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

**Present: Thiru.P.Thirugnana Sambandam, B.A., B.L.,  
Subordinate Judge, Uthangarai.**

**Monday, the 07<sup>th</sup> day of April 2026**

**MCOP. No.11 of 2022 and 12 of 2022**

**CNR.No.TNKI11-000073-2022**

**CNR.No.TNKI11-000075-2022**

1. Geetha, W/o. Tamilselvan, aged about 23 years, residing at No. 2/118,  
Ayalampatti, Parandapali, Pochampalli Taluk, Krishnagiri District.

... Petitioner in MCOP.No. 11 of 2022

2. Tamilselvan, S/o. Govindaraj, aged about 30 years, residing at No. 2/118,  
Ayalampatti, Parandapali, Pochampalli Taluk, Krishnagiri District.

... Petitioner in MCOP.No. 12 of 2022

**//Vs//**

1. Vennila, W/o. Perumal, residing at: No. 171, Athipadi village, Uthangarai Taluk,  
Krishnagiri District.

2. United India Insurance, Co. Ltd., represented by its Branch Manager, No. 14  
CSK Complex, Town Panchayat Office Road, Uthangarai Taluk, Krishnagiri District.

... Respondents in both MCOP

This petitions came before me for final hearing in the presence of M/s. R. Selvakumaran, Advocate for petitioners and presence of A. Gananathan, Advocate for 2<sup>nd</sup> Respondents and presence of P. Rajivgandhi, Advocate for 1<sup>st</sup> respondent and upon hearing the arguments of both and having stood over for consideration till this day, this court delivered the following.



**COMMON ORDER**

**MCOP.No. 11 of 2022**

This petition is filed under Section 166 of M.V. Act of MACT Rules praying for compensation of Rs.10,00,000/- for the injuries sustained by the petitioner in a road traffic accident.

**MCOP.No. 12 of 2022**

This petition is filed under Section 166 of M.V. Act of MACT Rules praying for compensation of Rs.25,00,000/- for the injuries sustained by the petitioner in a road traffic accident.

**2. Brief averments in the petition in MCOP.No. 11 of 2022 are as follows:**

On 08-08-2021 morning the petitioner with helmet was proceeding to Singarapettai as a pillion rider in the motor cycle bearing Regn.No.TN-24-AK-1413 and the same was driven by her husband. The husband of the petitioner was driving the same very slowly and cautiously, and also in the left side of the road, and also followed the traffic rules of the road. At about 09-30 Hours the husband of the petitioner was driving the motor cycle near Theerthagiri Valasai Anganvadi School in Singarapettai to Athipadi road, very slowly and cautiously in the left side of the road. At that time a Mini Bus bearing Regn No: TN-59-BJ-6535, belonging to the 1st respondent and insured with the 2nd respondent, was coming in the opposite direction of the petitioner. The driver of the mini bus was driving the same in a rash, careless and negligent manner, and also without sounding the horn, and also without following the traffic rules of the road. Due to the rash, careless and negligent driving, the driver of the mini bus had lost his



control, and dashed against the motor cycle of the petitioner. Due to the sudden impact, the petitioner and her husband were fallen down from the motor cycle and have sustained grievous injuries. Immediately after the accident the petitioner was taken to the Govt. Hospital, Uthangarai, where she was given treatment for the injuries. After treatment she was taken to Ganga Hospital, Coimbatore, and admitted there as inpatient on 11-08-2021. After treatment she was discharged from the hospital on 13-08-2021. After that still now she continuing her further treatment in the private hospital at Uthangarai. The accident occurred only due to the rash and negligent driving of the mini bus driver. Singarapettai Police registered a case against the mini bus driver in Cr.No:257/21 u/s 279, 337 of IPC. On account of the injuries the petitioner underwent pain, sufferings, mental agony and loss of earnings during the period of treatment and afterward also. Further the petitioner had incurred heavy expenditure for her treatment. Infact she is even now incurring expenditure for her treatment. Now the petitioner is not able to sit, stand, squat and walk freely. Due to the fracture of the ribs, the petitioner is having much pain in the ribs. Due to the fracture, the petitioner is not able to breath easily as before. Further the petitioner is not able to bend her body freely as before, and also not able to walk freely as before. Due to the injury in the right hand, the petitioner is having much pain in the right hand. Further she is not able to lift any weight freely as before. Due to the fracture, she is not able to attend the cooking work. Further she is also not able to attend the washing of cloths and cleaning of the house. After the accident, she is having much pain in the neck, hip and back. Further she is feeling much pain while moving the head on either side. Due to the injuries, she is not able to attend



the work, and so she had no income worth the name. Thus she had sustained permanent disability and loss of earning capacity. She cannot earn as much she was earning before the accident. The petitioner is depending upon her physical strength and that was impaired by the accident. The entire future of the petitioner is shattered into pieces. The actual damages sustained by the petitioner cannot be valued in money value. The petitioner is entitled to claim more, but restricts the claim at Rs.10,00,000/- only as compensation at present. The 1st respondent as owner of the vehicle and the 2nd respondent as the insurer of the vehicle, both are jointly and severally liable to pay the compensation as claimed by the petitioner. Hence, this petition filed.

