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## IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,  
Subordinate Judge, Palladam

Thursday of 05<sup>th</sup> Day of March, 2026

### MCOP No.15/2022

( TNTI210004932022)

(a)	Name and address of the claimant / Petitioner (s)	K.Ramesh, S/o. Karuppan, aged about 35 years, residing at Madaikattu Thottam, residing at 1/158B, SK Palayam, Semmipalayam Palladam Taluk, Tiruppur District.
(b)	Name and address of the respondent (s)	1. A.Suresh, S/o. Alagumalaiyan, residing at 2/149, Seeran Thottam, Sukkampalayam, Palladam Taluk, Tiruppur District. 2. The Branch Manager, National Insurance Company Limited, No.1, Floor No.18, Court Street, Tiruppur District.
(c)	Name and address of the Insurance company	<b>National Insurance Company Limited, No.1, Floor No.18, Court Street, Tiruppur District.</b>
(d)	Name and address of the Transport Corporation or such other respondents who are held liable to pay	Not Applicable

(e)	Date of filing of the claim petition	13.10.2022
(f)	Date of award	<b>05.03.2026</b>
(g)	Amount of award	<b>Rs.25,000/-</b>
(h)	Interest rate applicable	7.5% per annum
(i)	Date (s) from which interest is payable	13.10.2022
(j)	Costs, if any	Stamp on petition      Rs.      20.00 Stamp on Vakalath      Rs.      10.00 <b>Court fee                      Rs.      45.00</b> <b>Advocate fee                  Rs.    1,500.00</b> ===== <b>Total = Rs.    1,575.00</b>
(k)	In cases where the compensation, interests and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	The 2 <sup>nd</sup> Respondent is directed to deposit the award amount of <b>Rs.25,000/-</b> with interest at the rate of 7.5% p.a from the date of presentation of the petition till the date of realization, with costs, within 30 days from the date of order.
(l)	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	The petitioner is entitled to <b>Rs.25,000/-</b> with proportionate interest and cost.
(m)	The mode and manner of deposit of compensation	The 2 <sup>nd</sup> Respondent is liable to pay compensation to the petitioners and they are directed to deposit the Award amounts with Interest and Cost to the credit of the Petitioner (K.Ramesh) Bank Account in <b>Savings Account No. 009501000138159 (IFSC Code No. IOBA0000095, INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode</b> within

		15 days from the date of Payment of remaining Court Fee by the Petitioner.  The 2 <sup>nd</sup> Respondent is hereby directed to intimate the fact of such deposit immediately to this Sub Court eMail ID in (tprpldm.sctn@gmail.com) and to the counsel on record for the Petitioner.
(n)	Period of default to which the petitioner are not entitled for interest, if any.	Nil
(o)	Balance of Court fee	The petitioner is directed to pay the court fee of <b>Rs.45/-</b> within 2 weeks from the date of this order. The petitioner shall not be entitled to withdraw the sum deposited as per the Award until the balance of court fee is deposited.

K.Ramesh

... Petitioner

**// Versus //**

1. A.Suresh

2. National Insurance Company Limited,

No.1, Floor No.18,

Court Street, Tiruppur District.

... Respondents

This case coming before me for final hearing on 03.03.2026 for final hearing before this court in the presence of **Thiru.V.Mohan.,B.A.,B.L.,**

Advocate for the petitioners and **Tmt.M.Mallika.,B.Sc.,B.L.,DLW.,**  
Advocate for the 2<sup>nd</sup> Respondent. The 1<sup>st</sup> Respondent did not appear  
and he was called absent and set exparte. After hearing the arguments  
on both sides and upon perusing the materials available on record, this  
Court delivered the following:-

### **AWARD**

This original petition was filed by the petitioner Under Section  
166 (1)(a) of the Motor Vehicles Act to direct the respondents are such of the  
who found liable to pay the petitioner the sum of Rs.40,00,000/- towards  
compensation together with subsequent interest there are at 18% per annum  
from the date of this claim petition till realization in full.

#### **02. The Averments in the petitioner in brief as follows :**

1. That on 11.09.2022 at about 09.00PM., when the petitioner riding his  
Two wheeler bearing Registration No.TN 37 CD 6334 near Kongu Vellalar  
Marriage Hall at that time 1<sup>st</sup> respondent drove his Hero Honda Motor cycle  
bearing Registration No. TN 42 AJ 7438 on opposite side in a rash and  
negligent manner and all of sudden dashed the petitioner and out of which  
The petitioner sustained severe fracture injuries over Left Leg and Ankle. So

Immediately the petitioner was admitted in Government Hospital, Palladam for first aid and than he was admitted in Ponni Hospital as inpatient.

2. This petitioner is aged about 35 years and he was hale and healthy at the time of accident. He was a Taylor and and he earned not less than Rs.20,000/- per month. Under the said circumstances the petitioner is claiming a sum of Rs.40,00,000/- with subsequent interest thereon at 18% per annum from date of this claim petition till realization in full.

**03. The Counter of 2<sup>nd</sup> Respondent in brief:**

The Petition is false, frivolous, vexations and unsustainable both under law and the facts of the case. Except the averments which are specifically admitted herein and all other allegations are denied as false and the Petitioner has to prove the same. The accident was happened due to the negligent of the petitioner. Hence the 2<sup>nd</sup> respondent is not liable to pay compensation.

