

In The Court Of Exclusive Motor Accident Claims Tribunal, Tiruppur.

Present: **Thiru. N. Sundaram, B.Sc., B.L., (TN-01411)**
Presiding Officer,
Exclusive Motor Accident Claims Tribunal,
Tiruppur.

Tuesday, 11th Day of August 2026.

Thiruvalluvarandu 2057 Sri Paraabhava Varudam Aadi Thingal 26th Day.

M.A.C.O.P. No. 571 of 2023.

[CNR.No. TNTI200006982023]

(a)	Name and Address of the Claimant / Petitioner (s)	Tr. S. Sriramkarthi (38), S/o. Srinivasan, No. 5/100, Eswaran Kovil Veethi, Muthur, Erode 638 105.
(b)	Name and address of the Respondent (s)	1. Tr. S. Ayyappan, S/o. Sinnaian, No.2/96, Kuchipalayam, Sithanvalur Mathur Post, Valangaiman Taluk, Thiruvarur 612 804. 2. Tr. R. Sheik Abdullah, S/o.Rahamathullah, 271, Serangadu, 1 st Street, Tirupur 641604. 3. The Branch Manager, M/s. IndusInd General Insurance Company Ltd., formerly Reliance General Insurance Company Ltd., Dhanams Towers, 1 st Floor, No.1, Binny Main Road, Park Road, Tirupur 641 601. (Amended as per order in IA . 3/26 dated 29.06.2026)
(c)	Name and Address of the Insurance Company	The Branch Manager, M/s. IndusInd General Insurance Company Ltd., formerly Reliance General Insurance Company Ltd., Dhanams Towers, 1st Floor, No.1, Binny Main Road, Park Road, Tirupur 641 601.



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(d)	Name and address of the Transport Corporation or such other respondents who are held liable to pay	Not Applicable
(e)	Date of filing of the Claim Petition	20.06.2023
(f)	Date of Award	11.08.2026
(g)	Amount of Award	Rs. 2,45,125/-
(h)	Interest Rate applicable	7.5% per annum
(i)	Date (s) from which interest is Payable	20.06.2023
(j)	Costs, if any	Stamp on Petition - Rs. 20.00 Stamp on Vakalath - Rs. 5.00 Court Fee - Rs. 1,824.00 Advocate Fee - Rs. 7,903.00 ===== Total = Rs. 9,752.00
(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 3 rd Respondent is liable to pay the above said Award Amount with interest at the rate of 7.5% p.a from the date of presentation of the claim petition till the date of deposit, with costs within 30 days from the date of Order.
(l)	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	The Petitioner is entitled to a sum of ₹.2,45,125/- with proportionate Interest and Cost.
(m)	The mode and manner of deposit of compensation	The 3 rd Respondent is directed to deposit the Award amount with Interest and Cost to the credit of the Petitioner's Bank Account in Canara Bank, Mangalapatti Branch, A/c No. 1352101010067, IFSC Code. CNRB0001352 directly by NEFT/RTGS Mode within 15 days from the date of Payment of remaining Court Fee by the Petitioner.
(o)	Period of default to which the petitioner are not entitled for interest, if any.	-NIL-



(p)	Payment of Balance Court fee	The Petitioner Shall pay the Remaining Court fee of Rs.1,824/- within a period of 15 days from the date of this Order and shall intimate the fact of such payment forthwith to the 3 rd Respondent & also to 3 rd Respondent's Counsel.
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S.Sriramkarthi

... Petitioner

// **Versus** //

1. S. Ayyappan

2. R.Sheik Abdullah

3. The Branch Manager, Reliance General Insurance Company Ltd.,
Tiruppur.

... Respondents

This Claim Petition was taken on file this Tribunal on 28.06.2023 and came up before me for final hearing in the presence of **Tr. R. Lawrance**, Advocate for the Petitioner and **Mr. S. Karthick**, Advocate for the 3rd Respondent. The 1st & 2nd Respondents who appeared through their Counsel **Tr. M.E.Sirasudeen** did not file their Counter Statement and they have been set exparte on 11.09.2024 itself. After hearing the arguments and upon perusing the materials available on record, this Tribunal delivered the following:-

ORDER

This Claim Petition has been filed under Section 166 of the Motor Vehicles Act seeking a Compensation of Rs.20,00,000/-.



