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BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, UTHANGARAI

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

Wednesday, the 18th day of March 2026

MCOP.No. 108 of 2020

CNR.No.TNKI11-000321-2020

Saroja @ Sarojammal, W/o. Govindharaj, Hindu, aged about 60 years, residing at D.No. 33, Nattanmaikottai village, Uthangarai Post and Taluk, Krishnagiri District.

... Petitioner

//Vs//

1. The secretary, Sri Vidhya Mandir Arts and Science College, Katteri, Uthangarai Town and Taluk, Krishnagiri District.

2. The Branch Manager, The New Indian Insurance Com., Ltd., B.M.S Complex, No. 34B/1, ground floor, Saibaba Nagar, Vaniyambadi main road, Tirupattur Town, Taluk and District.

.. Respondents

This petition came before me for final hearing in the presence of M/s. S. Sasikumar, Advocate for petitioner and presence of M/s. K. Ragu, Advocate for 2nd respondent and 1st 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 23.02.2019 the petitioner was standing in the left side corner of the road to



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purchase the flowers opposite to Uthangarai Bus Stand. At about 05.45 PM while thus the petitioner was standing in the said, the Vidhya Mandir College Bus bearing Reg. No.TN-33-AK-6640 belonging to the 1st respondent and insured with the 2nd respondent was driven by its driver Sugumar, so as to endanger the human life in a rash and negligent manner, without observing any rules of the road, without sounding horn and at an uncontrollable speed, suddenly came and hit behind the petitioner. Due to the impact the petitioner sustained grievous injuries. Due to the accident the petitioner has lost her left eye completely and sustained permanent disability. The Uthangarai Police has registered a case against the driver of the said Bus in Crime No. 360/2019 under section 279, 337 of IPC. Immediately after the accident the petitioner was taken to Government Hospital, Uthangarai and she was given first Aid treatment and admitted there as inpatient in the Emergency Ward. After discharge from the said hospital, she was admitted at Government Dharmapuri Medical College Hospital at Dharmapuri and then she was admitted in Department in General Surgery and Department of Ophthalmology from 27.02.2019 to 02.03.2019 for Facial bone fracture, Left closed globe injury with decentration of posterior chamber IOL with subtotal hyphems and she has been taking periodical treatment privately. Even now she is undergoing checkup and treatment at Government Head Quarters Hospital at Krishnagiri. The petitioner has spent Rs.5,00,000/- for her medical expenses and she needs at least Rs.3,00,000/- for her future medical expenses. Apart from that she spent huge amount for transport to hospital and for Extra Nourishment expenses. Due to the accident and disablement, her future earning power is affected very much. In spite of the prolonged and well



advanced treatment taken by the petitioner, Unable to sit, walk, stand without support, unable to lift any weight, unable see things, face dafigured, unable to do regular work, unable to do his profession as before, feeling pain on the injured areas often and unable to do any hard work as before. She has been suffering immense pain all these days and in future also. Her entire future life and social enjoyment is shattered. Though the pain, sufferings, mental agony and permanent disability caused to the petitioner cannot be calculated in terms of money value. Now she has thus sustained permanent disablement and loss of earning power. She cannot earn as much she was earning before the accident. Her entire future life and social enjoyment is shattered. Though the petitioner is put to great loss and hardship, she restricts his claim to Rs.20,00,000/- (Rupees Twenty Lakhs Only). The driver of the Bus bearing Reg. No. TN-33-AK-6640 drove the same in a rash and negligent manner and he was solely responsible for causing the accident. The 1st respondent as the owner and the 2nd respondent as the insurer of the Bus are both jointly and severally liable to pay compensation to the petitioner. No previous claim made by the petitioner in any other court in respect of the above said accident. Hence, this petition filed.

3. Brief averments in the counter of R2 in are as follows:

This petition is not maintainable either in law or on facts and it is liability to be dismissed with cost. This respondent denies all the allegations set out in the petition except those that are specifically admitted herein and put the petitioner to strict proof thereof. This respondent further submits that, in the aforesaid circumstances, this respondent is entitled to contest the case Under sec.170 of M.V. Act. This have been