**3. Brief averments in the petition in MCOP.No. 12 of 2022 are as follows:**

On 08-08-2021 morning the petitioner with helmet was proceeding to Singarapettai as a pillion rider in the motor cycle bearing Regn.No.TN-24-AK-1413 with his wife as a pillion rider in the said motor cycle. The petitioner was driving the same very slowly and cautiously, and also in the left side of the road, and also followed the traffic rules of the road. At about 09-30 Hours the petitioner was driving the motor cycle near Theerthagiri Valasai Anganvadi School in Singarapettai to Athipadi road, very slowly and cautiously in the left side of the road. At that time a Mini Bus bearing Regn No: TN-59-BJ-6535, belonging to the 1st respondent and insured with the 2nd respondent, was coming in the opposite direction of the petitioner. The driver of the mini bus was driving the same in a rash, careless and negligent manner, and also without sounding the horn, and also without following the traffic rules of the road. Due to the rash, careless and negligent driving, the driver of the mini bus had lost his control, and



dashed against the motor cycle of the petitioner. Due to the sudden impact, the petitioner and his wife were fallen down from the motor cycle and have sustained grievous injuries. Immediately after the accident the petitioner was taken to the Govt. Hospital, Uthangarai, where he was given treatment for the injuries. After treatment he was taken to Ganga Hospital, Coimbatore, and admitted there as inpatient on 08-08-2021. After treatment he was discharged from the hospital on 18-08-2021. After that still now he continuing her further treatment in the private hospital at Uthangarai. The accident occurred only due to the rash and negligent driving of the mini bus driver. Singarapettai Police registered a case against the mini bus driver in Cr.No:257/21 u/s 279, 337 of IPC. On account of the injuries the petitioner underwent pain, sufferings, mental agony and loss of earnings during the period of treatment and afterward also. Further the petitioner had incurred heavy expenditure for his treatment. Infact he is even now incurring expenditure for his treatment. Now the petitioner is not able to sit, stand, squat and walk freely. Due to the head injury, the petitioner is suffering from chronic head ache. Due to the injuries and fracture in the right leg, the petitioner is having much pain in the right leg. Due to the injuries and fracture the petitioner is not able to walk and stand continuously as before. Further the petitioner is also not able to walk and stand continuously as before. The free movement of the right leg is restricted to some extent. Totally he had lost its original strength. After the accident, he is suffering from hip pain, back pain and neck pain. Further he is feeling much pain while moving the head on either side. Due to the injuries, he is not able to attend the work, and so he had no income worth the name. Thus he had sustained permanent disability



and loss of earning capacity. He cannot earn as much he was earning before the accident. The petitioner is depending upon his physical strength and that was impaired by the accident. The entire future of the petitioner is shattered into pieces. The actual damages sustained by the petitioner cannot be valued in money value. The petitioner is entitled to claim more, but restricts the claim at Rs.25,00,000/- only as compensation at present. The 1st respondent as owner of the vehicle and the 2nd respondent as the insurer of the vehicle, both are jointly and severally liable to pay the compensation as claimed by the petitioner. Hence, this petition filed.

**4. Brief averments in the counter of R2 are as follows in MCOP.No. 11 of 2022:**

This Petition is False, Frivolous, Vexatious and not sustainable either in Law or on the Facts of the case. This respondent does not admits any of the allegations made in the petition. Except those that are specifically admitted herein and puts the petitioner to strict proof of the allegations that are not admitted herein. No such an accident ever took place and the petitioner is put to strict proof of the same. At that time of the accident the Mini Bus bearing Regn. No. TN-59-BJ-6535 was driven by its driver safely, observing all the traffic rules and that there was no rashness or negligence committed by the driver of the mini Bus. The Motor Cycle wheeler bearing Regn. No. TN-24-AK-1413 was driven by the petitioner husband, along with the petitioner as pillion rider, the petitioner's husband alone drove it rashly and negligently and without giving signal suddenly attempted to cross the road, without observing/noticing the on coming vehicle in the road and dashed against Mini Bus caused the accident, due to which the petitioner and her husband sustained simple injuries. Hence this respondent is



not liable to pay compensation to the petitioner and the claim petition against this respondent is to be dismissed. The above said Motor cycle bearing Regn.No. TN-24-AK-1413 had no insurance on the date of the accident and it had no right to ply on the public road. The petitioner's husband very well that the above two wheeler was not insured with any insurance company and which should not ply on the road. The petitioner's husband ride the two wheeler at that time of the accident without insurance cover is violation of the M.V. Act. And The petitioner's husband had no valid driving license to drive the two wheeler and he himself dashed against the above said Bus and thus the petitioner and her husband sustaining injuries. The above said Bus bearing Regn. No. TN-59-BJ-6535, is no permit to ply at the time of accident. The Owner of the bus not produced the Permit and Fitness Certificate. The Fitness certificate expired on 16.03.2021 it is violation of Insurance Policy and MVI Act. Hence the 1<sup>st</sup> Respondent alone liable to pay compensation to the petitioner and this 2nd Respondent is not liable to pay compensation to the petitioner and the claim petition as against this 2nd respondent is to be dismissed.

