

**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***

Friday, this the 03rd day of July 2026
(Thiruvalluvar Aandu 2057, Sri Parabhava Varudam, th day of Aani Thingal)

M.C.O.P. No. 280/2024 CNR NO.TNED08-000754-2024	
A.Prabhavathy, aged about 48 years, W/o.Arul, No.22, Bajanai kovil Street, Puthupalayam, Gobi Taluk, Erode District. Petitioner	
/Vs/	
1	P.Murugan, aged about 60 years, No.7 Shanthi Nagar, Sathy Main Road, Gobichettipalayam, Erode District.
2	M.Bharathvaaj, S/o. P.Murugan, No.7 Shanthi Nagar, Sathy Main Road, Gobichettipalayam, Erode District.
3	The New India Assurance Company Ltd., having Office VRV Complex, Bhavani Main Road, Perundurai, Erode District. ... Respondents

This petition came for final hearing on 17.06.2026 before me in the presence of Thiru.M.P.Keerthana, Advocate for the petitioner and of Thiru.Ma.Kandasamy, Advocate for the Respondents 1 and 2 and of Thiru.R.K.Gopalakrishnann, Advocate for the 3rd respondent 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	:	21.10.2024
Amount of Award	:	Rs.6,51,165/-
Interest Payable	:	15% per annum from the date of petition till the notice of deposit given to the petitioner
Interest Payable From	:	21.10.2024
COST :	:	Rs.190/-
1. Stamp on Vakalath	– ₹.	10/-
2. Stamp for Documents	– ₹.	60/-
3. Stamp for Batta Memo	– ₹.	100/-
4. Preparation of Batta Memo	– ₹.	20/-
Deposit of Compensation	:	Nil
Court Fee paid	:	₹.1054/-
Balance Court Fee to be paid	:	₹.4830/-
Proportionate Cost	:	₹.13511/-
Court Fee to be paid on or before	:	13.07.2026
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.20,00,000/- with 15% interest and cost for the injuries sustained by him in the motor vehicle accident occurred on 05.09.2024.

2. Brief averments of the petition :-

On 05.09.2024 at about 06.15 AM., when the petitioner Prabhavathy
III ADJ COURT, GOBICHETTIPALAYAM MCOP NO.280-2024 DT – 03-07-2026

was riding her Motor Cycle bearing Regn No.TN-36-M-0685 on the leftern side of Gobi to Sathy Main Road towards east to west direction, when the petitioner was nearing center median of Anbu Bhavan Signal, at that time, on the said road the 1st respondent who drove the Motor Cycle bearing Reg.No.TN-36-BB-4387 from west to east direction and suddenly turned right side without indicator in a rash and negligent manner, without horn dashed against the petitioner's vehicle and caused the accident. Due to the sudden hit, the petitioner was thrown away on the road, the petitioner sustained comminuted distal radius fracture right, distal ulna fracture right, comminuted distal radius fracture left, injuries on leg, hand, hip, back and all over her body. Immediately, she was taken Government Hospital, Gobichettipalayam for first aid treatment and then taken to SKS Speciality Hospital, Gobi for further treatment as an inpatient from 05.09.2024 to 09.09.2024. Subsequently, she was affected with acute anterior wall myocardial infarction and was taken to Abhi SK Hospital, Gobi admitted as an inpatient from 12.09.2024 to 15.09.2024 and taken treatment as an outpatient till today for the said injuries. Operations were conducted on both right wrist, left wrist and procedure of ORIF with locking compression plate right distal radius, ORIF with locking compression plate

right ulna, ORIF with locking compression plate left distal radius done and coronary angiogram done. The motor cycle was also damaged. The 1st respondent was sole responsible for causing the accident. The Gobichettipalayam Police have registered a case in Cr.No.494/2024 U/s.281, 125(a) BNS 2023. Owing to the accident, the movement of the hand, neck and arms of the petitioner are restricted. The hand movements are arrested, she is unable to move her hand due to the injuries. There is permanent disability and dis-figuration to the petitioner which cannot be cured in future. At the time of accident, the petitioner was aged about 48 years, she was a Managing Partner in Balaji Tyres, Gobi and 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.20,00,000/-. The 1st respondent is the rider, the 2nd respondent is the owner and the 3rd respondent is the insurer of the offending vehicle and hence all the respondents are jointly and severally liable to pay the compensation amount to the petitioner. Hence, the petition.

