



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE AT THENI
PRESENT: TMT. T.S.P. JAYASUDHA, M.L.,
Chief Judicial Magistrate, Theni.

Monday, the 24th day of August, 2026

M.C.O.P. No.63/2020
C.N.R. No. TNTH02 – 021735 - 2022

K. Senthilkumar, S/o. Karuppiah, aged about 37 years, residing at D.No.57/2, Valli Nagar, Theni to Allinagaram, Theni District.

... Petitioner

Vs.

1. S. Lenin, S/o. Selvam, aged about – years, residing at D.NO.298, Chinnan Compound, Vallinagar, Theni to Allinagaram, Theni District.
2. The Manager, IFFCO TOKIO General Insurance Company Limited, 375, Madurai Road, Jeyam Building, 1st Floor, Theni District.

... Respondents

This Petition came up on 28.07.2026 for final hearing before me in the presence of Mr. M. Kamaraj, Advocate appearing for the Petitioner, Mr. M. Prabhakaran, Advocate appearing for the 1st Respondent, and Mr. S. Venkateshwaran, Advocate appearing for the 2nd Respondent, and upon hearing the arguments of both sides and after perusing case records and having stood over for consideration till this day, this Tribunal passed the following:

A W A R D

This Petition is filed under Section 140, 141, 142, 163(A), 163(b), 166 and 182(a) of the M.V. Act 1988 r/w Rule 3(1) of the MACT rules Amendment Act 54, 1994 claiming a compensation of Rs.20,00,000/- with interest and costs from the 1st and 2nd Respondents for the injuries sustained by the Petitioner in the



accident which occurred on 03.03.2020 at about 04.30a.m at Theni Subbanpatti Street.

2. **Brief averments in the Petition are as follows:**

It is the case of the Petitioner that, on 03.03.2020, at about 4:30a.m, the petitioner was collecting garbage on Subbanpatti Street in Theni along with his colleagues, Pandi and Thangapandi. They were traveling in a tractor bearing Reg. No. TN 60 BJ 1531 owned by the 1st Respondent. While the 1st Respondent's driver, Nagaraj, was driving the vehicle at high speed and in a negligent manner from west to east specifically while crossing a speed breaker near the TASMACH shop on the said street the petitioner lost his balance and fell from the vehicle. The rear wheel of the tractor ran over him, causing severe bleeding injuries to his back, a fracture of the left rib and injuries all over the body. He lost consciousness at the scene. Following the incident, the petitioner was taken to Krishnammal Private Hospital in Theni for first aid and subsequently transferred to the Government Medical College Hospital at G. Vilakku for further treatment, where he remained as an inpatient from 03.03.2020 to 15.03.2020. The petitioner underwent surgery resulting in the complete removal of his spleen, and he has continued to receive treatment as an outpatient at the aforementioned hospital till this day. Hence the present application seeking compensation of a sum of Rs. 20,00,000/-.



3. The averments in the counter filed by the 1st Respondent in brief are as follows:

The 1st Respondent is the owner of the vehicle. Further 1st respondent had denied the alleged accident. The petition was wrongly filed by the petitioner. The 1st respondent's tractor was insured with the 2nd respondent herein and the said policy was in force at the time of accident. If this Tribunal decides to compensate the petitioner then the 2nd respondent is liable to pay compensation to the petitioner. The remaining averments in the Petition are denied by the 1st respondent. The claim of Rs. 20,00,000/- as compensation is excessive and hence this claim Petition deserves to be dismissed.

