

TNVL030186102023



**Before the Motor Accident Claims Tribunal / Chief
Judicial Magistrate, Vellore, Vellore District**

Present : G.Essakiappan, B.B.A., L.L.B.,
Chief Judicial Magistrate / Presiding Officer, Vellore.

Motor Vehicle Accident Claims Tribunal
(Chief Judicial Magistrate Court, Vellore)

Thursday, this is the 9th day of July 2026

MCOP. No.138/2023

(C.N.R.No.TNVL03-018610-2023)

**(Transfer from Hon'ble Principal District Court, Vellore
in MCOP No.578/2023)**

(a)	Name and address of the claimant / Petitioner (s)	Raghupathi, aged 53 years, S/o.Ramachandran, residing at No.3/199, Kokalapalli, Bomminayakkan Palayam, Vellore. Now residing at No.1/1, Sathukara Madam 1st Street, Salavanpet, Vellore, Vellore District.
(b)	Name and address of the respondent (s)	1. U.Ragavan, age not known, S/o. Uthirakumar, residing at No. 412/21, Salai Mariyamman Koil Street, K.V.Kuppam, Vellore- 632 201. 2. S.B.I. General Insurance Co. Ltd., Rep by its Legal Manager, having its office at No. 84, Kodambakkam High Road, Nungambakkam, Chennai - 600 034.
(c)	Name and address of the Insurance company	S.B.I. General Insurance Co. Ltd., Rep by its Legal Manager, having its office at No. 84, Kodambakkam High Road, Nungambakkam, Chennai - 600 034.

(d)	Name and address of the Transport Corporation or such other respondents who are held liable to pay	---
(e)	Date of filing of the claim petition	08.12.2023
(f)	Date of award	09.07.2026
(g)	Amount of award	Rs.3,30,000/- (Rupees Three Lakh Thirty Thousand Only)
(h)	Interest rate applicable	7.5.% per annum
(i)	Date (s) from which interest is payable	08.12.2023
(j)	Costs, if any	Stamp on petition - Rs. 373.00 Stamp on Vakalath - Rs. 40.00 Court fee - Rs. 2,300.00 Advocate fee - Rs.19,100.00 ===== Total = Rs.21,813.00
(k)	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.	The petitioner is awarded Rs.3,30,000/- (Rupees Three Lakh Thirty Thousand Only) together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The 2 nd respondent is directed to pay the compensation to the petitioner and then recover the same from the 1 st respondent.
(l)	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	---
(m)	The mode and manner of deposit of compensation	The 2 nd respondent shall deposit the award amount with interest and costs within one month from today in the Bank Account No.42805925850, IFSC – SBIN0008688, at State Bank of India, Sathuvachari Branch in

		the name of MACT – Chief Judicial Magistrate, Vellore as held by the Hon'ble High Court, Madras in 2016(1) TN MAC 433 and also shall give intimation to this Tribunal by way of sending pay advice slip. The petitioner is directed to furnish the copy of Bank Pass book which compulsorily contain the photograph of the petitioner duly attested by the bank concerned, self attested copy of the PAN card if available to this Tribunal within a period of one month from today for the deposit of award amount with proportionate interest and cost of the petitioner by transferring it into his Bank Account through RTGS or NEFT method as per the judgment of the Hon'ble High Court, Madras in 2016(1) TN MAC 433. The respondent is further directed to file compliance memo intimating the deposit of the award amount, immediately after deposit giving notice to the petitioner. On such deposit by the 2nd respondent, the petitioner is permitted to withdraw the said amount with accrued interest.
(o)	Period of default to which the petitioner are not entitled for interest, if any.	---
(p)	Balance Court fee	The petitioner is directed to pay the balance Court fee of <u>Rs.2,300/-</u> before the court within one month from the date of this order. It is also held that the petitioner/claimant shall not be entitled to withdraw the sum deposited as per the Award till the balance of court fee is deposited.

