

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.

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

Chief Judicial Magistrate

Motor Accident Claims Tribunal

Friday, the 10th day of July 2026

M.C.O.P. No.412/2024

CNR NO.TNKR-02-000987-2026

Maruthupandiyan, Age 50/2024,

S/o.Shanmugam,

No.70, Teacher Colony,

Ganesapuram Street,

Puliyur, Puliyur Cement Factory,

Karur District - 639114.

..Petitioner.

//Vs//

2. The Managing Director,

Tamil Nadu State Transport Corporation Kumbakonam Ltd.,

No.134/1, New Railway road,

Kumbakonam,

Thanjavur District – 612 001.

.. Respondent.

This original petition filed U/s.166 of Motor Vehicles Act, 1988 coming before me for final hearing in the presence of Thiru.K.Suresh, B.B.M., B.L., learned counsel for the petitioner and Thiru.B.Ravichandran, learned counsel for the 2nd respondent and upon hearing the both side argument and on perusal of entire materials placed before me this Tribunal passed the following:-

ORDER

01. This petition was filed by the petitioner under sections 166 of Motor Vehicles Act, 1988 claiming Rs.50,00,000/- as compensation against the respondent together with interest and cost from the date of accident.

02. The averments of the petition in brief :-

On 02.06.2024, at about 9.30 a.m., the petitioner alongwith his wife was proceeding in a two wheeler Hero Splendor bearing Registration No.TN-47-AH-3684 from west to east, near Mayanur Railway gate, at Puliur - Trichy road. The petitioner was riding the bike and the petitioner's wife was traveling as pillion rider. Whiles, the driver of the Respondent bus bearing Reg.No.TN-68-N-1293 came in a rash and negligent manner and dashed on the two wheeler. Due to the same, the petitioner sustained grievous injuries all over his body. Immediately after the accident, the petitioner was taken to the Raj Ortho Hospital, Karur for first Aid, and then to Kovai Medical Center and Hospital, Coimbatore and admitted as inpatient. With regard to the accident, a case U/s.279, 337 of IPC was registered at Mayanur Police station in Crime Number.215/2024. The respondent Corporation is the owner of the Bus bearing Reg.No.TN-68-N-1293. The respondent has to pay the compensation. The petitioner estimate his claim of compensation at Rs.50,00,000/-. Hence this petition.

03. The brief contentions of the counter filed by the respondent as follows:-

The petition is not maintainable either on facts or on law. It is false to state that on 02.06.2024, at about 9.30 a.m., the petitioner alongwith his wife was proceeding

in a two wheeler Hero Splendor bearing Registration No.TN-47-AH-3684 from west to east, near Mayanur Railway gate, at Puliur - Trichy road. The petitioner was riding the bike and the petitioner's wife was traveling as pillion rider. Whiles, the driver of the Respondent bus bearing Reg.No.TN-68-N-1293 came in a rash and negligent manner and dashed on the two wheeler. Due to the same, the petitioner sustained grievous injuries all over his body. Immediately after the accident, the petitioner was taken to the Raj Ortho Hospital, Karur for first Aid, and then to Kovai Medical Center and Hospital, Coimbatore and admitted as inpatient. The age, occupation, monthly income, the nature of alleged injuries sustained by the petitioner, the period of medical treatment, medical expenditure and disability the petitioner strict proof of the same. The petitioner did not wear helmet at the time of accident. The petitioner also contributed for the accident. Hence this petition is liable to be dismissed.

04.The points for consideration:-

- 1) Whether the accident took place due to the rash and negligent driving of the driver of the respondent TNSTC Bus bearing Reg.TN-68-N-1293?
- 2) Whether the petitioner is entitled for compensation? if so, what is the quantum?
- 3) If the petitioner is entitled for compensation, who is responsible to pay the same?

05. On the petitioner's side, PW1 was examined and Ex.P1 to Ex.P12 were marked. On the side of 1st Respondent, RW1 examined, no documents marked. The Disability Certificate was marked as Ex.C1.