**5. Brief averments in the counter of R1 are as follows in MCOP.No. 12 of 2022:**

This Petition is False, Frivolous, Vexatious and not sustainable either in Law or on the Facts of the case. This respondent does not admits any of the allegations made in the petition. Except those that are specifically admitted herein and puts the petitioner to strict proof of the allegations that are not admitted herein. The 1<sup>st</sup> respondent's driver drove the Mini bus bearing Reg.No. TN-29-BJ-6535 with followed the traffic rules and cautiously. The petitioner driven the two wheeler bearing Reg.No.



TN-24-AK-1413 in a rash careless and negligence manner and also without following the traffic rules and dashed against bus. The 1<sup>st</sup> respondent had not connected in the accident. The petitioner sustained the injuries as simple in nature. But the petitioner has exaggerated the injuries for seeking more compensation. The petitioner has driving the vehicle without valid driving license. This petitioner is dismissed for non jointer of necessary parties of the insurance company of the two wheeler. At the time of accident the 1<sup>st</sup> respondent vehicle insured from the 2<sup>nd</sup> respondent and also the 1<sup>st</sup> respondent driver having valid driving license. Hence, if the petitioner having any claim against the 1<sup>st</sup> respondent, the 2<sup>nd</sup> respondent is liability of pay compensation to the petitioner. Hence, this petition may be dismissed.

**6. Brief averments in the counter of R2 are as follows in MCOP.No. 12 of 2022:**

This Petition is False, Frivolous, Vexatious and not sustainable either in Law or on the Facts of the case. This respondent does not admits any of the allegations made in the petition. Except those that are specifically admitted herein and puts the petitioner to strict proof of the allegations that are not admitted herein. No such an accident ever took place and the petitioner is put to strict proof of the same. At that time of the accident the Mini Bus bearing Regn. No. TN-59-BJ-6535 was driven by its driver safely, observing all the traffic rules and that there was no rashness or negligence committed by the driver of the mini Bus. The Motor Cycle wheeler bearing Regn. No. TN-24-AK-1413 was driven by the petitioner, along with the his wife as pillion rider, the petitioner alone drove it rashly and negligently and without giving signal suddenly attempted to cross the road, without observing/noticing the on coming vehicle in the



road and dashed against Mini Bus caused the accident, due to which the petitioner and her husband sustained simple injuries. This Respondent further submits that the above said Motor cycle bearing Regn.No. TN-24-AK-1413 had no insurance on the date of the accident and it had no right to ply on the public road. The petitioner very well that the above two wheeler was not insured with any insurance company and which should not ply on the road. The petitioner ride the two wheeler at that time of the accident without insurance cover is violation of the M.V. Act. And The petitioner had no valid driving license to drive the two wheeler and he himself dashed against the above said Bus and thus the petitioner and her husband sustaining injuries. Hence this respondent is not liable to pay compensation to the petitioner and the claim petition as against this respondent is to be dismissed. This Respondent further submits that the above said Bus bearing Regn. No. TN-59-BJ-6535, is no permit to ply at the time of accident. The Owner of the bus not produced the Permit and Fitness Certificate. The Fitness certificate expired on 16.03.2021 it is violation of Insurance Policy and MVI Act. Hence the 1<sup>st</sup> Respondent alone liable to pay compensation to the petitioner and this 2nd Respondent is not liable to pay compensation to the petitioner and the claim petition as against this 2nd respondent is to be dismissed.

**7. The point for consideration is:-**

1. Whether the accident took place due to rash and negligent driving of the 1<sup>st</sup> respondent Vehicle Mini Bus bearing Reg. No. TN-59-BJ-6535?
2. Who is liable to pay the compensation?
3. What is the compensation amount payable to the petitioner?



8. On the side of the petitioner Tamilselvan victim in MCOP No.12/2022 examined as P.W.1 and Ex.P.1 to Ex.P20 and Ex.C1 were marked and Geetha victim in MCOP No.11/2022 examined as P.W.2 and Ex.P.21 to Ex.P27 were marked. On the side of the respondent, no document marked.

