

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, ERODE**

**PRESENT:- Tmt. K. KRISHNA PRIYA, M.L,  
Chief Judicial Magistrate,  
Erode.**

Dated this the 01<sup>st</sup> day of April 2026 Wednesday  
(Thiruvalluvar Aandu 2057, Visuvvasu Year, Panguni Month 18<sup>th</sup> day)

**MCOP.No. 213 of 2025**  
(CNR.No.TNED04-007226-2025)

Name and address of the Claimant(s)	:	Krishnaveni, D/o. Angamuthu, aged about 34 years, residing at No. 8/23, Manakattur, Mettunasuvampalayam, Elavamalai, Erode, Tamilnadu – 638 316.
Name and address of respondent(s)	:	1. Pradeep, S/o. Thangavel, residing at No. 25, Kiramadai injampalli, Purappalikattuvalasu, Modakkurichi (via), Injampalli Village, Erode Taluk, Erode – 638 104. 2. National Insurance Company Ltd., Erode Branch, No. 73, Selvanayagi Complex, 1 <sup>st</sup> Floor, Perundururai Road, Erode – 11. (Policy No. 650304312210002260, Period of Policy: 08.09.2022 to 07.09.2023, Vehicle No. TN 99 B 5799)
Date of filing	:	17.11.2023
Amount of Award	:	Rs.25,000/-
Interest payable	:	7.5% per annum from the date of petition till the date of deposit
Cost	:	Total = Rs.1549.00

1. Stamp on petition – (balance to be paid )	500.00 --	(Proportionate cost)
2. Stamp on vakalath -	10.00	
3. Stamp on documents –	30.00	
4. Preparation of batta memo-	09.00	
5. Stamp for Batta Memo -	00.00	
6. Advocate fees-	1000.00	
Court fee paid	:	Rs.500/-
Balance court fee to be paid	:	Excess court fee paid
Court Fee to be paid on or before	:	-
Default period	:	—
Pan Card No	:	Not produced
To be deposited at the petitioner's Savings Bank Account Number vide	:	<b>Savings Bank Account No.</b> <b>7409217794</b> <b>IFSC : IDIB000B078</b> <b>Bank and Branch : Indian Bank,</b> <b>Bhavani Branch.</b>

This petition came up for final hearing before me on 17.03.2026 in the presence of Mr.K.V.Chandrasekaran, Advocate for the petitioner and Mr.R.K.Gopalakrishnan, Advocate for the 2<sup>nd</sup> respondent and 1<sup>st</sup> respondent having remained exparte and on hearing petitioner and 2<sup>nd</sup> Respondent side arguments and upon perusing the documents and having stood over till this day for consideration and this court passed the following :

### **Order**

This petition filed by the petitioners under section 166 of the Motor Vehicles Act against the respondents claiming compensation of Rs.5,00,000/- with interest and costs for the injuries sustained by the petitioner in the Motor Vehicle accident occurred on 04.08.2023.

## **1. The case of petitioner in brief:**

The case of the petitioner is that on 04.08.2023 at about 08.00 a.m., while the petitioner and some others were travelling in TATA 407-Sedan Maxi CAB bearing Reg. No. TN 99 B 5799 from Semmedu to Arappaliswarar Temple, Kollimalai. While proceeding from west to east before Ariyurnadu, Podampilpatti bus stop, the 1<sup>st</sup> respondent drove the vehicle so swiftly in uncontrollable speed rashly and negligently and turned the vehicle towards the southern side of the road and lost control and hit against the tree and thereby caused the accident. Due to which, the petitioner had sustained grievous head injury, Left cheek swelling and injuries all over the body. Soon after the accident, the petitioner was brought to Semmedu Government Hospital, where she was given first aid and was shifted to the Government Medical College Hospital, Namakkal.

At the time of accident, the petitioner was 34 years old, hale and healthy and she was working as a Agricultural labourer and she was earning ₹15,000/- per month. Due to the accident injuries, the petitioner is now unable to do her routine work.

