

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.

PRESENT: THIRU.N.S. JAYAPRAKASH., B.Sc., B.L.,

Chief Judicial Magistrate

Motor Accident Claims Tribunal

Monday the 29th day of June 2026

M.C.O.P. No.221/2020 CNR.No.TNKR02-000774-2026

M.C.O.P. No.339/2020 CNR.No.TNKR02-000881-2026

1. Balamurugan, Age 19/2026,
S/o.Manimaran,
Represented by her mother and
Next Friend Saratha
No.185, AD Colony,
Sanapiratti,
Vellalapatti Post,
Sanapiratti, Karur – 639 004.

.. Petitioner in MCOP.No.221/2020

2. Vasantha, Age 30/2020,
W/o.Kurumoorthy,
No.69, A/3, Sathiyamoorthy Nagar,
Thanthonimalai,
Karur – 639 005.
Now residing at
No.185/2, Indira Colony,
Vellalapatti Post,
Karur.

.. Petitioner in MCOP. No.339/2020

//Vs//

1. Sankaranarayanan,
S/o.Balakrishnan,
No.5/52, 5/89, Vadivel Nagar,
2nd Street,
Andavar Kovil east, Karur.

2.The Branch Manager,
M/s.United India Insurance Company Limited,
No.19/2, Nawrang Plaza,
2nd floor, LGB Petrol Bunk opposite,
Covai road,
Karur – 639 002.

.. Respondents.

Policy No.0906043118P115050798

Period from : 02.03.2019 to 01.03.2020

These original petitions are filed u/s.141 and 166 of Motor Vehicles Act, 1988 coming before me for final hearing in the presence of Thiru.N.Senthilkumar, learned counsel for the petitioners in both the petitions and 1st respondent remain exparte in both the petitions and Thiru.R.Jegan, learned counsel for the 2nd respondent in both the petitions and upon hearing the both side argument and on perusal of entire materials placed before me this Tribunal passed the following:-

COMMON ORDER:-

1. Both petitions were filed under section 163 and 166 of Motor Vehicles Act, 1988. The petition in MCOP No.221/2020 was filed claiming Rs.10,00,000/- and MCOP No.339/2020 was filed claiming Rs.7,00,000/- as compensation against the respondents together with interest and cost from the date of accident.

2.The common brief averments of the petitioners in both cases are as follows:-

On 02.02.2020, at about 12.55 p.m, Thiru.Balamurugan (Petitioner in MCOP.No.221/2020) alongwith one by name Vasantha (Petitioner in MCOP.No.339/2020) were proceeding in a two wheeler TVS XL bearing Reg.No.TN-47-W-6402. Tmt.Vasantha was driving the vehicle and Thiru.Balamurugan was seated in the pillion. Both were proceeding in Karur - Trichy road, from east to west, near Pasupathipalayam Railway gate. Whiles, a Volks Wagon Car bearing Reg.No.TN-47-AK-6161 came in a rash and negligent manner, in a high speed, and dashed on the two wheeler causing accident. Due to the same,

both the petitioners traveled in the bike were thrown away and they had sustained injuries. Immediately after the accident, the petitioners were taken to the Amaravathi Hospital at Karur and then to the Kapila Kannan Hospital Karur and admitted as inpatients. With regard to the accident, a case in Crime No.33/2020 U/s. 279 and 337 of IPC was registered at Pasupathipalayam Police Station. The accident took place only by the fault of the Car driver. The 1st respondent in both the cases is the owner of the Wolks Wegan Car bearing Reg.No.TN-47-AK-6161. The said Car was insured with the 2nd respondent. Hence, both the respondents are liable to pay compensation to both petitioners. Hence the petitions.

03. The 1st respondent remain exparte in both the petitions. Petition u/s 170 MV Act was filed in MCOP.No.221/2020 by the 2nd respondent and the same was allowed in I.A.No.02/2025, dated 19.06.2025 and Petition u/s.170 MV Act was filed in MCOP.No.339/2020 by the 2nd respondent and the same was allowed in I.A.No.04/2026, dated 19.02.2026. Hence, the 2nd respondent was permitted to contest the cases by claiming defence that ought to have been contended by the 1st respondent in both the cases.

