



BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
UTHAMAPALAYAM.

PRESENT : Thiru. M. Shivaji Chelliah, L.L.M
Tribunal Judge/Subordinate Judge, Uthamapalayam.

Wednesday, 01st day of April 2026

MCOP No. 76 of 2021
(CNR No. TNTH050004332021)

V.Ayyanar

... Petitioner

/Vs/

1. R.Subramani

2. Reliance General Insurance Company Ltd.,

... Respondents

The Petition came up before me for final hearing on 04.03.2026 in the presence of Thiru.Rajamohamed, Advocate for the Petitioner and Thiru.S.R.Shyam, M.A.B.L., Advocate for the 2nd Respondent and 1st Respondent was remained exparte and upon hearing both sides and on perusal of the case records which stood over before me for consideration till this day this Tribunal delivers the following:-

ORDER

This petition is filed under Section 140 & 166 of Motor Vehicle Act by the Petitioner to award for Rs.10,00,000/- along with subsequent interest from the date of petition to till the date of realization of the amount with cost.

2) The contents of the petition filed by the Petitioner is as follows:

The petitioner has averred that on 13.02.2021 at 09.30 P.M. when he was riding a motor cycle bearing no.TN60-M-6685 which was proceeding from Seelayampatti to Chinnamanur road ie., North to south direction in a slow speed and adhering traffic rules carefully on the extreme left side of the road at that time a Goods carrier bearing no.TN 32 A 8312 an opposite direction which was driven by its driver in a

rash and negligent manner and dashed against the Petitioner's motor cycle, in view of that sudden accident the Petitioner had sustained multiple injuries and then the Petitioner was first taken to Government Hospital, Chinnamanur and then he was shifted to Madurai Rajaji Government hospital therein he was treated as inpatient and that based on the complaint a criminal case was registered in Crime No.73/2021 u/s 279, 337 IPC, on the file of Chinnamanur Police Station against the 1st respondent driver and that the Petitioner had sustained multiple grievous injuries and due to the injuries, he was not able to live a normal life as before and that at the time of accident the Petitioner was as a coolie and he earned Rs.600/- per month and that at the time of accident the vehicle belonged to the 1st Respondent was insured with the 2nd respondent Insurance company and hence they are jointly liable to pay compensation. Therefore, the Petitioner has come forward with this petition seeking compensation of Rs.10,00,000/- and prays to allow the same.

3) Contention of the counter filed by the 2nd Respondent:

(i) The 2nd Respondent has filed counter and raised the various objections and the Petitioner strictly proved that the accident was occurred only due to the negligence of the petitioner and at that time of accident petitioner was riding his bike without having valid driving license and helmet with high speed and he himself turned his bike even after seeing the big ditch on the road and due to the sudden turn, the petitioner did not able to control his bike and he himself dashed against the goods carrying vehicle and its side portion and he fell down on the road and the accidental injuries are all happened. These facts are all suppressed by the petitioner and lodged a false complaint against the good carrying vehicle driven 1st respondent and on the basis of the complaint the police official did not enquire the case properly and lodged a false FIR and charge sheet against the 1st respondent only for the purpose of getting compensation from the 2nd respondent in a malafide intention. Because, the bike is not having valid insurance and the petitioner did not have valid license at the time of accident. So, this respondent is not any way liable to pay any compensation to the petitioner. The goods carrying vehicle driver is not having valid permit at the time of accident and FC, RC of the Auto is not available. These are all come under the violation of Policy condition so the 2nd respondent is not liable to pay any compensation to the

petitioner. As per the accident register and discharge summary of the hospital records are all clearly mentioned that the petitioner was having only simple injuries. The Petitioner should strictly prove that the Petitioner was an agriculturist and he earned Rs.600/- per month at the time of accident through valid documentary evidence. The petitioner is liable to prove the policy condition of the accident involved vehicles and the driver of the goods carrying vehicle and rider of the bike are all holding valid driving license at the time of accident. All the doubtful facts about this accident the 2nd respondent is not liable to pay any compensation whatsoever claimed in this petition. The petitioner can claim compensation only from the 1st respondent, owner of the bike and its insurance company. The petitioner did not wear helmet at the time of accident, in the circumstance as per the Hon'ble Supreme Court order, Tribunal has deducted 20% amount from the claim. The amount claimed Rs.10,00,000/- as compensation and rate of interest are highly excessive and exorbitant. Any how this Respondent is not liable to pay any amount of compensation to the Petitioner as claimed. The Petitioner is not entitled to any claim under no fault liability. Hence, pray to dismiss this petition.

