



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)

**Tuesday, the 24<sup>th</sup> day of March 2026**

**M.C.O.P. No.57/2025**

(CNR No.TNRM02-002040-2025)

Minor Deepika Sri, aged about 13/2025, D/o.Iyappan, Door.No.340, Pirappanvalasai Village and Post, Ramanathapuram District.

(Minor petitioner through her father and Guardian Iyappan)

... Petitioner

Vs

1. Seeni Ibrahim, Aged 44/2025, S/o.Alaudun, Pillaiyarkovil Street, Irumeni Village and Post, Ramanathapuram District.

2. Aminulkutha, Aged 50/2025, S/o.Sheik Alaudun, 2/156, North Street, Irumeni Village and Post, Ramanathapuram District.

3. The Branch Manager, Reliance General Insurance Co. Ltd., Sri Meenakshi Plaza, 1<sup>st</sup> Floor, Plot No.HIG 55, 80 Ft Road, Anna Nagar, Madurai – 625 020.

(Policy No.150622323110028941

Date: From 14.01.2024 to 14.01.2025)

..... Respondents

This claim petition was taken on file as M.C.O.P.No.107/2025 by the Hon'ble Principal District Court, Ramanathapuram and by the order of the Hon'ble



Principal District Judge, Ramanathapuram dated 08.04.2025 the above case was transferred to this court and was taken on file as M.C.O.P.No.57/2025 and came before me for final hearing on 17.03.2026 in the presence of Mrs.N.Manoranjitham, Learned counsel for the petitioner and Mr.M.Sureshkumar, Learned counsel for the respondents 1 and 2 and the 3<sup>rd</sup> respondent being remained exparte 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 minor petitioner u/s.140, 141, 142, 163(b), 166 & 182(A) of M.V. Act 1988 r/w Rule 3(1) of MACT Rules 54/1994 claiming compensation of Rs.10,00,000/- from the respondents for the injuries sustained by her in a motor vehicle accident.

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

The petitioner is studying in 6<sup>th</sup> standard at the Government Primary School in Kunjarvalasai. On 13.04.2024 at about 05.50 p.m when the minor petitioner was riding in a Dio Scooty bearing Regn.No.TN 65 AM 3418 belonging to her father as a pillion rider along with her aunt Vasumathi, from her house in Pirappanvalasai from east to west at the four-way junction of Pudumadam in the Pirappanvalasai to



Thirupullani road, the Maruti Suzuki Echo car bearing Regn.No.TN 65 AP 3183 belonging to the 2<sup>nd</sup> respondent was driven by the 1<sup>st</sup> respondent from north to south in a rash and negligent manner without honking the horn and hit the Scooty driven by Vasumathi and both of them fell down. The minor petitioner sustained injuries in her left foot, right head and bleeding from her right ear. Her aunt Vasumathi sustained injuries in her right shoulder. One Gopi from Irattaiyoorani and Dinesh Kumar from Chathirakudi who came there in a two wheeler picked and took them to the Uchipuli Government Primary Health Centre in an auto for first aid and thereafter to the Government Medical College Hospital, Ramanathapuram in a 108 ambulance. Since there was continuous bleeding from her right ear, the petitioner was admitted in Joseph Hanna Hospital in Madurai for further treatment and was treated as an inpatient from 13.04.2024 to 24.04.2024. She is taking treatment till today. The above accident occurred due to the rash and negligence driving of the 1<sup>st</sup> respondent who is the driver of the 2<sup>nd</sup> respondent's vehicle. If the 1<sup>st</sup> respondent had driven the vehicle with due care, this accident would not have occurred. Since the above accident occurred due to the rash and negligent driving of the 1<sup>st</sup> respondent, a case has been registered against him in Cr.No.152/2024 at Uchipuli Police Station under Sections 279 and 337 of IPC, and it is pending in the Judicial Magistrate No.2 Court, Ramanathapuram. The vehicle that caused the above accident belongs to the 2<sup>nd</sup> respondent. The 1<sup>st</sup> respondent is solely responsible for the accident. Since the 1<sup>st</sup>



respondent was driving the 2<sup>nd</sup> respondent's vehicle at the time of the accident the 2<sup>nd</sup> is also liable to pay compensation for the said accident. Moreover, the 2<sup>nd</sup> respondent's vehicle is insured with the 3<sup>rd</sup> respondent. Therefore the respondents are jointly or severally liable to pay compensation to the petitioner. The petitioner restricted his claim at Rs.10,00,000/-. Hence this petition is filed.