4. The averments in the counter filed by the 2nd Respondent in brief are as follows:

The 1st Respondent's tractor bearing Reg. No. TN 57 BJ 1531 has been duly insured with this respondent for a period from 09.03.2020 at about 16:37:17 hours to 08.03.2021 till 23:59:59 hours. The accident had occurred on 03.03.2020 and FIR has been registered on 12.03.2020. Meanwhile the 1st respondent intentionally had taken policy after the said accident. Further it is stated that driver of the vehicle alone was permitted to be in the 1st respondent's tractor and no other person was permitted to travel in the 1st respondent's tractor. But the petitioner has travelled as an unauthorized passenger who sat next to the driver in the 1st respondent's tractor at the time of accident. The the 1st



respondent's tractor had not been insured with this 2nd respondent at the time of accident and the 1st respondent's driver namely Nagaraj had no valid license to drive the tractor with trailer at the time of accident. On this aspect, the 2nd respondent is not liable to pay any amount as compensation to the petitioner. The remaining averments in the petition are denied by this respondent. The claim of Rs. 20,00,000/- as compensation is excessive and hence this claim Petition deserves to be dismissed.

5. The points for determination are:

1. Whether the accident occurred due to the rash and negligent riding of the driver of the tractor bearing Reg.No. TN 57 BJ 1531 belonging to the 1st Respondent?
2. Who is liable to pay the compensation?
3. Whether the petitioner is entitled for compensation and if so what is the amount?

6. On these points, the Petitioner examined himself as PW1 through proof-affidavit and exhibited documents Ex.P1 to P7 on his side. And on the side of the 2nd respondent RW1 was examined and exhibited Ex.R1.

7. POINT No.1:

(i) It is the case of the Petitioner that, on 03.03.2020, at about 4:30a.m, the petitioner was collecting garbage on Subbanpatti Street in Theni along with



his colleagues, Pandi and Thangapandi. They were traveling in a tractor bearing Reg. No. TN 60 BJ 1531 owned by the 1st Respondent. While the 1st Respondent's driver, Nagaraj, was driving the vehicle at high speed and in a negligent manner from west to east specifically while crossing a speed breaker near the TASMAC shop on the said street the petitioner lost his balance and fell from the vehicle. The rear wheel of the tractor ran over him, causing severe bleeding injuries to his back, a fracture of the left rib and injuries all over the body. He lost consciousness at the scene. Following the incident, the petitioner was taken to Krishnammal Private Hospital in Theni for first aid and subsequently transferred to the Government Medical College Hospital at G. Vilakku for further treatment, where he remained as an inpatient from 03.03.2020 to 15.03.2020. The petitioner underwent surgery resulting in the complete removal of his spleen, and he has continued to receive treatment as an outpatient at the aforementioned hospital till this day.

(ii) With regard to the rash and negligent driving of the 1st Respondent's driver, the petitioner herein had given evidence as PW1 and there is nothing elicited in the cross examination so as to deny the rash and negligence of the 1st Respondent's driver. Ex.P1 is the FIR lodged against one Nagaraj, who is the driver of the 1st Respondent's vehicle at the time of accident and further charge Sheet under Ex.P4 has been laid upon this 1st Respondent's driver as Accused. Though FIR has been lodged only on 12.03.2020, considering the fact



that the complainant i.e., the wife of this petitioner was attending this petitioner who was inpatient till 12.03.2020, clearly reveals that the delay in filing FIR cannot suspect the happening of the accident as alleged by the petitioner, in the view of this court. No contra evidence adduced by the respondents to show that this 1st respondent's driver was not negligent. This court is inclined to note that, the 1st respondent had cross examined the petitioner on 15.10.2025 and the petitioner had stated that the case filed by the prosecution against the 1st respondent's driver in STC No.2303/2022 was dismissed by the Judicial Magistrate, Theni as no prosecution witnesses appeared in Court at the appropriate time for examination. However in the view of this court an acquittal in a criminal case will have no bearing upon this claim tribunal. Hence considering the aforesaid facts, this Court is inclined to hold that the rash and negligent riding of the 1st Respondent's driver is the cause of the accident. This point is answered accordingly.

8. **POINT No.2:**

This Court is inclined to note from Ex.R1 that the 1st respondent's vehicle had not been insured with the 2nd respondent at the time of accident. The insurance policy is only from 09.03.2020 till 08.03.2021, whereas the accident occurred on 03.03.2020. So the 2nd respondent is not liable to pay any compensation to the petitioner. Further the driver of the 1st respondent's vehicle



drove the vehicle in a negligent manner and permitted the petitioner to sit on the tractor wheel which is the reason for the accident. Hence, this Court is inclined to hold that 1st Respondent alone is liable to compensate this Petitioner. The point is answered accordingly.