The 1<sup>st</sup> respondent is the driver cum owner of TATA 407-Sedan Maxi CAB bearing Reg. No. TN 99 B 5799 and he is solely responsible for the accident. The 2<sup>nd</sup> respondent is the insurance company of the said vehicle.

Valavandhinadu police have registered a criminal case against the first respondent in FIR No. 82/2023, under section 279, 337 and 338 of IPC.

The petitioner has claimed a compensation of ₹5,00,000/- with subsequent interest from the date of petition till the date of payment with the cost.

2. The 1<sup>st</sup> respondent was set exparte.

### **3. The case of 2<sup>nd</sup> respondent in brief:**

The 2<sup>nd</sup> respondent has contented that, this petition is false, frivolous and vexatious and not maintainable in law and on facts. The 2<sup>nd</sup> respondent has denied the manner of accident stated by the petitioner. It is contended by 2<sup>nd</sup> respondent that the petitioner and others travelled against the seating capacity of the vehicle as per the Registration Certificate and policy and violated the policy and permit conditions. It is further contented that, as per the Registration Certificate the total seating capacity of the vehicle is only 13 in all, but at the time of accident more than 24 persons had travelled in the TATA 407-Sedan Maxi Cab bearing Reg. No. TN 99 B 5799. The 2<sup>nd</sup> respondent has further stated that, in the Kolli hills hairpin bends, only due to over load the driver of the vehicle couldn't control his vehicle in a proper manner and caused the accident. The 2<sup>nd</sup> respondent has contented that the compensation claimed by the petitioner is exorbitant, exaggerated and baseless.

The application u/s.170 of M.V.Act filed by 2<sup>nd</sup> respondent was allowed in I.A.No.1/2026 dated 17.03.2026.

### **4. The points for consideration are:**

- I. Whether the accident was caused by the first respondent by rashly and negligently driven the TATA 407-Sedan Maxi CAB bearing Reg. No. TN 99 B 5799?
- 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.P8 were marked. On behalf of the 2<sup>nd</sup> respondent RW1 was examined. Ex.R1 to R3 were marked.

6. **Point No:I**

In order to substantiate the case of the petitioner, the petitioner who was examined as PW1 had deposed that, on 04.08.2023 at about 08.00 a.m., while the petitioner and some others were travelling in TATA 407-Sedan Maxi CAB bearing Reg. No. TN 99 B 5799 from Semmedu to Arappaliswarar Temple, Kollimalai. While proceeding from west to east before Ariyurnadu, Podampilpatti bus stop, the 1<sup>st</sup> respondent drove the vehicle so swiftly in uncontrollable speed rashly and negligently and turned the vehicle towards the southern side of the road and lost control and hit against the tree and thereby caused the accident.

The petitioner has produced the copy of Ex.P1 First Information Report, Ex.P2 Rough Sketch, Ex.P5 Final report. These documents would reveal that FIR and final report has been filed against the 1<sup>st</sup> respondent / the driver of the offending vehicle.

The 1<sup>st</sup> respondent is the best person to dispute the manner of accident alleged by the petitioner but he remained exparte, and the 2<sup>nd</sup> respondent is not a witness to the accident. Whereas, the evidence of PW1 that the accident happened due to the negligence of 1<sup>st</sup> respondent, is corroborated by Ex.P5 final report and other documents. Hence, the petitioner has established that negligence is on the part of 1<sup>st</sup> respondent.

However, the 2<sup>nd</sup> Respondent has denied his liability by stating that the vehicle owner had violated the policy conditions by driving TATA 407 vehicle with more number of Passengers than the permissible limit of the vehicle at the time of the accident. In order to prove the violation of policy conditions, the Administrative

Officer of the 2<sup>nd</sup> respondent insurance company has deposed as RW1 and produced the documents as Ex.R1 - Copy of policy, Ex.R2 – Copy of Registration Certificate.

