



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)

Monday, the 30th day of March 2026

M.C.O.P. No.120/2025

(CNR No.TNRM02-004328-2025)

Prasath, Aged 31/2023, S/o.Baskaran, No.5/96, Paalkarai Village, Rajasuriyamadai Post, Ramanathapuram Taluk, Ramanathapuram District. ... Petitioner

Vs

1. Nalla Maharaja, S/o.Vadivel, No.2/28, Mariammankovil Street, R.S.Madai Village and Post, Ramanathapuram Taluk, Ramanathapuram District.

2. The Assistant Manager, Cholamandalam General Insurance Company Ltd., 3/4, 1st Floor, Dindugal NH Road, Near ENT Hospital, Kalavasal, Madurai.

... Respondents

(Policy No.3368/01304148/000/02
Valid from 27.03.2022 to 26.03.2023)

This claim petition was taken on file as M.C.O.P. No.48/2023 by the Hon'ble Principal District Court and by the order of the Hon'ble Principal District Judge, Ramanathapuram dated 03.03.2023 the above case was transferred to this Court from Sub Court and was taken on file as M.C.O.P.No.120/2025 and came before me for final hearing on 26.03.2026 in the presence of Mr.A.Selvaraj, Learned counsel for the petitioner and Mr.A.Dharmaraj, Learned counsel for the 2nd respondent and the 1st



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 petitioner u/s.163(A), 166 & 182(A) of M.V. Act 1988 r/w Rule 3(1) of MACT Rules 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 :-

Before the accident the petitioner was hale and healthy. At the time of the accident, the petitioner was aged 30 years old and he was working as a labourer in ONGC and was earning Rs.600/- as daily wage and earned a sum of Rs.18,000/- per month. On 23.07.2020 at about 06.30 a.m the petitioner was riding his two wheeler bearing Regn.No.TN-65-AM-0277 to attend the underground exploration work at the Uthirakosamangai Government Hospital near Anaikudi Railway Station. When he was riding on the Uthirakodamangai road from north to south on the left side of the road, the auto bearing Regn.No.TN-65-AJ-3326 belonging to the 1st respondent was coming from the opposite direction from south to north and dashed against the petitioner. The petitioner sustained severe bleeding in his right thumb and ring finger. The bystanders took him in the same auto to the Government Hospital at



Ramanathapuram for treatment. The petitioner was taking treatment as an inpatient till 25.07.2022. Thereafter he took native treatment in Pallavalasai village near Nainarkovil and recovered some extent. However the petitioner was unable to do the work as before. The knuckle of the little finger on the right hand is dislocated and the ring finger is broken making it difficult to hold any object tightly. The petitioner was working as a labourer in the ONGC company in Uthirakosamangai earning Rs.600/- per day to support himself and his family. Due to the injury sustained by the petitioner, he is unable to do the above work or any other work with his right hand and has become permanently disabled. A case has been registered against the 1st respondent's vehicle driver in Uthirakosamangai Police Station in Cr.No.64/2022 under Sections 279, 337 of IPC and it is pending before the Judicial Magistrate No.1 Court, Ramanathapuram. The pain and suffering meted out by the petitioner is beyond words. The accident occurred only due to the careless driving of the 1st respondent's vehicle driver. The 1st respondent's vehicle was insured with the 2nd respondent insurance company at the time of the incident. Hence the respondents are jointly and 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 2nd respondent in brief :-

All the averments in the petition are denied as false and the petitioner has to



prove every one of them. The petition is not maintainable either in law or on facts. The driver of the 1st respondent did not have a driving license at the material time of accident on 23.07.2022 which is against the terms and conditions of the contract of indemnity made between the insured and insurer. As such the owner had willfully committed the breach of policy condition. Therefore this 2nd respondent is not liable to pay any compensation to the petitioner and the claim as against this respondent may be dismissed. The averments in the petition regarding the manner of accident and the alleged responsibility of the 1st respondent's vehicle for the accident is all not admitted. The petitioner is put to strict proof of each of them. This respondent understands that the auto was being driven by its driver at a moderate speed on the extreme left side of the road by duly sounding the horn, observing the traffic rules and by taking necessary precautions. It is learnt that the accident was only due to the negligent riding of the petitioner in a hasty manner, without noticing the vehicle and suddenly and unexpectedly crossed the right side of the road and fell down on the road and caused the accident. If the petitioner had taken little care and patience, he would have averted the accident. The 1st respondent's vehicle driver 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 has to prove each of



the averments through proper documentary evidence. The injuries sustained by the petitioner 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 as made under various heads are all not admitted. 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 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.P15 were marked. On the side of the 2nd respondent, RW1 was examined and Ex.R1 to Ex.R3 were marked. The Disability Certificate of the petitioner was marked as Ex.C1. The 1st respondent 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's vehicle driver. In support of the above case of the petitioner, the copy of FIR registered for the accident is marked as Ex.P1. Further, the copy of the observation mahazar and rough sketch in the above case are marked as Ex.P2 and Ex.P3



respectively 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 and 337 IPC. Above all after investigation by the police charge sheet was filed only against the the driver of the 1st respondent's vehicle as seen from Ex.P5 document. 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 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.P7. 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 petitioner.

