

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.**

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

**Chief Judicial Magistrate**

**Motor Accident Claims Tribunal**

**Wednesday, the 10<sup>th</sup> day of May 2026**

**M.C.O.P.No.670/2021**

**CNR NO.TNKR-02-001817-2024**

S.Veluprabakaran, Age 19 years,

S/o.Sekar,

SC Street, Pallapalayam,

Karur.

..Petitioner.

//Vs//

1. S.Latha,

W/o.Sekar,

SC Street, Pallapalayam,

Karur.

2. The Branch Manager,

The New India Assurance Company Limited,

K.V.R.Complex,

3<sup>rd</sup> floor,

80 feet road,

Sengunthapuram,

Karur.

.. Respondents.

**Policy No.72250031200900007352**

This original petition filed U/s.166 of Motor Vehicles Act, 1988 coming before me for final hearing in the presence of Thiru.T.Madhan, learned counsel for the petitioner and Thiru.P.Premkumar, learned counsel for the 1<sup>st</sup> respondent and Thiru.P.Ramani, learned counsel for the 2<sup>nd</sup> 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.10,00,000/- as compensation against the respondents together with interest and cost from the date of accident.

### **02. The averments of the Amended Petition in brief :-**

On 10.09.2021, the petitioner and his relative by name Anbarasu were proceeding in a two wheeler FZ bearing Registration No.TN-47-BY-6505 from west to east at Chinnadharapuram – Karur. The said Anbarasu had driven the two wheeler and the petitioner was traveling as a pillion rider. At about 9.20 p.m., while proceeding near Thumbivadi bus stop, Anbarasu driven the two wheeler in a rash and negligent manner, in a high speed, without observing the road rules and let the bike skid on the road. Due to the same, the petitioner sustained grievous injuries all over his body. Immediately after the accident, the petitioner was taken to Senthil Care Hospital, Karur, for first Aid, and then to the Ganga Hospital, Coimbatore and

admitted as inpatient. With regard to the accident, a case U/s.279, 337 of IPC was registered at Chinnadharapuram Police station in Crime Number.316/2021. The 1<sup>st</sup> respondent is the owner of the FZ bearing Registration No.TN-47-BY-6505. The said vehicle was insured with the 2<sup>nd</sup> respondent. Both respondents are jointly and severally liable to pay the compensation to the petitioner. The petitioner estimate his claim of compensation at Rs.10,00,000/-.Hence this petition.

**03.** The 1<sup>st</sup> respondent remain exparte. Petition u/s 170 MV Act was filed by the 2<sup>nd</sup> respondent and the same was allowed in I.A.No.01/2022, dated 02.09.2022. Hence, the 2<sup>nd</sup> respondent was permitted to contest the case claiming defence that ought to has been contended by the 1<sup>st</sup> respondent in the case.

**04. The Brief contentions of the counter filed by the 1<sup>st</sup> respondent as follows:-**

The petition is false, frivolous and not maintainable either on law or on facts. It is true that the petitioner met with accident and sustained grievous injuries. The vehicle involved in the accident was insured with the 2<sup>nd</sup> respondent. The two wheeler driver had a valid driving license at the time of accident. Hence, the 1<sup>st</sup> respondent is not liable to pay the compensation.

**05. The Brief contentions of the counter filed by the 2<sup>nd</sup> respondent as follows:-**

The petition is false, frivolous and not maintainable either on law or on facts. It is false to state that on 10.09.2021, the petitioner and his relative by name Anbarasu were proceeding in a two wheeler FZ bearing Registration No.TN-47-BY-6505 from west to east at Chinnadharapuram – Karur. The said Anbarasu had driven the two wheeler and the petitioner was traveling as a pillion rider. At about 9.20 p.m., while proceeding near Thumbivadi bus stop, Anbarasu driven the two wheeler in a rash and negligent manner, in a high speed, without observing the road rules and let the bike skid on the road. Due to the same, the petitioner sustained grievous injuries all over his body. Immediately after the accident, the petitioner was taken to Senthil Care Hospital, Karur, for first Aid, and then to the Ganga Hospital, Coimbatore and admitted as inpatient. The age, occupation and monthly income of the petition as false. The manner of accident stated in the petition is false. The details of injuries, period of treatment, Medical expenditure and disability mentioned in the petition are false. The avocation of the petitioner stated in the petition and the income are false. The petition has no merits and liable to be dismissed.