Raghupathi,

... Petitioner

/Vs/

1. U.Ragavan

2. S.B.I. General Insurance Co. Ltd.,
Rep by its Legal Manager.

... Respondents

This petition came up before me for final hearing on 30.06.2026 in the presence of Thiru.S.Suresh Kannan, Learned counsel for the petitioner; Thiru.P.Thulasi Maniselvam, Learned counsel for R2, R1 was called absent set exparte and upon perusing the case records, upon hearing both sides and having stood over for consideration till this day, this tribunal passed the following:

AWARD

This claim petition has been filed by the petitioner for claiming compensation for the injuries sustained by him in a road accident U/s.166 of MV Act.

2. The brief averments of the petition are as follows:-

2.1 On 07.10.2023 at 7 a.m. when the petitioner was riding the bicycle at B.N.Palayam to Rangapettai Road, Near Sai Mobile Shop, Rangapet slowly on the left side of the road. At that time the driver employed by the 1st respondent was driving the accident vehicle Royal Bullet TN-23-DY-1201 without blowing any horn and by rash and negligent manner and dashed against the bicycle of the petitioner. The petitioner was thrown away from the bicycle. Due to strong hit, he has sustained the following injuries:

- (i) He has sustained compound fracture on his left knee
- (ii) He has sustained compound fracture on his right knee and right wrist
- (iii) Compound fracture on his right hand and injuries all over the body.

And he was immediately brought and admitted for first aid at Vaduganthangal Govt. Hospital and then brought to Govt. Hospital, Gudiyatham and then for further treatment brought to Govt. Hospital, Vellore. He is still taking medical treatment. During his treatment petitioner gave a complaint and written statement to S.I of

Police, Latheri P.S and regarding a case in Cr.No. 197/2023, U/s 279, 337 IPC as against the driver of the Royal Bullet.

2.2 Prior to the accident, the petitioner was hale and healthy. He was working as a driver and he was earning not less than Rs.25,000/- per month. Now he is unable to do any work. He has been suffering with pain and mental agony. He became a handicapped person. He has also met medical expenses and nutritious food expenses. So, considering all aspects the petitioner estimates his loss for Rs.15,00,000/-

2.3 The Royal Bullet TN 23 DY 1201 driver caused the accident during his employment hours under the 1st respondent, who is the owner of the accident vehicle Royal Bullet. The 2nd respondent is insurer of the accident vehicle Royal Bullet. Hence, both are jointly and severally liable to pay the compensation to the petitioner.

2.4 It is therefore prayed to pass an award of compensation for a sum of Rs.15,00,000/- to the petitioner with 24% interest p.a. from the date of filing of this petition with cost.

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

3.1 This respondent is not liable to pay any compensation to the petitioner either factually, legally or contractually. The age, occupation, income of the petitioner are denied and the place, date, time and manner of accident are not admitted. It is denied that the disability was due to alleged nature of injuries. The petitioner is hale and healthy. The petitioner is not suffering from any disability or loss of hearing power/capacity due to the alleged accident injuries.

3.2 It is not true that the accident was due to rash and or negligence of 1st respondent a owner-cum-rider of two wheeler No.TN-23-DY-1201. In fact, the alleged accident was solely on rash and negligence of the petitioner herein, as he had ride the bicycle, rashly, negligently, in a hasty manner and crossed the road, as such he had dashed the 1st respondent rider said two-wheeler and caused the alleged accident. The 1st respondent as rider of the said two-wheeler was not at fault the petitioner was at entire fault. The police complaint on the above accident registered was a false one, the criminal case have no bearing on the issue regarding negligence is concern. There is clear cut evidence that the accident arose on the fault of the petitioner, as such the claim petition is not maintainable at all. To suit the convenience of the claim, the facts are completely twisted to suggest as if the 1st respondent was responsible. The allegations are self- serving and unjustified.

