

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL (ADDITIONAL
DISTRICT COURT), KALLAKURICHI.**

PRESENT : Thiru.S.Syed Barkathullah, B.L.,
Tribunal Judge,
Motor Accident Claims Tribunal,
Kallakurichi.

Thursday, the 6th day of November, 2025.

MCOP No.146/2023

Sathishkumar, S/o. Tamilmani, aged about 20 years,
residing at No.3/599, Kattukottai, Kural Village,
Pakkampadi Post, Chinnasalem Taluk,
Kallakurichi District.

... Petitioner

/Vs/

1. M/S. MIM Logistics, having it's office at
No.4/146, Ammankulam lane, near Lakshmi Mill,
P.N.Palayam, Coimbatore - 641 037.
2. Royal Sundaram General Insurance Company Limited,
having its office at Ramani Krishna Marvel,
1st Floor, Old No.140 and New No.137, DB Road,
R.S.Puram, Coimbatore - 641 002.
3. Surya Sanjeevi, S/o. Paramasivan, aged about
25 years, residing at No.51, V.O.C. Street,
Vaithiyalingapuram, Padikkasu Vaithampatti,
Srivilliputhur, Viruthu Nagar - 626 125.

... Respondents

Date of petition : 16.04.2023

This petition came up for final hearing before me on 28.10.2025 in the presence of Thiru. R.Ravi, Advocate for petitioner and of Thiru. P.Santhoshkumar, Advocate filed vakalath for the 2nd respondent but not filed counter and after receiving notice of this court 1st respondent neither appeared in person nor filed counter and after effecting of paper publication, the 3rd respondent neither appeared in person nor filed any counter,

hence respondents 1 to 3 were remained exparte and after hearing the arguments advanced on petitioner's side and upon perusing the materials available on records, having stood over for consideration till this day, this tribunal delivered the following:-

AWARD

This petition has been filed by the petitioner under section 166(1) of the Motor Vehicles Act seeking compensation of Rs.15,00,000/-.

2. The averments in the claim petition in brief is as follows:-

On 01.02.2023 at about 5.50 a.m. when the petitioner and his friends were travelling on the TATA Ace vehicle bearing Reg. No. TN.37-BE-1290 on Palakadu to Salem Bypass Road, near L&T bypass Neelambur Tollgate for his personal work, at that time, the 1st respondent's Eicher lorry bearing Reg. No. TN.66-AF-0923 was driven by its driver in a rash and negligent manner and dashed against the petitioner travelled vehicle. As a result, the petitioner sustained grievous injury in his right leg and left femur and left forehead and upper lip and sustained injury all over the body and immediately the petitioner was taken to Govt. Hospital, Coimbatore and then shifted to Ganga Hospital, Coimbatore for further treatment. The Sular Police Station registered a case against the rider of the Eicher in Cr.No.69/2023 under Section 279 and 337 of IPC. The 1st respondent is the owner of the Eicher and the 2nd respondent is the insurer of the said vehicle and 3rd respondent is the driver of the 1st respondent's vehicle. The accident occurred only due to the rash and negligent driving of the rider of the Eicher. The petitioner filed claim petition against the insured as well as the

insurer, claiming a sum of Rs.15,00,000/- as compensation. The respondents are jointly and severally liable to pay compensation to the petitioner. Hence, the petition.

3. Even after engaging counsel, the 2nd respondent did not file counter and the 1st and 3rd respondents neither appeared in person nor contest the claim even receipt of the notice from this Tribunal and so they were set exparte.

4. On the basis of the above rival contentions of the parties, the following points have to be considered by this Tribunal:-

- 1) Whether the petitioner proves that the accident occurred due to rash and negligent driving by the rider of the Eicher lorry bearing Reg. No. TN.66-AF-0923?
- 2) Whether the petitioner is entitled to get any compensation? If so, what is the quantum payable?
- 3) Who has to pay compensation?

5. On the side of minor petitioner, the petitioner was examined as PW1. Through him, Ex.P1 to Ex.P17 were marked. Ex.C1 was marked. Heard the petitioner side and perused the materials available on record.

