



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.)

Thursday, the 12th day of March 2026

M.C.O.P. No.42/2019

(CNR No.TNRM02-003228-2019)

1. Sivarajan @ Sivaraj (Died), S/o Paramagurunathan, Aged about 35/19,
Door.No.Q146, Refugees Camp, Aanaiyur, Madurai, Madurai District.

2. Niroshini, W/o.Sivarajan @ Sivaraj, Aged about 31/2019
- do -

3. Minor. Monisha, D/o.Sivarajan @ Sivaraj, Aged 14/2019.
- do -

4. Minor. Paramaguru, S/o.Sivarajan @ Sivaraj, Aged 11/2019
- do -

5. Minor. Yuraka, D/o. .Sivarajan @ Sivaraj, Aged 8/2019
- do -

(Minor petitioners 3 to 5 are represented by their
Mother and Guardian the 2nd petitioner)

(The petitioners 2 to 5 were impleaded
as the LRs of the 1st petitioner as per the
the order in I.A.No.06/2025 dt.10.03.2025)

... Petitioners

Vs

1. N.Devadoss, S/o.Nagasamy, 20/1, Market Theru, Rameswaram, Rameswaram
Taluk, Ramanathapuram District.



2. The Branch Manager, Reliance General Insurance Co. Ltd., M.G.Associates, Shop No.38, kalwath Aroyate Complex, G.H.Road, Opposite to Dr.Chandrasekar Eye Hospital, Ramanathapuram.
(Policy No.1204722338000007, Date:05.04.2012 to 04.04.2013)

... Respondents

This claim petition was taken on file as M.C.O.P. No.108/2019 by the Hon'ble Principal District Court and by the order of the Hon'ble Principal District Judge, Ramanathapuram dated 16.04.2019 the above case was transferred to this court and was taken on file as M.C.O.P.No.42/2019 and this petition was being dismissed for default on 11.10.2019 and as per the order in I.A No.239/2019, dated: 29.01.2020 this petition was being restored on file and again it was dismissed for default on 06.10.2021 and as per the order in I.A No.05/2025, dated: 06.02.2025 this petition was being restored on file and came before me for final hearing on 05.03.2026 in the presence of Mr.A.Arul Jebadurai, learned counsel for the petitioners and Mr.M.Sakthivel, Learned counsel for the 2nd respondent and the 1st respondent 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 was filed by the 1st petitioner u/s.140, 141, 142, 163(B), 166 & 182(A) of M.V. Act 1988 r/w Rule 39(1) of MACT Rules 54/1994 Rule Amended of



M.V. Act claiming compensation of Rs.10,00,000/- from the respondents for the injuries sustained by him in a motor vehicle accident. During the pendency of the above petition the 1st petitioner died and the petitioners 2 to 5 were impleaded as his legal representatives.

2. The averments in the petition in brief :-

The accident occurred on 03.06.2012 in the east west road in Rameswaram near the Mandapam camp, Poonthondi Mariamman temple. After finishing his work at about 6.30 p.m the 1st petitioner was returning to the camp by riding his TVS Victor two wheeler bearing Regn.No.TN 72 R 9948 from east to west along with Babu and Pradeep. When they came near the Poonthondi Mariamman temple, the petitioner was riding the bike and overtook a tourist bus which was going in front of them at about 19.15 hrs. At that time a white ambassador car was coming from west to east in a rash and negligence manner and dashed against them. The 1st petitioner sustained injuries in the ear and nose and fracture in the right femur. Pradeep who was traveling with him died. Babu also sustained grievous injuries. The 1st petitioner was taken to the Ramanathapuram Government Head Quarters Hospital by 108 ambulance and treatment was given. Subsequently he was taken to the Madurai Rajaji Hospital for further treatment. The 1st petitioner sustained fracture in his right leg and plate was fitted. A case was registered under Sections 279, 337 and 304(A) of IPC at Mandapam Police Station regarding the above accident and charge sheet was filed



