

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
ERODE AT GOBICHETTIPALAYAM.**

(In the Court of the III Additional District Judge, Erode at Gobichettipalayam)

***PRESENT: Thiru.S.RAMACHANDRAN.,B.L.,
III Additional District Judge, Erode at Gobichettipalayam***

***Wednesday, this the 17th day of June 2026
(2057 Thiruvalluvar Aandu, Parabhava Varudam, 03rd day of Aani Thingal)***

<u>M.C.O.P. No. 324/2024</u> <u>CNR NO.TNED08-000593-2024</u>	
Nirmala, aged about 35 years, W/o.Balasubramanian, 3/275, Pavalamalai Thottram, Pariyur Vellalapalayam, Gobichettipalayam Taluk, Erode District.Petitioner	
/Vs/	
1	Prakash, aged about 34 years, S/o.Ganeshamoorthy, 2/1 Boyer Street, P.Vellalapalayam, Gobichettipalayam Taluk, Erode District.
2	The Branch Manager, National Insurance Company Ltd., Karthikeya Complex, 1 st Floor, 403, B-10, Mettur Main Road, Bhavani. ... Respondents.

This petition came for final hearing on 03.06.2026 before me in the presence of Thiru.S.Devaraj, Advocate for the petitioner and of Thiru.V.G.Jeghanathan Advocate for the 2nd respondent and 1st respondent called absent and set exparte and upon hearing both sides, perusing the entire materials on record and having stood over for consideration till this day, this Tribunal passed the following : -

A W A R D

Date of filing	:	14.11.2024
Amount of Award	:	Rs.2,78,000/-
Interest Payable	:	7.5% per annum from the date of petition till the notice of deposit given to the petitioner
Interest Payable From	:	14.11.2024
COST :	:	Rs.140/-
1. Stamp on Vakalath	– ₹.	10/-
2. Stamp for Documents	– ₹.	50/-
3. Stamp for Batta Memo	– ₹.	60/-
4. Preparation of Batta Memo	– ₹.	20/-
Deposit of Compensation	:	Nil
Court Fee paid	:	₹.589/-
Balance Court Fee to be paid	:	₹.1564
Proportionate Cost	:	₹.10853/-
Court Fee to be paid on or before	:	01.07.2026
Default Period	:	Nil
Pan Card No.	:	Not produced.

This petition is filed by the petitioner under Section 166 of the Motor Vehicles Act as against the respondents claiming compensation amount of Rs.5,00,000/- with interest and cost for the injuries sustained by her in the motor vehicle accident occurred on 23.04.2024 .

2. Brief averments of the petition :-

On 23.04.2024 at about 04.30 Hrs., the petitioner was travelling in a Kwid Renault Car bearing Regn.No.TN-36-AD-6989 on the left side of Manalur Pettai to Thiruvannamalai Road, when the petitioner's vehicle was nearing Sellam Agencies Petrol Bunk at Thachampattu Village, at that time, the 1st respondent who drove the said Car in a rash and negligent manner during night hours dashed on the Pillaiyar Koil wall and caused the accident. Due to the accident, the petitioner was sustained multiple injuries on her frontal region. Immediately, she was taken to Government Hospital, Thiruvannamalai for first aid treatment and again she was taken to Ganga Hospital, Coimbatore for further treatment and admitted as an inpatient. She sustained 1) Compound comminuted Midfrontal depressed fracture, 2) Anterior skull base fracture, 3) Left orbital floor fracture. The accident was happened due to the rash and negligent driving of the driver of Kwid Renault Car bearing Regn.No.TN-36-AD-6989. The Thachampet Police have registered a case in Cr.No.3721/2024 U/s. 279 and 337 IPC as against the 1st respondent. At the time of accident, the petitioner was aged about 35 years, she was agriculturist and he earned Rs.50,000/- per month after the accident she was unable to work physically as before the accident.

Therefore, the petitioner is entitled for a compensation Rs.5,00,000/-. The 1st respondent is the driver cum owner and the 2nd respondent is the insurer of the offending vehicle and hence both the respondents are jointly and severally liable to pay the compensation amount to the petitioner. Hence, the petition.

3. The brief avernments of the counter of the 2nd respondent :

The claim petition is not maintainable either in law or on facts. The petition averments are all false. The alleged permanent disability sustained by the petitioner is to be proved by government doctor's certificate. The petitioner being the passenger in Kwid Renault Car bearing Regn.No.TN-36-AD-6989 and the driver of the vehicle without observing the rules of the road, tried to avoid the dog which cross the road suddenly to avoid hitting of the dog, lost his control and hit against the wall. There was no rash and negligent act on the part of the driver of the vehicle. The driver of Kwid Renault Car bearing Regn.No.TN-36-AD-6989 is not having valid driving license at the time of accident. The insurance company is not liable to pay the compensation to this petitioner. Only the owner and driver of the car are liable to pay the compensation. The age, income, occupation, injuries of the petitioner are denied. Hence, the compensation claimed is

excessive. Hence the petition is liable to be dismissed with cost.

