



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 22<sup>nd</sup> day of April 2026**

**M.C.O.P. No.56/2025**

(CNR No.TNRM02-002039-2025)

Pandiyarajan, aged about 46/2025, S/o.Iyyanan, 1/153, Sangaiya Kovil street, Perungudi, Madurai-625 022.

Now residing at,

Door No.1/135, Mani Nagar, Paramakudi Taluk, Ramanathapuram District.

... Petitioner

Vs

The Branch Manager, Tamil Nadu State Transport Corporation, Kumbakonam Division, Karaikudi.

... Respondent

This claim petition was taken on file as M.C.O.P.No.110/2025 by the Hon'ble Principal District Court and by the order of the Hon'ble Principal District Judge, Ramanathapuram dated 17.04.2025 the above case was transferred to this court and was taken on file as M.C.O.P.No.56/2025 and came before me for final hearing on 09.04.2026 in the presence of Mr.M.Sivashankar, Learned counsel for the petitioner and Mrs.O.Usha Devi, Learned counsel for the 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.163(A) & 166 of M.V. Act 1988 r/w Rule 3(1) of MACT Rules claiming compensation of Rs.50,00,000/- from the respondent for the injuries sustained by him in a motor vehicle accident.

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

The petitioner is running an auto dealership in the name of 'Tamil Automobiles' in Paramakudi and Ramanathapuram and he is residing with his wife, unmarried son and daughter in the above address. On 11.12.2024 at 11.50 a.m the petitioner was riding a Pulsar bike bearing Regn.No.TN-65-AV-6316 from Paramakudi to Ramanathapuram for his company work with Jaya Arumugam, who worked in his Paramakudi Company. While the petitioner was riding in the Madurai - Rameswaram National Highway near Sethupathi Government Arts College, in front of Chettinadu Tractor Company from west to east on the extreme left side of the road, the respondent's bus bearing Regn.No.TN-63-N-1987 was coming from the same direction on the same road, and it was driven in a rash and negligent manner with terrific speed, and dashed against the petitioner's vehicle. As a result of the accident the petitioner and the pillion rider sustained multiple grievous injuries and multiple fractures. The petitioner sustained injury in the forehead and injuries in his hands and



feet. Jayam Arumugam who was the pillion rider sustained injury in his right hand and there was bleeding from his head and ear. The petitioner and Jayam Arumugam were taken to the Government Medical College Hospital by ambulance and were admitted in the intensive care unit. Jayam Arumugam was announced brought dead. When the petitioner came from the intensive care unit, Mukesh and Muthuvinayagam said that they had witnessed the accident and they informed the petitioner's wife and she filed a complaint and FIR was registered. The petitioner was shifted to Vadamalayan Hospital in Madurai. Due to the accident there was a hole in the petitioner's head and 8 stitches were placed in his head. His face was collapsed, and doctors performed a surgery to implant a plate near the eye. The petitioner took treatment as inpatient in Vadamalayan Hospital, Madurai from 11.12.2024 to 16.12.2024 and took treatment as outpatient for 15 days. Then he took treatment from Dr.M.Muthuveeran, Consultant Neurologist, Madurai. And then he took treatment in Aravind Eye Hospital, Madurai and Srinivasa Eye Hospital, Madurai and till now he is taking treatment as outpatient. After the accident the petitioner is taking treatment from neurologist for memory loss. The petitioner was hale and healthy before the accident. The petitioner was doing business. Due to the accident he is unable to walk and concentrate at his work. The petitioner is unable to lift goods and he cannot work as before. So the petitioner became disabled. It leads to inefficient in his work. So he will face huge loss of earnings in future due to the above accident.



During the treatment at Government Medical College Hospital, Ramanathapuram the petitioner was put to great pain and sufferings. The petitioner is the only bread winner of the family and he has to take care of his unmarried children. The petitioner estimates the claim to Rs.89,50,000/-. But he restricts the claim to Rs.50,00,000/-. The accident took place due to the rash and negligent driving of the respondent's bus driver. The SI of Police, Ramanathapuram Police Station has registered a case Cr.No.315/2024 u/s.281, 125(a) and 106(1) of BNS 279, 337 IPC against the driver of the respondent and the case is pending before the Judicial Magistrate No.1, Ramanathapuram. The respondent is the owner of the vehicle during the time of accident. So the respondent is vicariously liable to pay compensation to the petitioner. Hence this petition is filed.

