

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, UTHANGARAI

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

Monday, the 20th day of April 2026

MCOP. No. 45 of 2020

CNR.No.TNKI11-000100-2020

K. Subban, S/o Kaveri, Hindu, aged about 47 years, residing at Keelsengampatti, Thathampatti, Pochampalli Taluk, Krishnagiri District.

... Petitioner

//Vs//

C. Krishnamoorthi, S/o Chennaiyan, Hindu, residing at Boothanoor village, Perandapalli post, Pochampalli Taluk, Krishnagiri District.

.. Respondent

This petition came before me for final hearing in the presence of M/s. S. Moorthi, Advocate for petitioner and Respondent called absent set exparte, upon hearing the arguments of both and having stood over for consideration till this day, this court delivered the following.

ORDER

This petition is filed under Section 166 of M.V. Act of MACT Rules praying for compensation of Rs.20,00,000/- for the injuries sustained by the petitioner in a road traffic accident.

2. Brief averments in the petition in are as follows:

On 11.07.2019 at about 19.45 hours the petitioner was standing on the extreme side of the road at Puliyur to Uthangarai road near Mavathur Koot road, at that time the

Splender+Pro bike bearing Registration No.TN-24-AD-4854 belonging to the respondent who is the owner cum rider of the said bike, drove the same from puliyur side to towards Mavathur side in a rash and negligent manner without observing any rules of the road, came in high speed he lost his control and dashed against the petitioner. Due to the impact the petitioner sustained multiple fracture and injuries. Immediately the petitioner was taken to Gov. Hospital, Pochampalli and after first aid he was taken to G.H Krishnagiri and then taken to Ganga Hospital, Coimbatore and admitted there as inpatient from 12.07.2019 to 19.07.2019 and subsequently the petitioner underwent treatment in various places and till now under going private treatment. The accident occurred only police has also registered the case against 1st respondent in Cr.No. 274/2019 under section 279, 337 of IPC. But for the accident the petitioner would not have injured and he would not have spent anything towards his medical expenses. Due to the accident injuries. The petitioner is often getting severe pain over injured area and not able to walk, stand, sit, squat, ride any two wheeler climb steps and he is limping and not able to do any work, thus he sustained great mental shock and agony. The petitioner is entitled to claim more but at present he restrict his claim of Rs.20,00,000/- The petitioner is aged only 47 years at the time of accident, before the accident he was well built, strong and hand working. Petitioner is agriculturist and also doing seasonal business of agricultural products in all seasons and also doing coolie work also, and thus he was easily earning not less than Rs.20,000/- per month, and he was contributing the entire earnings to his family members. He is the only bread winner of his family. Petitioners suffered a great mental shock pain and

suffering due to the accident and loss of their bread winner. Thus the whole future welfare and enjoyment of the life of petitioners are all spoiled. The respondent is the owner cum rider of the said bike Reg.No. TN-24-AD-4854, at the time of accident no insurance is covered to the said vehicle. Hence this respondent alone liable to pay the compensation as claimed by the petitioner. Hence, this petition filed.

3. Respondent called absent set exparte.

4. The point for consideration is:-

1. Whether the accident took place due to rash and negligent driving of the respondent vehicle bearing Reg. No. TN-24-AD-4854 Splender +pro Vehicle Two wheeler ?
2. Who is liable to pay the compensation?
3. What is the compensation amount payable to the petitioner?
5. On the side of the petitioner Subban victim in examined as P.W.1 and and

Ex.P.1 to Ex.P9 were marked. On the side of the respondent, no oral and documentary evidence adduced.

6. Point No.1

The learned Petitioner's Counsel argued that On 11.07.2019 at about 19.45 hours the petitioner was standing on the extreme side of the road at Puliur to Uthangarai road near Mavathur Koot road, at that time the Splender+Pro bike bearing Registration No.TN-24-AD-4854 belonging to the respondent who is the owner cum rider of the said bike, drove the same from puliyur side to towards Mavathur side in a rash and negligent manner without observing any reles of the road, came in high speed

he lost his control and dashed against the petitioner. Due to the impact the petitioner sustained multiple fracture and injuries. Immediately the petitioner was taken to Gov. Hospital, Pochampalli and after first aid he was taken to G.H Krishnagiri and then taken to Ganga Hospital, Coimbatore and admitted there as inpatient from 12.07.2019 to 19.07.2019 and subsequently the petitioner underwent treatment in various places and till now under going private treatment. The accident occurred only police has also registered the case against 1st respondent in Cr.No. 274/2019 under section 279, 337 of IPC. The accident was occurred solely due to the rash and negligent driving of the respondent. The respondent being the owner is liable to pay compensation to the petitioner.

7. Considering the above said arguments and perusal of documents it seen that the Ex.P.1 Copy of FIR relating to the above accident Harur police in Crime No.274/2019 a Criminal case u/s 279, 337 IPC, was registered on 12.07.2019 against the driver of the Car Reg.No. TN-24-AD-4854, based on the complaint given by Suresh, 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 has not produced any oral or documentary evidence for allegation against Petitioner. There is no other contra evidence on the side of respondent to disprove the factum of negligence on part of the driver of the respondent vehicle. The respondent has remained ex parte. 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 riding of the respondent vehicle and he is responsible for

the same.

8. Point No.2

In Point No.1, this tribunal has come to the conclusion that this accident has occurred due to the rash and negligent riding of the respondent vehicle bearing Reg. No. TN-24-AD-4854. Hence, the respondent being the owner of the vehicle, he is liable to pay compensation to the petitioner.