**06.The points for consideration:-**

- 1) Whether the accident took place due to the rash and negligent driving of the driver FZ bearing Registration No.TN-47-BY-6505?
- 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?

**07.** On the petitioner's side, PW1 was examined and Ex.P1 to Ex.P8 were marked. On the side of 2<sup>nd</sup> Respondent, RW1 and RW2 were examined Ex.R1 to Ex.R5 were marked. The Disability Certificate was marked as Ex.C1.

**08.POINT NO 1: -**

**8(1)** In order to prove the claim, the petitioner was examined as PW1. He has stated that on 10.09.2021, the petitioner and his relative by name Anbarasu were proceeding in a two wheeler FZ bearing Registration No.TN-47-BY-6505 from west to east at Chinnadharapuram – Karur. The said Anbarasu had driven the two wheeler and the petitioner was traveling as a pillion rider. At about 9.20 p.m., while proceeding near Thumbivadi bus stop, Anbarasu driven the two wheeler in a rash and negligent manner, in a high speed, without observing the road rules and let the bike skid on the road. Due to the same, the petitioner sustained grievous injuries all over his body. Immediately after the accident, the petitioner was taken to Senthil Care Hospital, Karur, for first Aid, and then to the Ganga Hospital, Coimbatore and admitted as inpatient. With regard to the accident, a case U/s.279, 337 of IPC was registered at Chinnadharapuram Police station in Crime Number.316/2021.

**8(2)** The petitioner examined as PW1 has stated that he was proceeding as a pillion rider in a two wheeler bearing Registration No.TN-47-BY-6505 from west to east at Chinnadharapuram – Karur and the driver of the vehicle had driven the same

in a rash and negligent manner and skidded. The 2<sup>nd</sup> respondent had not denied the accident. Therefore, the occurrence is admitted. At this juncture it is pertinent to read the judgment of *Hon'ble High Court, Madras in 2014 (1) TNMAC 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(3)** In this case, the petitioner has stated that he was proceeding as a pillion rider in a two wheeler bearing Registration No.TN-47-BY-6505 from west to east at Chinnadharapuram – Karur and the driver of the vehicle had driven the same in a rash and negligent manner and skidded. The 2<sup>nd</sup> respondent denied the said contention. The 1<sup>st</sup> respondent is the owner of the vehicle involved in the accident. She was examined as RW1 and admitted the manner of accident. But, she is not an eyewitness. The competent witness to speak about the manner of accident is PW1 who is the victim of the accident. The standard of proof to establish the negligence is lesser than preponderance of probability. The petitioner established his case by probable evidence. Therefore, it is concluded that the accident took place only due to the rash and negligent driving of the driver of the two wheeler bearing Registration No.TN-47-BY-6505. This point is answered accordingly.

**09.POINT NO.2:**

**9(1)** The petitioner had marked Ex.P1 to Ex.P8. The FIR in Crime No.316/2021 of Chinnadharapuram Police Station is Ex.P1. It reveals that the FZ bearing Registration No.TN-47-BY-6505 was involved in the accident. The petitioner had sustained injuries could be seen from the copy of Wound Certificate/Ex.P5 and Discharge summary marked as Ex.P6. It is proved that the petitioner sustained injuries due to the accident caused by the owner of the FZ bearing Registration No.TN-47-BY-6505. Hence, the petitioner is entitled for compensation.

**9(2)** The petitioner has claimed **Rs.10,00,000/-** 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 **30%**. The injury sustained by the petitioner is on the Right and Left Upper Limb. The petitioner has stated that he is a student. It is mentioned in the disability certificate/Ex.C1 that the disability is not likely to improve. But, the Disability is not established as Functional Disability considering the nature of injury sustained. Hence, percentage method of calculation is adopted. As the disability is fixed at **30%**, by applying the principle laid down in the

judgment of our *Hon'ble High Court reported in CMA.No.114/2025 R.Thiyagarajan Vs Gunashree and another*, for each percentage of disability, **Rs.8,000/-** has to be awarded. Hence, for **30% disability**, **Rs.2,40,000/- (30x Rs.8,000/-) is awarded.**

**9(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.10,000/-** 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.10,000/-** 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 has stated that he is a school student. Since the petitioner was Minor at the time of accident, **no income loss** would have occurred. The petitioner has marked Medical bills for **Rs.1,48,874/-** as Ex.P7. The said amount is awarded towards **Medical Expenses**. With regard to the other claims made by the petitioner, no documents were filed.