### **3. The averments in the counter statement of the respondent in brief :-**

The petition is not maintainable either in law or in facts. The petitioner's claim seeking compensation of Rs.50,00,000/- is not legally acceptable. The respondent denies all the averments stated in the petition. The respondent strongly denied the manner of the accident stated in the petition. The respondent's bus driver has submitted a report regarding the accident. As per the report, he took the bus bearing Regn.No. TN-63-N-1987, at Madurai on 11.12.2024 at 09.50 a.m in the Madurai-Ramanathapuram route from west to east towards Ramanathapuram observing the traffic rules on the left side of the NH road at a moderate speed, sounding the horn



and carefully. At that time the rider of the two wheeler bearing Regn.No.TN-65-AV-6319 was riding the two wheeler at high speed and without wearing helmet, using cell phone, 100 meters ahead and went on the right side and attempted to overtake an unidentified lorry that was going in front of them. At that time since a vehicle came from the opposite side, the two wheeler rider lost control of his vehicle and fell down on the road and caused the accident. The motor vehicle inspector who inspected the bus has certified that there was no damage to the bus. In this case the petitioner's wife who has no connection with the accident has falsely reported that the right handlebar of the two wheeler has scratched the bus. Although the petitioner's wife filed a false complaint with the intention of getting more compensation, the police have falsely registered the case by classifying small vehicle and large vehicle. The two wheeler rider is the entire cause for the accident. So the insurance company of the two wheeler is liable to pay compensation. The Government bus driver is not responsible for the accident in any way. Therefore this respondent has to be discharged from this case. The petitioner must confirm that the medical expenses have not been covered by any other insurance company or health insurance. The amount claimed under various heads is highly exaggerated. Further considerable percentage of amount has to be deducted for contributory negligence. The respondent is not liable to pay any interest as claimed in the petition. The petition is devoid of merits. Hence the petition is liable to be dismissed.



**4. The points for consideration in this case are:-**

1. Whether the accident was happened due to the rash and negligent driving of the respondent's bus driver?
2. Whether the petitioner is entitled to get compensation from the respondent? If so what is the quantum of compensation?

5. On the side of the petitioner, PW1 was examined and Ex.P1 to Ex.P28 were marked. On the side of respondent, RW1 was examined and no document was marked. The Disability Certificate of the petitioner was marked as Ex.C1.

**6. 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 driving of the respondent's bus driver. In support of the above case of the petitioner, the copy of FIR registered for the accident is marked as Ex.P11. Ex.P11 FIR it is stated that the accident was happened due to the rash and negligent driving of the respondent's bus driver and it was registered for the offence under Sections 281, 125(a) and 106(1) BNS. The respondent's bus driver who was examined as RW1 has not denied the above fact that FIR was registered for the accident only against him. Further after investigation by the police charge sheet was filed only against the respondent's bus driver as seen from Ex.P16. RW1 has not denied the above fact also. But he merely pleaded ignorance about the charge sheet filed against him. Further though it is stated by the respondent that their driver submitted the report regarding the accident, they have not



filed the above report before this court. Under these circumstances this court has come to the conclusion that the available materials clearly establish that the accident was happened due to the rash and negligent driving of the respondent's bus driver and accordingly this point is answered.

**7. Point No.2:-**

In point No.1, it is decided that the accident was happened only due to the rash and negligent driving of the respondent's bus driver. Hence, the respondent being the owner of the offending bus is vicariously liable to pay compensation to the petitioner.

8. Now let us see the quantum of compensation. As per Ex.P23, it is seen that the petitioner took treatment in Vadamalayan Hospital, Madurai as an inpatient from 11.12.2024 to 16.12.2024. It is seen that the petitioner sustained right zygoma fracture. 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 this case the accident occurred in the year 2024. Therefore, the petitioner is entitled to get Rs.9000/- 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 for **Rs.2,25,000/-** (Rs.9,000/- x 25% ) under the head of disability.

9. The petitioner in his petition as well as proof affidavit has specifically



stated that he was 46 years old at the time of accident. In the petition he has stated that he was earning about Rs.1,50,000/- per month. He has filed Ex.P27 document to prove the same. But admittedly the above document is related to the petitioner's wife. The petitioner himself has admitted in his cross examination that he did not state anything regarding his income in his proof affidavit. The petitioner has not adduced any evidence to prove his income stated in the petition by adducing any evidence. Hence in the absence of any evidence to prove the income of the petitioner, considering the age and the nature of the work of the petitioner this tribunal has taken the notional income of the petitioner as Rs.10,000/- p.m. Due to the injuries sustained by the petitioner he would not have attended his work atleast for a period of five months. Therefore the petitioner is entitled for Rs.10,000/- x 5= **Rs.50,000/-** under the head of Loss of Income.

