



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 28th day of April 2026

M.C.O.P. No.72/2025

(CNR No.TNRM02-002985-2025)

Murugan, Aged 62/2025, S/o.Muthuvayiru, 1/119, South Valamavur, R.S.Mangalam Taluk, Ramanathapuram District. ... Petitioner

Vs

1. Anilkumar, S/o.Haridas, Vazhuthanamukal, Poovachal Post, Thiruvananthapuram, Kerala-695575.
2. The Divisional Manager, The New India Assurance Co.Ltd., 242, Rega Tower, Kamarajar Road, Madurai.
3. The Branch Manager, Chola MS General Insurance Co,Ltd., No.3 & 4, New Millenium complex, Dindigul Highway, Kaalavasal, Madurai-625010.

... Respondents

This claim petition was taken on file as M.C.O.P.No.131/2025 by the Hon'ble Principal District Court and by the order of the Hon'ble Principal District Judge, Ramanathapuram dated 04.06.2025 the above case was transferred to this Court and was taken on file as M.C.O.P.No.72/2025 and came before me for final hearing on 16.04.2026 in the presence of Mr.K.Saravanan, Learned counsel for the petitioner



and the respondents being remained exparte 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 & 166 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 him in a motor vehicle accident.

2. The averments in the petition in brief :-

While the petitioner was riding his Hero Splendor Bike bearing Regn.No.TN-65-AS-8041 from Valamavur to Uppoor Powerplant on 06.04.2024 at about 6 p.m on the ECR road near Uppoor Powerplant, R.S.Mangalam Taluk, Ramanathapuram District from west to east with all care and caution at a slow speed, the 1st respondent's Ford car bearing Regn.No.KL-35-A-2928 was coming from North to South and was driven by the 1st respondent in a rash and negligent manner at uncontrollable breakneck speed without adhering to any traffic rules, on the extreme wrong side and dashed the petitioner's bike. Due to the said impact the petitioner sustained leg fracture and multiple grievous injuries all over his body. At that time his colleague Mr.Rajenthiran who saw the accident took the petitioner to N.H.Ortho Care Hospital, Ramanathapuram by 108 ambulance, where he was admitted as an inpatient



and was given treatment from 06.04.2024 to 12.04.2024. Further he is taking treatment as an outpatient till date and he paid a sum of Rs.2,50,000/- for medical treatment and medicines. The petitioner's son Mr.Danapal gave complaint against the 1st respondent since the accident was happened due to the rash and negligent driving of the Ford Ikon car bearing Regn.No.KL-36-A-2928 by the 1st respondent who is the owner cum driver. The petitioner was in no way responsible for the accident. A case was registered by the Thiuppalaikudi Police Station in Cr.No.63/2024, U/s.279 and 337 IPC. In spite of the best medical treatment, the petitioner could not get his normalcy restored. The petitioner is suffering from pain and mental agony. The petitioner is not able to walk and work as before. The petitioner is aged only 62 years. He was working Powerplant Security and was doing agriculture business and was earning about not less than Rs.25,000/- per month. Now on account of the injuries sustained, the petitioner is thrown out of his avocation. The petitioner has lost his earning power. Though the loss of his normal life cannot be equated with monetary consideration, the petitioner is claiming only Rs.10,00,000/-. The 3rd respondent is the insurer of the petitioner's two wheeler. The 1st respondent being the owner of the Ford Ikon car bearing Regn.No.KL-36-A-2928 and the 2nd respondent being the insurer of the said car are jointly and severally liable to pay above 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 2nd 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 claim is not maintainable since the claim was not filed within the time line of six months from the date of accident. Hence the claim petition has to be dismissed in limine. The averments in the petition regarding the manner of accident and the alleged responsibility of the 1st respondent's car bearing Regn.No.KL-36-A-2928 for the accident are all not admitted. The petitioner is put to strict proof of them. This respondent understands that the 1st respondent drove the vehicle at a moderate speed on the extreme left side of the road duly sounding the horn, observing the traffic rules, taking necessary precautions. At that time the petitioner was riding a two wheeler bearing Regn.No.TN-65-AS-8041 in a careless manner, without seeing the car which was coming from north to south, did not mind the horn, suddenly and unexpectedly crossed the road from west to east direction and met the accident. Had the petitioner taken a little care and patience, he would have averted the accident. Since the 1st respondent was in no way responsible for the accident as alleged in the petition and in the FIR, the petitioner cannot maintain a claim on the basis of his own 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. Even assuming but not admitting by this 2nd respondent, if the petitioner sustained injury due to the above said alleged accident it was already cured and there is no disablement and also the petitioner was already discharged from the hospital with good condition. The claim of Rs.10,00,000/- 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. Further the petitioner was not wearing mandatory head gear at the time of accident. It is a case of contributory negligence for the accident. This respondent is not liable to pay compensation to the petitioner. The petition is devoid of any merits.

