



Before the Motor Accident Claims Tribunal, Ramanathapuram.

(Chief Judicial Magistrate Court, Ramanathapuram.)

**Present : Thiru.J.Jeya Suthahar, M.Sc., L.L.M.,**

Motor Accident Claims Tribunal Authority, Ramanathapuram

(Chief Judicial Magistrate, Ramanathapuram.)

**Friday, the 10<sup>th</sup> day of April 2026**

**M.C.O.P. No.13/2025**

(CNR No.TNRM02-000303-2025)

Pappammal, aged about 62/2024, W/o.Elangu, 1/135, Vallimadan Valasai, Kudhakottai, Keelakarai Taluk, Ramanathapuram District,

(Petition amended as per the order in I.A.No.01/2026 dated: 17.02.2026)

... Petitioner

Vs

1. Thirupathi, S/o.Sekar, 59/36, Thangappa Nagar, Ramanathapuram.

2. The Branch Manager, United India Insurance Co., 24 Whites Road, Chennai – 600014.

(Policy No.04010031240160545805)

... Respondents

This claim petition was taken on file as M.C.O.P.No.14/2025 by the Hon'ble Principal District Court and by the order of the Hon'ble Principal District Judge, Ramanathapuram dated 08.01.2025 the above case was transferred to this Court and



was taken on file as M.C.O.P.No.13/2025 and came before me for final hearing on 02.04.2026 in the presence of Mr.G.Vanniyaraja, Learned counsel for the petitioner and Mr.M.Suresh Kumar, Learned counsel for the 1<sup>st</sup> respondent and Mr.A.Dharmaraj, Learned counsel for the 2<sup>nd</sup> respondent and upon hearing the arguments on both side and upon perusal of records and having stood over for consideration till this day, this court doth delivers the following:

### **ORDER**

This petition is filed by the petitioner u/s.140, 141, 142, 163(B), 166 & 182(A) of M.V. Act 1988 r/w 3(1) of the MACT Rules (Amended Act 54/1994) claiming compensation of Rs.15,00,000/- from the respondents for the injuries sustained by her in a motor vehicle accident.

#### **2. The averments in the petition in brief :-**

The petitioner was hale and healthy before the accident. On 04.09.2024 at about 12.30 p.m the petitioner went to Om Shakti Temple situated on the entrance road opposite to Nurul Hawa Hospital in Ramanathapuram and thereafter she was going to Shiva Temple in Chettiya Street for worship. When she walked near Ayira Vaisiyar Kasukadai Thirumanamahal in Chettiya Street from west to east on the left side of the road, the 1<sup>st</sup> respondent was riding in his splendor plus two wheeler bearing Regn.No.TN 65 BB 2386 in the same direction behind the petitioner in a rash and



negligent manner without making any sound or light and hit the petitioner and caused the accident. Due to the accident the petitioner sustained fracture in her right femur and other injuries all over her body. The petitioner was admitted in Saji Ortho Hospital, Ramanthapuram as an inpatient and thereafter she was admitted in Miot Hospital in Madurai as an inpatient where she underwent surgery in her leg and continued to take treatment from 17.09.2024 to 26.09.2024. A case has been registered in Kenikarai Police Station in Cr.No.495/2024, U/S.281, 125(a) BNS Act. Although the petitioner was discharged from the hospital she is still taking medical treatment for her injuries as an outpatient. The petitioner has suffered about 75% disability. Due to the injuries and the surgery in her leg, the petitioner has been facing great difficulty in doing any work as before and living as an average person. She is unable to attend the nature's call as usual. Further the petitioner is facing difficulty in going outside without the help of others. The entire cause for this accident is the carelessness and negligence of the 1<sup>st</sup> respondent. His vehicle was insured with the 2<sup>nd</sup> respondent company at the time of the accident. Hence both the respondents are liable to pay compensation to the petitioner. The petitioner has claimed Rs.15,00,000/- as compensation. Hence this petition is filed.

### **3. The averments in the counter statement of the 1<sup>st</sup> respondent in brief :-**

All the averments in the petition are denied. The petitioner is not entitled any



relief claimed in the petition. Since the petitioner has filed the petition stating false particulars by concealing the true facts the petition is liable to be dismissed. The 1<sup>st</sup> respondent was riding his two wheeler bearing Regn.No.TN 65 BB 2386 with great care, making moderate and proper noise. The petitioner herself has been walking on the road carelessly. Thereafter a complaint was received from the petitioner in the Kenikarai Police Station and a case in Cr.No.495/2024 has been registered against the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent has duly registered his vehicle bearing Regn.No.TN 65 BB 2385 as per the Motor Vehicles Act and has maintained it properly in accordance with the provisions of the Act. The above accident was caused due to the negligence and carelessness of the petitioner. So the petitioner is not entitled to get any compensation. The accident was not caused by the 1<sup>st</sup> respondent. So the 1<sup>st</sup> respondent is not liable to pay compensation. Further the 1<sup>st</sup> respondent is the owner of the said vehicle. He was having a valid driving license at the time of the accident. The vehicle was insured with the 2<sup>nd</sup> respondent. If any compensation is to be paid to the petitioner, the 2<sup>nd</sup> respondent is liable to pay the compensation. Hence the petition is liable to be dismissed.