**9. Point No.1 (MCOP.No.11/2022 and MCOP.No.12/2022)**

The learned Petitioner's Counsel argued that On 08-08-2021 morning the petitioner with helmet was proceeding to Singarapettai as a pillion rider in the motor cycle bearing Regn.No.TN-24-AK-1413 and the same was driven by her husband. The husband of the petitioner was driving the same very slowly and cautiously, and also in the left side of the road, and also followed the traffic rules of the road. At about 09-30 Hours the husband of the petitioner was driving the motor cycle near Theerthagiri Valasai Anganvadi School in Singarapettai to Athipadi road, very slowly and cautiously in the left side of the road. At that time a Mini Bus bearing Regn No: TN-59-BJ-6535, belonging to the 1st respondent and insured with the 2nd respondent, was coming in the opposite direction of the petitioner. The driver of the mini bus was driving the same in a rash, careless and negligent manner, and also without sounding the horn, and also without following the traffic rules of the road. Due to the rash, careless and negligent driving, the driver of the mini bus had lost his control, and dashed against the motor cycle of the petitioner. Due to the sudden impact, the petitioner and her husband were fallen down from the motor cycle and have sustained grievous injuries. Immediately after the accident the petitioner was taken to the Govt. Hospital, Uthangarai, where she was given treatment for the injuries. After treatment



she was taken to Ganga Hospital, Coimbatore, and admitted there as impatient on 11-08-2021. After treatment she was discharged from the hospital on 13-08-2021. After that still now she continuing her further treatment in the private hospital at Uthangarai. The accident occurred only due to the rash and negligent driving of the mini bus driver. But for it, the petitioner would not sustained the injuries and permanent disability. Singarapettai Police registered a case against the mini bus driver in Cr.No:257/21 u/s 279, 337 of IPC. But respondent counsel argued that actually the rider of the mini bus drove the same, cautiously by blowing the horn and also by following the traffic rules. Since the petitioner suddenly turned the bike and the driver of the vehicle bearing Reg. No. TN-24-AK-1413 suddenly applied the break and lost his control and dashed the vehicle. Hence the rider of the two wheeler could not anticipate the sudden cross of the petitioner and suddenly applied the brake and dashed against the petitioner. So the petitioner was responsible for the accident.

10. Considering the above said arguments and perusal of documents it seen that the Ex.P.1 Copy of FIR relating to the above accident Singarapettai police in Crime No.257/2021, a Criminal case u/s 279, 337 IPC, was registered on 09.08.2022, against the driver of the vehicle Reg.No. TN-59-BJ-6535, based on the complaint given by Geetha on the same day. Ex.P.1 FIR confirms the nature of the accident. Hence, it clearly found that the respondent vehicle involved in the above said accident. But the respondent side has not produced any oral or documentary evidence for allegation against Petitioner that the petitioner committed own negligence for causing the alleged accident. Hence There is no contra evidence on the side of respondent to disprove the



factum of negligence on part of the respondent vehicle. Therefore, based on the oral and documentary evidences, as mentioned supra, this court comes to the conclusion that the accident occurred only due to the rash and negligent driving of the driver of the respondent's vehicle and he is responsible for the same.

**11. Point No.2 (MCOP.No.11/2022 and MCOP.No.12/2022)**

The learned 2<sup>nd</sup> Respondent counsel argued that the respondent does not admit that there was a valid the driver of the vehicle had a effective license and endorsement in the license to drive the vehicle in question on the date of accident. But on the petitioner side produced the copy of Driving license of the 1<sup>st</sup> respondent vehicle and marked as Ex.P.10. Further petitioner in MCOP.No. 12/2022 also having driving license which was marked as Ex.P12. Hence, the petitioner and 1<sup>st</sup> respondent vehicle driver having valid license. Further in Point No.1, this tribunal has come to the conclusion that this accident has occurred due to the rash and negligent driving of the driver of the 1<sup>st</sup> respondent vehicle bearing Reg. No. TN-59-BJ-6535. Hence, the 1<sup>st</sup> respondent being the owner and the 2<sup>nd</sup> respondent is the insurer of the vehicle. Hence the 2<sup>nd</sup> Respondent is liable to pay compensation to the petitioner.

**11 (1). Point No.3 (MCOP.No.11/2022 and MCOP.No.12/2022)**

Regarding what could be the reasonable compensation payable, the same has to be assessed in the facts and circumstances of each case. In this regard, we may well be get guided by the decision of the Hon'ble Supreme Court of India in Rajkumar Vs. Ajay kumar reported in 2011 (1) SCC 343 With the above guidelines in mind, this court examines the case in hand to fix reasonable compensation as follows:



**11 (2). MEDICAL EXPENSES: (MCOP.No.11/2022)**

The petitioner took treatment at Ganga Medical Center and Hospital, Coimbatore, and also produced to medical bills marked has Ex.P27. As per the above said Ex.P27 the petitioner side incurred a sum of Rs.8,270/- for his treatment. Hence, the said amount of Rs.8,270/- has been awarded under this head.

**11 (3). MEDICAL EXPENSES: (MCOP.No.12/2022)**

The petitioner took treatment at Ganga Medical Center and Hospital, Coimbatore, and also produced to medical bills marked has Ex.P18. As per the above said Ex.P18 the petitioner side incurred a sum of Rs.5,48,272/- for his treatment. Hence, the said amount of Rs.5,48,272/- has been awarded under this head.