**9(4)** In fine, this tribunal award the following amount towards the claim of the petitioner under the given heads.

|    |                                 |            |                    |
|----|---------------------------------|------------|--------------------|
| 1. | Towards Disability              | Rs.        | 2,40,000/-         |
| 2. | Towards Pain & Suffering        | Rs.        | 1,00,000/-         |
| 3. | Towards Extra nourishment       | Rs.        | 10,000/-           |
| 4. | Towards Attender Charges        | Rs.        | 10,000/-           |
| 5. | Towards Transportation Expenses | Rs.        | 5,000/-            |
| 6. | Towards Loss of amenities       | Rs.        | 20,000/-           |
| 7. | Towards Medical Expenses        | Rs.        | 1,48,874/-         |
|    | <b>Total</b>                    | <b>Rs.</b> | <b>5,33,874 /-</b> |

This point is answered Accordingly.

#### **10. POINT NO.3:-**

It is decided in Point No.1 that the accident took place only due to the rash and negligent driving of the driver of two wheeler FZ bearing Registration No.TN-47-BY-6505. The 1<sup>st</sup> respondent is the owner of the two wheeler and vicariously liable to compensate the petitioner. But, the two wheeler FZ bearing Registration No.TN-47-BY-6505 was insured with the 2<sup>nd</sup> respondent. The MVI Report was marked as Ex.P3. The insurance was valid from 13.11.2020 to 12.11.2021. The accident occurred on 10.09.2021. No violation of policy terms established. Therefore, the 2<sup>nd</sup> respondent is liable to indemnify the 1<sup>st</sup> respondent for the compensation awarded to the petitioner. This point is answered accordingly.

#### **11. In the result, the petition is Partly allowed as follows:-**

1. The Petitioner is awarded **Rs.5,33,874/- (Rupees Five Lakhs, thirty three thousand, eighty hundred seventy four Only)** together with interest at 7.5% per annum from the date of petition till the date of deposit.

2. The 2<sup>nd</sup> respondent shall pay a sum of **Rs.5,33,874/- (Rupees Five Lakhs, thirty three thousand, eighty hundred seventy four Only)** to the petitioner on behalf of the 1<sup>st</sup> respondent.
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 **CJMKRURMCOP67021 IFSC.No.IOBA0000738 Thanthonimalai** under intimation to this Tribunal by way of submitting pay advice slip.
4. 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.
5. The petitioner is permitted to withdraw the amount on deposit.
6. The Advocate fee is fixed at **Rs.4000/-**
7. The petitioner shall pay the balance court fee of **Rs.4,339/-** 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 this the **10<sup>th</sup> day of June 2026.**

**Chief Judicial Magistrate,  
Karur.**

**Petitioner side Witness:-**

PW1 Thiru.Veluprabakaran (Petitioner)

**Petitioner's side Documents:-**

- Ex.P1 Copy of First Information Report
- Ex.P2 Copy of Charge sheet
- Ex.P3 Copy of MVI Report of TN-47-BY-6505
- Ex.P4 Copy of Rough Sketch
- Ex.P5 Copy of Wound Certificate
- Ex.P6 Discharge Summary (Original)
- Ex.P7 Medical bills (Rs.1,48,874/-)
- Ex.P8 Adhar card (Petitioner)

**2<sup>nd</sup> Respondent's side Witness:-**

- RW1 Thiru.Varisai Mohamed Ansari
- RW2 Latha

**2<sup>nd</sup> Respondent's side Documents:- Nil**

- Ex.R1 Insurance policy
- Ex.R2 Registration Certificate
- Ex.R3 Registration Certificate of TN-47-BY-6505
- Ex.R4 Insurance of TN-47-BY-6505
- Ex.R5 Driving license of Anbarasu

**Document marked through Court:**

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

**Chief Judicial Magistrate,  
Karur.**