



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE AT THENI

**PRESENT: TMT. T.S.P. JAYASUDHA, M.L.,
Chief Judicial Magistrate, Theni.**

Tuesday, the 30th day of July, 2026

**M.C.O.P. No.237/2022
C.N.R. No. TNTH02 – 010209 - 2022**

Mottaiyandi, S/o. Murugan, aged about 48 years, residing at Ramar Kovil Street, Genguvarpatti, Periyakulam, Theni 625 203.

... Petitioner

Vs.

1. Shibu, S/o. Thomas, aged about 44 years, residing at Manikudiyil House, Mundakutty Post, Wayanad, Kerala 670 645.

2. Future Generali India Insurance Company Limited, No.3rd Floor, Sri Ram Centre Door PP Sawadi, Theni Main Road, Madurai 625 016.

... Respondents

This Petition came up on 30.06.2026 for final hearing before me in the presence of Mr. P. Saravanan, Advocate appearing for the Petitioner, Mr. S. Venkateswaran, Advocate appearing for the 2nd Respondent, and R1 remained exparte, and upon hearing the arguments of both sides and after perusing case records and having stood over for consideration till this day, this Tribunal passed the following:



AWARD

This Petition is filed under Section 166(1)(a) of the M.V. Act 1988 claiming a compensation of Rs.12,00,000/- with interest and costs from the 1st and 2nd Respondents for the injuries sustained by the Petitioner in the accident which occurred on 09.05.2022 at 09.40a.m at Aundipatti to Theni Main Road near S. Renganathapuram Vilakku.

2. **Briefly stated averments in the Petition are as follows:**

It is the case of the Petitioner that, on 09.05.2022 at 09.40a.m the petitioner travelled in his TVS Star City bearing Re up on 30.06.202g.No. TN 33 AY 7202 at Aundipatti to Theni Main Road from south to north to pickup his daughter at S.Renganathapuram. When he was nearing S.Renganathapuram Vilakku at such time one Hyundai I 10 Magna Car bearing Reg.No. KL 59 H 1254 driven by the 1st respondent came from west to east direction in a rash and negligent manner at a high speed and dashed against the petitioner vehicle. As a result, the petitioner fell down in the road and he got grievous injuries on his face, fracture on his left shoulder and abrasions all over the body. After the accident he was admitted at G.Vilakku Government Hospital as an inpatient from 09.05.2022 to 13.05.2022 and after that he was taking treatment as outpatient at the same hospital till now. Before the accident the petitioner was hale and



healthy and he was working as Machine Operator (Dairy) and earned about Rs.20,000/- per month. Hence the present application seeking compensation of a sum of Rs. 12,00,000/-

3. The averments in the counter filed by the 2nd Respondent in brief are as follows:

In the counter filed by the 2nd respondent it is contended that the 1st respondent had drove the car bearing Reg.No. KL 59 H 1254 in a normal speed by following the traffic rules of the road at the time of accident. Without having driving license and insurance policy and without wearing helmet the petitioner had drove the motor cycle bearing Reg.No. TN 33 AY 7202 in a rash and negligent manner and fell into the 1st respondent's vehicle without noticing the movement of the 1st respondent's vehicle and caused the accident. Hence the accident had happened only due to the negligence of the petitioner. Therefore this respondent is not liable to pay any amount as compensation to the petitioner. The remaining averments in Petition regarding the age, avocation and income of the Petitioner is denied. The claim of Rs. 12,00,000/- as compensation is excessive and hence this claim Petition deserves to be dismissed.



4. **The points for determination are:**

1. Whether the accident occurred due to the rash and negligent riding of the car bearing Reg.No. KL 59 H 1254 belonging to the 1st Respondent?
2. Whether the 2nd Respondent is liable to pay the compensation?
3. Whether the petitioner is entitled for compensation and if so what is the amount?