#### **4. The averments in the counter statement of the 2<sup>nd</sup> respondent in brief :**

All the averments in the petition are denied as false and the petitioner will have to prove every one of them. The petitioner will have to establish that the vehicle said



to have been involved in the accident stood insured with this respondent at the material time, that the 1<sup>st</sup> respondent was the owner of the vehicle having insurable interest therein and that the driver of the vehicle was holding an effective driving license to drive the vehicle. This respondent does not admit that the kenikarai Police has registered case in Cr.No.495/2024 U/s.281 and 125 A BNS against the rider of the two-wheeler bearing Regn.No.TN-65-BB-2386. The entire contents of the criminal records are not admitted and specifically denied. The petitioner is put to strict proof that the registered owner used the vehicle bearing Regn.No.TN 65 BB 2385 without any breach of driving license, permit, fitness, insurance policy and traffic rules as per the Motor Vehicle Act and Rules. The averments in the petition regarding the manner of accident and the alleged responsibility of the 1<sup>st</sup> respondent's two wheeler bearing Regn.No.TN-65-BB-2386 for the accident are all not admitted. This respondent understands that the 1<sup>st</sup> respondent was riding at a moderate speed on the extreme left side of the road by duly sounding the horn, observing all the traffic rules and by taking necessary precautions. At that time the petitioner suddenly and unexpectedly turned to right side in the road, without noticing the vehicle which was coming behind and caused the accident and sustained injures. The above facts would clearly indicate that the alleged accident occurred solely due to the negligence of the petitioner. Hence the 1<sup>st</sup> respondent's driver was in no way responsible for the



accident as alleged in the petition and FIR. Hence this 2<sup>nd</sup> respondent is not liable to pay compensation to the petitioner. It is a case of composite negligence. The averments in the petition regarding the age, occupation, medical bills, disability and period of treatment of the petitioner are all not admitted and the petitioner will have to prove each of the averments through proper documentary evidence. The claim of compensation for a huge sum of Rs.15,00,000/- is grossly exaggerated and untenable and the claims made under various heads are all not admitted. The claims in respect of expenses incurred during treatment will have to be proved through proper bills and vouchers. While the claim towards pain and sufferings is highly inflated, the claims towards mental agony are wholly unsustainable. The petition is devoid any merits.

**5 .Points for determination :-**

1. Whether the accident occurred due to the rash and negligent riding of the 1<sup>st</sup> respondent?
2. Whether the respondents are liable to pay compensation to the petitioner?  
If so what is the quantum of compensation?

6. On the side of the petitioner, PW1 was examined and Ex.P1 to Ex.P8 were marked. On the side of the respondents, no oral and documentary evidence was adduced. The Disability Certificate of the petitioner was marked as Ex.C1.

**7. Point No.1:-**

The petitioner has deposed before this court as PW1 and has stated that the



accident was happened due to the rash and negligent riding of the 1<sup>st</sup> respondent who is the owner cum rider of the two wheeler which is involved in the accident. In support of the above case of the petitioner, the copy of FIR registered for the accident is marked as Ex.P1. In Ex.P1 FIR it is stated that the accident was happened due to the rash and negligent riding of the 1<sup>st</sup> respondent and it was registered for the offence under Sections 281 and 125(a) BNS. The respondents have not adduced any contra evidence against Ex.P1. Hence under these circumstances this court has come to the conclusion that the available materials clearly establish that the accident was happened only due to the rash and negligent riding of the 1<sup>st</sup> respondent and accordingly this point is answered.

#### **8. Point No.2:-**

In point No.1 it is decided that the accident was happened only due to the rash and negligent riding of the 1<sup>st</sup> respondent. There is no quarrel between the parties that the 1<sup>st</sup> respondent's vehicle was insured with the 2<sup>nd</sup> respondent and it was in force at the time of the accident. The copy of the insurance policy is marked as Ex.P7. Hence being the insurer of the 1<sup>st</sup> respondent's vehicle, the 2<sup>nd</sup> respondent is liable to pay compensation to the petitioner.

9. Now let us see the quantum of compensation. As per Ex.P2, it is seen that the petitioner sustained sub trochanter fracture in right leg and was admitted in Saji



Ortho clinic and as per Ex.P3, it is seen that the petitioner was admitted in the Rajendran Firm Madurai Institute of Orthopaedics and Traumatology and took treatment as inpatient from 17.09.2024 to 26.09.2024. Ex.C1 disability certificate shows that the disability suffered by the petitioner is 20%. But at the same time there is no evidence on record to show that the petitioner sustained any functional disability. In the present case the accident occurred in the year 2024. Therefore, the petitioner is entitled to get Rs.9,000/- for each percentage of disability as held by our Hon'ble High Court in 2025(1) TN MAC 447 in Noori Vs Narendran and another. So, the petitioner is entitled **Rs.1,80,000/-** (Rs.9000 x 20%) under the head of disability.