06.POINT NO 1: -

6(1) The contention of the petitioner regarding negligence is that on 02.06.2024, at about 9.30 a.m., the petitioner alongwith his wife was proceeding in a two wheeler Hero Splendor bearing Registration No.TN-47-AH-3684 from west to east, near Mayanur Railway gate, at Puliur - Trichy road. The petitioner was riding the bike and the petitioner's wife was traveling as pillion rider. Whiles, the driver of the Respondent bus bearing Reg.No.TN-68-N-1293 came in a rash and negligent manner and dashed on the two wheeler. Due to the same, the petitioner sustained grievous injuries all over his body. Immediately after the accident, the petitioner was taken to the Raj Ortho Hospital, Karur for first Aid, and then to Kovai Medical Center and Hospital, Coimbatore and admitted as inpatient. With regard to the accident, a case U/s.279, 337 of IPC was registered at Mayanur Police station in Crime Number.215/2024.

6(2) The respondent contended that only the petitioner drove the two wheeler in a rash and negligent manner and caused the accident.

6(3) The petitioner has stated that the driver of the TNSTC Bus had driven the bus in a rash and negligent manner. On perusal of FIR (Ex.P1), the same was registered against the TNSTC bus duty driver who had driven the Bus bearing Reg.TN-68-N-1293. The respondent attributes negligence on the part of the petitioner. 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.

6(4) The respondent contended that the petitioner had driven the Two wheeler in a negligent manner. Once the respondent attribute negligence on the petitioner, the same has to be established by substantial evidence. The respondent had examined the driver of the bus as RW1. He deposed in the cross examination that the scene of occurrence is a busy area and the vehicles cannot be plied very fast. The evidence of RW1 reveals that the accident occurred in a busy road. Unless the bus had been driven in a negligent manner, the accident would not have occurred. If the bus is driven slowly, it could be suddenly stopped by applying brake. The petitioner examined as PW1 stated that only the TNSSTC bus driver was rash and negligent. The FIR could be relied only for the proof of the accident and not as a proof for negligence. The petitioner was examined as PW1. The petitioner is the eye witness and a victim of the accident. The Petitioner's evidence is so probable regarding the manner of accident and negligence. Therefore, it is concluded that the accident was only due to the rash and negligent driving of the TNSSTC bus driver. This point is answered accordingly.

07.POINT NO.2:

7(1) The petitioner had marked Ex.P1 to Ex.P12. The FIR in Crime No.215/2024 of Mayanur Police Station is Ex.P1. It reveals that the Bus bearing Reg.TN-68-N-1293 was involved in the accident. The petitioner had sustained injuries could be seen from the copy of Accident Registers/Ex.P3, Discharge

summaries marked as Ex.P4 and Ex.P5. It is proved that the petitioner sustained injuries due to the accident caused by the owner of the Bus bearing Reg.TN-68-N-1293 . Hence, the petitioner is entitled for compensation.

7(2) The petitioner has claimed **Rs.50,00,000/-** under various heads as compensation. The petitioner has contended that, due to the accident, he had suffered injuries and was permanently disabled. In order to prove the said fact, the petitioner has filed a memo to refer him to Medical Board for assessment of disability. The petitioner was referred to medical board and Doctors of the medical board had assessed the disability of the petitioner and given Ex.C1, the disability certificate. On perusal of Ex.C1, it is evident that the petitioner sustained injury. It is referred in the disability certificate that the percentage of disability is **41%**. The injury sustained by the petitioner is on the type 3B open fracture both bone distal third of leg. The petitioner has stated that he is an Office Assistant. It is mentioned in the disability certificate/Ex.C1 that the disability is not likely to improve and non progressive. The petitioner's avocation does not require regular movement. The petitioner is also continuing in service. Therefore, no loss of Income due to the Disability is established. The disability is not a functional disability. Hence, percentage method of calculation is adopted. As the disability is fixed at **41%**, by applying the principle laid down in the judgment of our *Hon'ble High Court reported in CMA.No.3423/2024, dated 21.12.2024 Ramasamy /vs/ Arunkumar and two others*, for each percentage of disability, **Rs.10,000/-** has to be awarded. Hence, for **41% disability, Rs.4,10,000 /-(41x Rs.10,000/-)** is awarded.