impleaded by the petitioner as a party. The driver of Vidhya Mandir College Bus bearing Reg. No. TN-33-AK-6640 belonging to the 1st respondent, and insured with the 2nd respondent drove his vehicle very slowly, carefully, and following rules of the road. The Petitioner suddenly the crossed the road, from left side to right side of the road, Without following any rules of the road road in a careless and negligent manner. The Bus driver slowly Stopped the vehicle before the petitioner. The Petitioner fell down on the road, sustained Simple injuries. The accident accrued due to negligence of the petitioner. There is no fault on the Bus driver. So the 2nd respondent is not liable to pay any compensation to the petitioner. Without prejudice, the age, occupation and income of the petitioner is hereby denied by this respondent. The Petitioner has not produced any documentary evidence to prove the same. Further the claims made in column No. 21(a) of the petition are all imaginary and fanciful. This respondent does not admit any one of them. The Petitioner is put to strict proof the same with documentary evidence. Further this respondent does not admit the alleged injuries sustained by the petitioner, past and future medical expenses and period for treatment of the petitioner. The alleged injuries sustained by the petitioner are simple in nature, there is no grievous injuries or permanent disablement is caused to the petitioner. The accident was held on 23.02.2019 the F.I.R. against the bus driver filed on 01.08.2019. There was delay 6 months. The petitioner wanted to get the compensation for some other financial difficulty and wanted to recover from the Insurance company, filed the F.I.R. against the Bus driver. The petitioner did not suffer any injuries alleged in the petition. All her injuries have been exaggerated for the purpose of getting heir



compensation. Petitioner opes not suffer any disability, she must prove her injuries and disability, she is now alright and doing the normal duties without difficulties. She gave complaint after 6 months as an after thought. At any rate, the compensation claimed is very high, Excessive & exaggerated and will any basis. At the time of the accident the driver of the said Bus driver had no valid and effective driving license. It is violation of policy terms and conditions. Hence this 2nd respondent is not liable to pay any compensation to the petitioner. The policy no. 71300131170100007249 issued by this respondent to the 1st respondent was for the period 21/03/2018 to 20/03/2019. This respondent submitted that, in case of award passed, also as per the recent judgment of the Hon'ble Supreme Court this respondent is liable to pay the interest only at the rate of 5.5% per annum. Hence, this petition may be dismissed.

4. The point for consideration is:-

1. Whether the accident took place due to rash and negligent driving of the 1st respondent Vidya Mandir College Bus bearing Reg. No. TN-33-AK-6640?
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 Saroja victim in examined as P.W.1 and Ex.P.1 to Ex.P17 and Ex.C.1 were marked, and Chinnaraj victim in examined as P.W.2, no document 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 23.02.2019 the petitioner



was standing in the left side corner of the road to purchase the flowers opposite to Uthangarai Bus Stand. At about 05.45 PM while thus the petitioner was standing in the said, the Vidhya Mandir College Bus bearing Reg. No.TN-33-AK-6640 belonging to the 1st respondent and insured with the 2nd respondent was driven by its driver Sugumar, so as to endanger the human life in a rash and negligent manner, without observing any rules of the road, without sounding horn and at an uncontrollable speed, suddenly came and hit behind the petitioner. Due to the impact the petitioner sustained grievous injuries. Due to the accident the petitioner has lost her left eye completely and sustained permanent disability. The Uthangarai Police has registered a case against the driver of the said Bus in Crime No. 360/2019 under section 279, 337 of IPC. But respondent counsel argued that the driver of Vidhya Mandir College Bus bearing Reg. No. TN-33-AK-6640 belonging to the 1st respondent, and insured with the 2nd respondent drove his vehicle very slowly, carefully, and following rules of the road. The Petitioner suddenly the crossed the road, from left side to right side of the road, Without following any rules of the road road in a careless and negligent manner. The Bus driver slowly Stopped the vehicle before the petitioner. The Petitioner fell down on the road, sustained Simple injuries. The accident accrued due to negligence of 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 Samalpatti police in Crime No.360/2019 a Criminal case u/s 279, 337 IPC, was registered on 01.08.2019 against the driver of the Vidya Mandir College Bus vehicle Reg.No. TN-33-AK-6640, based on



the complaint given by Saroja 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 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.

8. Point No.2

The learned 2nd 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 Driving license and marked as Ex.P.4. Hence, The petitioner and 1st 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 1st respondent vehicle bearing Reg.No. TN-33-AK-6640. Hence, the 1st respondent being the owner and the 2nd respondent is the insurer of the vehicle. Hence the 2nd Respondent 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 has not produced any documentary evidence to prove the medical expenses incurred by him. Further on perusal of Ex.P.3 Discharge Summary, it is observed that the petitioner was admitted and taken treatment in the Government hospital at Salem. The petitioner did not spent his own expenses for medical treatment. Hence, this court comes to the conclusion that no amount is awarded under this head.

