



IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE,

HOSUR

**Present :Thiru.P.Shunmuga Raj., M.L.,
Motor Vehicle Accident Claims Tribunal Judge**

Principal Subordinate Judge, Hosur.

Thursday the 04th day of June 2026.

M.C.O.P. No.242/2019

in

CNR NO.TNKI05000642-2019

1.	Name and Address of the Claimant/ Petitioner	1. V.Naveena, S/o. Venkatesha, aged 28 years, residing at No.89, Anekal road, Bhuvaneshwari Nagar, Beereshwara Temple, Attibele Post. Bangalore District. Karnataka State.
2.	Name and address of the Respondent(s)	1. Ranjith Kumar, S/o. Nithyanandan, aged not known, residing at No.77/1, Old Vasanth Nagar, (New No.1/2-11A/9/2 C Nagar, Hosur Town & Taluk,Krishnagiri District. 2. The Branch Manager, Shriram General Insurance Company Limited, having its office at Mageshwari complex, opposite to sub treasury, Rayakottai Main road, Hosur Town and Taluk, Krishnagiri District. 3. N.Chandar, S/o. G.Nithyanandhan, aged not known, Owner of the TATA ACE Tempo (TATA Motors Ltd) bearing No.TN-70-E-6879, residing at No.1/2-11A/S/2 CC Nagar, Hosur Town & Taluk, Krishnagiri District. (3rd respondent added and Amended as per order in IA.No.2/2025 dated 13.03.2025)
3.	Name of the address of the Insurance Company	The Branch Manager, Shriram General Insurance Company Limited, having its office at Mageshwari complex, opposite to sub treasury, Rayakottai Main road, Hosur Town and Taluk, Krishnagiri District.



4.	Name and address of the Transport Corporation or such other respondent who are held liable to pay	:	Not applicable
5.	Date of filing of the claim petition	:	01.09.2018
6.	Date of Award	:	04.06.2026
7.	Amount allowed	:	Rs.3,65,152/-
8.	Interest rate applicable	:	7.5% per annum
9.	Date(s) from which interest is payable	:	01.09.2018
10.	Costs, if any	:	1. Stamp on petition already paid - 500/- 2. Stamp on Vakalath - 10/- 3. Stamp on Process - 25/- 4. Advocate Fee - 10,303/- Total - Rs. 10,838/- Balance Court Fee to be paid Rs.2,524/-
11.	In cases where the compensation, interests and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	:	An award of Rs.3,65,152/- (Rupees Three Lakh Sisty Five Thousand One Hundred and Fifty Two only) is passed in favour of the petitioner with interest at 7.5%p.a. from the date of presentation of the petition, till the date of realisation payable by the 2 nd respondent and the same recoverable from the 3 rd respondent as adopting pay and recovery method.
12.	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	:	Not applicable
13.	The mode and manner of deposit of compensation.	:	The 2 nd respondent is directed to Deposit the said compensation with interest and costs to



			this court in State Bank of India, in Account No.64204179070 (IFSC:SBIN0040155) , within 8 weeks from date of this award.
14.	The mode and manner of disbursement	:	The petitioner is entitled to take the claim amount from the court once it has been deposited by the 2 nd respondent.
15.	Period of default to which the petitioner is not entitled for interest, if any	:	Nil
16.	Balance of Court fee	:	The petitioner/claimant is directed to pay the balance court fee of Rs.2,524/- within 2 weeks from the date of this award. Further, the petitioner/claimant shall not be entitled to withdraw the sum deposited as per the Award till the balance of court fee is deposited.
17.	ORDER	:	As per the direction of the Hon'ble High Court Madras in Tr.CMP.Nos.264 to 281 of 2020 M/s.Cholamandalam MS Genl.Ins.Co.Ltd., Vs. Mr.Ayyannar S. and others dated 11.05.2020, no separate decretal order will be drafted.

This claim petition taken on file before the Hon'ble Additional District Court, Hosur, on 01.09.2018 and subsequently made over to this Tribunal, came up for final hearing on 09.04.2026, in the presence of Advocate Tmt.K.Selvi, for the petitioner, the 1st respondent is set exparte, Advocate Thiru. M.Jeevanandam, appearing for the 2nd respondent, and after hearing the arguments on both sides and on perusing the case records and having stood over for consideration till this day, this Court passed the following:

AWARD

This claim petition is filed by the petitioner under Section 166 of the Motor Vehicles Act for the injuries sustained by the petitioner, to pass an award amount of Rs.40,00,000/- with interest at the rate of 9% per annum



towards compensation from the respondents and cost of the petition.