9. Point No.3:

It is seen that, this petitioner herein, had sustained grievous injuries and has taken treatment at Government Medical College Hospital, Theni from 03.03.2020 to 15.03.2020 as could be seen from Ex.P2 Accident Register issued by such hospital. Splenectomy i.e., Spleen removal surgery was done to the petitioner, could be seen from Ex.P2. Hence, this tribunal is inclined to hold that the Petitioner is entitled to receive compensation.

(ii) This court at this juncture is inclined to consider the contentions of the Learned counsel for respondent regarding contributory negligence on the part of the petitioner who sat on the tractor mudguard at the time of occurrence., as admitted by him during his cross examination. The cross examination of PW1 in such regard is extracted hereunder:-

" நாகராஜ் வேகத்தடையை கவனிக்காமல் வேகமாக சென்றதால் நான் பெரிய டயருக்கு மேல் உள்ள மக்காடில் அமர்ந்திருந்தபோது தவறி கீழே விழுந்து எனக்கு காயம் ஏற்பட்டது."



It is seen that, in the present case, admittedly the petitioner sat on the mudguard as admitted by him even in his evidence. The question for consideration is whether the same is a contributory negligent act on the part of the petitioner. This court is of the view that the same is contributory negligence on the part of the petitioner and this petitioner had he not been seated on the mudguard could have averted the injuries caused to him by the back tyre of the tractor running upon him. Hence, this Court is of the view that, 30% was deducted for contributing negligence.

Computation of loss sustained by the petitioner:

10. The Petitioner has made a claim of Rs.20,00,000/- under various heads for the fractures and injuries sustained by him in the alleged accident. Now this Tribunal proceeds to calculate the compensation payable to the Petitioner.

(a) Pain and sufferings:-

This court is inclined to note that, this petitioner sustained grievous injuries and has taken treatment at Government Medical College Hospital, Theni from 03.03.2020 to 15.03.2020 as could be seen from Ex.P2 Accident Register issued by such hospital. Splenectomy surgery was done upon the petitioner and the petitioner had been hospitalized for 13 days and hence this court is inclined to award a sum of **Rs.1,00,000/-** to the Petitioner for the pain and sufferings undergone by him.



(b) Medical expenses:

The petitioner had taken treatment at Government Medical College Hospital at Theni and hence no amount has been awarded under this head.

(c) Loss of earning capacity :

It is seen that, the petitioner herein is stated to be employed as a Sanitation worker. But he did not produce any document to show any proof regarding any loss of pay incurred to him and hence no amount has been awarded under this head.

(d) Permanent Disability :-

It is seen that, the petitioner admits that he can do his work by himself and he had sustained only temporary disability and hence no amount awarded under this head.

(e) Transport Charges, Attender charges and Extra Nourishment:

Due to the grievous injuries, the petitioner had taken treatment at Theni Medical College Government Hospital, Theni. Considering the nature of injuries and the period of hospitalization being 13 days and out patient treatment, this tribunal is inclined to award a sum of **Rs.30,000/-** under the head of transportation charges. When the petitioner had taken treatment in such hospital, he ought to have been in need of an attender for his assistance. Hence this court is inclined to award a sum of **Rs30,000/-** towards attender charges. Further, this



tribunal is inclined to award a sum of **Rs.30,000/-** towards extra nourishment for his recovery.

(f) Loss of amenities :-

Considering that the petitioner has suffered nil functional disability, this court is not inclined to award any amount under this head.