From Ex.R2 – Copy of Registration Certificate, it is seen that the seating capacity of the said vehicle is only 13, where as from the Ex.P1 – FIR it is found that 24 persons travelled in the vehicle of 1<sup>st</sup> respondent at the time of accident and from Ex.P5 – Final report it is found that 16 persons got injured in the accident. This establishes that the 1<sup>st</sup> respondent has violated the policy conditions by taking in almost twice the number of passengers than the permitted seating capacity. Admittedly Kolli hills is a route with hairpin bends and by driving on the hills in overloaded vehicle knowingly is a fundamental violation as the petitioner has proved that the accident occurred because the 1<sup>st</sup> respondent lost control of the vehicle. Therefore in view of the land mark Judgment of Hon'ble Supreme Court in Swaran Singh's case this tribunal orders the 2<sup>nd</sup> respondent to pay the compensation to the petitioner and recover it afterwards from 1<sup>st</sup> respondent.

## **7.Point No:II**

### **Quantum of compensation payable to the petitioner:**

In Ex.P6, discharge summary it is stated that PW1 had suffered multiple injuries and swelling over right cheek and she was treated in the Government Hospital there is no medical expenditures. The petitioner was admitted on 04.08.2023 and was discharged on 06.08.2023. And in the Ex.P4 wound certificate, it has been opined that the injuries sustained by the petitioner are simple in nature. Therefore, this Court is of the considered view that instead of granting compensation under different heads, a lumpsum compensation of ₹25,000, would be a just compensation payable to the petitioner in this case on hand.

This point is answered accordingly.

### **8. Point No.III:**

The petitioner is entitled to get proportionate interest and costs from the 2<sup>nd</sup> respondent 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.4 is answered accordingly.

### **9. In the result, it is ordered**

1. That this petition is allowed in part with proportionate cost.
2. That the 2<sup>nd</sup> respondent shall pay a total compensation of **Rs. 25,000/- (Rupees twenty five thousand 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 the 1<sup>st</sup> respondent.**
3. That the 2<sup>nd</sup> respondent shall directly deposit the said amount within one month into the petitioner's **Savings Bank Account No. 7409217794, IFSC : IDIB000B078, Indian Bank, Bhavani Branch** through RTGS.
4. That the petitioner's Advocate fee is fixed at Rs.1,000/-, payable simultaneously with the payment to the petitioner by the 2<sup>nd</sup> respondent into the **petitioner's Advocate Savings Bank Account No. 182501000019941 IFSC:IOBA0001825, Indian Overseas Bank, District Court Branch.**
5. Court fee for the award amount is Rs.47.50/-. Already sufficient court fee paid. The petitioner is entitled for refund of the excess court fee paid.
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.**

//Dictated to the Steno Typist, typed by her directly in computer, corrected and pronounced by me in the open court this the 01<sup>st</sup> day of April 2026//

**MOTOR ACCIDENT CLAIMS TRIBUNAL  
CHIEF JUDICIAL MAGISTRATE, ERODE.**

**Petitioner side witnesses:-**

PW1 - Krishnaveni

**Petitioner side documents:-**

<b>Sl.No.</b>	<b>Exhibits</b>	<b>List of documents</b>	
1.	Ex.P1	FIR in Cr.No. 82/2023	Online Copy
2.	Ex.P2	Rough Sketch	Online Copy
3.	Ex.P3	Accident Register	Copy
4.	Ex.P4	Wound Certificate	Copy
5.	Ex.P5	Final Report	Online Copy
6.	Ex.P6	Discharge Summary	Copy
7.	Ex.P7	Legal Notice	Office copy
8.	Ex.P8	Acknowledgment Card	Original

**Respondent side witnesses:-**

RW1 - Karambir Pandit

**Respondent side documents:-**

<b>Sl.No.</b>	<b>Exhibits</b>	<b>List of documents</b>	
1.	Ex.R1	Policy of the vehicle TN 99 B 5799	True Copy

2.	Ex.R2	Registration Certificate of the vehicle TN 99 B 5799	True Copy
3.	Ex.R3	Order of the Special District Court in MCOP.No. 868, 895/2023 and 385, 389/2024	Online Copy

**Court side document:-** Nil

**MOTOR ACCIDENT CLAIMS TRIBUNAL  
CHIEF JUDICIAL MAGISTRATE, ERODE.**