3. The brief averments of the counter of the respondents 1 and 2:

The claim petition is not maintainable either in law or on facts. The petition averments are all false. The accident occurred due to the carelessness and negligent act of the petitioner, who rode the vehicle without following the traffic rules in a negligent manner and suddenly crossed the road from south to north without showing any signal and invited the accident. At the time of accident, the 1st respondent who drove the motor cycle belonging to the 2nd respondent was stopped at the Gobi Anbu Bhavan signal on the road leading to Gobi and after the signal ended, he put on the indicator, that is, he was turning from the west and was driving at a moderate speed in the middle of the road leading to Kunnathur road in the south. The petitioner, not noticing that the signal light was red on the Gobi to Sathy road, drove his vehicle at high speed and recklessly and hit the vehicle of the 1st respondent, causing an accident. Therefore, the accident occurred only due to the petitioner. Hence, these respondents are not liable to pay any compensation to the petitioner. The petitioner is not entitled to claim any compensation as claimed in the petition. 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 brief averments of the counter of the 3rd respondent:

The claim petition is not maintainable either in law or on facts. The petition averments are all false. The accident occurred due to the carelessness and negligent act of the petitioner, who rode the vehicle without following the traffic rules in a negligent manner and suddenly crossed the road from south to north without showing any signal and invited the accident. At the time of accident the rider of the motor cycle bearing Reg.No.TN-36-BB-4387 was very carefully observing all traffic rules. If the petitioner riding the Scooter was carefully riding, the accident may be avoided. The 2nd respondent/owner of the vehicle failed to inform the accident as per policy conditions and MV Act. At the time of accident, the 1st respondent was not having valid and effective driving license to drive the motor cycle with gear that he was not produced the same at the time of vehicle inspection. The petitioner is not entitled to claim any compensation as claimed in the petition. 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.

5. The points for consideration are :

- 1) Whether the rash and negligent driving of the Motor Cycle bearing Regn No.TN-36-M-0685 or Motor Cycle bearing Reg.No.TN-36-BB-4387 is the cause 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.Prabhavathi was examined as PW1 and Ex.P1 to Ex.P13 documents are marked. Ex.C1 marked. On the side of the respondents, the Junior Assistant of Gobi Regional Transport Office namely Thiru.Karthick and the Assistant Manager of 3rd respondent's company namely Tmt.Sowmiya were examined as RW1, RW2 and Ex.R1 to R3 and Ex.X1 are marked.

6. Point No.1

The testimony of PW1 would reveal that, on 05.09.2024 at about 06.15 AM., when the petitioner Prabhavathy was riding her Motor Cycle bearing Regn No.TN-36-M-0685 on the leftern side of Gobi to Sathy Main Road towards east to west direction, when the petitioner was nearing center median of Anbu Bhavan Signal, at that time, the 1st respondent who rode the Motor Cycle bearing Reg.No.TN-36-BB-4387 who rode the same from west to east direction and he suddenly turned right side without

indicator, in a rash and negligent manner, without horn and suddenly dashed against the petitioner's vehicle and caused the accident. The correct assertion of PW1 is that the rash and negligent riding of the 1st respondent caused for the accident. Ex.P1 is the copy of the F.I.R. which manifest the rash and negligent riding of the 1st respondent caused for the accident. Ex.P3 rough sketch would reveal that the accident occurred east to west on the southern side of the junction of the four roads. Ex.P6 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 riding 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 and Ex.P3 rough sketch, Ex.P6 copy of final report, this Tribunal hold that the rash and negligent riding 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 riding of the 1st respondent caused for the accident. The 1st respondent is