10. The petitioner in his petition as well as proof affidavit has specifically stated that she was 62 years old at the time of accident and her family was depending upon her income. But the petitioner has not pleaded and adduced any evidence to prove her work and income. Hence in the absence of any evidence to prove the income of the petitioner this court has decided to take the notional income of the petitioner as Rs.8,000/- p.m. Due to the injuries sustained by the petitioner, she would not have attended her work for four months. Hence the petitioner is entitled Rs.32,000/- (Rs.8000/- x 4 = Rs.32,000/-) under the head of loss of income.



11. The petitioner is entitled for **Rs.1,96,406/-** as per Ex.P3 and Ex.P8 medical bills under the head of medical expenses.

12. As per the decision of the Hon'ble Apex court in Rajkumar Vs Ajay kumar reported in (2011 ACJ (1) SC) the petitioner is also entitled to get compensation under other conventional heads like loss of convenience, pain and sufferings, transport and extra nourishment. So, considering the nature of injuries and disability, this tribunal has awarded a sum of **Rs.50,000/-** for pain and sufferings and a sum of **Rs.50,000/-** for loss of convenience and a sum of **Rs.10,000/-** for Attendant Charges and a sum of **Rs.10,000/-** for Extra Nourishment and a sum of **Rs.10,000/-** for Transportation.

13. Thus the petitioner is entitled compensation under various heads as calculated below;

Sl.No.	Heads	Amount
1.	Disability ((Rs.9,000/- x 20%)	Rs.1,80,000/-
2.	Loss of Income (Rs.8000/- x 4)	Rs.32,000/-
3.	Medical Expenses (as per Ex.P3 and Ex.P8)	Rs.1,96,406/-
4.	Pain and sufferings	Rs.50,000/-
5.	Loss of Convenience	Rs.50,000/-
6.	Attendant Charges	Rs.10,000/-



7.	Extra nourishment	Rs.10,000/-
8.	Transport charges	Rs.10,000/-
	Total	<b>Rs.5,38,406/-</b>

Thus, the petitioner is entitled to get a total compensation of **Rs.5,38,406/-** with interest at the rate of 7.5% p.a and costs accordingly this point is answered.

14. In the result, this petition is partly allowed with proportionate costs. The petitioner is entitled to get a sum of **Rs.5,38,406/-** as compensation with interest at the rate of 7.5% p.a from the date of filing of the petition i.e. 03.01.2025, till the date of payment / deposit. The 2<sup>nd</sup> respondent is directed to pay / deposit the above compensation amount to the petitioner and is directed to pay / deposit the above compensation amount in Virtual Account No.CJMRMD132025 (IFSC Code : SBIN0004266) within 30 days from the date of this order. On such deposit the petitioner is permitted to withdraw the entire award amount with accrued interest. The deficit court fees of **Rs.4,383/-** shall be paid by the petitioner within two weeks from the date of this order. Both the parties are entitled to get free copy of this order. Advocate fees is fixed at **Rs.23,884/-**

#### **Particulars of Court fee and Cost**

i) Cost of this petition is **Rs.28,719/-** = (Vakkalath fee:Rs.10 + Process fee: Rs.69.50/- + Court fee : Rs.4,756/- + Advocate fee: Rs.23,884/-)



- ii) Court fee paid : Rs.372.50/-  
iii) Court fee allowed : Rs.4,756/-  
iv) Deficit Court fee : Rs.4,383/-

This order was dictated by me to the Steno-typist directly and typed and printed out by her and corrected, pronounced by me in the open court on this, the 10<sup>th</sup> day of April 2026.

Presiding Officer, MACT /  
Chief Judicial Magistrate,  
Ramanathapuram.

**Petitioner Side Witness :**

PW1 - Tmt.Pappammal (Petitioner)

**Petitioner side Documents :**

- Ex.P1 25.09.2024 First Information Report – copy  
Ex.P2 04.09.2024 Shaji Ortho Clinic card - Original  
Ex.P3 27.09.2024 Madurai Institute of Orthopaedics and Traumatology Medical Bill – Original  
Ex.P4 -- Petitioner's Aadhar card – copy  
Ex.P5 -- Driving Licence of the 1<sup>st</sup> Respondent– copy  
Ex.P6 -- 1<sup>st</sup> respondent's vehicle R.C Book – copy  
Ex.P7 -- Insurance Policy of the 1<sup>st</sup> Respondent's vehicle – copy  
Ex.P8 -- Miot Pharmacy Bills (9 Nos.) - Original



**Respondents side Witnesses and Documents :- Nil**

**Tribunal Document :**

Ex.C1 Disability Certificate of the petitioner - Original

Presiding Officer, MACT /  
Chief Judicial Magistrate,  
Ramanathapuram.

Motor Accident Claims Tribunal,  
Ramanathapuram.  
(Chief Judicial Magistrate Court,  
Ramanathapuram.)  
M.C.O.P.No.13/2025  
Draft /Fair Order  
Date : 10.04.2026