3.3 Without prejudice to above, the petitioner was at least guilty of contributory negligence of a major extent, to that extent, the award, if any ought to be reduced. This defense is made as a matter of abundant caution and shall not be construed as admission of liability of any extent.

3.4 The 1st respondent as owner cum driver of the said two wheeler No.TN-23-DY-1201, did not possess valid and effective driving license to ride same on the date of accident, about which the 1st respondent owner was well aware, as such this respondent is not liable to compensate, as there was fundamental breach of violation of policy conditions, even if any compensation is payable at the instance of the 1st respondent alone.

3.5 In any event the amount of compensation claimed is excessive and exorbitant. The claim under various heads is imaginary, not supported any document and made for the purpose of the claim. It is therefore prayed to dismiss the petition with cost of this respondent.

4. The point for consideration arises in this petition are as follows:-

1. Whether the accident took place due to rash and negligent driving of rider of two-wheeler bearing Registration No.TN-23-DY-1201?
2. Whether the respondents are liable to pay compensation to the petitioner or not and by whom ?
3. If answer is yes, what is the quantum of compensation to be awarded to the petitioner?

5. On the side of petitioner, the petitioner was examined as PW1 and Ex.P1 to Ex.P8 were marked. On side of 2nd respondent one Ms.Abhinaya, Deputy Manager of 2nd respondent insurance company was examined as R.W.1 and Ex-R1 to Ex-R3 were marked and one Mr.Arvindkumar, Assistant, R.T.O., Vellore was examined as R.W.2 and Ex.X1 and Ex.X2 were marked. R1 set exparte in the claim proceedings.

6. Point Nos.1 & 2:-

6.1 It is seen from Ex.P1 that Latheri Police has registered the F.I.R in Crime No.197/2023 U/s.279 and 337 IPC against the rider of the two-wheeler Royal Bullet bearing Registration No. TN-23-DY-1201. PW1 who is the injured person has clearly deposed about the rash and negligent driving of the 1st respondent. But the 2nd respondent has not produced any rebuttal evidence to disprove the manner of accident stated in the petition, as well as in the deposition of PW1. As per Ex-P1 F.I.R. the case was registered against the driver of the 1st respondent vehicle. Further the 1st respondent owner-cum-rider of the offending vehicle had failed to appear before this Tribunal and contest the case against him. Hence from the above, it is very clear the driver of the 1st respondent had drove the vehicle two-wheeler bearing Registration No. TN-23-DY-1201 and caused the accident. Further it is the contention of the 2nd respondent that the 1st respondent had drove the two-wheeler bearing Registration No. TN-23-DY-1201 in negligent manner without valid driving licence and violated the policy condition. To prove the above facts

R.W.1 and R.W.2 were examined and Ex-R1 to Ex-R3 and Ex-X1 and Ex-X2 were marked. From Ex-X2 it is clear that the rider of the 1st respondent has obtained Driving Licence only after the accident. Hence, it is proved by the 2nd respondent that the rider-cum-owner of the 1st respondent vehicle had drove the vehicle in rash and negligent manner and violated the policy conditions. Therefore, from oral and documentary evidence this court has come to conclusion that due to rash and negligent driving of the 1st respondent and drove the vehicle bearing Registration No. TN-23-DY-1201 this accident was occurred.

6.2 The said 1st respondent vehicle two-wheeler bearing Registration No. TN-23-DY-1201 was insured with 2nd respondent company and the insurance policy was also in force at the time of accident as per Ex.P5. The accident occurred only due to rash and negligent driving of rider of the 1st respondent vehicle two-wheeler bearing Registration No. TN-23-DY-1201. The 1st respondent is the owner-cum-rider of the said vehicle and the 2nd respondent is the insurer of the same they are jointly liable to pay compensation to the petitioner. The 2nd respondent had proved through R.W.1 and R.W.2 that the 1st respondent had driven the vehicle without having valid Driving Licence at the time of accident. Hence, it is proved by the 2nd respondent the 1st respondent had driven the vehicle without valid driving licence and had violated the policy condition. Hence, the 2nd respondent is directed to pay compensation to the petitioner and is at liberty to recover the compensation amount awarded to the petitioner from the 1st respondent by way of filing execution petition. The Point Nos.1 and 2 are answered accordingly.