2. Case of the Petitioner as seen from his Claim Petition:

a) On 24.05.2023 at about 17.00 hours, when the petitioner Sriramkarthi was riding a Bajaj CT 100 Two wheeler bearing Registration No. TN 33 AZ 6505 from east to west direction near Poornima Hospital on the Tiruppur to College Road, a Mahindra Pickup bearing Registration No. TN 20 AJ 5126 driven by the 1st Respondent in a rash and negligent manner who came from the same direction had hit the petitioner's vehicle from behind resulting in the accident. The petitioner sustained grievous injuries and was treated at Care Ortho Hospital, Tiruppur. The 2nd Respondent is the Owner of the Mahindra Pickup Van and the 3rd Respondent is its Insurer. The petitioner who aged about 37 years was running Online Service Centre viz. Sri Kumaran Online Solution at Veerapandi and earning Rs.25,000/- per month. Since then, the Petitioner is not able to continue his avocation. Hence, this Claim.

3. The 1st and 2nd Respondents who appeared through their Counsel had not file their counter and remained exparte. The 3rd Respondent/Insurance company has filed a petition U/s 170 of the MV Act and the same has been allowed.

4. Case of the 3rd Respondent as seen from its Counter Statement:

This petition is not maintainable either in law or on facts. All the averments in the petition are denied as false. The 1st Respondent did not possess a valid driving license at the time of accident. The accident occurred only due to the rash and



negligent riding of the Petitioner. The petitioner has not suffered any injuries or disability. Hence, this respondent is not liable to pay any compensation to the petitioner. The petitioner must prove his age, income and occupation with documentary evidence. The amount of compensation claimed by the petitioner is unsustainable. Hence this petition is liable to be dismissed.

5. Points for Consideration:

- 1) On whose Negligence, this Petition mentioned Accident is occurred?
- 2) Whether the Petitioner is entitled to any Compensation?
- 3) If so, Who has to Pay and What is the Quantum of Compensation & to what other Reliefs?

6. The Petitioner T. Sriramkarthi was examined as PW1 and Ex.P1 to Ex.P14 have been marked through him. No more witnesses had been examined on the side of Petitioner. On the side of the 3rd Respondent, no Oral or Documentary Evidences had been adduced. Both side Counsels had been heard. And Perused the Records. The Disability Certificate issued by the Medical Board have been marked as Ex.C1.

7. Answer to Point No.1:

a) The Petitioner/Claimant Sriramkarthi is the injured in the Petition mentioned Accident. It is the case of the Petitioner side that on 24.05.2023 at about 17.00 hours, when the petitioner Sriramkarthi was riding a Bajaj CT 100 Two



wheeler bearing Registration No. TN 33 AZ 6505 from east to west direction near Poornima Hospital on the Tiruppur to College Road and at that time a Mahindra Pickup bearing Registration No. TN 20 AJ 5126 driven by the 1st Respondent in a rash and negligent manner which came from the same direction had hit the petitioner's vehicle from behind resulting in the accident.

b) The Witness PW1 Sriramkarthi had deposed evidence in support of the above said case. Ex.P1 is the FIR, Ex.P2 and Ex.P3 are the Motor Vehicles Inspection Reports of the Two wheeler and Mahindra Pickup Van involved in the Accident. Ex.P4 is the Rough Sketch and Ex.P5 is the Final Report. The Witness PW1 Sriramkarthi had been cross examined by the 3rd Respondent side.

