

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, JAYANKONDAM
SPECIAL COURT (LAOP) NO.1, JAYANKONDAM**

Present: Thiru. R. Karthikeyan, B.A., B.L.,
Special Judge No. 1, Jayankondam

Friday, this the 28th day of August 2026
2057 Thiruvalluvar Year -Parabava, the 11th day of Avani

**M.C.O.P.No.37/2020
CNR.No.TNAL 060001732020**

**(M.C.O.P.No.20/2019)
(Sub Court, Jayankondam)**

Tr.Ganesan (aged 60/2018)
S/o. Natesan,

..... petitioner

Vs.

1) Prabhu,
S/o. Jeganathan,

2) Manager,
United India Insurance Company Ltd.,

... Respondents

(a)	Name and address of the claimant/petitioner (s)	Tr.Ganesan (aged 60/2018) S/o. Natesan, Sivankoiltheru, Karaikurichi village, Udaiyarpalayam Taluk, Ariyalur District.
(b)	Name and address of the respondent(s)	1) Prabhu, S/o. Jeganathan, No.7 Chinnaivalayam Arisanatheru, Jayankondam & Post, Udaiyarpalayam Taluk, Ariyalur District. 2) Manager, United India Insurance Company Ltd., TVK Complex, No.49/A1 Chidam baram Road, Jayankondam, Udaiyarpalayam Taluk, Ariyalur District.
(c)	Name and address of the Insurance Company	Manager, United India Insurance Company Ltd., TVK Complex, No.49/A1 Chidambaram Road, Jayankondam, Udaiyarpalayam Taluk, Ariyalur District.

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	Filed on 02.02.2019 (Sub Court, Jayankondam)																								
f)	Date of award	28.08.2026																								
g)	Amount of award	Rs.76,000/- (Rupees seventy six thousand only)																								
h)	Interest rate applicable	7.5% per annum																								
i)	Date (s) from which interest is payable	28.08.2026																								
j)	Costs, if any	<table> <tr> <td>Court fee</td><td>: Rs.</td><td>372.50</td></tr> <tr> <td>Valath</td><td>: Rs.</td><td>10.00</td></tr> <tr> <td>process fee</td><td>:Rs.</td><td>09.00</td></tr> <tr> <td>Stamp on exhibits</td><td>:Rs.</td><td>30.00</td></tr> <tr> <td>advocate fees</td><td>:Rs.</td><td>2,700.00</td></tr> <tr> <td></td><td></td><td>-----</td></tr> <tr> <td>Total</td><td></td><td>3,121.50</td></tr> <tr> <td></td><td></td><td>-----</td></tr> </table>	Court fee	: Rs.	372.50	Valath	: Rs.	10.00	process fee	:Rs.	09.00	Stamp on exhibits	:Rs.	30.00	advocate fees	:Rs.	2,700.00			-----	Total		3,121.50			-----
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Total		3,121.50																								

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 cost.																									
l)	In case where there are several claimants, the shares and amounts payable to each of them shall be specified	nil																								
m)	The mode and manner of deposit of compensation	a) In the result, this petition is partly allowed and a compensation of Rs.76,000/- (Rupees seventy six thousand only) is awarded to the																								

		petitioner with cost and with interest at the rate of 7.5 percent per annum from the date of petition till realization of compensation amount. b) The petitioner is not entitled for any interest for the period of default if any. c) As insurer of the 1st respondent's vehicle to the 02nd respondent shall deposit the entire compensation amount along with accrued interest and cost within one month from today. d) The 02nd respondent is directed to deposit the said amount to the credit of the Bank Account of this Claims Tribunal directly by NEFT or RTGS mode within a period of one month from this Order and to intimate the said deposit details to this Tribunal with a copy of of the said Bank advice. e). On such deposit, after permission of this Tribunal, Petitioner can withdraw the award amount with interest and cost and on condition that the Petitioner shall pay the balance Court Fee within 10 days. Disbursement of compensation to the Petitioner shall be made by direct transfer to the credit of his bank account by NEFT or RTGS .
n)	The mode and manner of disbursement	NEFT/RTGS
o)	Period of default to which the petitioner are not entitled for interest, if any	Nil
p)	Court fee paid so far	Rs.374.00
q)	Deposit Court fee payable within 10 days from the date of award	Nil
r)	Excess Court fee refundable	Nil

Award passed in the format as directed by the Hon'ble High Court of Madras, in M/S/ Cholamandalam MS General Insurance Co., Ltd., Vs Ayyanar and others in Tr.CMP.Nos.264 to 281 of 2020, dated 11.5.2020.