4. The common contentions of the Counter filed by the 2nd Respondent in both the cases stated in brief as follows:-

The petitions are not maintainable either on law or on facts. The driver of the 1st respondent Volks Wagon Car bearing Reg.No.TN-47-AK-6161 had no driving license at the time of accident. The 1st respondent driver violated terms and conditions of the Insurance policy. It is false to state that on 02.02.2020, at about

12.55 p.m, Thiru.Balamurugan (Petitioner in MCOP.No.221/2020) alongwith one by name Vasantha (Petitioner in MCOP.No.339/2020) were proceeding in a two wheeler TVS XL bearing Reg.No.TN-47-W-6402, Tmt.Vasantha was driving the vehicle and Thiru.Balamurugan was seated in the pillion, both were proceeding in the Karur - Trichy road, from east to west, near Pasupathipalayam Railway gate, whileso, a Volks Wagon Car bearing Reg.No.TN-47-AK-6161 came in a rash and negligent manner, in a high speed, and dashed on the two wheeler causing accident. It is further false that due to the same, both the petitioners traveled in the bike were thrown away and they had sustained injuries and immediately after the accident, the petitioners were taken to the Amaravathi Hospital at Karur and then to the Kapila Kannan Hospital Karur and admitted as inpatients. The age, occupation and income of the petitioners shall be proved. Anyhow, the compensation claimed by the petitioners are excess. If the petitioners worn the headgear, they would not have sustained head injuries. This respondent is not liable to pay compensation. The petitions are liable to be dismissed.

5. A memo was filed in MCOPNo.221/2020 on behalf of the petitioners for conducting joint trial of the MCOP Nos.339/2020. It was stated in the memo that both the claim applications were filed by the separate petitioners based on the same accident. The said memo was recorded and joint trial was permitted. The evidence was recorded in MCOP No.221/2020.

6. Based on the evidence, documents and rival submissions, the points for consideration are as follows:-

- 1) Whether the accident took place due to the rash and negligent driving of the driver of the Volks Wagon Car bearing Reg.No.TN-47-AK-6161?
- 2) Whether the petitioners are entitled for compensation? If so, what is the quantum?
- 3) If the petitioners are entitled for compensation, who is responsible to pay the same?

7. On the petitioners side, PW1 to PW3 were examined and Ex.P1 to Ex.P9 were marked. On the side of 2nd Respondent, RW1 and RW2 were examined, Ex.X1 to Ex.X4 and Ex.R1 to Ex.R4 were marked.

8. POINT NO 1: -

It could be ascertained from the pleadings and evidence that the Petitioner in MCOP.No.221/2020 by name Balamurugan and the petitioner in MCOP.No.339/2020 by name Vasantha had travelled together.

8(1) The case of the petitioners regarding negligence is that, on 02.02.2020, at about 12.55 p.m, Thiru.Balamurugan (Petitioner in MCOP.No.221/2020) alongwith one by name Vasantha (Petitioner in MCOP.No.339/2020) were proceeding in a two wheeler TVS XL bearing Reg.No.TN-47-W-6402. Tmt.Vasantha was driving the vehicle and Thiru.Balamurugan was seated in the pillion. Both were proceeding in Karur - Trichy road, from east to west, near Pasupathipalayam Railway gate.

Whiles, a Volks Wagon Car bearing Reg.No.TN-47-AK-6161 came in a rash and negligent manner, in a high speed, and dashed on the two wheeler causing accident. Due to the same, both the petitioners traveled in the bike were thrown away and they had sustained injuries. Immediately after the accident, the petitioners were taken to the Amaravathi Hospital at Karur and then to the Kapila Kannan Hospital Karur and admitted as inpatients. With regard to the accident, a case in Crime No.33/2020 U/s. 279 and 337 of IPC was registered at Pasupathipalayam Police Station.

8(2) The 2nd respondent has stated in the counter that the Car driver had driven the vehicle in a careful manner and bike was driven in a rash and negligent manner and caused accident.