9. Point No.3

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:

9 (1). MEDICAL EXPENSES:

The petitioner took treatment at Ganga Medical Center and Hospital, Coimbatore and also produced to medical bills marked has Ex.P4. This Court considering the above said Ex.P4 and found that bill serial Number 11 is advanced amount of Rs.50,000/- paid by the petitioner. Hence, the above said amounts not come under the medical expenses. As per the above said Ex.P4 the petitioner side incurred a sum of Rs.1,02,820/- only. Hence the said amount of Rs.1,02,820/- has been awarded under this head.

9 (2) ATTENDAR CHARGES:

As per the perusal of Ex.P.2 Wound Certificate, it is observed that the petitioner was admitted in the Ganga Medical Center and Hospital, Coimbatore for a period from 12.07.2019 to 19.07.2019 for about 08 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 06 days ie. a sum of Rs. 08 x 500 = Rs.4,000/-

9 (3) DISABILITY:

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 30%. 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 Company 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 a Agriculturist and seasonal business of agricultural products and coolie work at time as accident, further considering the age of the petitioner ie. 47 years and the disability that the petitioner sustained Injury. 1. Tenderness, abnormal mobility, deformity present distal femur right, this court takes the percentage of functional disability of the petitioner as 30%. Hence, as per the decision of the Hon'ble Supreme Court in 2017 (1) TNMAC Page 195 (Madras) this

court Considering the percentage of functional disability at 30% and considering the fact that the petitioner is of age and future of the petitioner this court is inclined to award a sum of $30 \times 8000 = \text{Rs.}2,40,000/-$. as compensation towards permanent disablement.

9 (4) LOSS OF INCOME DURING THE TIME OF TREATMENT:

The petitioner claims in his petition that he was Agriculturist and seasonal business of agricultural products and coolie work and earning a sum of Rs.20,000/- per month. In order to prove his claim, the petitioner did not file any supporting documents. Hence, this tribunal has 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.

9 (5) PAIN AND SUFFERINGS:

On perusal of Ex.P2 Accident Register. It is observed that the petitioner sustained 1. Tenderness, abnormal mobility, deformity present distal femur right, which are grievous injuries. Considering the nature of injury and considering the future of the minor 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.40,000 /- towards pain and sufferings.

9 (6) TRANSPORTATION:

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.

9 (7) EXTRA NOURISHMENT:

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.

9 (8) LOSS OF AMENITIES:

Due to the accident the petitioner 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.

9 (9) DAMAGE TO CLOTHES AND ARTICLES:

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.

9.10. CALCULATION:

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

Sl.No.	HEADS	Total Rs.
1	Medical Expenses	1,02,820/-
2	Disability	2,40,000/-
3	Attendant charges	4,000/-
4	Loss of Income	10,000/-
5	Pain & sufferings	40,000/-
6	Transportation	5,000/-
7	Extra nourishment	3,000/-
8	Loss of amenities	10,000/-

9	Damage To Clothes And Articles	2,000/-
	Total	4,16,820/-

The same is rounded off to Rs.4,16,820/-.

10. 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 has produced the attested xerox copy of the bank particulars, Aadhaar card and pan card details before this Tribunal.

11 (a) In the result, this petition is allowed with proportionate costs against the respondent for the compensation of Rs.4,16,820/- (Rupees Four Lakhs Sixteen Thousand Eight Hundred and Twenty only) payable with interest at 7.5% p.a. from the date of numbering of petition ie. 04.02.2020 till the date of realization with costs.

11 (b). The 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 petitioner permit to withdraw her share amount on separate petition.

11 (c). The 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.

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

11 (e). The court fee paid along with the petition is Rs. 375/-. The court fee for the award amount is Rs.3,543/-. The Advocate fee is fixed at Rs.11,168/-. The petitioner is entitled to get decretal order after payment of necessary court fee of Rs.3,168/-

12. 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
Tr. Subban	Pallavan Grama Bank	A/c.No. 53019714, IDIB0PLB001	4232 1036 9050	--

13. In view of the direction issued by the Hon'ble Division Bench of the High Court of Madras in C.M.A.No.428 of 2016 dated 11.03.2016, the Petitioner is hereby directed to furnish self attested copy of the Pan card and bank Pass Book copy of this Tribunal within a period of one month.

14. Other necessary particular:

Date of Presentation of petition - 10.12.2019, 24.01.2020,
01.02.2020
Date of taken up on file - 04.02.2020
Compensation claimed in the M.C.O.P - Rs.20,00,000/-

Compensation awarded in this petition - Rs.4,16,820/-

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

Court Fee payable on the award amount - Rs. 3,543/-

That the respondent do pay to the petitioner a sum of Rs. 14,721/- towards the costs of this petition.

15.STATEMENT OF COSTS

For the petitioner	For the Respondent
Stamp on Petition Rs.3,543.00	
Stamp on Vakalath Rs. 10.00	
Advocate fees Rs.11,168.00	Not filed
Cost allowed Rs.14,721.00	

16. 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 20th day of April 2026.

**Subordinate Judge,
Uthangarai.**

1. Witnesses on Petitioner's side:

P.W.1 – Tr. Subban

2. Exhibits on Petitioner's side:

Ex.P1	Copy of F.I.R
Ex.P2	Copy of Wound Certificate
Ex.P3	Copy of Petitioner Aadhar Card
Ex.P4	Copy of Petitioner Medical Bills
Ex.P5	Copy of Petitioner Bank Pass Book
Ex.P6	Copy of Accident Register
Ex.P7	Copy of MVI Report
Ex.P8	Copy of R.C Book of Respondent Vehicle
Ex.P9	Copy of Respondent Driving License

3. Exhibit on Court side:

Ex.C1	Handicapped Certificate
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4. Exhibits and Witnesses on Respondent's side: NIL

**Subordinate Judge,
Uthangarai.**