4) Points for consideration in this petition are:

- i) Whether the accident occurred due to the rash and negligent driving of the 1st respondent's driver?
- ii) Who are liable to pay compensation to the claimant?
- iii) What is the compensation amount the claimant is entitled to?

5) On behalf of the Petitioner, the Petitioner was examined as PW1 and Ex.P1 to Ex.P9 were marked through him. On behalf of the 2nd Respondent, Junior Assistant of the Uthamapalayam RTO one S.Jeyaprakash was examined as RW1 and Ex.R1 to Ex.R7 were marked through him. Disability certificate was marked as Ex.C1.

6) Point no.1 and answer :

(i) Heard both side and records have been perused. According to the Petitioner, on 13.02.2021 at 09.30 P.M. when he was riding a motor cycle bearing no.TN60-M-6685 which was proceeding from Seelayampatti to Chinnamanur road

ie., North to south direction in a slow speed and adhering traffic rules carefully on the extreme left side of the road at that time a Goods carried vehicle bearing no.TN 32 A 8312 an opposite direction which was driven by its driver in a rash and negligent manner and dashed against the Petitioner's motor cycle, in view of that sudden accident the Petitioner had sustained multiple injuries. Therefore, the accident occurred solely due to the rash and negligent driving of the 1st respondent.

(ii) Whereas, the counsel for the 2nd respondent does not dispute the vehicles involved in the accident. The counsel for the 2nd respondent vehemently argued that the accident had happened only due to the negligence of the petitioner and lodged a false complaint against the Goods carrying vehicle driven- 1st respondent and on the basis of the complaint the police official did not enquire the case properly and lodged a false FIR and charge sheet against the 1st respondent only for the purpose of getting compensation from the 2nd respondent and the goods carrying vehicle driver is not having valid permit at the time of accident and FC, RC of the Auto is not available and prays to dismiss the petition.

(iii) In the above said circumstances, it is just and necessary to find out whether whose negligence accident was happened? From the Ex.P1 FIR, Ex.P4 Final report and Ex.P6 STC No.50/2023 Judgment copy it could be prima facie seen that the accident was due to the rash and negligence of the 1st respondent. Moreover, the 1st respondent had been set exparte. The 1st respondent is the competent person to speak about the accident. Whereas, the 1st respondent has not been examined. Whereas, on perusal of Ex.P9 STC No.50/2023 Judgment copy which discloses that the 1st Respondent admitted his guilty thereby paid the fine amount.

(iv) It is to be noted that the document relied upon by the Petitioner has not been challenged by the 2nd respondent, except suggesting that the accident was occurred due to the negligence on the part of the Petitioner. This suggestion remained suggestion nothing is elicited from the mouth of the petitioner that the offending vehicle was not the cause of the accident. This court has to accept the evidence of PW1, since, there is no rebuttal evidence on the part of the 2nd respondent. No other

oral or documentary evidences have been produced on the side of the 2nd respondent to substantiate their contention. In the absence of evidences, this court is of the view that the 2nd Respondent had failed to show that the petitioner was alone sole cause for the accident.

(v) Therefore, as observed above *“It is well settled that the proceedings before the claims tribunal are summary in nature and it is suffice to consider, whether there is any preponderance of probability, as to the manner of accident, as detailed in the claim petition. Strict proof of evidence is not required to decide the same.”* and hence evidence of PW1 and Ex.P1 FIR, Ex.P4 Final report, Ex.P6 STC No.50/2023 Judgment copy are proved that accident occurred due to the rash and negligent riding of the 1st respondent.

(vi) Therefore, from the above narrated facts, reasons stated above and from Ex.P1 FIR, Ex.P4 Final report and Ex.P6 STC No.50/2023 Judgment copy, it could be seen that the accident occurred due to the rash and negligent driving of the 1st respondent. Accordingly, the point no.1 is answered.