Originally this petition was filed and numbered before the Sub Court, Jayankondam as MCOP.No.129/2019 dated 02.02.2019 and as per the Official Memorandum of the Hon'ble High Court Madras in R.O.C.No.55143/19G1, dated 24.10.2019 and per the Official Memorandum of the Hon'ble Principal District Judge, Ariyalur in A.No.142/2019 dated 18.11.2019 this petition has been transferred from Sub Court Jayankondam to Special Court No.1, Jayankondam and renumbered as M.C.O.P. No.20/2019, dated 04.1.2020.

This petition came up before me, on 07.08.2026 for final hearing in the presence of the learned advocate Mr. R.Jayaraman for the Petitioner and the 1st respondent appeared through his learned advocate T.Jothimani and 2nd respondent appeared through his learned advocate Tr. Jeo Almedha, but they did not file any counter they were remained exparte and upon perusing the evidence and documents, and having stood over till this day for consideration, this Court delivers the following:

AWARD

This petition has been filed under Sections and 166 of the Motor Vehicles Act by the petitioner seeking for compensation of Rs.10,00,000/- towards the grievous injuries sustained by the petitioner in the road traffic accident on 30.10.2017.

2) The brief averments of the amended petition :

2.1) On 30th October 2017, at around 3.30 PM, the petitioner was riding a two-wheeler (Reg. No. TN 49 AX 5112 Suzuki) from north to south on the left side of the Kumbakonam–Jayankondam Road, near the Madavathur New Bridge, carrying a pillion rider named Chinnappan. At that time, an auto rickshaw (Reg. No. TN 61 F 2469) driven by its driver came from the opposite direction (south to north) at a high speed, in a rash, negligent, and careless manner, without sounding the horn. The auto was driven erratically and collided violently with the petitioner's two-wheeler.

2.2) The impact threw the petitioner fracture in the right knee, complete fracture of the right kneecap (patella), severe injuries to the head, above the left eyebrow, and right foot, along with multiple bodily injuries. Pillion Rider Chinnappan also sustained severe injuries

in the accident and is filing a separate claim petition for compensation. The Bystanders helped transport both injured individuals via a 108 Ambulance to the Government Hospital, Jayankondam for first aid. For further treatment, the petitioner was transferred to the Tanjore Government Medical College Hospital, where they were admitted as an inpatient and received continuous treatment for over 15 days.

2.3) Moreover, the petitioner had spent about Rs.5,00,000/- towards medical expenses. The petitioner was doing timber business at the time of accident and he was earning Rs.21,000/- per month. On account of the impact of accident took place on 30.10.2017 the petitioner could not do his employment as before the accident. He has completely prevented by doing his employment and could not maintaining his family. Due to this accident, the petitioner/claimant was put to great mental agony.

2.4) Hence, this petitioner is claiming compensation of Rs.10,00,000/- The accident occurred only due to the rash and negligent driving of Auto rickshaw bearing Registration (Reg. No. TN 61 F 2460) belonging to the 1st respondent. The Auto rickshaw got insured 2nd respondent herein and the petitioner has filed this petition seeking compensation. Hence, this petition.

3). On notice to the respondents, they appeared through their counsel. Despite of sufficient chances the respondents did not file their any counter. Hence they were set exparte.

4). Points for consideration.

1). Whether the driver of the 1st Respondent's Auto rickshaw (Reg. No. TN 61 F 2469) was negligent in causing the accident?

2). Who is liable to pay compensation to the petitioners?

3) Whether the Petitioner is entitled for Compensation? And if so, what is the Quantum?

5). On the side of petitioner, the petitioner Tr. Ganesan was examined as PW1, through him Ex.P1 to Ex.P.7 were marked.

6) Heard petitioner sides, records perused.

7) Point No1 and 2:

The petitioner was examined as PW1. According to the petitioner that on 30th October 2017, at around 3.30 PM, the petitioner was riding a two-wheeler (Reg.

No.TN 49 AX 5112 Suzuki) from north to south on the left side of the Kumbakonam–Jayankondam Road, near the Madavathur New Bridge, carrying a pillion rider named Chinnappan. At that time, an auto rickshaw (Reg. No. TN 61 F 2469) driven by its driver came from the opposite direction (south to north) at a high speed, in a rash, negligent, and careless manner, without sounding the horn. The auto was driven recklessly and collided violently with the petitioner's two-wheeler. He further deposed at the time of accident without conducting any investigation at the T. Palur Police Station, a case was registered against him under Sections 279 and 337 of the I.P.C based on a false complaint given by the auto driver. Therefore, as per Ex.P.3 and Ex.P.4, he submitted a representation regarding this to the District Superintendent of Police, Ariyalur.