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

All the averments stated in the petition are denied as false. The accident was not caused by the 1<sup>st</sup> respondent. It is objected that the 1<sup>st</sup> respondent drove the vehicle at high speed, rash and negligent manner and hit the petitioner's vehicle. The said accident was caused due to the negligence of the petitioner. On the date of the alleged accident, the 1<sup>st</sup> respondent was driving the Maruti Suzuki Echo vehicle bearing Regn.No.TN 65 AP 3183 at a moderate speed observing the traffic rules and by giving due signal on the side of the road and at that time the petitioner's Dio scooty vehicle bearing Regn.No.TN 65 AM 3418 was ridden by its rider in a rash and negligent manner without following traffic rules and hit the 2<sup>nd</sup> respondent's vehicle. The 2<sup>nd</sup> respondent's vehicle driven by the 1<sup>st</sup> respondent was duly insured with the 3<sup>rd</sup> respondent insurance company at the time of the accident. The 1<sup>st</sup> respondent had a valid driving license at the time of the accident. Therefore the 3<sup>rd</sup> respondent is liable to pay the compensation to the petitioner. This petition is liable to be dismissed as against the respondents 1 and 2.



#### **4. Points for determination :-**

- 1) Whether the accident occurred due to the rash and negligence driving of the 1<sup>st</sup> respondent who is the 2<sup>nd</sup> respondent's vehicle driver?
- 2) Whether the respondents are jointly and severally liable to pay compensation to the petitioner? If so what is the quantum of compensation?

5. On the side of the petitioner, PW1 and PW2 were examined and Ex.P1 to Ex.P11 were marked. On the side of the respondents 1 and 2, no oral and documentary evidence was adduced. The Disability Certificate of the petitioner was marked as Ex.C1. The 3<sup>rd</sup> respondent remained exparte.

#### **6. Point No.1:-**

The father of the minor 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 1<sup>st</sup> respondent who is the driver of the 2<sup>nd</sup> respondent's vehicle. 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, it is stated that the accident was happened due to the rash and negligent driving of the 1<sup>st</sup> respondent who is the 2<sup>nd</sup> respondent's vehicle driver and it was registered for the offence under Sections 279 and 337 IPC. The respondents have not adduced any contra evidence against Ex.P1. Further the petitioner has examined PW2, who is the rider of the two wheeler involved in the accident in which the minor petitioner was traveling as a pillion rider. She has spoken about the manner of the accident and she has stated that the accident was happened only due to the rash and



negligent driving of the 1<sup>st</sup> respondent. There is no reason to disbelieve the evidence of PW2. 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 driving of the 1<sup>st</sup> respondent who is the 2<sup>nd</sup> respondent's vehicle 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 1<sup>st</sup> respondent who is the 2<sup>nd</sup> respondent's vehicle driver. There is no quarrel between the parties that the 2<sup>nd</sup> respondent's vehicle was duly insured with the 3<sup>rd</sup> respondent at the time of the accident. The policy copy of the vehicle is produced as Ex.P8. Hence being the insurer of the 2<sup>nd</sup> respondent's vehicle, the 3<sup>rd</sup> respondent is liable to pay compensation to the petitioner.

8. Now let us see the quantum of compensation. As per Ex.P9 it is seen that the petitioner was admitted in Hannah Joseph Hospital, Madurai as inpatient and took treatment. It is seen that the petitioner sustained left frontal and temporal contusion with thin subdural Hematoma, right temporo parietal contusion and right temporal bone fracture. Ex.C1 disability certificate shows that the petitioner has no neurological disability. Further in Ex.C1 disability certificate it is not stated that the petitioner sustained any disability. Hence the petitioner is not entitled any compensation under the head of disability.