7(3) On perusal of Ex.C1 the disability certificate, it seems that the petitioner has sustained injury. Considering the said fact, for **Pain and Sufferings** undergone by the petitioner, **Rs.1,00,000/-** is awarded. Towards **Extra Nourishment** that would have been taken for speedy recovery, **Rs.15,000/-** 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.15,000/-** 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.20,000/-** is awarded towards **Loss of Amenities**. The petitioner is employed as an Office Assistant. He would have received Salary even for the leave taken during the period of treatment. Therefore, no Loss of Income during the period of treatment arise. The petitioner had marked Medical bills/Ex.P8 for **Rs.3,07,158/-**. All the bills are original. Hence, a sum of **Rs.3,07,158/-** is awarded towards **Medical Expenses**. With regard to the other claims made by the petitioner, no documents were filed.

7(4) In fine, this tribunal award the following amount towards the claim of the petitioner under the given heads.

1.	Towards Disability	Rs.	4,10,000/-
2.	Towards Pain & Suffering	Rs.	1,00,000/-
3.	Towards Extra nourishment	Rs.	15,000/-
4.	Towards Attender Charges	Rs.	15,000/-
5.	Towards Transportation Expenses	Rs.	5,000/-

6.	Towards Loss of amenities	Rs.	20,000/-
8.	Towards Medical Expenses	Rs.	3,07,158/-
	Total	Rs.	8,72,158/-

This point is answered Accordingly.

08. POINT NO.3:-

As the owner of the offending vehicle, the respondent is liable to compensate the petitioner. The accident occurred on 02.06.2024 at about 09.30 a.m. The respondent is a Transport Corporation and vicariously liable to pay compensation for the negligence of its driver. Consequently, it is concluded that the respondent is liable to pay the compensation to the petitioner. This point is answered accordingly.

In the result, the petition is Partly allowed as follows:-

1. The Petitioner is awarded **Rs.8,72,158/- (Rupees eight lakhs, seventy two thousand, one hundred and fifty eight only)** together with interest at 7.5% per annum from the date of petition till the date of deposit.
2. The respondent is liable to pay a sum of **Rs.8,72,158/- (Rupees eight lakhs, seventy two thousand, one hundred and fifty eight only)** to the petitioner.
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 **CJMKRURMCOP41224 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.7,721/-** within 15 days from the date of this order.

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

Dictated to Steno-Typist and directly typed by her in the computer and corrected and pronounced by me in the open Tribunal on **10th day of July 2026**

**Chief Judicial Magistrate,
Karur.**

Petitioners Side Witness:-

PW1 Thiru.Maruthupandiyan (Petitioner)

Petitioners side Exhibits:

- Ex.P1 Copy of First Information Report
- Ex.P2 Copy of Registration Certificate of TN-68-N-1293
- Ex.P3 Copy of Accident Register
- Ex.P4 Copy of Discharge Summary (Raj Ortho Hospital)
- Ex.P5 Copy of Discharge Summary (Ganga Hospital, Covai)
- Ex.P6 Copy of X-Ray

- Ex.P7 Photos -7 Nos (Petitioner)
- Ex.P8 Medical bills (Rs.3,07,158/-)
- Ex.P9 Copy of Driving License
- Ex.P10 Copy of the Identity card (Petitioner)
- Ex.P11 Copy of Adhar card (Petitioner)
- Ex.P12 Copy of Bank Pass book (Petitioner)

Respondent's side witness:-

RW1 Thiru.Suresh

2nd Respondent's side Exhibits: NIL

Document marked through witness: NIL

Document marked through Court:

- Ex.C1 Disability certificate issued by the Medical board Government Medical College Hospital, Karur to the petitioner.

**Chief Judicial Magistrate,
Karur.**