**04. Now point for the consideration is whether this petition is allowed ?**

Since it is a summary trial it is foremost to decide the following heads:

**05. Negligence:**

1. It is the case of the petitioner that On careful perusal of records it is the case of the petitioner that on 11.09.2022 at about 09.00PM., when the petitioner riding his Two wheeler bearing Registration No.TN 37 CD 6334 near Kongu Vellalar Marriage Hall at that time 1<sup>st</sup> respondent drove his Hero

Honda Motor cycle bearing Registration No. TN 42 AJ 7438 on opposite side in a rash and negligent manner and all of sudden dashed the petitioner and out of which The petitioner sustained severe fracture injuries over Left Leg and Ankle. So immediately the petitioner was admitted in Government Hospital, Palladam for first aid and than he was admitted in Ponni Hospital as inpatient.

2. On the side of petitioner, the Petitioner was examined as PW1 and through him Ex.P1 to Ex.P8 documents have been marked. Ex.P1 FIR, Ex.P2 Registration Certificate, Ex.P3 Insurance Policy, Ex.P4 Driving Licence, Ex.P5 Medical Bills were produced by the petitioner. From the records and evidence adduced by the petitioner it is clear that the accident was happened due to the rash and negligence of the 1st respondent.

#### **06. Liability :**

It is the case of the learned counsel appearing for the petitioner that the respondent vehicle was insured with 2<sup>nd</sup> Respondent Insurance company. So the 2<sup>nd</sup> Respondent is liable to pay the compensation as awarded by this court. On careful perusal of Ex.P3 Insurance Policy Copy admittedly the offending Vehicle was insured with 2<sup>nd</sup> Respondent Insurance company at the time of accident. Hence The 2<sup>nd</sup>

respondent needs to compensate the petitioner as awarded by this court.

### **07. Quantum:**

Since, the petitioner not produced any medical discharge summary for the injuries happened to him for his treatment this court cannot ascertained what are all the charges incurred by the petitioner towards treatment. Since there was no medical records on the side of petitioner, taking note of fact that as per Ex.P1 FIR the petitioner had sustained injury out of accident caused by 1<sup>st</sup> respondent, this court is of considered view that he might fully recovered. Hence nominally this court fixes **Rs.25,000/-** as compensation.

#### **1) Expenses incurred for treatment and medicines:**

On careful perusal of records Petitioner had produced original bills under Ex.P5 for the treatment he underwent. Here petitioner had not produced any medical discharge summary or Accident register, hence this court cannot ascertain the fact that all bills are pertaining to the need of petitioner for the injuries sustained by way of accident. Hence this court is of considered view that petitioner is not entitled for the claim of such medical bills.

**08.Apportionment of Compensation:-**

Sl.No	CATEGORIES OF COMPENSATION	APPORTIONED AMOUNT
1.	Nominal income	Rs.25,000/-
	<b>Total</b>	<b>Rs.25,000/-</b>

With this observation this petition is allowed by directing the 2<sup>nd</sup> Respondent to pay a Compensation of **Rs.25,000/-** With an Interest of 7.5 % Per annum from the date of this petition to the petitioner within a period of One Month in the Savings Account No. 009501000138159 (Indian Overseas Bank, Tiruppur Branch) either directly or through NEFT or RTGS.

**09. In the result, this petition is accordingly allowed in part with costs, on the following terms:-**

(i) The 2<sup>nd</sup> Respondent is directed to deposit the award amount of **Rs.25,000/-** with interest at the rate of 7.5% p.a from the date of presentation of the petition till the date of realization, with costs, within 30 days from the date of order to the credit of the Petitioner (K.Ramesh) Bank Account in Savings Account No. 009501000138159 (IFSC Code No. IOBA0000095, INDIAN OVERSEAS BANK, TIRUPPUR BRANCH, directly by NEFT/RTGS Mode and to file Bank payment advice into this

Court through email (tprpldm.sctn@gmail.com). The petitioners are not entitled to get any interest for the default period if any.

- (ii) The petitioner is entitled to **Rs.25,000/-** with proportionate interest and cost.
- (iii) The petitioners are directed to pay the court fee of **Rs.45/-** within 2 weeks from the date of this order. The petitioners shall not be entitled to withdraw the sum deposited as per the Award until the balance of court fee is deposited.
- (iv) Advocate fee of **Rs.1,500/-** shall be paid through NEFT/RTGS Mode.
- (v) Following the judgment of the Hon'ble High Court of Madras in M/s.Cholamandalam MS General Insurance Co Ltd., Vs. Ayyanar & others reported in 2020 (4) CTC 272, no decree is prepared. All the parties are entitled to free copies of the award as per Section 168 (2) of the MV Act and Rules 20 (6) of the Rules.

Dictated to the Steno-Typist, typed by her directly into the computer, corrected, printed out and pronounced by me in Open Court on this the **05<sup>th</sup> Day of March, 2026**

Subordinate Judge,  
Palladam

**Petitioner's side Witness:**

No. of Witnesses	Name of the Witnesses
PW1	Ramesh

**Petitioner's side exhibits:**

Ex. No	Date	Details
Ex-P1	20.07.2015	Copy of FIR
Ex-P2	-	Copy of Registration Certificate
Ex-P3	-	Copy of Insurance Policy
Ex-P4	-	Copy of Driving Licence
Ex-P5	-	Medical Bills
Ex-P6	-	Copy of Aadhar card of Petitioner

**Respondent's side Witness & Exhibits: Nil.**

Subordinate Judge,  
Palladam

DRAFT / FAIR judgment

MCOP No. 15/2022

Date : 05.03.2026