before the Rameswaram Judicial Magistrate and court by adding Section 338 of IPC and the case is pending in C.C.No.43/2014. The 1st petitioner was hale and healthy before the accident. Before the accident he was working as a Mason and was earning Rs.300/- per day. He was working continuously for not less than 20 days in a month. Accordingly he was earning an average amount of Rs.9,000/- per month. The 1st petitioner and his wife have two daughters and a son. He is the only breadwinner in the family. Due to the above accident the 1st petitioner is unable to perform his work as before and unable to perform his daily duties and he is unable to support his family. He is unable to do his daily duties without the help of others. The accident took place only due to the rash, negligent and careless riding of the 1st respondent's driver without honking horn and without signals. The 1st respondent is the owner of the vehicle. The 2nd respondent is the insurer of the vehicle. The respondents are jointly and severally liable to pay compensation to the 1st petitioner. The 1st petitioner restricted his claim at Rs.10,00,000/-. Hence this petition is filed. During the pendency of the above petition the 1st petitioner is died on 04.07.2020. His legal heirs are impleaded as the petitioners 2 to 5.

3. The averments in the counter statement of the 2nd respondent in brief :-

The petitioner's claim is unsustainable both in law and on facts. All the averments stated in the petition are denied as false, incorrect and misleading. The petitioners have to prove each and every one of them by adducing evidence. The



averments regarding the manner of the accident and the alleged responsibility of the driver of the van for the accident are all not correct and denied as false. The respondent arranged investigation and understands that the accident was happened in the following manner. At the time of the accident the driver of the Ambassador Car one Jeyabalan drove his vehicle at moderate speed with due care and caution and by following the traffic rules on the left side of the road in Ramanathapuram to Rameswaram NH 49 towards Rameswaram from west to east direction. When he was passing near Mandapam Camp, Poonthondi Mariyammal Kovil the petitioner along with two other pillion riders namely Babu and Pradeep rode the vehicle bearing Regn.No.TN 72 R 9948 TVS victor rashly and negligently over taking a tourist bus which is moving in front of the motor cycle and without noticing the Ambassador car which came in front of the motor cycle in the opposite direction and dashed against the Ambassador car. Due to the accident the petitioner sustained grievous injuries and one of the pillion driver Pradeep sustained grievous injuries and died on the spot and another pillion rider Babu also sustained grievous injuries. Due to the injuries the petitioner was admitted in Government Hospital, Ramanathapuram and further he was referred to Rajaji Government Hospital, Madurai. The said accident was happened only due to the rash and negligent driving of the petitioner without following the traffic rules. The above facts would clearly reveals from the sketch and the MVI report of both the vehicles. A false case has been foisted against the driver



of the Ambassador Car. He is contesting the criminal case filed against him before the Judicial Magistrate court, Rameswaram. In order to get compensation a false case has been registered against the driver Jeyabalan in Cr.No.255/15 u/s.279, 337 and 304(A) IPC and the case is pending before the Judicial Magistrate court, Rameswaram. At the time of the accident, the petitioner was not having valid driving license. And his vehicle was also not insured. Further the owner of the above said vehicle was not added as a necessary party to this petition. Hence this petition is to be dismissed for non-joinder of necessary parties. In this circumstances this 2nd respondent is not liable to pay any compensation to the petitioner and the owner of the above said vehicle is only liable to pay the compensation to the petitioner. The age, occupation and the monthly income of the petitioner are all not correct and denied as false. The amount claimed by the petitioner for Rs.10,00,000/- under various heads are all grossly exaggerated, untenable and exorbitant one. 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's vehicle driver?
2. Whether the petitioners are entitled to get compensation from the respondents? If so what is the quantum of compensation?

5. On the side of the petitioners, PW1 and PW2 were examined and Ex.P1 to Ex.P13 were marked. On the side of the 2nd respondent RW1 was examined and no



document was marked. The 1st respondent remained exparte.