7. Point No.3:-

Ex.P3 is the original Discharge Summary, issued by Government Medical College and Hospital, Vellore it has been revealed that the petitioner had sustained grievous injuries due to the accident.

8. AGE AND INCOME OF THE PETITIONER:-

8.1 As per Ex.P6 the petitioner was born on 10.05.1970 the age of the petitioner is 53 at the time of accident on 07.10.2023. No rebuttal evidence has been adduced by the 1st respondent to contradict the same, therefore this court is inclined to determine the age of petitioner as 53 on the date of accident.

8.2 According to the petition averments the petitioner was working as Driver and he was earned a sum of Rs.25,000/- per month. But to prove the income of petitioner stated in the petition he has not filed any oral or documentary evidence. But considering the period of accident and the minimum wages act this tribunal accepted the income of the petitioner as Rs.20,000/- per month.

8.3 The petitioner has appeared before Medical Board, Vellore and the Vellore Medical Board has issued Disability Certificate to the petitioner which was marked as Ex.C1, which shows that 20% disability was given to the petitioner by Vellore Medical Board, the 1st respondent has not chosen to produce any evidence to contradict the same. Therefore, this court is inclined to fix the percentage of disablement of the petitioner as 20%.

9. LOSS OF EARNING:-

As per Ex.P3 Discharge Summary issued by Government Vellore Medical College and Hospital, Vellore it has been revealed that the petitioner had sustained grievous injuries, due to injuries sustained in the accident he would have been prevented from attending his work to minimum **THREE** months. Hence, a sum of Rs.20,000/- X 3 = **Rs.60,000/-** is awarded under this head.

10. TRANSPORTATION TO THE HOSPITAL:-

Taking into account the distance from the place of accident and place of residence of petitioner to the hospital, this court has inclined to award a sum of **Rs.5,000/-** under this head.

11. EXTRA NOURISHMENT:-

Considering the nature of injury sustained by the petitioner, the petitioner would have been given nutritious food and hence it is appropriate to award a sum of **Rs.20,000/-** towards extra nourishment.

12. ATTENDER CHARGES:-

Since the petitioner has sustained injury and he took treatment, definitely he would have needed the help of an attender and without the assistance of attender it was not possible to him to even move. Therefore, this court is inclined to award a sum of **Rs.15,000/-** under this head.

13. PAIN AND SUFFERINGS:-

Keeping in mind as to the nature of injuries sustained and age of the petitioner and also for the period treatment undergone this court is inclined to award a sum of **Rs.50,000/-** under this head.

14. COMPENSATION FOR CONTINUING PERMANENT DISABILITY:-

As discussed supra, the petitioner's disability has been assessed as 20% as per Ex.C1. The respondents have not chosen to let in any contra evidence to that effect. Therefore, the percentage of disablement assessed by the Medical Board is hereby accepted and also considering the circumstances of this case, and as the petitioner has failed to prove the functional disability multiplier method cannot be invoked, since the accident was occurred in the year of 2023, this Tribunal has fixed Rs.9,000/- per percentage of disability. Thus, $\text{Rs.9,000} \times 20 = \text{Rs.1,80,000/-}$ is awarded under this head.

15. MEDICAL BILLS:-

The petitioner has not produced any medical bills, hence no award has been passed under this head.

16.

Sl.No.	Head	Amount Rs.
1.	Loss of Earning	60,000/-
2.	Transportation Expenses	5,000/-
3.	Extra Nourishment	20,000/-
4.	Attender Charges	15,000/-
5.	Pain and Sufferings	50,000/-
6.	Compensation for continuing permanent disability	1,80,000/-
	TOTAL	3,30,000/-

In total, the petitioner is entitled to get a sum of **Rs.3,30,000/- (Rupees Three Lakh Thirty Thousand Only) towards compensation**, and thus the Point No.3 is answered accordingly.