the rider, the 2nd respondent is the owner and the 3rd respondent is the insurer of the offending vehicle. The contention of 3rd respondent is that the rider of the 1st respondent has got no valid driving license at the time of accident. Evidence of RW1, RW2, Ex.P4 and Ex.X1 MVI reports would reveal that the 1st respondent was not issued driving license to ride Motor cycle with gear at the time of accident and hence C/R issued by the M.V.I. Further, evidence of RW1, RW2 and Ex.R2 notice would reveal that the counsel for the 3rd respondent issued notice to the 2nd respondent calling upon him to produce the driving license of the 1st respondent. Ex.R3 would reveal that 2nd respondent received the notice but did not produce license before the 3rd respondent or before the court. It shows that 1st respondent is not having driving license to drive any vehicle at the time of accident. Under such circumstances, it is decided that the doctrine of pay and recovery can be applied in this case, accordingly the 3rd respondent is directed to pay the compensation to the petitioner to that extent of negligence caused by the 2nd respondent's vehicle and get it reimbursed from the 2nd respondent and thus this point is answered accordingly.

8. Point No.3 :-

The petitioner claimed a total compensation of Rs.20,00,000/- under various heads. Ex.P2 copy of wound certificate would reveal that, severe pain in both wrist and both distal radius fracture, the said injury is grievous in nature in the said accident. In Ex.P7 series discharge summary issued by SKS Speciality Hospital, Gobichettipalayam would reveal that, Diagnosis : Comminuted distal radius fracture right, distal ulna fracture right and comminuted distal radius fracture left and Procedure : ORIF with locking compression plate right distal radius, ORIF with locking compression plate right ulna and ORIF with locking compression plate left distal radius and she took treatment for the period from 05.09.2024 to 09.09.2024 and the discharge summary issued by Abhi SK Hospital (P) Ltd., Gobichettipalayam would reveal that Diagnosis : Coronary artery disease, Acute anterior wall Myocardial infarction, Good left ventricular function, Recent bilateral wrist fracture (Operated) and Coronary angiogram done on 12.09.2024 single vessel disease and she took treatment from 12.09.2024 to 15.09.2024. 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.1,00,000/- towards pain and suffering and for the injuries and Rs.10,000/- towards the attender charges.

It is pleaded that at the time of accident, the petitioner was aged about 48 years, working Managing Partner in Balaji Tyres, Gobi and earned 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 48 years 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 wound certificate and Ex.P7 series discharge summary, would reveal that the petitioner took treatment in the said hospitals as an inpatient. Considering It is seen from Ex.P2 copy of wound certificate and Ex.P7 series 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 3 months. Therefore, the petitioner is entitled to a compensation of Rs.15000 X 3 = Rs.45000/- towards partial loss of earning.

A sum of Rs.2,50,000 is claimed towards medical expenses. In Ex.P8 medical bills would reveal that the petitioner spent a sum of Rs.2,46,166/-

towards medical and hospital expenses and the said amount ought to have been paid out of her pocket and hence the petitioner is entitled for reimbursement of the said amount. Hence the petitioner is entitled for a sum of Rs.2,46,166/- (rounded to Rs.2,46,165/-) towards medical bills.

A sum of Rs.3,50,000/- is claimed towards permanent disability. Ex.C1 Disability certificate issued by Government Hospital, Gobichettipalayam reads that the petitioner sustained a partial permanent disability at the rate of 70%. Pw1 would depose that due to the injuries he is not able to do any work as before. On perusing the Ex.C1, the Medical Board has given disability at 70%. But this Court on perusing the discharge summaries Ex.P7 and the Ex.C1, the injured has sustained fracture in forearm of left wrist. Therefore, the disability calculated at 70% is exorbitant. Therefore, this Court reduced the disability at 40%. 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 40%. 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. $40 \times 6,000 =$ Rs. 2,40,000/- towards partial permanent disability.