7) Point no.2 and answer :

(I) In this point let to be decided who is liable to pay compensation to the Petitioners. It has to be seen that the accident occurred due to the rash and negligent driving of the 1st Respondent , it is not dispute that the vehicle involved in the accident belonging to 1st Respondent, Ex.P7 & R3 M.V. Inspection Report shows that at the time of accident on 13.02.2021 the 1st Respondent insured his vehicle with the 2nd Respondent. However, the 2nd Respondent side contented that at the time of accident, an offending vehicle TN 32 A8312 407 Lorry had not valid permit to drive the vehicle on the public road, it is a clear policy violation and hence, the 2nd respondent insurance company is not liable to pay the compensation. On the other hand, the same was objected by the petitioner side.

(ii) It has to be seen that, admittedly at the time of accident on 13.02.2021, an offending vehicle TN 32 A8312 407 Lorry had not valid permit to drive the vehicle on the public road, whereas the evidence of RW1 who is the Assistant of Uthamapalayam

Transport Office, Ex.R6 Report clearly proves that at the time of accident an offending vehicle TN 32 A8312 407 Lorry had not valid permit to drive the vehicle on the public road, it proves that clear violation of insurance policy.

(iii) Therefore, as observed above this court is of the view that at the time of accident, an offending vehicle TN 32 A8312 407 Lorry had not valid permit to drive the vehicle on the public road,. At this juncture, this court holds that since accident was happened on 13.02.2021, the Petitioner who is a third party shall not suffer due to the violation act of the 1st respondent who has not taken permit to drive the vehicle on the road. So, applying decisions of our Hon'ble Supreme Court reported in National Insurance company limited swaran singh in AIR 2004 (SC) Page No.1531 and Honourable High Court reported in *2016 (1) TNMAC 391 Royal Sundaram Alliance Insurance Co., Ltd., Vs. Anand and another*, it is held that the 2nd Respondent is liable to pay the compensation amount to the Petitioner as the insurer of the offending vehicle and recover the same from the 1st Respondent who is the owner of the said offending vehicle.

(iv) Therefore, as observed above, since at the time of the accident insurance policy was force, in the light of the said judgments the 2nd Respondent insurance company is directed to pay the compensation amount to the Petitioner and then the same has to be recovered from the 1st Respondent who is the owner of the offending vehicle Goods Carrier bearing registration no. TN 32 A 8312. Accordingly, the point no.2 is answered.

8) Point no.3 and answer :

(I) In the petition, the Petitioner is stated that he was working as an agriculturist and he was earning Rs.600/- per day at the time of the accident. To prove the said income, no documents marked on the Petitioner side. The Ex.P3 Wound Certificate discloses that the Petitioner's age was mentioned as 59 years. While so, this tribunal by considering the age of the Petitioner was 59 years at the time of accident he would have earned at least Rs.500/- per day by doing any work.

(ii) It has to be seen that Ex.P2 Discharge summary discloses that the Petitioner admitted in Madurai Rajaji Government Hospital therein he was treated as inpatient on 14.02.2021 and then discharged on 10.03.2021, it seems that he was inpatient 25

days and hence he is entitled to get a compensation for the said days and also entitled to get loss of earnings Rs.12,500/- as well as attender charges. Since, he had taken a treatment in government hospital, in view of that he had not spent any money for his medical treatment.

(iii) It is to be noted that the accident was happened on 13.02.2021 while so, as per the judgment of Hon'ble High court of Madras in Padma vs. Managing Director, Tamil Nadu State Transport Corporation Limited, Kanchipuram reported in 2024(2) TNMAC page 679 held that awarding Rs.8,000/- per percentage of the disability is a reasonable one and hence in the light of said judgment this Petitioner is not having any functional disability and at the time of accident the age of the Petitioner was 59 years, in view of that he is entitled to get Rs.8,000/- per percentage.