4. The points for consideration are :

- 1) Whether the rash and negligent driving of Kwid Renault Car bearing Regn.No.TN-36-AD-6989 caused for the accident?
- 2) Whether the petitioner is entitled for Compensation, if so, from whom?
- 3) What is the quantum of compensation petitioner is entitled to ?
- 4) To what relief?

5. On the side of petitioner, the petitioner Tmt. Nirmala examined as PW1 and Ex.P1 to Ex.P10 and Ex.C1 documents are marked. On the side of the respondents neither oral nor documents are marked.

6. Point No.1

The testimony of PW1 would reveal that, on 23.04.2024 at about 04.30 Hrs., the petitioner was travelling in a Kwid Renault Car bearing Regn.No.TN-36-AD-6989 on the leftern side of Manalur Pettai to Thiruvannamalai Road, when the petitioner's vehicle was nearing Sellam Agencies Petrol Bunk at Thachampattu Village, at that time, the 1st respondent who drove the said Car in a rash and negligent manner during night hours dashed on the Pillaiyar Koil wall and caused the accident. Ex.P1 is the copy of the F.I.R. which manifest the rash and negligent

driving of the 1st respondent caused for the accident. Ex.P6 rough sketch would reveal that the accident occurred north to south on the western corner side of the road. Ex.P7 final report laid under section 173(2) Cr.PC by the investigating officer also manifest that the investigating officer after a full fledged investigation came to a correct conclusion that the rash and negligent driving of the 1st respondent caused for the accident. Under such circumstances accepting the evidence of Pw1 and considering the averments contained in Ex.P1 FIR, Ex.P6 rough sketch, Ex.P7 final report, this Tribunal hold that the rash and negligent driving of the 1st respondent caused for the accident and thus this point is answered accordingly.

7. Point No.2:-

It is an admitted fact that the petitioner sustained injuries in the accident. As per the answer laid down in point No.1 the rash and negligent driving of the 1st respondent was caused for the accident. The 1st respondent is the driver cum owner and the 2nd respondent is the insurer of the offending vehicle. Under such circumstances, it is decided that the petitioner is entitled for the compensation for the injuries sustained by her in the accident caused by the 1st respondent and the respondents are jointly and severally liable to pay the compensation to the petitioner and thus

this point is answered accordingly.

8. Point No.3 :-

The petitioner claimed a total compensation of Rs.5,00,000 under various heads. Ex.P2 copy of accident register and Ex.P3 copy of wound certificate issued by Government Hospital, Thiruvannamalai would reveal that the petitioner sustained 1) Laceration 5x3x1 cm over left side of nose and 2) Laceration 3x1x0.5 cm over left side of face, these injuries are grievous in nature in the accident. In Ex.P8 discharge summary issued by Ganga Hospital, Coimbatore would reveal that, Diagnosis : Compound comminuted midfrontal depressed fracture, Anterior skull base fracture and Left orbital floor fracture, Procedure : Partial excision and partial elevation of midfrontal depressed fracture, bony defect reconstructed with titanium mesh and Conservative Management for orbital floor fracture and she took treatment for the period from 23.04.2024 to 29.04.2024. It goes without saying that the petitioner ought to have experienced much pain and suffering due to the injuries. Hence, considering the nature of injuries, period of treatment, immense pain and suffering experienced by the petitioner and the age of the petitioner into consideration, this Tribunal is inclined to award a compensation of Rs.50,000/- towards pain and suffering

and for the injuries and Rs.5000/- towards the attender charges.

It is pleaded that at the time of accident, the petitioner was aged about 35 years, agriculturist and earning Rs.50,000/- per month. But no proof is produced neither for profession nor for income. Considering the plea, age of the petitioner was being 35years this Tribunal is inclined to fix the monthly income of the petitioner is at Rs.15,000/-. It is seen from Ex.P2 copy of accident register Ex.P3 copy of wound certificate and Ex.P8 discharge summary, would reveal that the petitioner took treatment in the said hospital as an inpatient. Considering Ex.P2 copy of accident register Ex.P3 copy of wound certificate and Ex.P8 discharge summary, taking into consideration this Tribunal hold that the petitioner would have been restrained from his daily avocation at least for a period of one month. Therefore, the petitioner is entitled to a compensation of Rs.15000 X 1 = Rs.15,000/- towards partial loss of earning.