2. The brief averments made by the petitioner is as follows:-

On 21.11.2017 the petitioner in his motor cycle bearing Regn. No. KA-51-Q-1103 while plying from Bangalore to Hosur in service road near SVS automobile shop at about 1.30 pm a Tempo bearing Reg.No.TN-70-E-6879 belonging to the 3rd respondent (As per Amendment) and insured with 2nd respondent company was driven by its driver by name R.Ranjithkumar came in opposite side with high speed in a rash and negligent manner, without following any rules of the road without sounding horn, without any signal, he lost his control and dashed front side of the petitioner's motor cycle. In that accident, the petitioner sustained grievous injuries. After the accident the petitioner was taken to Government Hospital, Hosur and given first Aid. Then referred to Sparsh Hospital Bangalore, admitted in ICU Unit as inpatient from 21.11.2017 to 24.11.2017. The petitioner sustained grievous soft tissue injury in face, Maxilla Le fort fracture and Right 3rd metacarpal fracture and other multiple vital organs. Further Cr. No.181/2017 U/s 279, 338 of IPC was registered with the TIW Police Hosur, against the driver of the Tempo Reg.No.TN-70-E-6879. Due to the accident, the petitioner sustained injuries and he is unable to go for his regular work. The 3rd respondent (As per Amendment) is the driver of the Tempo bearing Reg.No. TN-70-E-6879. Hence the respondents jointly and severally liable to pay the compensation. Hence the petitioner claimed compensation under the following head.

S.No.	Amount of Compensation Claimed	CALCULATION
2.	Partial loss of earning	1,00,000/-
3.	Transport charges	5,000/-
4.	Extra Nourishment	10,000/-



5.	Medical Expenses & Future expenses	3,25,000/-
6.	Future medical Expenses	4,00,000/-
7.	Attender charges	5,000/-
8.	Pain and Sufferings	5,00,000/-
9.	Permanent disability	10,00,000/-
10.	Loss of future earning	25,00,000/-
	Total	Rs.48,45,000/-

Further the petitioner restricted his claim to Rs.40,00,000/- Hence this petition.

3. The brief averments of the counter filed by the 2nd respondent is as follows:-

This petition is not maintainable either in law or on facts and it is liable to be dismissed with cost. The 2nd respondent denies all the allegations set out in the petition and except those that are specifically admitted herein and puts the petitioner into strict proof thereof. The insurance company is entitled to contest the case Under Sec.170 of MV Act. TATA ACE bearing Registration No.TN-70-E-6879 in the name of the 1st respondent Ranjith Kumar and its validity are to be established by the petitioner. TATA ACE bearing Registration No.TN-70-E-6879 Registration Certificate is stands in the name of one N. Chandar and the policy was issued by the 2nd respondent for a period of 15/03/2017 to 14/03/2018 in his name only. There was an insurer and insured relationship existence between 2nd respondent and the said N. Chandar. However the said N. Chandar is not a party for the present claim petition and as such there shall be no liability of indemnifications. There was no insurer and insured relationship in existence between the respondent No. 1 and 2. As such there shall be no liability of indemnifications for third party other than policyholder. After the accident there was the delay of 3 days in



reporting the alleged accident to the concerned police. Further the report was lodged by Venkatesh, Father of the present petitioner, by adding some misleading facts. The contents of the first information report are all false and they are self serving materials of the present petitioner.

The alleged accident was held due to contributory negligence of the present petitioner. The petitioner was riding his motor bike without following traffic rules and regulations in an uncountable speed on wrong route and also without wearing helmet and in the process dashed on the impugned TATA ACE Reg.No:TN-70-E-6879, Further the motor bike, rode by the petitioner had no insurance coverage at the relevant time of alleged accident. The driver of the impugned TATA ACE bearing Registration No TN-70-E-6879, by name Ranjith kumar, who is the 1st respondent herein, had no valid and effective driving licence to drive the said vehicle at the relevant time of alleged accident. The licence possessed by the 1st respondent is not a sufficient licence to drive LGV Transport. There was no endorsement of Badge to drive the impugned vehicle, which is classified as LGV Transport. There was no name transfer either in the Registration certificate or in the policy in the name of 1st respondent Ranjith kumar from the original owner and policy holder by name N. Chandar. There was no negligence on the part of the impugned driver of the impugned TATA ACE bearing Registration No: TN-70-E-6879. The accident would have not held if, the petitioner had taken sufficient care and precaution. There was no loss of future prospects. There was no total and permanent disability arose to the petitioner. The medical expenses incurred by the petitioner are not supported by any genuine medical bills and records. Further, the Insurance company is not liable to pay the alleged compensation shown in the petition column 21 (a). The petitioner cannot claim more than 6% interest p.a for award amount. Hence, prayed to dismiss the petition.



