BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, ERODE

PRESENT:- Tmt. Dr. V. SREE VIDYA,
Chief Judicial Magistrate,
Erode.

Dated this the 03rd day of July 2026 Friday
(Thiruvalluvar Aandu 2057, Sri Paraabhava Year, Aani Month 19th day)

MCOP.No. 203 of 2025

(CNR.No.TNED04-007213-2025)

Name and address of the Claimant(s)	:	M. Rajkumar, S/o. Manickam, aged about 36 years, residing at No.206, Marimuthu Gounder Veedu, Vepampalayam, Nanjanapura Pirivu, Kadirampatti, Erode.
Name and address of respondent(s)	:	1. M. Jeeva, S/o. Murugan, age not known, residing at No.3/929, Anna Nagar, Avathipalayam, Agraharam (Po), Pallipalayam, Namakkal. 2. M. Sampoornam, age not known, residing at No.3/929, Anna Nagar, Avathipalayam, Kaliyanur Pallipalayam, Agraharam, Kumarapalayam, Namakkal. 3. United India Insurance Co. Ltd., Rep by its Manager, having its office at No.42, Mutt Street, 1st Floor, Kumbakonam – 612 001,Thanjavur District. 4. United India Insurance Co. Ltd., Rep by its Manager, having its office at 1171, Mutthiah Complex, Mettur Road, Erode – 638 011. (Policy No. 0917003123P106279262 valid from 24.09.2023 to 23.09.2024)
Date of filing	:	25.07.2024

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Amount of Award	:	Rs.3,19,900/-
Interest payable	:	7.5% per annum from the date of petition till the date of award
Cost 1.Stamp on petition – 1000.00 2.Stamp on vakalath - 10.00 3.Stamp on documents – 50.00 4.Preparation of batta memo- 27.00 5.Stamp for Batta Memo - 220.00 6.Advocate fees- 9398.00	:	Total = Rs.10,705/- (Proportionate cost)
Court fee paid	:	Rs.1,000/-
Balance court fee to be paid	:	Rs.1,572/-
Court Fee to be paid on or before	:	Within 10 days from the date of order
Default period	:	–
Pan Card No	:	COCPR7801G
To be deposited at the petitioner's Savings Bank Account Number vide	:	**Savings Bank Account No. 182501000030814** **IFSC : IOBA0001825** **Bank Name & Branch : Indian Overseas Bank, District Court Branch.**

This petition came up for final hearing before me on 05.06.2026 in the presence of Mr.R.Rathinavelu, Advocate for the petitioner and Mrs.M.Jayanthi, Advocate for the 3rd and 4th respondents and 1st and 2nd Respondent have been remained exparte and on hearing petitioner and 3rd and 4th Respondents side arguments and upon perusing the documents and having stood over till this day for consideration and this court passed the following :

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Order

This petition filed by the petitioners under section 166 of the Motor Vehicles Act against the respondents claiming compensation of Rs.20,00,000/- with 12% interest and costs for the injuries sustained by the petitioner in the Motor Vehicle accident occurred on 25.09.2023.

1. The case of petitioner in brief:

The case of the petitioner is that on 25.09.2023 at 11:45 PM, while the petitioner was riding the motorbike bearing Registration No. TN 56 Q 0856 on Erode to Perundurai Road, from East to West, while proceeding near Thindal Ring Road Roundana, near Cakery Baker, the 1st respondent came riding the motorbike bearing Registration No. TN 34 AZ 5217 from Perundurai to Erode Road in Roundana suddenly turned right side in a rash and negligent and careless manner without minding Road Rules and Regulations and dashed against the petitioner's vehicle. Due to the sudden hit the petitioner fell down on the road and sustained injuries on Right Leg, Right Ankle Blood injury, both legs and laceration injuries all over the body. After taking first aid at Care 24 Hospital, Erode and she was admitted as inpatient for 2 weeks.

At the time of accident, the petitioner was 36 years old, hale and healthy and was working as a cooking labour in Thindal Punjab and was earning ₹30,000 per month. Due to the accident injuries, the petitioner unable to move out of the bed, and is unable to do her day-to-day work and unable to sit, squat or lift weight.

The 1st respondent is the driver, 2nd respondent is owner of TN 34 AZ 5217, and the 1st respondent is solely responsible for the accident. The 3rd and 4th respondents are the insurance company of the said vehicle.

Erode Taluk Police have registered a criminal case against the 1st respondent in FIR No. 282/2023, under section 279 and 337 IPC.

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The petitioner has claimed a compensation of ₹20,00,000/- with interest at the rate of 12 % per annum from the date of petition till the date of payment with the cost.

