



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.)

Wednesday, the 24th day of June 2026

M.C.O.P. No.33/2025

(CNR No.TNRM02-001209-2025)

Kalidoss, Aged about 30/2025, S/o. Ganesan, 4/2938, K.K.Nagar, Thopukadu,
Pamban Post, Ramanathapuram Taluk & District.

... Petitioner

Vs

1. Marimuthu, Aged about 50/2025, S/o. Muthukaruppan, 8/92, Ramakrishnapuram,
Pudhuroad Post, Ramanathapuram Taluk & District.

2. Harikrishnan, Aged about 32/2025, S/o. Marimuthu, 8/92, Ramakrishnapuram,
Pudhuroad Post, Ramanathapuram Taluk & District.

3. The Senior Divisional Manager, United India Insurance Co, Ltd., 7, West Veli St,
Madurai – 625001.

... Respondents

(Policy No.0914013124P101319248)

This claim petition was taken on file as M.C.O.P.No.57/2025 by the
Hon'ble Principal District Court and by the order of the Hon'ble Principal District
Judge, Ramanathapuram dated 08.02.2025 the above case was transferred to this



Court and was taken on file as M.C.O.P.No.33/2025 and came before me for final hearing on 16.06.2026 in the presence of Mr.K.A.Muthuraman, Learned counsel for the petitioner and Mr.S.Shanmuganathan, Learned counsel for the respondents 1 and 2 and Mr.R.Mugunthan, Learned counsel for the 3rd 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.142, 163(A), 163(B) & 166 of M.V. Act 1988 r/w (Amended Act 54/1994) claiming compensation of Rs.50,00,000/- from the respondents for the injuries sustained by him in a motor vehicle accident.

2. The averments in the petition in brief :-

The petitioner was 30 years old at the time of the accident and he was hale, healthy and hard working man, before the accident. The petitioner had bought an auto from Ganesamoorthy s/o Renganathan, of Nochiyurani, Ramanathapuram and was earning Rs.1,000/- per day. He took care of his parents. Since he was not yet married, he was working tirelessly to marry a good woman and bring his life to a higher level. But this accident prevented him from doing so. On 24.11.2024 at about 03.00 p.m the petitioner was driving his auto bearing Regn.No.TN-65-BA-7279 from



Rameswaram bus stand to Pudhuroad, Natarajapuram and after dropping the people there, he left towards Rameswaram from south to north in Dhanushkodi to Rameswaram NH road between Thalaiyamman kovil nagar and the Holiday Home which is a Central Government Hostel on the left side of the road. At that time the 2nd respondent was riding his Bajaj pulser two wheeler bearing Regn.No.TN 65 BB 2685 in the same direction behind the petitioner in a rash and negligent manner without blowing horn and hit the auto driven by the petitioner. So the auto capzised in a puddle of rainwater on the left side of the road. The petitioner sustained severe injuries and swelling in his throat and right shoulder. Pravin Kumar s/o Mariappan and Nitish Kumar s/o Udayakumar who were passing through that place took the petitioner in an auto and admitted him in the Government Hospital, Rameswaram for treatment. He came to know that the 2nd respondent was driving the said two wheeler. The petitioner was admitted in a private hospital in Ramanathapuram N.H.Ortho care on the same day and took treatment for 9 days till 15.12.2024. Still he is taking treatment as an outpatient. So far he has spent Rs.2,00,000/- for medical expenses. Doctors have said that future medical expenses will cost around Rs.1,00,000/-. A case was registered in Dhanushkodi Police Station in Cr.No.85/2024, U/S.281 and 125(a) BNS and it is pending before the Judicial Magistrate Court, Rameswaram. The pain and suffering caused by the injury to the petitioner is beyond words. A lot of money



is being spent for daily maintenance. The petitioner's family is borrowing money from many places and spending it. The petitioner is unable to repay the loan. Due to this accident the petitioner was completely disabled and could not work. The accident was happened only due to the rash and negligent driving of the 2nd respondent. The 1st respondent is the owner of the vehicle and it was insured with the 3rd respondent company at the time of the accident. Hence respondents 1 to 3 are liable to pay compensation to the petitioner. The petitioner has claimed Rs.50,00,000/- as compensation. Hence this petition is filed.