9. Further the minor petitioner is entitled for **Rs.80,542/-** as per Ex.P10 medical bills under the head of medical expenses.

10. As per the decision of the **Hon'ble Apex court in Rajkumar vs Ajay kumar reported in (2011 ACJ (1) SC)** the minor petitioner is also entitled to claim 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.10,000/-** for pain and sufferings and a sum of **Rs.10,000/-** for loss of convenience and a sum of **Rs.5,000/-** for Attendant Charges and a sum of **Rs.5,000/-** for Extra Nourishment and a sum of **Rs.2,000/-** for Transportation.

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

<b>Sl.No.</b>	<b>Heads</b>	<b>Amount</b>
1.	Medical Expenses (under Ex.P10 bills)	Rs.80,542/
2.	Pain and sufferings	Rs.10,000/-
3.	Loss of Convenience	Rs.10,000/-
4.	Attendant Charges	Rs.5,000/-
5.	Extra nourishment	Rs.5,000/-
6.	Transport charges	Rs.2,000/-
	<b>Total Compensation</b>	<b>Rs.1,12,542/-</b>



Thus, the minor petitioner is entitled to get a total compensation of **Rs.1,12,542/-** with interest at the rate of 7.5% p.a and costs accordingly this point is answered.

12. In the result, this petition is partly allowed with proportionate costs. The minor petitioner is entitled to get a sum of **Rs.1,12,542/-** as compensation with interest at the rate of 7.5% p.a from the date of filing of the petition i.e. 07.04.2025, till the date of payment / deposit. The 3<sup>rd</sup> respondent is directed to pay / deposit the above compensation amount in Virtual Account No.CJMRMD572025 (IFSC Code : SBIN0004266) within 30 days from the date of this order. The award amount has to be deposited in any Nationalized Bank till the minor petitioner attained majority. The guardian of the minor petitioner is permitted to withdraw the interest amount every month. The minor petitioner is permitted withdraw the entire amount after attaining majority. The deficit court fees of **Rs.124/-** 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.9,127/-**.

**Particulars of Court fee and Cost**

- i) Cost of this petition is **Rs.9,753/-** = (Vakkalath fee:Rs.10 + Process fee:Rs.119/- + Court fee: Rs.497/- + Advocate fee: Rs. 9,127/-)
- ii) Court fee paid : Rs.372.50/-
- iii) Court fee allowed : Rs.497/-
- iv) Deficit Court fee : Rs.124/-



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 24<sup>th</sup> day of March 2026.

Presiding Officer, MACT /  
Chief Judicial Magistrate,  
Ramanathapuram.

**Annexure :**

**Petitioner Side Witness :**

PW1 Thiru. Iyappan (Father of the minor petitioner)

PW2 Tmt.Vasumathi

**Petitioner side Documents :**

- Ex.P1 13.04.2024 First Information Report – copy
- Ex.P2 -- Petitioner's Aadhar Card – copy
- Ex.P3 -- Petitioner's Family Card - copy
- Ex.P4 -- Petitioner's vehicle R.C book – copy
- Ex.P5 -- Driving Licence of PW2 – copy
- Ex.P6 -- 1<sup>st</sup> respondent's Driving Licence – copy
- Ex.P7 -- 2<sup>nd</sup> respondent's vehicle R.C book – copy
- Ex.P8 -- 2<sup>nd</sup> respondent's vehicle Insurance policy – copy
- Ex.P9 -- Discharge Summary from Hannah Joseph Hospital – copy
- Ex.P10 -- Medical Bills (35 Nos.) with consolidated bill.
- Ex.P11 -- Aadhar Card of PW2 – copy



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

**Tribunal Document :**

Ex.C1 Disability Certificate of the petitioner - Original

Presiding Officer, MACT /  
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Motor Accident Claims Tribunal,  
Ramanathapuram.  
(Chief Judicial Magistrate Court,  
Ramanathapuram.)  
M.C.O.P.No.57/2025  
Draft / Fair Order  
Date: 24.03.2026.