10. The petitioner is entitled to get **Rs.2,05,614/-** as per Ex.P21, Ex.P22 and Ex.P25 medical bills under the head of medical expenses.

11. 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.

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

<b>Sl.No.</b>	<b>Heads</b>	<b>Amount</b>
1.	Disability (Rs.9,000/- x 25% )	Rs.2,25,000/-
2.	Medical Expenses (As per Ex.P21, Ex.P22 and Ex.P25 bills)	Rs.2,05,614/-
3.	Loss of Income (Rs.10,000/- x 5)	Rs.50,000 /-
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.	Transportation	Rs.10,000/-
	<b>Total compensation</b>	<b>Rs.6,40,614/-</b>

Thus, the petitioner is entitled to get a total compensation of **Rs.6,40,614/-** with interest at the rate of 7.5% p.a and costs accordingly this point is answered.

13. In the result, this petition is partly allowed with proportionate costs. The petitioner is entitled to get a sum of **Rs.6,40,614/-** as compensation with interest at the rate of 7.5% p.a from the date of filing of the petition i.e. 08.04.2025, till the date of payment / deposit. The respondent is directed to pay / deposit the above compensation amount in Virtual Account No.CJMRMD562025 (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.5,405/-** 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.24,906/-**.

**Particulars of Court fee and Cost**

- i) Cost of this petition is **Rs. 30,733/-** = (Vakkalath fee:Rs.10 + Process fee: Rs.39 /- + Court fee: Rs.5,778/- + Advocate fee: Rs. 24,906/-)
- ii) Court fee paid : Rs.372.50/-
- iii) Court fee allowed : Rs.5,778/-
- iv) Deficit Court fee : Rs.5,405/-

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 22<sup>nd</sup> day of April 2026.

Presiding Officer, MACT /  
Chief Judicial Magistrate,  
Ramanathapuram.

**Annexure :**

**Petitioner Side Witness :**

PW1 - Thiru.Pandiyarajan (Petitioner)

**Petitioner side Documents :**

Ex.P1 -- Petitioner's Aadhar Card – Xerox Copy

Ex.P2 -- Respondent's vehicle particulars – Xerox copy



Ex.P3	--	Respondent's vehicle R.C – Xerox copy
Ex.P4	--	Driving Licence of the respondent's bus driver – Xerox Copy
Ex.P5	24.01.2025	MVI Report for the vehicle bearing Regn.No. TN-63-N-1987 – Xerox copy
Ex.P6	--	Petitioner's vehicle R.C. – Xerox copy
Ex.P7	16.07.2024	Petitioner's vehicle Insurance Policy - Xerox copy
Ex.P8	--	Petitioner's Driving Licence – Xerox Copy
Ex.P9	27.12.2024	MVI Report for the vehicle bearing Regn.No.TN-65-AV-6316 – Xerox copy
Ex.P10	11.12.2024	Complaint - Xerox copy
Ex.P11	11.12.2024	First Information Report - Xerox copy
Ex.P12	02.04.2025	Alteration Report – Certified Xerox copy
Ex.P13	--	180(3) BNSS Statements – Certified Xerox copy
Ex.P14	11.12.2024	Observation Mahazar – Xerox copy
Ex.P15	11.12.2024	Rough Sketch – Xerox copy
Ex.P16	02.04.2025	Charge Sheet – Certified Xerox copy
Ex.P17	14.02.2025	Wound Certificate – Certified Xerox copy
Ex.P18	--	CT Scan film (2 Nos.) and report from Ramanathapuram Medical College Hospital - Original
Ex.P19	--	CT Scan film (3 Nos.) and report from Vadamalaiyan Hospital, Madurai
Ex.P20	--	Madurai Vadamalayan Hospital reports - Xerox copy
Ex.P21	--	Madurai Vadamalayan Hospital Medical Bills (13 Nos.) - Original



- Ex.P22 -- Madurai Vadamalayan Hospital consolidated Medical Bills (8 pages)- Original
- Ex.P23 -- Madurai Vadamalayan Hospital Discharge Summary - Xerox copy
- Ex.P24 -- Grace Kennett Foundation Hospital Out Patient Card - copy
- Ex.P25 -- Grace Kennett Foundation Hospital Medical Bills (2 Nos.)
- Ex.P26 -- X-ray
- Ex.P27 -- Petitioner's wife's income tax statement - copy
- Ex.P28 -- Petitioner's Bank Pass Book – copy

**Respondent side Witnesses :-**

RW1 Thiru.Gnanaprakash ( Respondent's Bus Driver)

**Respondent side 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.56/2025

Draft/ Fair Order

Date: 22.04.2026