In the result, this petition is partly allowed with costs as follows:

1. The petitioner is awarded **Rs.3,30,000/- (Rupees Three Lakh Thirty Thousand Only)** together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

2. The 2nd respondent is directed to pay the compensation and then shall recover the same from 1st respondent by way of filing execution petition.

3. The 2nd respondent shall deposit the award amount with interest and costs within one month from today in the **Bank Account No.42805925850, IFSC – SBIN0008688, at State Bank of India, Sathuvachari Branch in the name of MACT – Chief Judicial Magistrate, Vellore** as held by the Hon'ble High Court, Madras in **2016(1) TN MAC 433** and also shall give intimation to this Tribunal by way of sending pay advice slip ;

4. The petitioner is directed to furnish the copy of Bank Pass book which compulsorily contain the photograph of the petitioner duly attested by the bank

concerned, self attested copy of the PAN card if available to this Tribunal within a period of one month from today for the deposit of award amount with proportionate interest and cost of the petitioner by transferring it into his Bank Account through RTGS or NEFT method as per the judgment of the Hon'ble High Court, Madras in **2016(1) TN MAC 433;**

5. The 2nd respondent is further directed to file compliance memo intimating the deposit of the award amount, immediately after deposit giving notice to the petitioner;

6. On such deposit by the 2nd respondent, the petitioner is permitted to withdraw the said amount with accrued interest;

7. The petitioner had paid **Rs.373/-** as court fee. The petitioner had been exempted from paying court fee at the time of filing and he is directed to deposit the deficit **Court Fee of Rs.2,300/- (Rs.2,673/- – Rs.373/- = Rs.2,300/-)** for the above claim amount into this Court within one month, failing which the petitioner is not entitled to interest for this period.

8. That the **Advocate Fee is fixed at Rs.19,100/-**.

Dictated by me to the Steno Typist directly, typed by him in computer, corrected and pronounced by me in open court on 9th day of July 2026.

**Motor Accident Claims Tribunal / Presiding Officer /
Chief Judicial Magistrate, Vellore.**

Petitioner side witnesses:-

P.W.1 – Thiru.Raghupathi – Petitioner

Petitioner's side Exhibits:-

Ex.P1 – Online Copy of F.I.R

Ex.P2 – Xerox copy of Accident Register, issued by Government Hospital, Gudiyatham.

Ex-P3 – Original Discharge Summary dated 11.10.2023 issued by Government Vellore Medical College and Hospital, Vellore.

Ex-P4 – Xerox copy of R.C. Book of 1st respondent vehicle bearing No.TN-23-DY-1201.

Ex-P5 – Xerox copy of Insurance Policy of the Vehicle bearing No.TN-23-DY-1201

Ex-P6 – Xerox copy of Aadhaar Card of the petitioner.

Ex.P7 – Xerox copy of PAN Card of the petitioner.

Ex.P8 – Xerox copy of Bank Pass Book of the petitioner.

Court Exhibits:

Ex.C1 - Original Disability Certificate.

Respondents side witnesses :-

R.W.1 – Ms.Abhinaya, Deputy Manager of 2nd respondent insurance company.

R.W.2 – Tr.Aravindkumar, Assistant, RTO Office, Vellore.

Respondents side Exhibits:-

Ex-R1 – Authorization Letter issued in favour of R.W.1

Ex-R2 – Xerox copy of Policy with conditions of 1st respondent owned two wheeler No.TN-23-DY-1201.

Ex-R3 – Copy of Investigation report with enclosures

Witness Exhibits:-

Ex-X1 – Authorised letter for RW2

Ex-X2 – RTO office letter

**Motor Accident Claims Tribunal / Presiding Officer /
Chief Judicial Magistrate, Vellore.**