**11 (4) ATTENDAR CHARGES: (MCOP.No.11/2022)**

As per the perusal of Ex.P.23 is Discharge summary, Ex.P23 is observed that the petitioner was admitted in the at Ganga Medical Center and Hospital, Coimbatore, for a period from 11.08.2021 to 13.08.2021 for about 03 days. On considering the nature of injury sustained by the petitioner and period of admission in the hospital, this court awards a sum of Rs.500/- per day for a period of 03 days ie. a sum of Rs.  $03 \times 500 = \text{Rs.}1,500/-$

**11 (5) ATTENDAR CHARGES: (MCOP.No.12/2022)**

As per the perusal of Ex.P.5 is Discharge summary, Ex.P5 is observed that the petitioner was admitted in the at Ganga Medical Center and Hospital, Coimbatore,



for a period from 08.08.2021 to 18.08.2021 for about 11 days, and 2<sup>nd</sup> Discharge summary, Ex.P6 is observed that the petitioner was admitted in the at Ganga Medical Center and Hospital, Coimbatore, for a period from 27.12.2021 to 02.01.2022 for about 07 days, 3<sup>rd</sup> Discharge summary, Ex.P17 is observed that the petitioner was admitted in the at Ganga Medical Center and Hospital, Coimbatore, for a period from 17.01.2022 to 01.02.2022 for about 16 days, On considering the nature of injury sustained by the petitioner and period of admission in the hospital, this court awards a sum of Rs.500/- per day for a period of 34 days ie. a sum of Rs. 34 x 500 = Rs.17,000/-

**11 (6) DISABILITY:(MCOP.No.11/2022)**

The petitioner in order to prove his disability has filed Ex.C1 the disability certificate issued by Regional Medical Board, Krishnagiri. As per Ex.C.1, the disability of the petitioner was assessed as 25%. to claim medical insurance. As per the judgment of the Hon'ble High Court of Madras in CMA.No.4870 of 2019 and CMP.No.28036 of 2019 dated 09.01.2020 in the case of The Manager – Claims, M/s. IFFCO TOKIO General Insurance Compay Limited, IFFCO Sadan, C.1, District centre, Saket, NewDelhi and another Vs. Venkatesh and another, this Tribunal have to fix the functional disability of the petitioner. Accordingly, this Tribunal assessed the case of the petitioner and observed that the petitioner was an Tailoring work at time of accident, further considering the age of the petitioner ie. 23 years and the disability that the petitioner sustained Injury. 1. Tenderness present over chest, and the medical board Krishnagiri certified that the petitioner has 25% functional disability. Hence, this court takes the percentage of functional disability of the petitioner as 25%. Hence, as per the



decision of the Hon'ble Supreme Court in 2017 (1) TNMAC Page 195 this Court considering the percentage of functional disability at 25% and considering the fact that the petitioner is of age and future of the petitioner this court fixed notional value fixed as Rs.8000/- and this Court inclined to award a sum of  $25 \times 8000 = \text{Rs.}2,00,000/-$  as compensation towards permanent disablement.

**11 (7) DISABILITY:(MCOP.No.12/2022)**

The petitioner in order to prove his disability has filed Ex.C1 the disability certificate issued by Regional Medical Board, Krishnagiri. As per Ex.C.1, the disability of the petitioner was assessed as 45%. to claim medical insurance. As per the judgment of the Hon'ble High Court of Madras in CMA.No.4870 of 2019 and CMP.No.28036 of 2019 dated 09.01.2020 in the case of The Manager – Claims, M/s. IFFCO TOKIO General Insurance Compay Limited, IFFCO Sadan, C.1, District centre, Saket, NewDelhi and another Vs. Venkatesh and another, this Tribunal have to fix the functional disability of the petitioner. Accordingly, this Tribunal assessed the case of the petitioner and observed that the petitioner was an Running water service station work at time of accident, further considering the age of the petitioner ie. 30 years and the disability that the petitioner sustained Injury. 1. Tenderness, crepitus, abnormal mobility present in the middle third of right thigh, and the medical board Krishnagiri certified that the petitioner has 45% functional disability. Hence, this court takes the percentage of functional disability of the petitioner as 45%. Hence, as per the decision of the Hon'ble Supreme Court in 2017 (1) TNMAC Page 195 this Court considering the percentage of functional disability at 45% and considering the fact that the petitioner is



of age and future of the petitioner this court fixed notional value fixed as Rs.8000/- and this Court inclined to award a sum of  $45 \times 8000 = \text{Rs.}3,60,000/-$ . as compensation towards permanent disablement.

**11 (8) LOSS OF INCOME DURING THE TIME OF TREATMENT**

**(MCOP.No.11/2022):**

The petitioners claims in his petition that they were work at Tailoring time of accident, work and earning a sum of Rs.25,000/- per month. In order to prove his claim, the petitioner did not file any supporting documents. Hence, this tribunal has considering the age of the petitioner and inclined to fix the notional income of Rs.10,000/- per month to the petitioner. The petitioner has to be compensated for the loss of income during the period of treatment. Accordingly, a sum of Rs.10,000/- is awarded under this head.