2. The 1st and 2nd respondents were set exparte.

3. The case of 3rd and 4th respondents in brief:

The case of the 3rd and 4th respondents are that, the all averments contains in the petition are false and not maintainable both in law and on the facts of the case, and the petitioner is put to strict proof of each and every allegation made in the petition except those specifically admitted herein as true. The 3rd and 4th respondents have submits that as per section 134 of the M.V. Act 1988, it is the mandatory duty of the 1st respondent to furnish the policy details, accident particulars, injured details, driver's name, and driving license particulars. However, the 1st respondent has not complied with this statutory demand, meaning this respondent is not liable to pay compensation, and the case should be dismissed against them. Furthermore, the petitioner is put to strict proof regarding the lawful use of the Passion Pro motorcycle (Regn. No. TN-34-AZ-5217) under M.V. Rules. The 3rd and 4th respondents have denies that the said motorcycle was involved in the alleged accident or driven negligibly, and explicitly denies the alleged hospitalization, treatment, age, income, and occupation of the petitioner, putting the petitioner to strict proof for all claims. The 3rd and 4th respondents have submits that the accident happened on 25.09.2023, but the complaint had been lodged before police only on 28.09.2023. It is the further contention of 3rd and 4th respondents that, the 1st respondent did not possess a valid and effective license at the time of accident. The further contention of 3rd and 4th respondent is that, the 1st respondent had violated the policy conditions, hence 3rd and 4th respondents are not liable to pay the compensation and so this petition is not

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maintainable and may be dismissed.

4. The points for consideration are:

I. Whether the accident was caused by the first respondent by rashly and negligently riding the motorbike bearing Registration No. TN 34 AZ 5217?

II. Whether the petitioner is entitled for compensation? If so, who is liable to pay the compensation? What is the quantum of compensation payable to the claimant?

III. What other relief, the claimant is entitled for?

5. In support of the petitioner's claim PW1 was examined. Ex. P1 to Ex.P10 were marked. On behalf of the 3rd and 4th respondents no witnesses were examined and no exhibits were marked. Disability Certificate issued by Medical Board, Erode was exhibited as Ex.C1.

6. Point No:I

In order to substantiate the case of the petitioner, the petitioner who was examined as PW1 had deposed that, on 25.09.2023 at 11:45 PM, while the petitioner was riding the motorbike bearing Registration No. TN 56 Q 0856 on Erode to Perundurai Road, from East to West, while proceeding near Thindal Ring Road Roundana, near Cakery Bakery, the 1st respondent came riding the motorbike bearing Registration No. TN 34 AZ 5217 from Perundurai to Erode Road in Roundana suddenly turned right side in a rash and negligent and careless manner without minding Road Rules and Regulations and dashed against the petitioner's vehicle.

1st and 2nd respondents have not denied this evidence. Furthermore, the petitioner has produced the copy of Ex.P1 First Information Report, ExP2 Observation Mahazar, ExP3 Rough sketch and Ex.P8 Final Report. These

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documents would reveal that FIR has been registered against the driver of TN 34 AZ 5217, and final report has been filed against the 1st respondent.

Furthermore, the 1st respondent has not disproved the evidence of PW1 by entering into the witness box or by examining any independent eye witness or by exhibiting any documentary evidence. Whereas, the evidence of PW1 that the accident happened due to the negligence of 1st respondent, is corroborated by Ex.P8 final report and other documents. Hence, the petitioner has established that negligence is on the part of 1st respondent.

The Learned counsel for the 3rd and 4th respondents argued that the 1st respondent is a driver and the 2nd respondent is a owner and the 1st respondent has violated that conditions of policy by riding the vehicle without possessing a valid driving license at the time of the accident. Therefore, the 3rd and 4th respondents are not liable to indemnify the 1st respondent and the 3rd and 4th respondents are to be absolved from this proceedings.

The burden is upon the 1st respondent to establish that he possessed a valid driving license at the time of accident. Which he has failed to discharged. Therefore in view of the available evidence this Court concludes that 1st respondent had no valid driving license at the time of accident and therefore he has violated the policy conditions by riding the two wheeler without possessing a valid and effective driving license. Now the question is whether this fact absolves the liability of 3rd and 4th respondents from indemnifying the 1st respondent.

Since the 1st respondent has not produced the driving license which he is supposed to have produced at the time of trial this Court would come to the inference that the 1st respondent has violated the Policy of the 3rd and 4th respondents and in view of the said violation, and in the interest of justice and the beneficial nature of the legislation this tribunal is inclined to order pay and recovery in this case.

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7. Point No:II

Quantum of compensation payable to the petitioner:

Compensation for Disability

The petitioner has produced ExP.10 discharge summary, which reveals that the petitioner had sustained Right Ankle Grade III Compound wound. The injury was managed conservatively. He was admitted as inpatient for 3 days from 26.09.2023 to 28.09.2023. The medical board has assessed his present disability to be 15%.