c) During the course of cross examination of 3rd Respondent side with the witness PW1 Sriramkarthi, the 3rd Respondent side had not disputed and questioned the place, date and time of accident and the vehicles involved in the accident. No contra evidences had been obtained from the witness PW1 Sriramkarthi with respect to the manner of accident as against the Ex.P1 FIR and Ex.P5 Final Report. Ex.P3 Final Report being a positive Report leveling the Charges for the Offences punishable under Section 279 and 338 of IPC as against the 1st Respondent Ayyappan who drove the Mahindra Pickup Van bearing Registration No. TN 20 AJ 5126 at the time of



accident has to be looked into and relied upon without any hesitation since no contra evidences either been obtained from PW1 Sriramkarthi or produced from the 3rd Respondent side on the negligence aspect as against Ex.P5 Final Report. And no questions had been posed to the Witness PW1 on the manner of Investigations done in Ex.P1 FIR and filing of Ex.P5 Final Report against 1st Respondent.

d) In such circumstances, this Tribunal by relying upon the oral evidence of PW1 Sriramkarthi and the documentary evidences of Ex.P1 FIR, Ex.P5 Final Report is holding that the 1st Respondent is the reason / cause for the petition mentioned accident. Because of the rash and negligent riding of the 1st Respondent, the petition mentioned accident is happened. Accordingly, the Point No.1 is answered.

8. **Answer to Point No.2:** Since the Point No.1 is answered in favour of the petitioners, the petitioner is entitled to receive compensation from the Respondents. Accordingly, the Point No.2 is answered.

9. **Answer to Point No.3:** (i) ***Who has to pay the Compensation:*** Since, this Tribunal is answered the Point No.1 and 2 in favour of the petitioner side, then it is for the 2nd Respondent and the 3rd Respondent/Insurer are held liable to pay the Compensation to the Petitioner. It is to be noted here that the 3rd Respondent / Insurer



had not disputed their role as an Insurer to the offending vehicle in the cross examination with the PW1 Sriramkarthi. Further, on behalf of the 3rd Respondent side, it is not being brought on record as evidence to show that either the 1st or the 2nd Respondent had violated terms of their Insurance Policy. In such circumstances, this Tribunal is holding that the 3rd Respondent being the Insurer to the 2nd Respondent's Vehicle is held liable to pay the Compensation amount on behalf of the 2nd Respondent.

(ii) Quantum of Compensation:

a) The petitioner side had produced documentary evidences with respect to the injuries and treatment taken by the petitioner. Ex.P6, Ex.P7 and Ex.P8 are the Copies of Accident Register, Wound Certificate and Discharge Summary issued by Care Ortho Hospital. The Discharge Summary Ex.P8 shows that the petitioner Sriramkarthi has suffered "LT 2nd & 3rd Metatarsal Fracture". K-wire fixation. The petitioner Sriramkarthi was admitted on 24.05.2023. Surgery had been performed on 24.05.2023 and got discharged on 25.05.2023. Ex.P10 Out-Patient Sheets indicates that the petitioner had taken further treatment for his injuries on 25.05.2023, 27.05.2023, 31.05.2023, 06.06.2023, 13.06.2023, 20.06.2023, 27.06.2023, 04.07.2023, 13.07.2023, 27.07.2023, 08.08.2023, 24.08.2023, 31.11.2023 and 19.02.2025.



b) In this case, the petitioner Sriramkarthi has been referred to the Medical Board for assessment of his disability and the said report has been received and marked by this Tribunal in Ex.C1. Ex.C1 Disability Certificate of petitioner Sriramkarthi is perused. According to Ex.C1, the medical board after examining the petitioner had assessed and noted that the petitioner Sriramkarthi is having difficulty in climbing upstairs, getting downstairs and Squatting. And the Medial Board opined that the petitioner Sriramkarthi sustained 12% physical Disability and 9% Functional Disability. It is to be noted that no convincing evidences had been adduced to show that the injuries suffered by the petitioner & the Difficulties noted in Ex.C1 will affect his avocation in any major way. It is also to be noted here that the petitioner has not proved his avocation and also his income by means of any convincing oral and documentary evidence.

c) This Tribunal by going through the evidences adduced with respect to the Injuries sustained by the petitioner, the procedure he undergone and the period of treatment taken as in-patient in the Hospital, the difficulties of petitioner as noted in Ex.C1 Disability Certificate and also by noting down that no convincing evidences are adduced with respect to the avocation of petitioner and effect of his difficulty in his avocation is fixing the disability at 10 % as a partial permanent disability.



d) In **K.Muthukumar vs. P.Manikandan**, dated **23.07.2024** reported in **indiankanoon.org/doc/133432556/**, wherein the Hon'ble Madras high Court has fixed Rs.8,000/- per percentage for an injury that had taken place in the year 2020.