**11 (9) LOSS OF INCOME DURING THE TIME OF TREATMENT**

**(MCOP.No.12/2022):**

The petitioners claims in his petition that they were work at Running water service station time of accident, work and earning a sum of Rs.50,000/- per month. In order to prove his claim, the petitioner did not file any supporting documents. Hence, this tribunal has considering the age of the petitioner and inclined to fix the notional income of Rs.10,000/- per month to the petitioner. The petitioner has to be compensated for the loss of income during the period of treatment. Accordingly, a sum of Rs.10,000/- is awarded under this head.



**11 (10) PAIN AND SUFFERINGS: (MCOP.No. 11 of 2022)**

On perusal of Ex.P22 Wound Certificate. It is observed that the petitioner sustained 1. Tenderness present over chest, which are grievous injuries. Considering the nature of injury and considering the future of the petitioner and petitioner's difficulty in managing his day to day activities and hard struggle with his pain and sufferings, this tribunal has inclined to award a sum of Rs.30,000 /- towards pain and sufferings.

**11 (11) PAIN AND SUFFERINGS: (MCOP.No. 12 of 2022)**

On perusal of Ex.P3 wound certificate. It is observed that the petitioner sustained 1. Tenderness, crepitus, abnormal mobility present in the middle third of right thigh, which are grievous injuries. Considering the nature of injury and considering the future of the petitioner and petitioner's difficulty in managing his day to day activities and hard struggle with his pain and sufferings, this tribunal has inclined to award a sum of Rs.60,000 /- towards pain and sufferings.

**11 (12) TRANSPORTATION: (MCOP.No.11/2022)**

In order to prove the transportation expenses, the petitioner did not file any document. But, on considering the place of accident and the place of hospital, the period of treatment and nature of injuries, this tribunal is inclined to allow a sum of Rs.5,000/- towards transportation to hospital.

**11 (13) TRANSPORTATION: (MCOP.No.12/2022)**

In order to prove the transportation expenses, the petitioner side produced the transportation bill as Ex.P14, and Ex.P.19. But, on considering the place of accident



and the place of hospital, the period of treatment and nature of injuries, this tribunal is inclined to allow a sum of Rs.41,200/- towards transportation to hospital.

**11 (14) EXTRA NOURISHMENT: (MCOP.No.11/2022)**

Considering the place of accident, place of hospital, the period of treatment, extra nourishment expenses incurred due to the accident, a sum of Rs.3,000/- is allowed under this head.

**11 (15) EXTRA NOURISHMENT: (MCOP.No.29/2022)**

Considering the place of accident, place of hospital, the period of treatment, extra nourishment expenses incurred due to the accident, a sum of Rs.3,000/- is allowed under this head.

**11 (16) LOSS OF AMENITIES:(MCOP.No.11/2022)**

Due to the accident the petitioners could not have a normal way of life that that of his age group persons. Hence, this Tribunal considering the age of petitioner a sum of Rs.10,000/- is allowed under this head.

**11 (17) LOSS OF AMENITIES:(MCOP.No.12/2022)**

Due to the accident the petitioners could not have a normal way of life that that of his age group persons. Hence, this Tribunal considering the age of petitioner a sum of Rs.10,000/- is allowed under this head.

**11 (18) DAMAGE TO CLOTHES AND ARTICLES: (MCOP.No.11/2022)**

Due to the above said accident the petitioner's clothes and articles were damaged. Hence, this Tribunal allowed Rs.2,000/- to the petitioner under this head.



**11 (19) DAMAGE TO CLOTHES AND ARTICLES: (MCOP.No.12/2022)**

Due to the above said accident the petitioner's clothes and articles were damaged. Hence, this Tribunal allowed Rs.2,000/- to the petitioner under this head.

**11.20. CALCULATION: (MCOP.No.11/2022):**

For the above reasons, just compensation payable is tabulated as follows:

| Sl.No. | HEADS                          | Total Rs.  |
|--------|--------------------------------|------------|
| 1      | Medical Expenses               | 8,270/-    |
| 2      | Attender Charge                | 1,500/-    |
| 3      | Disability                     | 2,00,000/- |
| 4      | Loss of income                 | 10,000/-   |
| 5      | Pain & sufferings              | 30,000/-   |
| 6      | Transportation                 | 5,000/-    |
| 7      | Extra nourishment              | 3,000/-    |
| 8      | Loss of amenities              | 10,000/-   |
| 9      | Damage To Clothes And Articles | 2,000/-    |
|        | Total                          | 2,69,770/- |

The same is rounded off to Rs.2,70,000/-.

**11.21. CALCULATION: (MCOP.No.12/2022):**

For the above reasons, just compensation payable is tabulated as follows:

| Sl.No. | HEADS             | Total Rs.  |
|--------|-------------------|------------|
| 1      | Medical Expenses  | 5,48,272/- |
| 2      | Attender Charge   | 17,000/-   |
| 3      | Disability        | 3,60,000/- |
| 4      | Loss of income    | 10,000/-   |
| 5      | Pain & sufferings | 60,000/-   |
| 6      | Transportation    | 41,200/-   |



|   |                                |             |
|---|--------------------------------|-------------|
| 7 | Extra nourishment              | 5,000/-     |
| 8 | Loss of amenities              | 10,000/-    |
| 9 | Damage To Clothes And Articles | 2,000/-     |
|   | Total                          | 10,53,472/- |

The same is rounded off to Rs.10,53,500/-.