6. Point No.1 :

The petitioner has filed the claim application, claiming compensation for a sum of Rs.15,00,000/- for the injuries sustained by him in the accident took place on 01.02.2023 at about 5.50 a.m. contending that, the accident occurred due to rash and negligent driving of the driver of Eicher Lorry. In the petitioner's side, the petitioner was

examined as PW1. PW1 deposed that on 01.02.2023 at about 5.50 a.m. when he was travelling on the TATA Ace vehicle bearing Reg. No. TN.37-BE-1290 on the Palakadu to Salem Bypass Road, near L&T bypass Neelambur Tollgate for his personal work, at that time, the 1st respondent's Eicher bearing Reg. No. TN.66-AF-0923 was driven by its driver in a rash and negligent manner and dashed against his travelled vehicle, thereby he sustained grievous injury in his right leg and left femur and left forehead and upper lip and sustained injury all over the body and immediately he was taken to Govt. Hospital, Coimbatore and then shifted to Ganga Hospital, Coimbatore for further treatment. In support of the oral evidence, the petitioner has produced documents which are marked as Ex.P1 to Ex.P17. Ex.P1 is the copy of FIR. FIR is registered by the Sular Police Station against the 3rd respondent's driver, who is the driver of the 1st respondent for the offences punishable under Section 279 and 337 of IPC, based on the complaint lodged by petitioner's wife one Bakkiyalakshmi. Ex.P2 Wound Certificate and Ex.P3, P17 Discharge Summary which makes out clear that the petitioner had sustained injuries due to the accident. In the present case, even after engaging counsel, the 2nd respondent has not appeared to contest the claim petition and after the receipt of the notice from this Tribunal, the 1st and 3rd respondents have not appeared to contest the claim petition, they remained exparte. Therefore, from the evidence of PW1 and documents Ex.P1, this court comes to the conclusion that the accident occurred due to rash and negligent driving by the rider of the Eicher lorry bearing Reg. No. TN.66-AF-0923. Accordingly, Point No.1 is answered in favour of the petitioner and against the respondents.

7. Point No. 2 :

The petitioner has claimed that in the accident he sustained grievous injury in his right leg and left femur and left forehead and upper lip and sustained injury all over the body. He was aged about 20 years and he is a Engineering Student (3rd Year) and Milk Seller and earning Rs.15,000/- per month. Due to the injuries, he was unable to do work and he sustained permanent disability and hence, he is claiming compensation of Rs.15,00,000/-. As per Ex.P2 Wound Certificate and Ex.P3 and P17 Discharge Summary makes it clear that petitioner has sustained injuries due to the said accident and he was admitted in the Govt. Hospital, Coimbatore and Ganga Hospital, Coimbatore. Ex.P3 and P17 proves that the petitioner has undergone treatment for his injuries in the Ganga Hospital, Coimbatore from 01.02.2023 to 13.02.2023 and from 01.03.2023 to 11.03.2023.

8. The petitioner was referred to the Medical Board, Kallakurichi. After medical examination, the board issued Ex.C1 Disability Certificate describing the nature of the injuries are grievous and total percentage of disability is 8%. Hence from Ex.C1, petitioner has proved that he has suffered with 8% of disability due to (1) HEAD INJURY - FRACTURE LEFT SIDE OF FRONTAL BONE, (2) MAJOR CRUSH INJURY LEFT LOWER LIMB WITH TYPE IIIC OPEN FRACTURE OF SHAFT OF LEFT FEMUR MIDDLE THIRD REGION WITH CLOSED FRACTURE BOTH BONES LEG MIDDLE THIRD RIGHT SIDE WITH LACERATION OVER THE FOREHEAD AND UPPER LIP, (3) LACERATED WOUND OVER THE LEFT FOREHEAD ACROSS THE LEFT EYEBROW REGION, LACERATION AND

SPLIT OF LEFT ALA OF NOSE, UPPER LIP - SPLIT, THROUGH AND THROUGH LACERATION, CHIN LACERATION. Hence, considering percentage of disability this court is inclined to grant a sum of Rs.7,000/- to each percentage of disability. Hence compensation for disability is Rs.56,000/- (8 x Rs.7,000/-).

9. As per the petitioner's case, PW1 was aged about 20 years and he is a Engineering Student (3rd Year) and Milk Seller and earning Rs.15,000/- per month. But PW1 petitioner has not produced any document to prove either his educational qualification or his occupation and monthly income. The accident took place in the year 2023. Considering the evidence on record, age of the petitioner and the year of accident, this Court is of the view that it would be just and reasonable to fix a sum of Rs.9,000/- per month as notional income. Due the injuries, the petitioner could not have gone to work for a period of 3 months and there will loss of income to her for a period of 3 months. Hence towards loss of income Rs.27,000/- is awarded to the petitioner.

10. The petitioner has filed medical bills for a sum of Rs.6,60,547/- the same was marked as Ex.P10 to P15. On perusal of the medical bills issued by Ganga Hospital, Coimbatore, it stands in the name of the petitioner and as there is no doubt about the genuineness of the medical bills. Thus, this court holds that the petitioner is entitled to claim the medical bill amount of Rs.6,60,547/-- rounded off Rs.6,60,550/- from the respondents. Further, the petitioner has not produced any document to show that he is in need of future medical expenses.