6. Point No.1:-

The 2nd 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's vehicle driver. In support of the above case of the petitioners, 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 1st respondent's vehicle driver and it was registered for the offence under Sections 279, 337 and 304(A) IPC. The respondents have not adduced any contra evidence against Ex.P1. Further the petitioners have examined the eye witness of the accident as PW2 to prove the manner of the accident. Further after investigation by the police charge sheet has been filed only against the 1st respondent's vehicle driver as evident from Ex.P5. The above fact is admitted by RW1 who was examined on the side of the 2nd respondent. 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 1st 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 1st respondent's vehicle driver. There is no quarrel



between the parties that the 1st respondent's vehicle was insured with the 2nd respondent at the time of the accident. Though the policy copy is not produced by either parties, the particulars of the above policy is mentioned in petition and it is not denied by the 2nd respondent also. It is seen that 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 1st petitioner.

8. Now let us see the quantum of compensation. Admittedly the 1st petitioner who sustained injury in the accident is now no more. During the pendency of the above petition he died. The petitioners 2 to 5 are only his legal representatives. Admittedly the accident took place on 03.06.2012 and the 1st respondent died after 8 years of the accident on 04.07.2020. Though the petitioners 2 to 5 have stated that the death of the 1st petitioner is due to the injuries sustained by him in the accident, they have not proved the same by adducing sufficient evidence. It is not proved by the petitioners 2 to 5 that the death of the 1st petitioner is only due to the injuries sustained by him in the accident. Hence the legal representatives of the 1st petitioner are not entitled to be compensated in respect of the personal injuries suffered by the deceased 1st petitioner. Because in the case of an injured claimant the cause of action will not survive in respect of the legal representatives of the claimant. The claim for compensation in respect of personal injuries will not be available for the legal representatives. The legal representatives of the claimant would be entitled only to be



compensated as regards the actual expenses incurred by the claimant for his treatment. But here in this case the petitioners 2 to 5 have not adduced any evidence regarding the medical expenses of the 1st petitioner. Since the petitioners 2 to 5 have not filed any documents and proved the actual medical expenses incurred by the 1st petitioner for his treatment, they are not entitled to get any compensation for the medical expenses of the 1st petitioner.

9. Hence considering the above facts and circumstances of this case this court is of view that the petitioners 2 to 5 are not entitled to get compensation from the respondents and the petition deserves to be dismissed.

10. In the result, this petition is dismissed. No cost.

Particulars of Court fee and Cost

i) Cost of this petition is **Rs.1,465/-** = (Vakkalath fee:Rs.10 + Process fee: Rs. 80/- + Court fee: Rs.1,375/-)

(Both side cost memo not filed)

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 12th day of March 2026.

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

**Annexure :****Petitioners Side Witness :**

PW1 - Tmt. Nirosini (2nd Petitioner)

PW2 - Thiru.Naganathan

Petitioners side Documents :

Ex.P1 04.06.2012 First Information Report – True copy

Ex.P2 04.06.2012 Rough Sketch – Xerox copy

Ex.P3 04.06.2012 Observation Mahazar – Xerox copy

Ex.P4 08.06.2012 MVI Report of the vehicle TN 65 L 8349

Ex.P5 12.11.2012 Charge Sheet – Xerox copy

Ex.P6 03.06.2012 Accident Register and Medical report – Xerox copy

Ex.P7 -- 1st Petitioner's Aadhar Card – copy

Ex.P8 -- 1st Petitioner's Death Certificate – copy

Ex.P9 18.07.2021 Legal Heir Certificate - copy

Ex.P10 -- 2nd Petitioner's Aadhar Card – copy

Ex.P11 -- 3rd Petitioner's Aadhar Card – copy

Ex.P12 -- 4th Petitioner's Aadhar Card – copy

Ex.P13 -- 5th Petitioner's Aadhar Card – copy



Respondents side Witnesses

RW1 -- Tmt. Manjula (Legal Assistant officer, 2nd respondent company)

Respondents side documents :- Nil

Tribunal Document : Nil

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.



Motor Accident Claims Tribunal,
Ramanathapuram.
(Chief Judicial Magistrate Court,
Ramanathapuram)
M.C.O.P.No.42/2019
Draft/ Fair Order
Date: 12.03.2026