8(3) The petitioners have stated that the Car driver had driven the Car in a rash and negligent manner. The Petitioners are the victims of the accident. They also witnessed the accident and gave evidence based on the direct knowledge of the accident. The 2nd respondent had categorically denied the contention of the petitioners that the accident was only due to the rash and negligent driving of the Car driver. At this juncture it is pertinent to read the judgment of *Hon'ble High Court, Madras in 2014 (1) TNNAC 156 - Muthu Vs The Managing director, TNSTC*. In the said judgment it was held that the tribunal is bound to determine whose negligence is the cause of the accident and the same may be determined on the basis of preponderance of probability. It was further held that the standard of proof doesn't require proof beyond reasonable doubt.

8(4) The petitioners contention is that the accident was only due to rash and negligent driving of the Car driver. The FIR (Ex.P1) was registered against the Car driver by name Balakrishnan. The petitioners examined as PW1 and PW2, categorically stated that the accident was only due to the rash and negligent driving of the Car driver. The 2nd respondent has stated that the bike rider had driven the vehicle without valid driving licence, not knowing the traffic rules and caused the accident. Here, the 2nd respondent attributes the negligence on the part of the petitioners. At this juncture, this Tribunal rely on the judgment of Hon'ble Apex Court in **2014(1) TNMAC 456 Meeradevi and Another Vs HRTC and others**, in which, it was held that when the 2nd respondent attributes negligence on the part of the petitioners, the 2nd respondent is bound to prove the same by substantial evidence. As stated in the said judgment, the 2nd respondent is bound to prove the negligence of the petitioner by substantial evidence. No eye witness was examined by the 2nd respondent to prove the negligence of the petitioners, whereas, the petitioners had proved his case by probable evidence. The standard of proof to establish the negligence is lesser than preponderance of probability. The petitioners have proved their case by probable evidence. Therefore, it is concluded that the accident was only due to the rash and negligent driving of the driver of the Wolks Wegan Car bearing Reg.No.TN-47-AK-6161. This point is answered accordingly.

9. POINT NO.2:

The petitioners had marked Ex.P1 to Ex.P9. The copy of FIR in Crime No.33/2020 registered at Pasupathipalayam Police Station. It reveals that a Wolks

Wegan Car bearing Reg.No.TN-47-AK-6161 was involved in the accident. The injury sustained by petitioner in MCOP No.221/2020 by name Balamurugan could be seen from the Discharge Summary Ex.P6 and Wound Certificate marked as Ex.P7 and the injuries sustained by petitioner in MCOP.No.339/2020 by name Vasantha is found in Accident Register marked as Ex.P8. The injuries sustained by petitioner in MCOPNo.221/2020 by name Balamurugan is found in Discharge Summary Ex.P6 and Wound Certificate marked as Ex.P7 and the injuries sustained by petitioner is **GRIEVOUS** in nature. In MCOPNo.339/2020 by name Vasantha is found in Accident Register marked as Ex.P8 is **SIMPLE** in nature. Both the petitioners have sustained injuries stands established as per the entries in the above referred Wound Certificates and Discharge Summaries. Hence, both the petitioners are entitled for compensation. This point is answered accordingly.

10. QUANTUM OF COMPENSATION IN MCOP No.221/2020:-

10(1) The petitioner has claimed Rs.10,00,000/- under various heads as compensation. The petitioner in his claim has contended that, due to the accident, he had suffered injuries and was permanently disabled. But, the petitioner was not referred to Medical Board and no steps was taken by the petitioner side. Hence, the petitioner is not entitled for compensation under the head of Disability.

10(2) On perusal of the **Wound Certificate** marked as Ex.P7, it seems that the petitioner has sustained grievous injury. Considering the said fact, for **Pain and Sufferings** undergone by the petitioner, **Rs.80,000/-** is awarded. Towards **Extra Nourishment** that would have been taken for speedy recovery, **Rs.8,000/-** is

awarded. As the petitioner was hospitalized for period of two weeks, naturally, the petitioner would have been assisted by an attender. Towards the **Attender Charges Rs.8,000/-** is awarded. The petitioner claimed that he had incurred Transportation Charges. A sum of **Rs.5000/-** is awarded towards **Transportation Expenses**. Considering the injuries sustained by the petitioner, the petitioner will have to forgo certain amenities at present and in future. Hence a sum of **Rs.15,000/-** is awarded towards **Loss of Amenities**. It is stated in the petition that the petitioner was a school student studied 9th standard at the time of accident. Therefore, the petitioner had not suffered income loss during the period of treatment. The petitioner has marked Medical bills for **Rs.12,211/-** as Ex.P5. The said amount is awarded towards **Medical Expenses**. With regard to the other claims made by the petitioner, no documents were filed.