The petitioner claims Rs.50,000/- towards transport, Rs.10,000/- towards extra nourishment. Ex.P2 copy of wound certificate and Ex.P7 series discharge summaries, shows that the petitioner took treatment at Gobichettipalayam. 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.5000 towards transport expenses and Rs.5000 towards extra nourishment.

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

Sl.No.	Head	Amount	
1.	Pain and Suffering	Rs.	100000
2.	Permanent Disability	Rs.	240000
3.	Loss of earnings	Rs.	45000
4.	Attender charges	Rs.	10000
5.	Transport to Hospital	Rs.	5000
6.	Extra Nourishment	Rs.	5000
7.	Medical Bills	Rs.	246165
TOTAL		Rs.	651165

10. Taking over all view this tribunal feels that ends of justice would be met if as against the claim of Rs.20,00,000/- a sum of Rs.6,51,165/- 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.6,51,165/-(Rupees six lakhs fifty one thousand one hundred and sixty five only) along with interest at 7.5% per annum from the date of petition ie from 21.10.2024 till the date of deposit of entire award amount (excepting the default period if any) along with proportionate cost.
3	That the 3rd respondent is directed to deposit a sum of Rs.6,51,165/- towards the share of the petitioner's Saving Bank Account No.0278360000001659, IFSC Code : DBSS0IN0278 DBS Bank, Gobichettipalayam Branch through RTGS within one month from today and get it reimbursed from the 2 nd respondent.
4	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.
5	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.
6	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.
7	That the Advocate fee is fixed at Rs.13511/-.

Dictated by me to the Steno-typist, and typed by her, corrected and pronounced by me in Open Court, on this the 03rd day of July 2026.

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

LIST OF WITNESSES

Petitioner's Side Witnesses :

PW1 Tmt.Prabhavathi (Petitioner)

Respondents side witnesses :-

RW1 Thiru.Karthick (Junior Assistant of RTO Office,
Gobichettipalayam)

RW2 Tmt. Sowmiya (Assistant Manager of 3rd respondent.s
Company)

LIST OF EXHIBITS

Petitioners Side Exhibits

Ex.P1	05.09.2024	Copy of the First Information Report
Ex.P2	09.09.2024	Copy of Wound Certificate issued by SKS Speciality Hospital, Gobichettipalayam.
Ex.P3	05.09.2024	Copy of the Rough Sketch
Ex.P4	12.09.2024	Copy of the MVI Report (TN-36-BB-4387)
Ex.P5	12.09.2024	Copy of MVI Report (TN-36-M-0685).
Ex.P6	28.09.2024	Copy of Final Report
Ex.P7 Series	-	Discharge Summaries issued by SKS Speciality Hospital, Gobichettipalayam and Abhi SK Hospital, Gobichettipalayam.
Ex.P8	-	Hospital Bills
Ex.P9	-	Copy of Income Tax Returns
Ex.P10	-	Copy of Aadhar Card of Petitioner
Ex.P11	-	Copy of Bank Pass Book of Petitioner
Ex.P12	-	Copy of Driving License of Petitioner
Ex.P13	20.07.2006	Copy of Partnership Deed

Ex.C1 22.08.2025 Disability certificate issued by Government
Hospital, Gobichettipalayam

Respondents side Exhibits :

Ex.R1 - Copy of Insurance Policy
Ex.R2 24.02.2025 Office copy of the legal notice with receipt
Ex.R3 25.02.2025 Acknowledgment card
Ex.X1 - Authorization Letter along with connected
records

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

Fair Award
M.C.O.P. No.280/2024
Dated : 03.07.2026.
III ADJ Court,
Gobichettipalayam.