12 (a) (1) In the result, MCOP.No.11 of 2022 petition is allowed with proportionate costs against the 2<sup>nd</sup> respondent for the compensation of Rs.2,70,000/- (Rupees Two Lakhs Seventy Thousand only) payable with interest at 7.5% p.a. from the date of numbering of petition ie. 01.02.2022 till the date of realization with costs.

12 (a) (2) In the result, MCOP.No.12 of 2022 petition is allowed with proportionate costs against the 2<sup>nd</sup> respondent for the compensation of Rs.10,53,500/- (Rupees Ten Lakhs Fifty Three Thousand and Five Hundred Only) payable with interest at 7.5% p.a. from the date of numbering of petition ie. 01.02.2022 till the date of realization with costs.

12 (b). The 2<sup>nd</sup> respondent is directed to deposit the said compensation amount to the credit of the bank account of this Tribunal, i.e. Sub Court, Uthangarai MACT 'V' collect Account No. 36955421971, State Bank of India, Uthangarai IFSC Code SBIN0007495 directly by NEFT or RTGS mode, within a period of two months from the date of this order and intimate the said deposit details to this Tribunal with a copy of the bank advice. On deposit the petitioners permit to withdraw they are compensation amount.

12 (c). The 2<sup>nd</sup> Respondent shall provide details of the award amount, interest accrued, TDS payable separately, at the time of deposit, to this Tribunal as per



the direction of Hon'ble High Court in C.M.A.(MD)No.645 of 2019 and C.M.P. (MD)No.7926 of 2019, dated 21.12.2023.

12 (d). No interest is awarded for the period, when the petitioner defaulted, as per orders, if any.

12 (e) (1). The court fee paid along with the MCOP.No. 11 of 2022 petition is Rs. 375/-. The court fee for the award amount is Rs.2,075/-. The Advocate fee is fixed at Rs.8,400/-. The petitioner is entitled to get decretal order after payment of necessary court fee of Rs.1,700/-

12 (e) (2). The court fee paid along with the MCOP.No. 12 of 2022 petition is Rs. 375/-. The court fee for the award amount is Rs.9,910/-. The Advocate fee is fixed at Rs.17,535/-. The petitioner is entitled to get decretal order after payment of necessary court fee of Rs.9,535/-

13. Pursuant to the directions in the Judgment of Hon'ble High Court of Madras in CMA No.428/16 dated 11.03.2016 reported in 2016(1) TNMAC 433 (DB), the Petitioner is hereby directed to furnish the attested xerox copy of the bank particulars, Aadhaar card and pan card details before this Tribunal. Within period of one month.

14. The Petitioner's Aadhar card and Bank Pass Book details are furnished below.

| Petitioner name        | Bank Name & Branch | Bank A/c details and IFSC code | Aadhar card No. | Pan Card No |
|------------------------|--------------------|--------------------------------|-----------------|-------------|
| MCOP.No. 11/2022, Tmt. | TNGB, Uthangarai   | A/c.No. 10169221184,           | 621313196376    | BJSPG9666A  |



|                                         |                     |                                        |              |            |
|-----------------------------------------|---------------------|----------------------------------------|--------------|------------|
| Geetha                                  |                     | IDIB0PLB001                            |              |            |
| MCOP.No.<br>12/2022, Tr.<br>Tamilselvan | TNGB,<br>Uthangarai | A/c.No.<br>10169221333,<br>IDIB0PLB001 | 719427737434 | ANMPT5707E |

**15. Other necessary particular in MCOP.No. 11/2022:**

|                                         |   |                |
|-----------------------------------------|---|----------------|
| Date of Presentation of petition        | - | 27.01.2022     |
| Date of taken up on file                | - | 01.02.2022     |
| Compensation claimed in the M.C.O.P -   |   | Rs.10,00,000/- |
| Compensation awarded in this petition - |   | Rs.2,70,000/-  |
| Court Fee along with the petition       | - | Rs. 375/-      |
| Court Fee payable on the award amount - |   | Rs. 2,075/-    |

That the respondent do pay to the petitioner a sum of Rs.10,485/- towards the costs of this petition.

**16.STATEMENT OF COSTS**

| For the petitioner |              | For the Respondent |
|--------------------|--------------|--------------------|
| Stamp on Petition  | Rs.2,075.00  | Not filed          |
| Stamp on Vakalat   | Rs. 10.00    |                    |
| Advocate fees      | Rs.8,400.00  |                    |
| Cost allowed       | Rs.10,485.00 |                    |

**17. Other necessary particular in MCOP.No. 12/2022:**

|                                  |   |            |
|----------------------------------|---|------------|
| Date of Presentation of petition | - | 27.01.2022 |
| Date of taken up on file         | - | 01.02.2022 |



-23-

Compensation claimed in the M.C.O.P - Rs.25,00,000/-

Compensation awarded in this petition - Rs.10,53,500/-

Court Fee along with the petition - Rs. 375/-

Court Fee payable on the award amount - Rs. 9,910/-

That the respondent do pay to the petitioner a sum of Rs.27,455/- towards the costs of this petition.