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

1. Whether the accident was happened due to the rash and negligent driving of 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.P9 were marked. The respondents remained exparte.

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 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 driving of the 1st respondent and it was registered for the offence under Sections 279 and 337 IPC. The respondents are the competent persons to deny the above case of the petitioner and Ex.P1 document. But they remained exparte. Hence 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 1st respondent 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 1st respondent. There is no quarrel between the parties that the 1st respondent's vehicle was duly insured with the 2nd respondent at the time of the accident. The copy of the insurance policy of the vehicle is marked as Ex.P4. It is seen that the above policy was in force at the time of the accident. Hence this court is of the view that being the insurer of the 1st respondent's vehicle the 2nd 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 N.H.Ortho Care Hospital at Ramanathapuram as inpatient



from 06.04.2024 to 12.04.2024. It is seen that the petitioner sustained sacral ala fracture. But he has not chosen to be examined by the medical board for the reason best known to him. There is no evidence on record to show that the petitioner sustained any disability. So he is not entitled any compensation towards disability.

9. The petitioner in his petition as well as proof affidavit has specifically stated that he was 62 years old at the time of accident and he was earning about Rs.25,000/- per month by working as an Powerplant Security and by doing farming. 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.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.44,503/-** as per Ex.P8 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.10,000/-** for Attendant Charges and a sum of **Rs.10,000/-** for Extra Nourishment and a sum of **Rs.5,000/-** for Transportation.

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

Sl.No.	Heads	Amount
1.	Medical Expenses (As per Ex.P8 Bills)	Rs.44,503/-
2.	Loss of Income (Rs.10,000/- x 5)	Rs.50,000/-
3.	Pain and sufferings	Rs.50,000/-
4.	Loss of Convenience	Rs.50,000/-
5.	Attendant Charges	Rs.10,000/-
6.	Extra nourishment	Rs.10,000/-
7.	Transportation	Rs.5,000/-
	Total compensation	Rs. 2,19,503/-

Thus, the petitioner is entitled to get a total compensation of **Rs. 2,19,503/-** 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.2,19,503/-** as compensation with interest at the rate of 7.5% p.a from the date of filing of the petition i.e. 30.04.2025 till the date



of payment / deposit. The 2nd respondent is directed to pay / deposit the above compensation amount in Virtual Account No.CJMRMD722025 (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.1,194/-** 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.14,475/-**.

Particulars of Court fee and Cost

- i) Cost of this petition is Rs.16,251/- = (Vakkalath fee:Rs.10 + Process fee: Rs.199/- + Court fee: Rs.1,567/- + Advocate fee: Rs.14,475/-)
- ii) Court fee paid : Rs.372.50/-
- iii) Court fee allowed : Rs.1,567/-
- iv) Deficit Court fee : Rs.1,194/-

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 28th day of April 2026.

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

Annexure :

Petitioner Side Witness :

PW1 Thiru. Murugan (Petitioner)



Petitioner side Documents :

- Ex.P1 07.04.2024 First Information Report – copy
Ex.P2 -- R.C book of the 1st respondent's vehicle – copy
Ex.P3 -- R.C book of the Petitioner's vehicle – copy
Ex.P4 -- 1st respondent's vehicle Insurance Policy – copy
Ex.P5 -- Petitioner's vehicle Insurance Policy – copy
Ex.P6 -- Petitioner's Aadhar Card – Copy
Ex.P7 -- Petitioner's Bank Pass Book - copy
Ex.P8 -- N.H.Ortho Care Hospital Medical Bills (8 Nos.) -Original
Ex.P9 -- N.H.Ortho Care Hospital Discharge Summary – Original

Respondents side Witnesses and Documents:- Nil

Tribunal Document : Nil

Presiding Officer, MACT /
Chief Judicial Magistrate,
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Motor Accident Claims Tribunal,
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M.C.O.P.No.72/2025

Draft/ Fair Order

Date: 28.04.2026