10(3) In fine, this tribunal award the following amount towards the claim of the petitioner under the given heads.

1.	Towards Pain & Suffering	Rs.	80,000/-
2.	Towards Extra nourishment	Rs.	8,000/-
3.	Towards Attender Charges	Rs.	8,000/-
4.	Towards Transportation Expenses	Rs.	5,000/-
5.	Towards Loss of amenities	Rs.	15,000/-
6.	Towards Medical Expenses	Rs.	12,211/-
	Total	Rs.	1,28,211/-

This point is answered Accordingly.

11. QUANTUM OF COMPENSATION IN MCOP No.339/2020:-

11 (1) The petitioner claimed Rs.7,00,000/- under various heads as compensation. The petitioner contended that, due to the accident, he suffered injuries and was permanently disabled. In order to prove the said fact, the petitioner has not taken steps to file a memo to refer him to medical board for assessment of disability. The injury is Simple in nature as could be seen from Accident Register has marked as Ex.P8. Considering the said fact, for **Pain and Sufferings** undergone by the petitioner, **Rs.30,000/-** is awarded. The petitioner would have taken nutritious food for speedy recovery. Hence, towards **Extra Nourishment Rs.3,000/-** is awarded and towards **Attender charges Rs.1000/-** is awarded and towards **Transportation Expenses Rs.1000/-** is awarded. The petitioner has marked Medical bills for **Rs.3,260/-** as Ex.P9. All the bills are original. Hence, a sum of **Rs.3,260/-** is awarded towards **Medical Expenses**. With regard to the other claims made by the petitioner, no documents were filed.

11(2) In fine, this tribunal award the following amount towards the claim of the petitioner under the given heads.

1.	Towards Pain & Suffering	Rs.	30,000/-
2.	Towards Extra Nourishment	Rs.	3,000/-
3.	Towards Attender Charges	Rs.	1,000/-
4.	Towards Transportation Expenses	Rs.	1,000/-
3.	Towards Medical Expenses	Rs.	3,260/-
	Total	Rs.	38,260/-

This point is answered Accordingly.

12. POINT NO.3:-

12(1) It is decided in Point No.1 that the accident took place only due to the rash and negligent driving of the 1st respondent's driver of the Wolks Wegan Car bearing Reg.No.TN-47-AK-6161. As the owner of the offending vehicle, the 1st respondent is vicariously liable to compensate the petitioner. However, the Car was insured with the 2nd respondent as could be seen from the MVI Report marked as Ex.X3. The Policy had been valid from 02.03.2019 to 01.03.2020. The accident occurred on 02.02.2020. The accident was covered by the insurance policy.

12(2) The 2nd respondent would contend that the driver of Wolks Wegan Car bearing Reg.No.TN-47-AK-6161 had no driving license on the date of accident and the same amounts to violation of police terms. In order to establish the said contention, an official from Regional Transport Office, Karur examined as RW1. RW1 deposed that Balakrishanan, S/o.Palanimuthu, No.1 Mutakusalai, Puliur, Karur was not issued driving license. A notice was sent to the 1st respondent to produce the driving license of the Car. A copy of notice was marked as Ex.R2 and the same was received by the 1st respondent as could be seen from the acknowledgment cards/Ex.R4. The 2nd respondent has taken proper efforts to establish that the Car driver had no driving license at the time of accident. But, the 2nd respondent cannot disown its liability. On this aspect, it is pertinent to read the Judgment in ***CMA***

No.517 of 2025 The Branch Manager, ICICI Lombard General Insurance Company Limited Vs Mariyapushpam and two others dated 01.06.2026. In the said Judgment, it was held by Hon'ble High Court, Madras that the Insurance Company shall pay the compensation and recover the same from the owner. Applying the said dictum, it is concluded that the 2nd respondent Insurance Company shall pay the compensation to the petitioner and recover the same from the 1st respondent. This point is answered accordingly. Hence, the 2nd respondent is liable to indemnify the 1st respondent for the compensation awarded. This Point is answered accordingly.