5. On these points, the Petitioner examined himself as PW1 through proof-affidavit and exhibited documents Ex.P1 to P8 on his side. And on the side of the 2nd respondent RW1 examined and Ex.R1 and Ex.R2 marked. The petitioner has produced a disability certificate from medical board wherein his temporary disablement at 10% is ascertained by the medical board. As the same is not a proper permanent disability assessment, the same is not considered by this court.

6. **POINT No.1:**

(i) It is the case of the Petitioner that, on 09.05.2022 at 09.40a.m the petitioner travelled in his TVS Star City two wheeler bearing Reg.No. TN 33 AY 7202 at Aundipatti to Theni Main Road from south to north to pickup his daughter at S.Renganathapuram. When he was nearing S.Renganathapuram



Vilakku at such time one Hyundai I 10 Magna Car bearing Reg.No. KL 59 H 1254 driven by the 1st respondent came from west to east direction in a rash and negligent manner at a high speed and dashed against the petitioner vehicle. As a result, the petitioner fell down in the road and he got grievous injuries on his face, fracture on his left shoulder and abrasions all over the body. Hence the present application seeking compensation of a sum of Rs. 12,00,000/-

(ii) With regard to the rash and negligence of the 1st Respondent herein the petitioner herein had given evidence as PW1 and there is nothing elicited in the cross examination so as to deny the rash and negligence of the 1st Respondent herein. Ex.P1 is the FIR registered in Aundipatti PS Cr.No.165/2022 against R1 and he has been Charge Sheeted under Ex.P2, for offence u/s 279 and 337 IPC. No contra evidence adduced by the respondents to show that this 1st respondent was not negligent. Hence considering the aforesaid facts, this Court is inclined to hold that the rash and negligent riding of the 1st Respondent is the cause of the accident. This point is answered accordingly.

7. **POINT No.2:**

This Court is inclined to note that even in the counter filed by the 2nd Respondent herein as Insurer of 1st Respondent vehicle, the fact that the petition alleged offending vehicle belonging to the 1st respondent and has been



insured with this 2nd respondent and as on the date of accident such policy is valid has not been denied. Further this Court is inclined to note from Ex.P4 MV Report that the present 2nd Respondent is the insurer of the offending vehicle and the policy is valid upto 03.07.2022, covering the date of the accident and the 1st respondent is the owner of the same and this 1st Respondent had held driving licence as on the date of the accident. Hence, this Court is inclined to hold that as there is no violation of policy condition, the 2nd Respondent is liable to compensate this Petitioner. The point is answered accordingly.

8. Point No.3:

It is seen that, this petitioner herein, had sustained simple injuries after the accident and has taken treatment at G.Vilakku Government Medical College Hospital, Theni as could be seen from Ex.P3/Accident Register issued by such hospital. Further it is seen that, even in the cross examination of PW1 he had admitted that, he had sustained only simple injuries. Hence this petitioner is held entitled to receive compensation.

9. Computation of loss sustained by the petitioner:

The Petitioner has made a claim of Rs.12,00,000/- under various fractures and injuries sustained by him in the alleged accident. Now this Tribunal proceeds to calculate the compensation payable to the Petitioner.



(a) Pain and sufferings:-

This court is inclined to note from Ex.P7 Discharge summary issued by Theni Government Hospital that, this petitioner has been hospitalized from 09.05.2022 to 16.05.2022. and this petitioner had swelling in left shoulder, tenderness in left shoulder, abrasion of size 3x2cm lateral side of left eyelid, abrasion of size 2x1cm above left eyebrow, abrasion of size 5x1cm and 4x2cm right leg, abrasion of size 3x2cm right elbow and tenderness in right leg. The said injuries are certified as simple in Ex.P3. Though the petitioner has produced Ex.C1 disability report which states the disability at 10%, the same is stated as temporary and hence the same is not considered by this court. This court at this juncture is inclined to note the contention of the Learned counsel for 2nd respondent that, RW1 had issued Ex.R2, certifying that this petitioner does not possess a valid driving licence and hence compensation should not be granted. In the view of this court there cannot be any presumption of negligence on the petitioner merely on account of non-possession of driving licence., as no evidence adduced by the respondent in such regard. Hence this court considering the nature of simple injury sustained by the petitioner and that no medical bills for treatment is produced by the petitioner, this court is inclined to



award a consolidated sum of **Rs.50,000/-** as compensation to the petitioner. This point is answered accordingly.