3. The averments in the counter statement of the respondents 1 and 2 in brief :-

On 24.11.2024 at 03.00 p.m the 2nd respondent was riding the Bajaj Pulser two wheeler bearing Regn.No.TN 65 BB 2695 belonging to the 1st respondent in Dhanushkodi to Rameswaram NH road from south to north in a moderate speed between Thalaiyammal kovil nagar and Holiday Home. At that time the petitioner was driving his auto bearing Regn.No.TN65BA7279 in a rash and negligent manner without following the traffic rules from south to north from Pamban Thoppukadu village and suddenly applied the brakes to avoid colliding with the oncoming vehicle. So he lost control and the auto capzised into the ditch containing rain water on the side of the road. The petitioner sustained blunt injuries in his right thigh and shoulder. Praveen Kumar and Udayakumar took the petitioner in an auto and admitted him in



the Government Hospital, Rameswaram. The Dhanushkodi Police Station Inspector Kanagasabapathi registered a case against the 2nd respondent under Sections 281 and 125(a) BNS in Cr.No.85/2024 on the basis of the petitioner's complaint without conducting proper investigation. The petitioner has stated in exaggeration that he spent up to Rs.2,00,000/- and the future medical expenses would be Rs.1,00,000/-. The petitioner has to prove the medical expenses through relevant documents. The accident occurred when the petitioner was driving his auto at a high speed and carelessly in front of the 2nd respondent in NH 49 Dhanushkodi – Rameswaram road. The petitioner without paying attention to the vehicle coming in front of him, suddenly applied the brakes to stop the auto to avoid colliding with the vehicle. The auto capzised and fell into the ditch containing rain water on the side of the road and the petitioner sustained blunt injury. The petitioner is fully responsible for the accident. The 2nd respondent was riding Bajaj pulsar two wheeler bearing Regn.No.TN65BB2695 steadily and carefully. So he did not suffer any serious injury. The 2nd respondent did not collide with the petitioner's auto and did not cause the accident. The auto was damaged since it went out of the road. Since the accident occurred due to the petitioner's over speed and carelessness, the respondents 1 and 2 are not liable to pay compensation. The 1st respondent's vehicle was insured with the 3rd respondent and it was in force at the time of the accident. So the 3rd respondent is



liable to pay compensation to the petitioner. Further the compensation claimed by the petitioner at Rs.50,00,000/- is excessive. The petitioner is liable to prove the treatment and medical expenses by relevant documents. Further since the petitioner's auto was not insured, First Information Report was registered against the 2nd respondent without any proper investigation just to claim compensation. Further, in the case of a collision between two vehicles, the drivers, the owners and the insurance companies of both the vehicles are necessary parties in this case. The 1st respondent insured his vehicle with the 3rd respondent from 24.04.2024 to 23.04.2025 and it was in force at the time of the accident. If any compensation is to be paid to the petitioner, the 3rd respondent is liable to pay the compensation. Hence the petition is liable to be dismissed as against the respondents 1 and 2 .

4. The averments in the counter statement of the 3rd respondent in brief :

All the averments in the petition are false. The petition is not maintainable either in law or on facts. Hence the petition is liable to be dismissed in limine. The petitioner is put to strict proof of all the averments stated in the petition. The person driving the vehicle has a relation in force as on the date of accident to drive the vehicle. This respondent seeks protection under the section 147 and 150 of M.V.Act. The respondent is not liable to pay any compensation and the case is liable to be dismissed as against this respondent for non-compliance of statutory demand under



Sec.158(6) of M.V.Act and the direction of the Hon'ble Apex Court. The petitioner's claim of interest @12% is highly excessive and same is contrary to Sec.3 of Interest Act and the observations of the Hon'ble Apex Court. The petitioner is not entitled to claim any interest. The petitioner is put to strict proof of his income and medical expense by way of documentary evidence. The accident was not happened by the rider of TN65BB2695 vehicle. The petitioner drove his auto in a rash and negligent manner without minding the road and suddenly the auto fell down in the ditch of the road and capsized. The petitioner was the tortfeasor of the accident. The owner of TN65BA7279 vehicle is a necessary party in the petition. The petition is bad for non-joinder of necessary party. This respondent is not liable to pay any compensation to the petitioner. Hence the petition is liable to be dismissed.