9 (2) ATTENDAR CHARGES:

As per the perusal of Ex.P.3 is Discharge summary, Ex.P3 is observed that the petitioner was admitted in the at Government Medical College Hospital, Dharmapurti, for a period from 27.02.2019 to 02.03.2019 for about 04 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 04 days ie. a sum of Rs. $4 \times 500 = \text{Rs.}2,000/-$

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 35%. 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 center, Saket, New Delhi 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 Agriculture and Coolie work at time of accident, further considering the age of the petitioner ie. 60 years and the disability that the petitioner sustained Injury. 1. Pain and swelling in the left side of face, 2. Contusion and Hemabra present left side face, 3. Conjunctival congestion left high present. and the medical board Krishnagiri certified that the petitioner has 20% functional disability. Hence, this court takes the percentage of functional disability of the petitioner as 35%. 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 35% 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 $35 \times 8000 = \text{Rs.}2,80,000/-$ as compensation towards permanent disablement.

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

The petitioner claims in his petition that she was Agriculture and Coolie work and earning a sum of Rs.15,000/- 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. Pain and swelling in the left side of face, 2. Contusion and Hemabra present left side face, 3. Conjunctival congestion left high present. present 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 petitioners 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	--
2	Attender Charge	2,000/-
3	Disability	2,80,000/-
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	3,52,000/-

The same is rounded off to Rs.3,52,000/-.

10 (a) In the result, this petition is allowed with proportionate costs against the respondent for the compensation of Rs.3,52,000/- (Rupees Three Laksh Fifty Two Thousand only) payable with interest at 7.5% p.a. from the date of numbering of petition ie. 04.08.2020 till the date of realization with costs.

10 (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.

10 (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.

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

10 (e). The court fee paid along with the petition is Rs. 375/-. The court fee for the award amount is Rs.2,895/-. The Advocate fee is fixed at Rs.10,040/-. The petitioner is entitled to get decretal order after payment of necessary court fee of Rs.2,520/-

11. 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.

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
Tmt. Saroja	SBI, Uthangarai	A/c.No. 33572723081, SBIN0007495	6258 7906 4389	IDCPS5738G

13. Other necessary particular:

Date of Presentation of petition	-	03.08.2020
Date of taken up on file	-	04.08.2020
Compensation claimed in the M.C.O.P -		Rs.20,00,000/-
Compensation awarded in this petition -		Rs.3,52,000/-
Court Fee along with the petition	-	Rs. 375/-
Court Fee payable on the award amount -		Rs. 2,895/-

That the respondent do pay to the petitioner a sum of Rs.12,945/- towards the costs of this petition.

14.STATEMENT OF COSTS

For the petitioner		For the Respondent
Stamp on Petition	Rs.2,895.00	Not filed
Stamp on Vakalat	Rs. 10.00	
Advocate fees	Rs.10,040.00	
Cost allowed	Rs.12,945.00	



15. 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 18th day of March 2026.

**Subordinate Judge,
Uthangarai.**

1. Witnesses on Petitioner's side:

P.W.1 – Tmt. Saroja @ Sarojammal

2. Exhibits on Petitioner side:

Ex.P1	Copy of F.I.R
Ex.P2	Copy of Accident Register
Ex.P3	Copy of Discharge Summary
Ex.P4	Copy of Bus Driver Driving License
Ex.P5	Copy of Insurance Policy of the Bus
Ex.P6	Copy of Petitioner Aadhar Card
Ex.P7	Copy of Petitioner Bank Pass Book
Ex.P8	Copy of Petitioner Pan Card
Ex.P9	Copy of Petitioner Admitted Government Hospital, Uthangarai inpatient receipt.
Ex.P10	Copy of Petitioner Admitted Government Hospital, Krishnagiri inpatient receipt.



Ex.P11	Copy of Petitioner Scan Report in Government Hospital, Dharmapuri
Ex.P12	Copy of CT Scan Report
Ex.P13	Copy of Petitioner Admitted in eye department in Government Hospital, Dharmapuri inpatient receipt
Ex.P14	Copy of Petitioner eye check up slip in the Dharmapuri Medical College Hospital
Ex.P15	Copy of Petitioner reference slip issued by the Dharmapuri Government Hospital to the regional eye hospital egmore.
Ex.P16	Copy of Petitioner Out Patient slip in the Uthangarai Government Hospital
Ex.P17	Copy of Petitioner reference slip issued by the Dharmapuri Government Hospital to the regional eye hospital egmore.

3. Exhibit on Court side:

Ex.C1	Handicapped Certificate
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4. Witnesses and Exhibit of Respondent's side: Nil

**Subordinate Judge,
Uthangarai.**