8) On going through the Ex.P.1 FIR copy would go to show that the accident was caused due negligent manner on the part of the petitioner. The 1st respondent, who is the owner of the auto rickshaw did not appear before this Court. Similarly, the driver who drove the said vehicle also failed to appear before this court and did not come forward to give evidence regarding the nature of the accident. The petitioner has not produced any documents to establish that the petitioner was not involved in the said offense, based on the complaint lodged against the petitioner by the driver of the 1st respondent's vehicle, following the subsequent actions taken by the petitioner. On perusal of Ex.P 1 and Ex.P. 2 and Ex.P. 3, show that the accident was caused due to rash and negligent on the part of the petitioner. So, the contributory negligence manner on the part of the petitioner at the time of accident. On considering the above aspects, it is held that the compensation has to assessed as 50 % on the part of the petitioner.

9) Further, on perusal of records it seen that an FIR registered by the police serves merely as an initial report. The Motor Accident Claims Tribunal (MACT) does not base its decisions solely on the police FIR rather, it determines negligence and liability based on the appreciation of evidence adduced before this court. Since the respondents failed to appear before this court, file their counter-statement, or cross-examine the witnesses, the oral evidence of the petitioner (P.W.1) and the supporting

documentary evidence such as the representation submitted to the Superintendent of Police marked as Ex.P. 3 and Ex.P. 4 remain unchallenged and stand accepted. The driver of the offending auto rickshaw failed to step into the witness box to testify regarding the manner of the accident. Consequently, the tribunal draws an adverse inference against him and upholds the petitioner's contention that the accident occurred due to the rash and negligent driving of the auto rickshaw driver. As the 1st respondent's auto rickshaw possessed a valid policy of insurance with the 2nd respondent on the date of the accident as Ex.P. 7. Hence the 2nd respondent insurance company is contractually and statutorily liable to indemnify the 1st respondent. Hence the 2nd respondent insurance company was liable to pay compensation amount to the petitioner.

10) Point No.3: Whether the petitioner is entitled to compensation? If so, what the quantum of compensation?

10.1) However, with regard to the second part general damages/compensation, it would be a matter of conjectures depending on number of imponderables. Moreover, in **“R.D.Hatangadi Vs Press Control (India) Pvt Ltd reported in (1995) 1 SCC 551”** Honourable Apex Court has held that while fixing an amount of compensation payable to a victim of an accident, the damages have to be assessed separately as pecuniary and special damages. Pecuniary damages are those which the victim has actually incurred and which is capable of being calculated in terms of money, whereas non pecuniary damages are those which are incapable of being assessed by arithmetical calculations. In order to appreciate two concepts pecuniary damages may, include expenses incurred by the claimant : (I) medical attendance (ii) loss of earning of profit up to the date of trial ; (iii) other material loss. So far non-pecuniary damages are concerned, they may include (I) damages for mental and physical shock, pain suffering, already suffered or likely to be suffered in future; (ii) damages to compensate or the loss of amenities of life which may include a variety of matters i.e., on account of injury the claimant may not be able to walk, run or sit; (iii) damages for loss of expectation of life, i.e. on account of injury the normal longevity

of the person concerned is shortened; (iv) inconvenience, hardship, discomfort, disappointment, frustration and mental stress in life.

10.2) In the light of the guidelines of our Honourable Apex Court, this Tribunal has to assess the compensation that has to be awarded to the claimant/petitioners herein. On perusal of the petition, the petitioner has claimed compensation for sum of Rs.10,00,000/- for the injuries sustained by her in the accident. As per the Guidelines, this Tribunal decides the quantum of compensation to be awarded to the petitioner under the following heads.

1) Loss of earnings 2) Transport to Hospital 3) Extra Nourishment 4) Pain and Sufferings and Damages of Clothes 5) Medical Expenses 6) Disability.

1) Loss of income

In the claim petition the injured petitioner stated that at the time of the accident, he was earning an income of Rs. 21,000/- per month from TIMBER business. In the absence of the proof, the tribunal is bound to fix the monthly income of the injured petitioner at Rs.5,000/-notionally., when the accident took place on 30.10.2017. Furthermore, the petitioner received inpatient treatment at Thanjore Medical College and Hospital from 03.10.2017 to 07.11.2017 for 09 days as in patient as per Exhibit 2 discharge summary. Hence his loss of income is calculated for one month Rs.5,000/-

2) Attender Charges:

The petitioner has taken in patient treatment as per Exhibits Ex.P.2. On perusal of records it is found that the Petitioner took treatment as inpatient at Thanjore Medical College and Hospital for 09 days and hence, he is entitled for attender charges and this Tribunal decides to award Rs.1,000/- (09 X1000=Rs.9000) towards Attender Charges.

