



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 6th day of March 2026

M.C.O.P. No.39/2024

(CNR No.TNRM02-0028532024)

Dinesh Kumar, Aged 25/2023, S/o. Nagu, 2/225-3, Pallivasal street,
Enmanangkondan, Uchipuli, Ramanathapuram Taluk, Ramanathapuram District.

... Petitioner

Vs

1. Adhamsa, S/o.Sheik Abdulkadhar, Do.No.6/43, West street, Mandapam,
Ramanathapuram Taluk, Ramanathapuram District.
2. The Branch Manager, Go digit- General Insurance, 24-3, Bharathi Vilas,
Jawaharlal Nehru Salai, Guindy Industrial Estate, Eekatuthangal, Chennai – 32.

... Respondents

This claim petition was taken on file as M.C.O.P.No.89/2024 by the Hon'ble Principal District Court and by the order of the Hon'ble Principal District Judge, Ramanathapuram dated 25.04.2024 the above case was transferred to this Court and was taken on file as M.C.O.P.No.39/2024 and came before me for final hearing on 26.02.2026 in the presence of Mr.S.Krishnamoorthy, Learned counsel



for the petitioner and the respondents being remained ex parte and upon hearing the arguments on the side of the petitioner 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 Rule 3(1) of MACT Rules 54/1994 claiming compensation of Rs.30,00,000/- from the respondents for the injuries sustained by him in a motor vehicle accident.

2. The averments in the petition in brief :

The petitioner is an MBA graduate and was earning Rs.18,000/- per month by working as a Probationary Officer in Muthoot Finance Company, Coimbatore. He is having mother, father and a brother. Now the petitioner is 25 years old. His mother is a housewife and his father is a tailor. He is not yet married. He has been working at Muthoot Finance Company in Coimbatore. Now he is unable to go for work. On 23.10.2022 when the petitioner was riding his Yamaha two-wheeler TN-65-AL-9901 with his friend Mukesh from his hometown to Ramanathapuram near Perungulam Alkulam School, the 1st respondent who was riding a two-wheeler TN-65-AR-4087-Scooty from west to east, on the right side of the petitioner's two-wheeler in a rash and negligent manner without honking the horn and dashed against the petitioner. Due to the accident the petitioner sustained bruises on his right hand, right ankle, left



heel and right hip. The petitioner's friend who was the pillion rider sustained bruises on his right cheek, right leg and right knee. The nearby people informed 108 ambulance and when they were taking the people lying on the ground the petitioner's brother Rishikumar arrived on receiving the information and brought them to Ramanathapuram Government Medical College Hospital and took them to NH Ortho Care Hospital in Ramanathapuram for urgent treatment. Thereafter the petitioner was taken to Devadoss Hospital in Madurai for advanced medical treatment and is undergoing treatment as an inpatient and then as an outpatient from 25.10.2022 to 07.11.2022. Since the petitioner's ring finger was missing during the above surgery the ring finger was amputated. There is also a fracture in the right index finger and right leg. A case has been registered against the 1st respondent in Cr.No.286/2022, U/s.279 and 337 of IPC at Uchipuli Police Station regarding the above accident and the above case is pending in Ramanathapuram Judicial Magistrate court No.2. Due to the accident, the petitioner is suffering from severe mental distress. He has lost his job and is living in financial distress. The petitioner's family is very worried about his future life. Although the loss suffered by the petitioner cannot be compensated with money he has filed this petition demanding only Rs.30,00,000/-as compensation. The 1st respondent being the owner of the vehicle and the 2nd respondent being the insurer are jointly liable to pay compensation to the petitioner. The petitioner restricted his claim at Rs.30,00,000/-. Hence this petition is filed.



3. In spite of service of notice, the respondents are not turned up. Hence they were set exparte.

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

1. Whether the accident was happened due to the rash and negligent riding of the two-wheeler TN-65-AR-4087 by the 1st respondent?
2. Whether the petitioner is entitled to get compensation from the respondents? If so what is the quantum of compensation?

5. On the side of the petitioner, PW1 was examined and Ex.P1 to Ex.P11 were marked. As already stated the respondents remained exparte. The Disability Certificate of the petitioner was marked as Ex.C1.

5. 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 negligent riding of the two-wheeler TN-65-AR-4087 by the 1st respondent 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 two-wheeler TN-65-AR-4087 and it was registered for the offence under Sections 279 and 337 IPC. The respondents are the competent persons to deny the above document and the case of the petitioner. But they remained exparte. Hence the petitioner's case remains unchallenged by the respondents. Under these circumstances this court has come to the conclusion that the available materials



clearly establishes that the accident was happened due to the rash and negligent riding of the two-wheeler TN-65-AR-4087 by the 1st respondent and accordingly this point is answered.