8. At this juncture the learned counsel for the 2nd respondent argued that the 1st respondent's vehicle driver did not possess valid driving license at the time of the accident and that there is violation of policy conditions and that hence the 2nd respondent is not liable to pay compensation to the petitioner. Though the 2nd



respondent has specifically raised the above issue in the counter statement, the petitioner has not produced the copy of the driving license of the 1st respondent's vehicle driver. It is established by the 2nd respondent that there is violation of policy conditions. Hence this court is of the view that the 2nd respondent is liable to pay compensation to the petitioner and thereafter the 2nd respondent is entitled to recover the same from the 1st respondent.

9. Now let us see the quantum of compensation. As per Ex.P8, the petitioner was admitted in the Government Hospital at Ramanathapuram on 23.07.2022 and it is seen that the petitioner sustained fracture in proximal phalanx of IV finger as evident from Ex.P10 report. 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 the present case the accident occurred in the year 2020. Therefore, the petitioner is entitled to get Rs.9,000/- 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 **Rs.2,70,000/-** (Rs.9,000x 30%) under the head of disability.

10. The petitioner in his petition as well as proof affidavit has specifically stated that he was 31 years old at the time of accident and he was earning about Rs.18,000/- per month by working as a labourer in the ONGC company. 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 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 two months. Therefore the petitioner is entitled for Rs.8,000/- x 2 = **Rs.16,000/-** under the head of Loss of Income.

11. Since the petitioner has not filed any documents to prove the actual medical expenses incurred by the petitioner for his treatment, he is not entitled to get any compensation for the medical expenses.

12. 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.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.

13. 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.	Loss of Income (Rs.8,000/-x 2)	Rs.16,000/-
3.	Pain and sufferings	Rs.10,000/-
4.	Loss of Convenience	Rs.10,000/-
5.	Attendant Charges	Rs.5,000/-
6.	Extra nourishment	Rs.5,000/-
7.	Transportation	Rs.2,000/-
	Total compensation	Rs.3,18,000/-

Thus, the petitioner is entitled to get a total compensation of **Rs.3,18,000/-** with interest at the rate of 7.5% p.a and costs accordingly this point is answered.

14. In the result, this petition is partly allowed with proportionate costs. The petitioner is entitled to get a sum of **Rs.3,18,000/-** as compensation with interest at the rate of 7.5% p.a from the date of filing of the petition i.e. 13.02.2023, till the date of payment / deposit. The 2nd respondent is directed to pay / deposit the above compensation amount in Virtual Account No.CJMRMD120/2025 (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 2nd respondent is entitled to recover the same from the 1st respondent under the principle of pay and recovery. The deficit court fees of **Rs.2,179/-** 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.18,860/-**.



Particulars of Court fee and Cost

i) Cost of this petition is **Rs.21,502/-** = (Vakkalath fee:Rs.10 + Process fee: Rs.80/- + Court fee: Rs.2,552/- + Advocate fee: Rs.18,860/-)

ii) Court fee paid : Rs.372.50/-

iii) Court fee allowed : Rs.2,552/-

iv) Deficit Court fee : Rs.2,179/-

The order was dictated by me to the Steno-typist directly and typed and printed out by her and corrected, pronounced by me in open court on this, the 30th day of March 2026.

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

Annexure :

Petitioner Side Witness :

PW1 Thiru.Prasath (Petitioner)

Petitioner side Documents :

Ex.P1 23.07.2022 First Information Report – copy

Ex.P2 24.07.2022 Observation Mahazar - copy

Ex.P3 24.07.2022 Rough Sketch - copy

Ex.P4 14.09.2022 MVI report of the vehicle bearing Regn.No.TN 65 AJ 3326 -
copy

Ex.P5 19.10.2022 Charge Sheet - copy

Ex.P6 -- 1st respondent's vehicle Registration certificate– copy



- Ex.P7 -- 1st respondent's vehicle Insurance Policy – copy
- Ex.P8 23.07.2022 Accident Register - copy
- Ex.P9 29.12.2022 Letter sent by the Dy.Superintendent of Police to the Petitioner's wife - copy
- Ex.P10 23.07.2022 C.T.Scan Report - copy
- Ex.P11 - Petitioner's vehicle Registration certificate– copy
- Ex.P12 -- Petitioner's driving license – copy
- Ex.P13 -- Petitioner's Aadhar Card – copy
- Ex.P14 -- Petitioner's Bank Pass Book - copy
- Ex.P15 -- Petitioner's Pan Card - copy

Respondents side Witnesses:-

RW1 - Thiru.Vidhyadharan (Assistant Legal Manager, 2nd respondent Co')

Respondents side documents :-

- Ex.R1 -- 1st respondent's vehicle Insurance policy (27.03.2022 to 26.03.2023) – Original
- Ex.R2 14.09.2022 MVI report of the vehicle bearing Regn.No.TN 65 AJ 3326 - copy
- Ex.R3 -- Letter sent by the 2nd respondent to the 1st respondent - Original

Tribunal Document :

Ex.C1 Disability Certificate of the petitioner - Original

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

TNRM020043282025



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M.C.O.P.No.120/2025

Draft/ Fair Order

Date: 30.03.2026