4. Now the points that arises for consideration in the petition are as follows:-

- i) Whether the accident was happened due to the rash and negligent driving of the driver of TATA-ACE bearing Reg.No.TN-70-E-6879 ?
- ii) Whether the respondents are liable to pay compensation to the petitioner? If so which respondent is liable to pay compensation?
- iii) If so, to what amount of compensation, the petitioner is entitled to?

5. On the side of the petitioner, he himself examined as PW1 and Ex.P1 to Ex.P12 were marked. On the side of Respondents, no one examined and no documents marked.

POINTS No.1 and 2:-

6. Heard both side. This court carefully considered the arguments advanced by either side and perused. The petitioner was examined as PW1. He has stated in his evidence that the accident was happened only due to the rash and negligent driving of the TATA-ACE driver bearing Reg.No.TN-70-E-6879. The copy of FIR marked as Ex.P1. On perusal of Ex.P1, it shows that a case has been registered against the 1st respondent who is the driver of the 3rd respondent vehicle. There is no contra evidence to show that the accident was not happened due to the rash and negligent driving of the 3rd respondent. Moreover, the 1st respondent has not adduced evidence that the accident took place due to the negligence of the petitioner. Further at the time of filing the case the 3rd respondent was not added as one of the party to the case. Hence on the side of the 2nd respondent they raised severe objection stating that there is no Indemnification inbetween the 1st and the 2nd respondent. However, later the petitioner impleaded the 3rd respondent as a party. In his name only the policy and the RC stands. On perusal of the evidence of PW1 and consideration of Ex.P1 this Tribunal holds that the accident was happened



only due to the rash and negligent driving of the 1st respondent of the TATA-ACE bearing Reg.No.TN-70-E-6879.

7. Further the petitioner produced 3rd respondent vehicle Registration Certificate as Ex.P5, Insurance Policy as Ex.P6 and Driving license of the 1st respondent as Ex.P7. From those document it is clear that the driver has valid license at the time of accident and the vehicle has been insured with the 2nd respondent. However the 1st respondent don't possess valid batch at the time of accident. He should have hold valid batch to drive that LGV vehicle. This conduct among to the violation of policy. For that reason we cannot punish the petitioner since they are the third parties to the claim. And the driver of the offending vehicle though has valid license he didn't hold Batch to drive the LGV vehicle. At the same time the insurance company also cannot left in the lurch. So this court comes to the conclusion that the 2nd respondent insurer has to pay the entire compensation to the petitioner, further they permitted to recover the same from the 3rd respondent owner. Due to the policy violation pay and recovery is here by ordered. Thus Points No.1 and 2 are answered accordingly.

POINT: 3

8. The petitioner adduced that due to the accident he suffered injuries and took treatment as inpatient from 21.11.2017 to 24.11.2017 and deposed that he is unable to do his regular and day to day activities. The counsel for the 2nd respondent submitted that the petitioner sustained only minor injuries and he is not entitled to compensation as prayed for. On perusal of the evidence of PW1 with available records, the petitioner was referred to Krishnagiri District Medical Board to assess the disability suffered by the petitioner. As per Ex.C1, the Medical Board Authority fixed the total disability of the petitioner at 25%. Further on screening of Ex.C1 this court found that the disability



construe as a partial permanent. Hence this court decided to fix the compensation by adopting percentage of injury method. As such this court fix 7000/- as compensation for relevant period to each percentage. Accordingly, Rs.1,75,000/- (7000X25) comes as compensation for the loss of earnings.

9. Further this petitioner claimed Rs.25,00,000/- for loss of future earnings. Admittedly there was injury for 25% to the petitioner. In that accident there was two fracture and one tissue skin to the petitioner in his Face. Due to that two fracture definitely he cannot go any work for a period of 4 months. To prove the salary of the petitioner he has not produced any of the document. Hence minimum pay to be taken into consideration. As such this court comes to the conclusion that the pay for the petitioner for the concern period is Rs.6000 per month. Further this court fixed loss of earnings 6,000/- per month. As such $\text{Rs.6,000} \times 6 = 18,000$ has to be given to the petitioner as loss of future income.