In the result, the petition in MCOP No.221/2020 is partly allowed as follows:-

- 1. The Petitioner is awarded Rs.1,28,211/-(Rupees one lakh, twenty eight thousand, two hundred and eleven only) together with interest at 7.5% per annum from the date of petition till the date of deposit.**
- 2. The 2nd respondent is liable to pay a sum of Rs.1,28,211/-(Rupees one lakh, twenty eight thousand, two hundred and eleven only) to the petitioner and recover the same from 1st respondent without filing any separate proceedings.**
- 3. The award amount shall be deposited within one month from the date of order by NEFT / RTGS mode directly into the account standing in the name of the CJMKRURMCOP22120 IFSC.No.IOBA0000738 Thanthonimalai under intimation to this Tribunal by way of submitting pay advice slip.**
- 4. The petitioner is permitted to withdraw the amount on deposit.**

5. The petitioner is hereby directed to furnish a copy of the first page of Bank pass book of himself, which compulsorily contain the photograph of the petitioner duly attested by the bank concerned, self attested copy of the pan card if available, to this Tribunal, with in a period of one month from today for the deposit of award amount in his bank account, failing which the petitioner is not entitled to withdraw the award amount.

6. The Advocate fee is fixed at **Rs.4000/-**

7. The petitioner shall pay the balance court fee of **Rs.282/-** within 15 days from the date of this order.

8. On such payment only the decretal order for the Petitioner shall be provided.

In the result, the petition in MCOP No.339/2020 is partly allowed as follows:-

1.The Petitioner is awarded **Rs.38,260/- (Rupees Thirty eight thousand two hundred and sixty only)** together with interest at 7.5% per annum from the date of petition till the date of deposit.

2. The 2nd respondent is liable to pay a sum of **Rs.38,260/- (Rupees Thirty eight thousand two hundred and sixty only)** to the petitioner and recover the same from 1st respondent without filing any separate proceedings.

3. The award amount shall be deposited within one month from the date of order by NEFT/RTGS mode directly into the account standing in the name of the **CJMKRURMCOP33920 IFSC.No.IOBA0000738 Thanthonimalai** under intimation to this Tribunal by way of submitting pay advice slip.

4. The petitioner is permitted to withdraw the amount on deposit.

5. The petitioner is hereby directed to furnish a copy of the first page of Bank pass book of himself, which compulsorily contain the photograph of the petitioner duly attested by the bank concerned, self attested copy of the pan card if available, to this Tribunal, with in a period of one month from today for the deposit of award amount in his bank account, failing which the petitioner is not entitled to withdraw the award amount.

6. The Advocate fee is fixed at Rs.750/-.

This Common Order was dictated by me to the Steno-Typist and typed by her directly in the computer and corrected and pronounced by me in the open Tribunal on **29th day of June 2026.**

**Chief Judicial Magistrate,
Karur.**

Petitioners Side Witnesses:-

PW1 Tmt.Saratha (Petitioner in MCOP.No.221/2020)
 PW2 Thiru.Balamurugan
 PW3 Tmt.Vasantha (Petitioner in MCOP.No.339/2020)

Petitioners side Exhibits:

Ex.P1 Copy of First Information Report
 Ex.P2 Copy of Charge sheet
 Ex.P3 Copy of Rough Sketch
 Ex.P4 Criminal Court Judgment copy
 Ex.P5 Medical bills (Rs.12,211/-)
 Ex.P6 Discharge summary - PW2
 Ex.P7 Copy of Wound Certificate
 Ex.P8 Copy of Accident Register - PW3
 Ex.P9 Medical bills (Rs.3,260/-)

2nd Respondents side Witness:-

RW1 Thiru.Karthik, Junior Assistant
RW2 Thiru.Kannan

2nd Respondent's side Documents:-

Ex.X1 Authorization letter
Ex.X2 MVI Report of TN-47-W-6402
Ex.X3 MVI Report of TN-47-AK-6161
Ex.X4 Registration Certificate of MVI Report of TN-47-W-6402

2nd Respondent's side Documents:-

Ex.R1 Insurance
Ex.R2 Advocate notice
Ex.R3 Return RPAD cover
Ex.R4 Acknowledgement card of Balakrishnan

Document marked through Court: NIL

**Chief Judicial Magistrate,
Karur.**