6. Point No.2:-

In point No.1 it is decided that the accident was happened due to the rash and negligent riding of the two-wheeler TN-65-AR-4087 by the 1st respondent. It is seen that the above vehicle was duly insured with the 2nd respondent at the time of the accident. The copy of the insurance policy is marked as Ex.P10. The above policy was in force at the time of the accident. Hence being the insurer of the 1st respondent's vehicle, the 2nd respondent is liable to pay compensation to the petitioner.

7. Now let us see the quantum of compensation. As per Ex.P3 it is seen that the petitioner was admitted in Devadoss Hospital at Madurai as inpatient from 25.10.2022 to 07.11.2022. It is seen that the petitioner sustained fracture in right hand and right foot. Ex.C1 disability certificate shows that the disability suffered by the petitioner is 30%. 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 2022. 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.2,70,000/-**



(Rs.9,000/- x 30%) under the head of disability.

8. The petitioner in his petition as well as proof affidavit has specifically stated that he was 25 years old at the time of accident and he was earning about Rs.18,000/- per month by working as a probationary officer in Muthoot Finance. But the petitioner has not adduced any evidence to prove the same. Hence in the absence of any evidence to prove the income of the petitioner, considering the age and the alleged work of the petitioner this tribunal has taken the notional income of the petitioner as Rs.8,000/- p.m. Due to the injuries sustained by the petitioner he would not have attended his work atleast for a period of three months. Therefore the petitioner is entitled for Rs.8,000/- x 3 = **Rs.24,000/-** under the head of Loss of Income.

9. The petitioner is entitled to get **Rs.2,24,282/-** as per Ex.P8 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 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.30,000/-** for pain and sufferings and a sum of **Rs.30,000/-** for loss of convenience and a sum of **Rs.10,000/-** for Attendant Charges and a sum of **Rs.5,000/-** for Extra Nourishment and a sum of **Rs.**



5,000/- for Transportation.

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

Sl.No.	Heads	Amount
1.	Disability (Rs.9,000/-x 30 %)	Rs.2,70,000/-
2.	Medical Expenses (as per Ex.P8)	Rs.2,24,282/-
3.	Loss of Income (Rs.8,000/- X 3)	Rs.24,000/-
4.	Pain and sufferings	Rs.30,000/-
5.	Loss of Convenience	Rs.30,000/-
6.	Attendant Charges	Rs.10,000/-
7.	Extra nourishment	Rs5,000/-
8.	Transport charges	Rs.5,000/-
	Total Compensation	Rs.5,98,282/-

Thus, the petitioner is entitled to get a total compensation of **Rs.5,98,282/-** 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 petitioner is entitled to get a sum of **Rs.5,98,282/-** as compensation with interest at the rate of 7.5% p.a from the date of filing of the petition i.e on 31.08.2023, till the date of payment / deposit. The 2nd respondent is directed to pay / deposit the above compensation amount in Virtual Account No.CJMRMD392024 (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.4,982/-** shall be paid by the petitioner within two weeks from the date of this order. The petitioner is entitled to get free copy of this order. Advocate fees is fixed at **Rs.14,483/-**.

Particulars of Court fee and Cost

i) Cost of this petition is **Rs.19,927/-** = (Vakkalath fee:Rs.10 + Process fee: Rs.79/- + Court fee: Rs.5,355/- + Advocate fee: Rs.14,483/-)

ii) Court fee paid : Rs.372.50/-

iii) Court fee allowed : Rs.5,355/-

iv) Deficit Court fee : Rs.4,982/-

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 6th day of March 2026.

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

Annexure :

Petitioner Side Witness :

PW1 Thiru.Dhineshkumar (Petitioner)

Petitioner side Documents :

Ex.P1 25.10.2022 First Information Report – True copy

Ex.P2 02.12.2022 Petitioner's Accident Register - True copy



- Ex.P3 -- Discharge Summary from Devadoss Hospital, Madurai – Xerox copy
- Ex.P4 12.04.2023 Petitioner's Wound Certificate – True copy
- Ex.P5 -- Petitioner's Aadhar Card – Xerox copy
- Ex.P6 -- Petitioner's driving license – copy
- Ex.P7 -- Photos showing the petitioner's wound (5 Nos.) - Original
- Ex.P8 -- Medical Bills – (28 Nos.)
- Ex.P9 -- 1st Respondent's vehicle R.C book – Xerox copy
- Ex.P10 -- 1st Respondent's Vehicle Insurance policy – Xerox copy
- Ex.P11 -- X-ray– (6 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.39/2024
Draft / Fair Order
Date: 06.03.2026