(i) Disability

The accident happened on 25.09.2023. In the judgment reported in ***Gowri Vs. 1.Dinesh Kumar 2. United India Insurance Co., Ltd., (CMA No. 1772/2025 dated 30.07.2025)*** our Hon'ble High Court had fixed the reasonable quantum for 1% of disability as Rs.10,000/- for the accidents happened in the year 2023. In view of Ex.C1, it is noted that the petitioner had sustained 15% present disability. So, this tribunal holds that the petitioner is entitled for Rs.1,50,000/-(Rs.10,000 X 15) as compensation for the disability arising out of accidental injury.

(ii) Loss of income:

The claimant is 36 years old. Though the petitioner has claims that he was working as a Cooking Labour and was earning Rs.30,000/- per month. But he has not produced any documents to prove his income. Therefore there is no grounds to believe that he earned Rs.30,000/- per month. Therefore, the notional income of the petitioner has to be fixed. Considering the age of the petitioner and his occupation he could have earned Rs.-500-/- per day. Therefore he could have earned about Rs.15000/- per month.

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Considering the nature of injury, the petitioner could not have resumed work until the injury has been completely healed and it would have taken at least 3 months for the petitioner to resume regular work. Hence, the loss of income is arrived as Rs.15000/- (15000x3). Therefore, this Tribunal awards a sum of Rs.45,000/- towards loss of income.

(iii) Pain and Suffering :

Considering the fact that the petitioner has sustained Right Ankle Grade III Compound wound. The injury was managed conservative. He was admitted on 26.09.2023 and discharged on 28.09.2023 and he was hospitalised as inpatient for 3 days, this tribunal is of the view that Rs.50000/- would be just a compensation towards pain and sufferings.

(iv) Loss of Amenities:

The petitioner was hospitalized for 3 days and due to the Right Ankle Grade III Compound wound has regular and routine activities would have been disturbed and he would have been deprived of using his Right Leg for a while. Considering the age and injuries suffered by the petitioner, ₹25000/- is awarded as compensation towards the loss of amenities.

(v) Medical Bills :

The petitioner by producing Ex.P9 medical bills for the tune of Rs.27,851/- established that he has incurred an expenditure of Rs.27,851/- towards medical treatment. This tribunal does not find any reason to disbelieve these medical bills, and therefore, the petitioner is entitled for reimbursement of Rs. 27,851/-.

(vi) Extra Nourishment :

Considering the age and injury suffered by the petitioner, this tribunal is of the view that Rs.10,000/- would be just compensation towards extra nourishment.

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(vii) Attender Charges :

The petitioner had a sustained Right Ankle Grade III Compound wound he was hospitalized for 3 days. Therefore, this tribunal awards a compensation of Rs.5000/- towards attender charges.

(viii) Transport Charges :

Considering the distance between the residence of the petitioner and the hospital, Rs.5000/- is awarded as compensation, towards transportation charges.

(ix) Damages to Clothes and Belongings :

Rs.2000/- is awarded as compensation towards damages to clothes and belongings. To sum up

Sl.No.	Head	Amount (Rs)
1.	Disability (10000 x 15)	1,50,000/-
2.	Loss of income	45,000/-
3.	Pain and sufferings	50,000/-
4.	Loss of amenities	25,000/-
5.	Medical bills	27,851/-
6.	Extra nourishment	10,000/-
7.	Attender charges	5,000/-
8.	Transportation charges	5,000/-
9.	Damages to clothes	2,000/-
Total		3,19,851/-

Rs.3,19,851/- Rounded off to Rs.3,19,900/-. Therefore the claimant is entitled for compensation of Rs.3,19,900/- and the said compensation is payable by 3rd and 4th Respondents. Accordingly point No.II is answered.

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8. Point No.III:

The petitioner is entitled to get proportionate interest and costs from the 3rd and 4th respondents at the rate of 7.5% p.a. from the date of filing of the petition till the date of deposit, less the period of default, if any. Point No.III is answered accordingly.

9. In the result, it is ordered

(1) That this petition is allowed in part with proportionate cost.

(2) That the 3rd and 4th respondents shall pay a total compensation of **Rs. 3,19,900/- (Rupees Three Lakhs Nineteen Thousand Nine Hundred only)** along with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit of entire award amount along with proportionate cost, and thereafter **may recover the same from 1st respondent.**

(3) That the 3rd and 4th respondents shall directly deposit the said amount **within one month** into the petitioner's **Savings Bank Account No. 182501000030814 IFSC - IOBA0001825, Indian Overseas Bank, District Court Branch** through RTGS.