5 .Points for determination :-

1. Whether the accident occurred due to the rash and negligent riding of the 1st respondent's vehicle by the 2nd 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.P11 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 2nd respondent who is the rider of the 1st respondent's 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 2nd 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. Further though the respondents have stated that the accident occurred due to the contributory negligence of the petitioner they have not adduced any evidence to prove the same. 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 1st respondent's vehicle by the 2nd 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 1st respondent's vehicle by the 2nd respondent. There is no quarrel between the parties that the 1st respondent's vehicle was insured with the 3rd respondent and it was in force at the time of the accident. The copy of the insurance



policy is marked as Ex.P4. Hence being the insurer of the 1st respondent's vehicle, the 3rd 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 right scapula fracture and took treatment as inpatient from 24.11.2024 to 15.12.2024. Ex.C1 disability certificate shows that the disability suffered by the petitioner is 25%. 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.2,25,000/-** (Rs.9000 x 25%) under the head of disability.

10. The petitioner in his petition as well as proof affidavit has specifically stated that he was 30 years old at the time of accident and he was earning Rs.1,000/- per day by working as an auto driver. But the petitioner has not produced any document to prove his 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.10,000/- p.m. Due to the injuries sustained by the petitioner, she would not have attended her work for two months. Hence the petitioner is entitled Rs.20,000/- (Rs.10,000/- x 2) under the head of loss of income.



11. The petitioner is entitled for **Rs.1,24,902/-** as per Ex.P8 and Ex.P9 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.25,000/-** for Attendant Charges and a sum of **Rs.25,000/-** 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 25%)	Rs.2,25,000/-
2.	Loss of Income (Rs.10,000/- x 2)	Rs.20,000/-
3.	Medical Expenses (as per Ex.P8 and Ex.P9)	Rs.1,24,902/-
4.	Pain and sufferings	Rs.50,000/-
5.	Loss of Convenience	Rs.50,000/-
6.	Attendant Charges	Rs.25,000/-



7.	Extra nourishment	Rs.25,000/-
8.	Transport charges	Rs.10,000/-
	Total	Rs.5,29,902/-

Thus, the petitioner is entitled to get a total compensation of **Rs.5,29,902/-** 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.5,29,902/-** as compensation with interest at the rate of 7.5% p.a from the date of filing of the petition i.e. 07.02.2025, till the date of payment / deposit. The 3rd 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.CJMRMD332025 (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 and costs. The deficit court fees of **Rs.4,298/-** 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.23,799/-**

Particulars of Court fee and Cost

i) Cost of this petition is **Rs.28,600/-** = (Vakkalath fee:Rs.10 + Process fee: Rs.120/- + Court fee : Rs.4,671/- + Advocate fee: Rs.23,799/-)



- ii) Court fee paid : Rs.372.50/-
- iii) Court fee allowed : Rs.4,671/-
- iv) Deficit Court fee : Rs.4,298/-

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 24th day of June 2026.

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

Petitioner Side Witness :

PW1 - Thiru.Kalidoss (Petitioner)

Petitioner side Documents :

- Ex.P1 24.11.2024 First Information Report – copy
- Ex.P2 -- Discharge Summary of N.H.Ortho Care, Ramanathapuram – copy
- Ex.P3 -- Petitioner's Aadhar card – copy
- Ex.P4 -- Insurance Policy of the 1st Respondent's vehicle – copy
- Ex.P5 -- Petitioner's vehicle R.C Book – copy
- Ex.P6 -- Insurance Policy of the petitioner's vehicle – copy
- Ex.P7 -- Driving Licence of the petitioner – copy
- Ex.P8 -- N.H.Ortho Care Hospital Medical Bills (06 Nos.) with Consolidated bill - Original
- Ex.P9 -- N.H.Ortho Care Hospital Physiotherapy Bill - Original



Ex.P10 -- Scan (09 Nos.)

Ex.P11 -- X-ray (17 Nos.)

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.33/2025
Draft /Fair Order
Date : 24.06.2026