10. In this petition, the petitioner has produced medical bills for Rs.1,72,725/- as Ex.P12 . All the bills are verified. The petitioner produced the original bills and not claimed the same anywhere. The respondent also not taken any contrary view regarding the bills submitted by the petitioner. Further the attender charges for the period during which the petitioner was hospitalized as inpatient, this Tribunal fixed Rs.5,000/- towards attender charges. With regard to the Pain and Sufferings and as the total physical disability is 25% to the petitioner that too at the face and this tribunal is of the view that Rs.25,000/- payable to the petitioner under the head of Pain and Sufferings. Further for the nutritious food charges, Rs.5,000/- and for the comfort and basic amenities of the petitioner the compensation is fixed Rs.5,000/-. Therefore, the petitioner is entitled to compensation under various heads are as follows:



S.No.	UNDER THE HEAD	CALCULATION
1.	Compensation for continuing as permanent disability	1,75,000/-
2.	Loss of future income due to the disability	18,000/-
3.	Attender charges	5,000/-
4.	Pain and Sufferings	25,000/-
5.	Rich and nutritious food	5,000/-
6.	Loss of comfort and basic amenities	5,000/-
7.	Medical Expenses	1,72,725/-
	Total compensation amount	Rs.4,05,725/-

At the time of accident the petitioner don't have valid license. Hence he contributed for the accident. For that this tribunal reduce 10% from his claim. As such this court comes to the conclusion that the petitioner is only entitled for Rs.3,65,152/- (4,05,725 – 40,573) =Rs.3,65,152 /- (Reduce 10% for contributory negligence).

11. In the result,

i) This petition is partly allowed with costs.

ii) An award of **Rs.3,65,152/-** (Rupees Three Lakh Sisty Five Thousand One Hundred and Fifty Two only) is passed in favour of the petitioner with interest at 7.5%p.a. from the date of presentation of the petition, till the date of realisation payable by the 2nd respondent and the same recoverable from the 3rd respondent as adopting pay and recovery method.

iii) The 2nd respondent is directed to Deposit the said compensation within 8 weeks from the date of passing of this award into this court in the STATE BANK OF INDIA Hosur Branch in the account of the Subordinate Judge, Hosur Account No.64204179070 (IFSC:SBIN0040155) through Tribunal NEFT or RTGS.



iv) The petitioner is entitled to take the claim amount equally from the court once it has been deposited by the 2nd respondent.

v) The petitioner is directed to pay the balance court fee of **Rs.2,524/-** within 2 weeks from the date of this award.

vi) Advocate's fee is fixed at **Rs.10,303/-** and shall be paid through NEFT/RTGS Mode. Further, the petitioner shall not be entitled to withdraw the sum deposited as per the Award till the balance of court fee is deposited and not entitled for the interest too.

Dictated to steno-typist directly by me and typed by her directly, corrected and pronounced by me in Open Court this the 04th day June of 2026.

Motor Vehicle Accident Claims Tribunal Judge,
Principal Sub Judge, Hosur.

Petitioner side witnesses :-

PW1 - V.Naveena

Petitioner side Exhibits :-

- Ex.P1 - Xerox copy of the F.I.R.
- Ex.P2 - Referral Slip Carbon copy
- Ex.P3 - Xerox copy of the Wound Certificate issued by Sparsh Hospital, Bangalore.
- Ex.P4 - Discharge summary of the petitioner.
- Ex.P5 - Xerox copy of Registration certificate of TATA-ACE bearing Reg.No.TN-70-E-6879.
- Ex.P6 - Insurance policy of the vehicle bearing Reg.No.TN-70-E-6879.



- Ex.P7 - Xerox copy of Driving License of the 1st respondent.
- Ex.P8 - Xerox copy of the Aadhar Card of the petitioner compared with original.
- Ex.P9 - Xerox copy of the Pan Card of the petitioner compared with original.
- Ex.P10 - Xerox copy of the Bank pass book of the petitioner.
- Ex.P11 - Medical bills- Original
- Ex.P12 - Medical prescription- Original

Respondents side witnesses & Exhibits :- Nil

List of Court Document:-

Ex.C1- Disability certificate of the petitioner for 25% given by medical board, Krishnagiri.

Motor Vehicle Accident Claims Tribunal Judge,
Principal Sub Judge, Hosur.