Further, the **Hon'ble Madras High Court in CMA.No.13 of 2025 dated 10.01.2025** between **M.Revanth Kumar vs. Mrs. Sun-X-Concrete India Pvt Ltd., and one another** had held in para No.7 as followingly:

“7. The factum and manner of the accident is not disputed by the parties. Therefore, this Court is not entering into the said aspect. The major grievance of the Appellant/claimant is with regard to the quantum of compensation awarded by the Tribunal. It is claimed by the appellant that, the accident is of the year 2022, however, the Tribunal had erroneously taken only a sum of Rs.5,000/- per percentage of disability. In this regard, this Court perused Ex.C.1, which is the disability certificate issued by the Medical Board and the same reveals that the appellant suffered disability of 15% and by erroneously adopting a sum of Rs.5,000/- per percentage of disability, the tribunal awarded a sum of Rs.75,000/-. However, as per the existing law at the relevant point of time, the Tribunal ought to have fixed a sum of Rs.10,000/- per percentage of disability. Hence, the amount under the head Disability stands enhanced to a sum of Rs.1,50,000/- (15% x Rs.10,000/- = Rs.1,50,000/-).

Accordingly, this Tribunal is awarding a sum of **Rs.1,00,000/- (Rs.10,000/- x 10%)** is awarded. And further, the Petitioner would require a minimum of two Months time to recover. So, the Petitioner would be entitled to loss of Income for the said period. And thus, the Petitioner shall be entitled to Claim of Compensation under the following Heads:



e) **Pecuniary Damages:**

1) **Loss of income:** In this Case, the Petitioner Sriramkarthi has claimed that he was running a Online Service Centre namely “Sri Kumaran Online Solution” Tirupur and earning Rs.25,000/- per month. However, no evidences had been produced to show that the Petitioner was running Online Service Centre namely “Sri Kumaran Online Solution” Tirupur and was earning Rs.25,000/- per Month. Hence, this Tribunal is fixing his Income at Rs.13,000/- per Month and a consolidated sum of **Rs.26,000/-** is awarded towards Loss of Income.

2) **Expenses towards Transportation:** Having suffered grievous injuries, the Petitioner would definitely have incurred Expenses towards Transportation and therefore a sum of **Rs.10,000/-** is awarded under this Head.

3) **Expenses towards Extra Nourishment and Attender Charges:** By considering the period of treatment taken by the petitioner at the hospital, this Tribunal is awarding a sum of **Rs.15,000/-** towards nourishment and attender charges.

4) **Damages towards his Cloths and Articles:** A sum of Rs.5,000/- is awarded under this head.

5) **Expenses incurred for Treatment and Medicines:** The petitioner has produced Ex.P9 Medical Bills. The 3rd Respondent had not seriously disputed the Ex.P9 Medical Bills. Hence, the Petitioner will be entitled to **Rs.59,125/-** towards Medical Expenses.



f) **Non-Pecuniary Damages: 1) Pain and Suffering & Loss of Amenities:** The Petitioner had suffered fracture. Hence, in the interest of Justice a sum of **Rs.30,000/-** is awarded towards Pain and Suffering and Loss of Amenities. In this Case, no evidence had been let in on future Medical Needs and Expenses. Hence no amount is granted for that Head.

g) In the light of the aforesaid discussions, it is held that the petitioner is entitled to the amounts under the following heads as compensation.

S.N	Under the Head	Calculation	
1.	Loss of Income	Rs.	26,000/-
2.	Compensation for partial permanent disability	Rs.	1,00,000/-
3.	Expenses towards Transportation	Rs.	10,000/-
4.	Expenses towards Extra Nourishment & Attender charges	Rs.	15,000/-
5	Medical Expenses	Rs.	59,125/-
6	Damages towards his Cloths and Articles	Rs.	5,000/-
7	Pain and Suffering and Loss of Amenities	Rs.	30,000/-
	Total Award amount	Rs.	2,45,125/-

h) Accordingly, the Point No.3 is answered. Except the above said Relief, the Parties to this Claim Petition are not entitled to any other reliefs.