Therefore, the petitioner is entitled to compensation under various heads are as follows:

Pain and Sufferings	Rs.1,00,000/-
For permanent disability	---
For Medical expenses	---
For loss of income	---
For Transport expenses	Rs.30,000/-
For attender charges	Rs.30,000/-
For Extra nourishment	Rs.30,000/-
Loss of Comfort and Basic amenities	---
Total	Rs.1,90,000/-
Deduct 30% towards contributory negligence	Rs.57,000/-
Total compensation eligible to the petitioner	Rs.1,33,000/-

This point is answered accordingly.

12. In the result, this petition is partly allowed as follows:-

a) That the 1st **respondent** shall pay a sum of **Rs.1,33,000/- (Rupees**



one lakh and thirty three thousand only) as compensation to the petitioner with costs and interest at the rate of 7.5% per annum from the date of filing of the Petition from **14.07.2020** till the date of realization. The interest is not payable for the default period if any;

(b) As per the order of our Hon'ble apex court in SLP No.4484/2020, the aforesaid compensation amount together with interest, costs shall be deposited by the 1st respondent into the Petitioner bank account. Any fraction rounded off amount to be credited to the account of petitioner. The bank account details of the petitioner is furnished hereunder.

(c) The 1st respondent shall pay the compensation amount to such account of the Petitioner directly by NEFT or RTGS mode within a period of two months from the date of the petitioners herein producing a NO Court Fee Due certificate from this court and intimate the same to this tribunal with particulars of the deposit so made;

(d) The Court Fee payable is Rs.**703/-**. As the petitioner paid court fee of **Rs.500/-** alone, the Petitioner shall pay the deficit court fee of **Rs.203/-** within a period of **15 days** from today. The Advocate fee is fixed as **Rs.5,660/-**. The petitioner is directed to pay such deficit court fee and obtain No court fee due certificate from this court and submit a copy of the same to the 1st respondent through registered post.



Directly dictated to the stenographer and typed by her, corrected and pronounced by me in the Open Court on this the 24th day of August, 2026.

Chief Judicial Magistrate,
Theni.

Bank Account particulars of the petitioner :-

Account Holder Name	:	Senthilkumar Karuppaiya
Account No	:	29830100016551
IFSC Code	:	BARB0THENIX
Branch Name	:	Bank of Baroda
Branch Address	:	37-1, Periyakulam Road, Theni.

PETITIONER'S WITNESSES:

PW1 – 24.07.2023 – Senthil Kumar
and was cross examined by R1 on 15.10.2025

PETITIONER'S EXHIBITS :

Exhibits	Date	Description of the Exhibit	Proved by / Attested by
Ex. P1	12.03.2020	Attested copy of FIR No. 196/2020 and Section Alteration Report	PW1
Ex.P2	03.03.2020	Attested copy of Accident Register at Government Medical College Hospital, Theni	PW1
Ex.P3	18.03.2020	Attested copy of MV Report of TN 57 BJ 1531 of the 1 st respondent vehicle	PW1
Ex. P4	21.03.2020	Attested copy of Final Form Report	PW1
Ex. P5	06.03.2020	X ray - 3	PW1
Ex. P6		Scan Report - 6	PW1
Ex. P7	---	Attested copy of driving license of 1 st respondent's driver	PW1



2nd RESPONDENT SIDE WITNESSES :

RW1 – 10.07.2026 – Karthick

2nd RESPONDENT SIDE EXHIBITS:

Exhibits	Date	Description of the Exhibit	Proved by / Attested by
Ex. R1	12.03.2020	Copy of Insurance policy of the 1 st respondent's tractor	RW1

COURT EXHIBITS: NIL

Chief Judicial Magistrate,
Theni.

OTHER IMPORTANT PARTICULARS

Date of filing of the petition	14.07.2020
Date of Award	24.08.2026
Amount Claimed under Compensation	Rs.20,00,000/-
Amount Awarded as Compensation	Rs.1,33,000/-
Total Court Fees	Rs.703/-
The Court Fee already paid	Rs.500/-
Balance Court Fee to be paid	Rs.203/-

Chief Judicial Magistrate,
Theni.



Chief Judicial Magistrate,

Theni.

M.C.O.P. No. 63/2020

Order Dated : 24.08.2026