(iv) On same time, the Petitioner was appeared before the Regional Medical Board, Theni which assessed his disability as 25% and certificate, which was also marked as Ex.C1. As observed above, this tribunal finds it appropriate to award a compensation under the following heads:

Sl.No	Heads of claim	Award
01.	Disability (25%) (25 x 8,000/-)	Rs.2,00,000/-
02.	Pain and suffering	Rs.30,000/-
04.	Loss of income (25 days) (From 14.02.2021 to 10.03.2021 (25 x 500)	Rs.12,500/-
05.	Attender charges (25 days) (From 14.02.2021 to 10.03.2021 (25 x 500)	Rs.12,500/-
06.	Diet and Nutrition	Rs.5,000/-
07.	Transportation charges	Rs.5,000/-
	Total	Rs.2,65,000/-

Therefore, the claimant is entitled to get compensation amount of Rs.2,65,000/-

Sl.No.	OTHER PARTICULARS	
01.	Date of presentation	14.06.2021
02.	Date of Order	01.04.2026
03.	Claiming amount	Rs.10,00,000/-

04.	Award amount	Rs.2,65,000/-
05.	Total court fee	Rs.2022.50/-
06.	Court fee already paid	Rs.375/-
07.	Balance court fee to be paid	Rs.1647.50/-

Sl.No.	Cost List	Rs. P.
01.	Stamp on petition	Rs.2022.50/-
02.	Vakalath	10.00
03.	Petition cost	50.00
04.	Summons	50.00
05.	Advocate fee	8300
	Total	10,432.50

18) In the result, this petition is allowed with costs in the following terms.

(i) The Petitioner is awarded compensation of **Rs.2,65,000/-** with interest at the rate of 7.5% from the date of filing of the petition to till the date of realization of the amount with cost. (Interest excludes the period of default if any and its restoration).

(ii) The 2nd respondent is directed to deposit the said compensation amount with interest by way of E-transfer in the name of SUB JUDGE MACT, Uthamapalayam by NEFT or RTGS mode to following this Tribunal Regular Savings Bank account no.42904203048 within a period of two months from the date of receipt of copy of this order.

(iii) The 2nd Respondent insurance company is directed to pay the compensation amount to the Petitioner and then the same has to be recovered from the 1st Respondent who is the owner of the offending vehicle Goods Carrier bearing registration no. TN 32 A 8312

(iv) After deposit of award amount the Petitioner is entitled to withdraw the same after the appeal period.

(v) The petitioner is directed to pay the balance court fee of **Rs.1647.50/-** within a period of 15 days failing which he is not entitled to get interest till the payment of court fee.

(vi) Advocate fee is fixed at **Rs.8300/-**

(vii) Since, all particulars have been discussed in the order and hence as per order passed by the Hon'ble High Court of Madras in Tr.CMP Nos.264-281/2020 in M/s Choolamandalam General Insurance Company Ltd vs. Ayyanar and others dated 11.05.2020 there is no need to prepare of draft decree for this award.

Dictated to the Steno-Typist and typed by her in computer directly and after rectification of mistake, pronounced by me in the Open Court on this, 01st day of April 2026.

**Sd/-M. Shivaji Chelliah,
Tribunal Judge/Subordinate Judge,
Uthamapalayam.**

Petitioner side witnesses :

PW1 ... Ayyanar (Petitioner)

Petitioner side Exhibits :

Ex.P1 ... First Information Report
Ex.P2 ... Discharge summary
Ex.P3 ... Wound Certificate
Ex.P4 ... Final report
Ex.P5 ... Rough Plan and Observation Mahazar
Ex.P6 ... STC.50/23 Judgment Copy
Ex.P7 ... TN32A8312 M.V.Report
Ex.P8 ... Aadhar card of petitioner - Xerox Copy
Ex.P9 ... Bank passbook of Petitioner -Xerox Copy

2nd Respondent side witness :-

RW.1 ... S.Jayaprakash

2nd Respondent side Exhibits :-

Ex.R1 ... Authorization Letter dated 18.11.2025
Ex.R2 ... TN60 M6685 Inspection Report of Motor Vehicles
Ex.R3 ... TN32 A8312 Inspection Report of Motor Vehicles
Ex.R4 ... Motor Cycyle – MVI-Report, FC , Permit & Driving of Licence –
information

Ex.R5	...	Extract of Driving Licence in the name of Petitioner
ExR6	...	Vehicle History Details

Court Exhibit : -

Ex.C1	...	Disability certificate
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**Sd/-M. Shivaji Chelliah,
Tribunal Judge/Subordinate Judge,
Uthamapalayam.**

Sub Court, UPM
MCOP.No.76/2021
Fair Order
Dated 01.04.2026