### **18.STATEMENT OF COSTS**

| <b>For the petitioner</b>     | <b>For the Respondent</b> |
|-------------------------------|---------------------------|
| Stamp on Petition Rs.9,910.00 | Not filed                 |
| Stamp on Vakalat Rs. 10.00    |                           |
| Advocate fees Rs.17,535.00    |                           |
| Cost allowed Rs.27,455.00     |                           |

19. The direction regarding copy of the Judgment and decretal order prepared under Sub rule 6 of Rule 20 of TNMAC Rules, 1989, and Hon'ble Madras High Court's communication in R.O.C.No.390-A/2014F1 dated 13.02.2014 are obediently followed. And further it is informed that, as per the direction of the Hon'ble High Court, as far as this claim petition is concerned, Decree is not drafted separately. And in the award, instead of drafting the decree, necessary details have been incorporated in this claim Petition's order.

Directly dictated to the steno - typist, typed by him, corrected and pronounced by me in open court, this the 07<sup>th</sup> day of April 2026.

**Subordinate Judge,  
Uthangarai.**



**1. Witnesses on Petitioner's side:**

**1. P.W.1 – Thiru. Tamilselvan**

**2. P.W.2 – Tmt. Geetha**

**2. Exhibits on Petitioner's side:**

|        |                                                                              |
|--------|------------------------------------------------------------------------------|
| Ex.P1  | Copy of F.I.R                                                                |
| Ex.P2  | Copy of Accident Register in MCOP.No. 12/2022                                |
| Ex.P3  | Copy of Ganga Hospital Wound Certificate in MCOP.No. 12/2022                 |
| Ex.P4  | Copy of TN-59-BJ-6535 Vehicle Insurance Policy in MCOP.No. 12/2022           |
| Ex.P5  | Copy of Ganga Hospital Discharge Summary in MCOP.No. 12/2022                 |
| Ex.P6  | Copy of Ganga Hospital 2 <sup>nd</sup> Discharge Summary in MCOP.No. 12/2022 |
| Ex.P7  | Copy of TN-24-AK-1413 MVI Report in MCOP.No. 12/2022                         |
| Ex.P8  | Copy of TN-59-BJ-6535 MVI Report in MCOP.No. 12/2022                         |
| Ex.P9  | Copy of TN-59-BJ-6535 Vehicle R.C Book in MCOP.No. 12/2022                   |
| Ex.P10 | Copy of TN-59-BJ-6535 Driver Driving License in MCOP.No. 12/2022             |
| Ex.P11 | Copy of Rough Sketch in MCOP.No. 12/2022                                     |
| Ex.P12 | Copy of Petitioner Driving License in MCOP.No. 12/2022                       |
| Ex.P13 | Copy of TN-24-AK-1413 R.C Book in MCOP.No. 12/2022                           |
| Ex.P14 | Copy of Transport Bill in MCOP.No. 12 of 2022                                |
| Ex.P15 | Copy of Pan Card in MCOP.No. 12 of 2022                                      |
| Ex.P16 | Copy of Petitioner Aadhar Card in MCOP.No. 12 of 2022                        |
| Ex.P17 | Copy of Petitioner Discharge Summary in MCOP.No.12/2022                      |
| Ex.P18 | Copy of Petitioner Medical Bills in MCOP.No.12/2022                          |
| Ex.P19 | Copy of Petitioner Transport Bills in MCOP.No. 12/2022                       |
| Ex.P20 | Copy of Petitioner Bank Pass Book in MCOP.No. 12/2022                        |
| Ex.P21 | Copy of Accident Register in MCOP.No. 11/2022                                |
| Ex.P22 | Copy of Ganga Hospital Wound Certificate in MCOP.No.11/2022                  |
| Ex.P23 | Copy of Ganga Hospital Discharge Summary in MCOP.No.11/2022                  |
| Ex.P24 | Copy of Petitioner Pan Card in MCOP.No.11/2022                               |
| Ex.P25 | Copy of Petitioner Aadhar Card in MCOP.No.11/2022                            |
| Ex.P26 | Copy of Petitioner Bank Pass Book in MCOP.No.11/2022                         |
| Ex.P27 | Copy of Medical Bills in MCOP.No.11/2022                                     |



**3. Exhibit on Court side:**

|       |                                        |
|-------|----------------------------------------|
| Ex.C1 | Handicapped Certificate of Petitioners |
|-------|----------------------------------------|

**4. Witness and Exhibit on Respondent side: Nil**

**Subordinate Judge,  
Uthangarai.**