(4) That the petitioner's Advocate fee is fixed at Rs.9,398/-, payable simultaneously with the payment to the petitioner by the 3rd and 4th respondents into the petitioner's **Advocate Savings Bank Account No. 182501000026637, IFSC IOBA0001825, Indian Overseas Bank, District Court Branch.**

(5) Court fee for the award amount is Rs.2,572/-. The deficit court fee of **Rs.1,572/-** shall be paid by the petitioner **within 10 days** from the date of order.

(6) The deposit of award amount as above shall be intimated to this Court by the concerned respondent Counsel by filing a **compliance memo into Court within 7 days** of deposit.

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//Dictated to the Steno Typist, typed by her directly in computer, corrected and pronounced by me in the open court this the 03rd day of July 2026//

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MOTOR ACCIDENT CLAIMS TRIBUNAL

CHIEF JUDICIAL MAGISTRATE, ERODE.

<u>Petitioner side witnesses:-</u>

PW1 - Rajkumar

<u>Petitioner side documents:</u>-

Sl.No.	Exhibits	List of documents	
1.	Ex.P1	FIR in Cr.No.282/2023	Online Copy
2.	Ex.P2	Observation Magazar	Online Copy
3.	Ex.P3	Rough Sketch	Online Copy
4.	Ex.P4	MVI Report of TN 34 AZ 5217	Online Copy
5.	Ex.P5	MVI Report of TN 56 Q 0856	Online Copy
6.	Ex.P6	Accident Register	Online Copy
7.	Ex.P7	Wound Certificate	Online Copy
8.	Ex.P8	Final Report	Online Copy
9.	Ex.P9	Medical Bills	Original
10.	Ex.P10	Discharge Summary	Original

<u>Respondent side witnesses</u>: Nil

<u>Respondents side exhibits</u>: Nil

<u>Court side document:</u>-

1. Ex.C1 - Disability Certificate of Petitioner

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MOTOR ACCIDENT CLAIMS TRIBUNAL
CHIEF JUDICIAL MAGISTRATE, ERODE.

Indian Overseas Bank
District Court Branch - 1825
ERODE

. Indian Overseas Bank ... Code : 1825 Account No : 182501000

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7. ஏதேனும் சிரமம் அல்லது மதிப்பு கூட்டப்பட்ட சேவைகளுக்கு கிளை மேலாளரை தொடர்பு கொள்ளவும்.
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... बैंकिंग / ...गत जानकारी आदि के विवरण किसी अन्य व्यक्ति से साझा / को प्रकट न करें।
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इण्डियन ओवरसीज़ बैंक
Indian Overseas Bank

Br Phone: 04242269301
Br.Mob. : 8925951825
MICR: 638020026
IFSC: IOBA0001825
E-Mail: iob1825@iob.in
Scheme Code: SBBSB
Cust Id: 524566862
CKYCR ID: Not Available
Opened On: 18-02-2026
100%-SARITHA

SAVINGS BANK ACCOUNT
Branch: [1825] DISTRICT COURT BRANCH, SURAMPA
DISTRICT COURT CAMPUS, ERODE
ERODE ERODE-638011 TAMIL NADU,INDIA
Account No: 182501000030814
MOP: SELF OPERATED
MR.Rajkumar M

S/O MANICKAM 206 MARIMUTHUGOUNDER VEEDU VEPPA
Kadirampatti NANJANAPURAM PIRIVU
ERODE, TAMIL NADU, INDIA, PIN-638107
Cust.E-Mail:
Nomination: Registered ,Nomination Type:

வங்கி மேலாளர்
शाखा प्रबंधक Branch Manager

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त जानकारी आदि के विवरण किसी अन्य व्यक्ति से साझा / को प्रकट न करें।
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-समय पर परिवर्तन के अधीन एक ही अधिकार और सामान क्षमता में धारित हैं।
ver available for each depositor is up to a maximum of Rs. 5,00,000/-
(inclusive of principal and interest) held by the account holder in the same right and same
nge from to time.

Indian Overseas Bank
DISTRICT COURT BRANCH, ERODE

इण्डियन ओवरसीज़ बैंक
Indian Overseas Bank

Br Phone: 04242269301
MICR: 638020026
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SAVINGS BANK ACCOUNT
Branch: [1825] DISTRICT COURT BRANCH, SURAMPA
DISTRICT COURT CAMPUS, ERODE
ERODE ERODE-638011 TAMIL NADU,INDIA
Account No: 182501000026637
MR.ARUNKUMAR RAJENDRAN

91 MINNAKADU
MUGASIPIDARIYUR
CHENNIMALAI ERODE
ERODE, TAMIL NADU, INDIA, PIN-638051
Cust.E-Mail:
Nomination: REGISTERED

Scheme Code: SBPUB
Cust Id: 515601758
Opened On: 02-11-2023
MOP: SELF OPERATED

आई.ओ.बी I.O.B.

शाखा प्रबंधक Branch Manager