A sum of Rs.1,00,000/- is claimed towards permanent disability. Ex.C1 Disability certificate issued by Medical Board would reveal that the petitioner sustained a partial permanent disability at the rate of 33%. Pw1

would depose that due to the injuries she is not able to do any work as before. Taking into consideration of the age, profession of the petitioner, evidence of PW1, Ex.C1 Medical Report this Tribunal is inclined to fix the disability sustained by the petitioner is at the rate of 33%. A compensation amount of Rs.6000/- is awarded to the claimant for every one percentage of disability. Accordingly, the petitioner is entitled to a sum of Rs. $33 \times 6,000$ = Rs. 1,98,000 towards partial permanent disability.

The petitioner claims Rs.25,000/- towards transport, Rs.25,000/- towards extra nourishment. Ex.P2 copy of accident register Ex.P3 copy of wound certificate and Ex.P8 discharge summary shows that the petitioner took treatment at Thiruvannamalai and Coimbatore. Further this Tribunal is aware of the fact that in an accident like this nature incidental charges under the above heads will always occur. Considering the nature of injuries, period of treatment, the Tribunal is inclined to award a compensation of Rs.5,000 towards transport expenses and Rs.5,000 towards extra nourishment.

9. In fine the petitioner is entitled for compensation as detailed below:-

Sl.No.	Head	Amount	
1.	Pain and Suffering	Rs.	50000
2.	Permanent Disability	Rs.	198000
3.	Attender charges	Rs.	5000
4.	Transport to Hospital	Rs.	5000
5.	Extra Nourishment	Rs.	5000
6.	Loss of Earning	Rs.	15000
TOTAL		Rs.	278000

10. Taking over all view this tribunal feels that ends of justice would be met if as against the claim of Rs.5,00,000/- a sum of Rs.2,78,000/- is awarded to the petitioner and thus this point is answered accordingly.

11. Point No.4

In the result,

1	That this petition is allowed in part with proportionate cost.
2	That the petitioner is entitled to get total compensation of Rs.2,78,000/- (Rupees two lakhs seventy eight thousand only) along with interest at 7.5% per annum from the date of petition ie from 14.11.2024 till the date of deposit of entire award amount (excepting the default period if any) along with proportionate cost.
3	That the petitioner shall be entitled to get her entire share along with proportionate interest and cost immediately after appeal time on filing proper petition.
4	That the petitioner is at liberty to withdraw her compensation amount at once.
5	That the 2nd respondent is directed to deposit a sum of Rs.2,78,000/- towards the share of the petitioner's Saving Bank Account No.1236101047686, IFSC Code : CNRB0001236 Canara Bank, Gobichettipalayam Branch within one month from to-day.

6	That the balance of court fee, if any, has to be paid into this Tribunal within two weeks from today failing which the petitioner is not entitled for interest for the default period.
7	This tribunal directs this office to issue copy of the award within 15 days as contemplated U/s 168(2) of M.V. Act to the petitioner as well as to the respondents, but the petitioner is entitled after payment of necessary court fees, payable if any.
8	Following the judgment of the Hon'ble High Court of Madras in M/s.Cholamandalam MS General Insurance Co. Ltd., /Vs./ Ayyanar & Other reported in 2020(4) CTC 272 , no decree is prepared. All the parties are entitled to free copies of the award as per Section 168(2) of the MV Act and Rules 20(6) of the Rules.
9	That the Advocate fee is fixed at Rs.8560/-.

Dictated by me to the Steno-typist, and typed by her, corrected and pronounced by me in Open Court, on this the 17th day of June 2026.

III Additional District Judge,
Motor Accidents Claims Tribunal,
Gobichettipalayam.

LIST OF WITNESSES

Petitioner's Side Witnesses :

PW1 Tmt.Nirmala (Petitioner)

Respondents side witnesses : NIL

LIST OF EXHIBITS

Petitioners Side Exhibits

Ex.P1	01.05.2024	Copy of the First Information Report
Ex.P2	23.04.2024	Copy of the Accident Register issued by Government Hospital, Thiruvannamalai.

Ex.P3	07.05.2024	Copy of the Wound Certificate issued by Government Hospital, Thiruvannamalai.
Ex.P4	21.05.2024	Copy of the MVI Report (TN-36-AD-6989)
Ex.P5	01.05.2024	Copy of the Observation Mahazar
Ex.P6	01.05.2024	Copy of the Rough Sketch
Ex.P7	15.07.2024	Copy of the Final Report
Ex.P8	29.04.2024	Discharge Summary issued by Ganga Hospital, Coimbatore.
Ex.P9	-	Copy of Bank Pass Book of Petitioner
Ex.P10	-	Copy of Aadhar card of the petitioner
Ex.C1	22.11.2024	Disability Certificate issued by the Government Hospital Gobichettipalayam and Sathyamangalam.

Respondents side Exhibits :- NIL

III Additional District Judge,
Motor Accidents Claims Tribunal,
Gobichettipalayam.

Fair/Draft/Copy of Award
M.C.O.P. No. 324/2024
Dated : 17.06.2026.
III ADJ Court,
Gobichettipalayam.