3) Transportation Expenses :

In the absence of trip sheet, the Tribunal has awarded Rs.1,000/-(Rupees one thousand only) towards transportation charges which is in conformity with the decision of the Our Hon'ble High Court in the case of Chola mandalam Ms General vs

Rajasubhashini. Hence, this tribunal is inclined to award compensation under the head of Transportation charges as Rs.1000/- for petitioner.

4) Extra Nourishment :

Considering that the petitioner had sustained RTA – injury sustained would of 3cm over left forehead and 4 cm over right foot and 5 X4 cm over right knee and multiple abrasion all over bodies and would have spent for nourishment for improvement of his health. Hence, considering the same this Tribunal decides to award Rs.10,000/- towards Extra Nourishment for petitioner.

5) Pain and Sufferings and Damages to Clothes : :

It is settled law that a particular amount can not be fixed for pain and sufferings in all the cases and it varies from case to case. A Judicial notice can be taken to the fact that since the petitioner had got injuries as aforesaid, he might have suffered acute pain and sufferings owing to the said injuries. Injuries and duration of treatment, this tribunal is awarded Rs.50,000/-towards pain and sufferings severe grievous injuries and damages to clothes Rs.1000/- towards petitioner.

11) Consolidating the above discussions this Court calculates the net compensation as follows:

Heads	Amount Rs. P.
Loss of income	5,000.00
Pain & Sufferings	50,000.00
Transportation charges	1,000.00
Extra Nourishment	10,000.00
Damages to clothes	1000.00
Attender charges	9,000.00
Total Award Amount	76,000.00

The Hon'ble Supreme Court in Civil Appeal No.735/2020 arising out of SLP No.15504 of 2019 in *Kajal Vs Jagdish Chand* and Others has categorically held that rate of interest shall be at 7.5% per annum from the date of the petition till the date of

payment. In view of the above settled rate of interest, 7.5% is justified and not on higher side. Accordingly, the injured petitioners are entitled to interest at 7.5% per annum.

a) In the result, this petition is partly allowed and a compensation of **Rs.76,000/-** (Rupees seventy six thousand only) is awarded to the petitioner with cost and with interest at the rate of 7.5 percent per annum from the date of petition till realization of compensation amount.

b) The petitioner is not entitled for any interest for the period of default if any.

c) As insurer of the 1st respondent's vehicle to the 02nd respondent shall deposit the entire compensation amount along with accrued interest and cost within one month from today.

d) The 02nd respondent is directed to deposit the said amount to the credit of the Bank Account of this Claims Tribunal directly by NEFT or RTGS mode within a period of one month from this Order and to intimate the said deposit details to this Tribunal with a copy of the said Bank advice.

e). On such deposit, after permission of this Tribunal, Petitioner can withdraw the award amount with interest and cost and on condition that the Petitioner shall pay the balance Court Fee within 10 days. Disbursement of compensation to the Petitioner shall be made by direct transfer to the credit of his bank account by NEFT or RTGS.

This Tribunal Account particulars:

Court Name	:	The Special Judge No. I, Jayankondam
Bank Name	:	State Bank of India, Jayankondam Branch
Savings Account No.	:	41079308441
IFSC No.	:	SBIN0000998,

The petitioner is directed to produce his bank account details within a period of 10 days from the date of this order.

Dictated by me to the Steno-Typist directly, typed by her in the computer corrected and pronounced by me in the open Court, on this the 28th day of August 2026.

Special Judge No. I/MACT Judge
Jayankondam.

1) List of Petitioner's side witness:-

P.W.1	:	Tr.Ganesan- petitioner
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2) Petitioner's side exhibits:-

Ex. P1	FIR	Xerox copy
Ex. P2	Discharge summary of Tanjore Medical College, Hospital	Original
Ex. P3	Letter to Superintendent of Police Arilyalur.	Original
Ex. P4	Acknowledge card (1 no)	Original
Ex. P5	Registration certificate of `1st respondent vehicle bearing its registration No.TN 61 F 2469	Xerox
Ex. P6	Insurance copy of 1 st respondent's vehicle bearing its registration No.TN 61 F 2469	Xerox
Ex. P7	Motor Inspection report of 1 st respondent's vehicle bearing its registration No.TN 61 F 2469	Xerox

3) List of Respondent's side witnesses and Court Documents : Nil

Special Judge No. I/ MACT Judge
Jayankondam.

Special Judge No. 1, Jayankondam