prayers in the IAs. Further, it is stated that the IAs were filed without any delay, and therefore, the contention in the counter on giving ample opportunity to place evidence on record is denied.

10. Heard Sri. R. Nikhil, learned counsel for the petitioner, Smt. B Vinitha, learned counsel for the 1<sup>st</sup> respondent and Sri. P.K Manojkumar, learned Standing Counsel for the 2<sup>nd</sup> respondent.

11. Having perused the materials on record, the short question that arises for consideration is whether the Tribunal was justified in rejecting the petitioner's applications seeking to adduce independent evidence on the issue of negligence solely on the ground that the driver of the petitioner's vehicle had pleaded guilty and was convicted in the connected criminal proceedings.



12. It is trite that proceedings before the Motor Accidents Claims Tribunal under Section 166 of the Motor Vehicles Act are civil in nature and that the issue of negligence has to be adjudicated on the basis of preponderance of probabilities, independent of the outcome of criminal proceedings. As held in *Mathew Alexander v. Mohammed Shafi and Another* [2023 13 SCC 510], the opinion expressed in the final report or the result of the criminal case does not bind the Claims Tribunal, and the parties are entitled to adduce evidence before the Tribunal to establish negligence. The Apex Court further observed that criminal proceedings and claim proceedings operate in distinct fields and that even a conviction in the criminal case cannot dispense with the obligation of the Tribunal to independently assess negligence on the evidence adduced before it. Reliance was placed on *N.K.V. Bros. (P) Ltd. v. M. Karumai Anmal* [(1980) 3 SCC 457], *Bimla Devi v. Himachal Road Transport Corporation* [(2009) 13 SCC 530] and *Dulcina Fernandes v. Joaquim Xavier Cruz* [(2013) 10 SCC 646] to reiterate that strict proof applicable to criminal trials cannot be imported into claim proceedings.

13. More particularly, in cases where the conviction is founded



on a plea of guilt, the courts have consistently cautioned against treating such a plea as conclusive proof of negligence in proceedings under the Motor Vehicles Act. The High Court of Karnataka in ***Bajaj Allianz General Insurance Co. Ltd. v. B.C. Kumar and Another*** [2009 SCC OnLine Kar 285] have held that the mere circumstance of the driver having pleaded guilty before the criminal court may, at best, be treated as a piece of evidence and cannot be made the sole basis to fasten liability in a claim petition. It was emphasised that the Claims Tribunal is duty-bound to independently assess the evidence placed before it and that mechanical reliance on a plea of guilt would be legally impermissible. The same principle was reiterated in ***Ganesh Achar v. United India Insurance Co. Ltd.*** [2023 Supreme (Kar) 1006], wherein the Karnataka High Court held that acceptance of guilt by the driver or the filing of a charge sheet cannot, by itself, justify a finding on negligence and that the claimant is required to establish the involvement of the vehicle and negligence by adducing independent evidence.

14. In ***National Insurance Co. Ltd., North Paravur v. Sajeev and Others*** [2018 (1) KHC 795], the above position was reiterated, holding that,



going by the settled principles of law, a judgment of a criminal court is not binding on the Tribunal, though it may be a relevant circumstance. It was further held that a judgment based on a plea of guilt, by itself, cannot form the basis for a finding of negligence in a claim petition, for the reason that while the plea of guilt jeopardises only the accused in criminal proceedings, a finding on negligence in claim proceedings would fasten vicarious civil liability on the owner and, in the absence of any permissible defence, compel the insurer to indemnify such liability. The Division Bench emphasised that it is both open to and desirable for the Tribunal to arrive at an independent finding on negligence based on the evidence adduced before it while adjudicating a claim petition.

15. In the present case, the petitioner sought permission to adduce independent evidence on the issue of negligence, which was declined by the Tribunal solely on the premise that the driver had pleaded guilty in the criminal proceedings. Such an approach runs contrary to the settled legal principles laid down by the Hon'ble Supreme Court and the High Courts. The petitioner, who was not an accused in the criminal case, cannot be non-suited in the claim proceedings without being afforded a



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fair opportunity to contest negligence by leading evidence. The Tribunal was therefore not justified in rejecting the applications at the threshold without examining their relevance or necessity.

16. In that view of the matter, the impugned orders are unsustainable in law and are set aside, reserving liberty to the Tribunal to consider the petitioner's applications in accordance with law and to adjudicate the issue of negligence independently based on the evidence adduced by the parties.

The Original Petition is allowed.

Sd/-  
**MOHAMMED NIAS C.P.**  
**JUDGE**

okb/



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APPENDIX OF OP (MAC) NO. 18 OF 2024

**PETITIONER EXHIBITS**

**Exhibit P1** A TRUE COPY OF THE ORIGINAL PETITION NUMBERED AS O.P(MV) NO: 1696/2016 ON THE FILES OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR

**Exhibit P2** A TRUE COPY OF THE COUNTER FILED BY THE PETITIONER AND THE 3RD RESPONDENT HEREIN IN O.P(MV) NO: 1696/2016 ON THE FILES OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR

**Exhibit P3** A TRUE COPY OF THE APPLICATION NUMBERED AS IA NO :1/2023 IN O.P(MV) NO: 1696/2016 ON THE FILES OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR

**Exhibit P4** A TRUE COPY OF THE APPLICATION NUMBERED AS IA NO:2/2023 IN O.P(MV) NO: 1696/2016 ON THE FILES OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR

**Exhibit P5** A TRUE COPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT HEREIN TO I.A NO: 1/2023 IN O.P(MV) NO:1696 OF 2016 ON THE FILES OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR

**Exhibit P6** A TRUE COPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT HEREIN TO I.A NO:2/2023 IN O.P(MV) NO:1696 OF 2016 ON THE FILES OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR

**Exhibit P7** A TRUE COPY OF THE ORDER DATED 07.09.2023 PASSED BY THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR IN I.A NO:1/2023 IN O.P(MV) NO:1696 OF 2016

**Exhibit P8** A TRUE COPY OF THE ORDER DATED 07.09.2023 PASSED BY THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR IN I.A NO:2/2023 IN O.P(MV) NO:1696 OF 2016