10. In the result, this petition is partly allowed as follows:-

a) That the **2nd respondent** shall pay a sum of **Rs.50,000/- (Rupees fifty thousand only)** as compensation to the petitioner with costs and interest at the rate of 7.5% per annum from the date of filing of the Petition from **22.09.2022** till the date of realization. The interest is not payable for the default period if any;

b) As per the order of our Hon'ble apex court in SLP No.4484/2020, the aforesaid compensation amount together with interest, costs shall be **deposited by the 2nd respondent into the Petitioner bank account. The petitioner is directed to furnish his bank account particulars to the 2nd respondent through registered post and the 2nd respondent upon receipt of the same shall pay the compensation amount to such account of the petitioner** directly by NEFT or RTGS mode within a period of two months from the date of this order and intimate the same to this tribunal with particulars of the deposit so made;



c) **Particulars of Court fee and Cost**

Cost of this petition is **Rs.1,690/-** = (Vakkalath fee:Rs.10 + Process fee: Rs.70/- + Court fee: Rs.110/- + Advocate fee: Rs.1,500/-)

The **Petitioner** shall pay the Court fee of **Rs.110/-** within a period of **15 days from today.**

Dictated to the stenographer transcribed and typed by her, corrected and pronounced by me in the Open Court on this the 30th day of July, 2026.

Chief Judicial Magistrate,
Theni.

The Bank Account particulars of the Petitioner:

The petitioner directed to directly furnish the same to the respondent concerned.

PETITIONER'S WITNESSES: 22.09.2022 till the

PW1 – 29.04.2025 – Mottaiyandi

and was cross examined by R2 on the same day itself.



PETITIONER'S EXHIBITS :

Exhibits	Date	Description of the Exhibit	Proved by / Attested by
Ex. P1	09.05.2022	Photocopy of FIR No. 165/2022	PW1
Ex.P2	29.07.2022	Photocopy of Final Report	PW1
Ex.P3	09.05.2022	Photocopy of Accident Register	PW1
Ex. P4	20.05.2022	Photocopy of MV Report of KL 59 H 1254	PW1
Ex. P5	13.05.2022	Photocopy of Wound Certificate	PW1
Ex. P6	09.05.2022	Photocopy of Rough Sketch	PW1
Ex. P7	16.05.2022	Discharge Summary	PW1
Ex. P8	---	Photocopy of Aadhaar Card of the Petitioner	PW1

2nd RESPONDENT SIDE WITNESSES:

RW1 – 16.10.2025 -Ariyanatchi

2nd RESPONDENT SIDE EVIDENCE:

Exhibits	Date	Description of the Exhibit	Proved by / Attested by
Ex.R1	08.09.2025	Authorization letter	RW1
Ex.R2	08.09.2025	Driving license details report	RW1

COURT EXHIBITS:

Ex.C1	07.05.2024	Disability certificate of the Petitioner issued by Medical Board, Theni.
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Chief Judicial Magistrate,
Theni.

**OTHER IMPORTANT PARTICULARS**

Date of filing of the petition	22.09.2022
Date of Award	30.07.2026
Amount Claimed under Compensation	Rs.12,00,000/-
Amount Awarded as Compensation	Rs.50,000/-
Total Court Fees	Rs.110/-
The Court Fee to be paid	Rs.110/-

Chief Judicial Magistrate,
Theni.



**Chief Judicial Magistrate,
Theni.
MCOP No. 237/2022
Order Dated : 30.07.2026**