10. In the result, this Claim Petition is accordingly allowed in-part with proportionate Costs on the following terms:-



(i) The Petitioner is awarded a sum of **Rs.2,45,125 /-** as Compensation with Interest and Cost. The Petitioner is not entitled to get any interest for the default period, if any.

(ii) The Petitioner Shall pay the Remaining Court fee of **Rs.1,824/-** within a period of 15 days from the date of this Order and shall intimate the fact of such payment forthwith to the 3rd Respondent and also to 3rd Respondent's Counsel.

(iii) The 3rd Respondent is liable to pay the above said Award Amount with Interest at the rate of 7.5% p.a from the date of presentation of the Claim Petition to till the date of deposit excluding the Advocate's fee to the credit of the Petitioner's Bank Account in **Canara Bank, Mangalapatti Branch, A/c No. 1352101010067, IFSC Code. CNRB0001352** directly by NEFT/RTGS Mode, within 15 days from the date of Payment of remaining Court Fee by the petitioner.

(iv) The 3rd Respondent is hereby directed to deposit the Advocate's Fee of **Rs.7,903/-** within 30 days from the date of this Award, to the credit of the Petitioner's Counsel, **Tr.R.Lawrence, State Bank of India, Velampalayam Branch, A/c No. 20211352400 IFSC Code SBIN0012787**, maintained with the **State Bank of India**, directly through NEFT/RTGS Mode.

(v) The 3rd Respondent is hereby directed to intimate the fact of such deposit immediately to this Tribunal in emacttpr@gmail.com and to the counsel on record for the Petitioner.

(vi) Following the Judgment of the Hon'ble High Court of Madras in M/s. Cholanmandalam MS General Insurance Co Ltd., Vs. Ayyanar & others reported in **2020 (4) CTC 272**, no Decree is prepared. All the Parties are entitled to free Copies of this Award as per Section 168 (2) of the MV Act and Rule 20 (6) of MV Rules.

Dictated to the Steno-Typist, typed by her directly into the Computer, corrected, printed out and pronounced by me in this Open Court on this **11th Day of August 2026**.

Presiding Officer,
Exclusive Motor Accident Claims Tribunal, Tiruppur.

**I. Petitioner's side Witness:**

1. PW1 Tr. S. Sriramkarthi, the Petitioner.

II. Petitioner's side Exhibits:

1. Ex.P1 Copy of FIR
2. Ex.P2 Copy of MVI Report of TN 20 AJ 5126
3. Ex.P3 Copy of MVI Report of TN 33 AZ 6505
4. Ex.P4 Copy of Rough Sketch
5. Ex.P5 Copy of Final Report
6. Ex.P6 Copy of Accident Register issued by Care Ortho Hospital, Tirupur
7. Ex.P7 Copy of Wound Certificate issued by Care Ortho Hospital, Tirupur
8. Ex.P8 Discharge Summary Copy issued by Care Ortho Hospital, Tirupur
9. Ex.P9 Medical Bills
10. Ex.P10 Out-Patient Sheets of Petitioner
11. Ex.P11 Copy of Driving License of Petitioner
12. Ex.P12 Copy of Aadhaar Card of Petitioner
13. Ex.P13 Copy of Bank Pass Book of Petitioner
14. Ex.P14 Copy of PAN Card of Petitioner

III. Respondents side Witnesses: -NIL-**IV. Respondents side Exhibits: -NIL-****V. Court Exhibits:**

1. Ex.C1 Disability Certificate

Presiding Officer,
Exclusive Motor Accident Claims Tribunal,
Tiruppur.

*This Order was uploaded in CIS on 11.08.2026, as per Circular of
Hon'ble High Court in R.O.C. No. 83338-A/2024/ F1 dated 22.07.2025.

DRAFT / FAIR Order.
MCOP No. 571 of 2023.
Dated 11.08.2026.