11. On perusal of Ex.P2 Wound Certificate and Ex.P3 and P17 Discharge Summary, it shows that the petitioner undergone treatment in the Ganga Hospital, Coimbatore from 01.02.2023 to 13.02.2023 and from 01.03.2023 to 11.03.2023.. Hence, keeping in view the extent and nature of the injuries sustained by the petitioner and duration of the treatment taken by him, an amount of Rs.30,000/- is being awarded to him towards pain and sufferings during the said period of his treatment and immobility. The petitioner was under treatment there for a period of 24 days, therefore, it will be appropriate to award Rs.24,000/- towards attender charges and as per Ex.P16 Transport bill Rs.65,000/- towards attender charges and Rs.25,000/- towards Extra nourishment and Rs.5,000/- towards damage to clothes during accident to the petitioner as compensation.

Thus, the compensation awarded under various heads are as follows:-

Compensation for 8% disability	Rs. 56,000.00
Towards Pain and suffering	Rs. 30,000.00
Towards Attender charges	Rs. 24,000.00
Towards Transportation	Rs. 65,000.00
Towards Extra Nourishment	Rs. 25,000.00
Towards Damage to clothes	Rs. 5,000.00
Towards Loss of income (3 months x Rs.9,000)	Rs. 27,000.00
Towards Medical Bills Ex.P10 to P15	Rs. 6,60,550.00
Total	Rs. 8,92,550.00

Thus, the petitioner is entitled to get total compensation of Rs.8,92,550/- Accordingly, Point No.2 is answered.

12. Point No.3 :

In Point No.1, this Tribunal decided that the accident occurred due to the negligent driving of the rider of the Eicher Lorry bearing Reg. No. TN.66-AF-0923. Ex.P4 is the copy of Registration Certificate of the Eicher Lorry bearing Reg. No. TN.66-AF-0923. It shows that the 1st respondent company is the owner of the above said vehicle. Ex.P5 copy of Driving Licence of the 1st respondent's driver proves that the 1st respondent's driver has possessed valid driving licence on the date of accident. Ex.P6, copy of Insurance Policy shows that the 1st respondent's Eicher Lorry was insured with the 2nd respondent insurance company and the period of insurance is from 09.11.202 to 08.11.2023 and the accident was occurred on 01.02.2023 would reveal that the insurance policy was in force on the date of accident. The respondents have not chosen to contest the case and to deny the fact the 1st respondent is the owner of the Eicher and 3rd respondent is the driver of the offending vehicle and the same was insured with the 2nd respondent. There is no policy violation in this case. Therefore, the 1st and 3rd respondents are vicariously liable to pay compensation and as the vehicle was insured, the insurer 2nd respondent has to pay the compensation to the petitioner. Accordingly, Point No.3 is answered.

13. RESULT:-

i) In the result, the petition is partly allowed and a total compensation of **Rs.8,92,550/- (Rupees Eight Lakhs Ninety Two Thousand Five Hundred and Fifty only)** is awarded to the petitioner with costs. The 2nd respondent is directed to deposit the award amount with interest @ 7.5% p.a. from the date of petition to till date of

deposit (excluding the period of dismissal for default if any) within a period of eight weeks to the credit of Additional District Judge (MACTOP), Kallakurichi in the State Bank of India, SBCHQ-QBT-GOVT AGENCY A/C-INR No. 00000042798284071, IFSC Code No. SBIN0000852 through NEFT or RTGS under intimation to this court.

ii) Considering the quantum of medical bills, the petitioner is permitted to withdraw 75% of the award amount with accrued interest and cost immediately. The remaining award amount of the petitioner shall be invested in fixed deposit in a nationalized bank for a period of 3 years and he is permitted to withdraw interest once in six months.

iii) The petitioner is directed to pay the balance of court fee of **Rs.7,926/-** within 2 weeks from the date of order. The petitioner shall not be entitled to withdraw the sum deposited as per the award until the balance of court fee is deposited as directed.

iv) Advocate fee of **Rs.15,926/-** shall be paid through NEFT or RTGS mode.

v) The 2nd respondent is directed to pay a sum of **Rs.24,433/-** as being the cost of the petitioner as tabulated herein.

vi) Following the Judgment of the Hon'ble High Court of Madras in **M/s. Cholamandalam MS General Insurance Co. Ltd. Vs. Ayyanar and others** reported in **2020 (4) CTC 272**, no decree is prepared. All the parties are entitled to free copies of the award as per Sec.168(2) of the Motor Vehicles Act.

Other Necessary Particulars:

Date of Petition	:	16.04.2023
Date of Award	:	06.11.2025

Amount of Compensation claimed	:	Rs.15,00,000/-
Amount of Compensation is awarded by this Tribunal	:	Rs.8,92,550/-
Court Fee payable for the said amount	:	Rs.8,298.50
Court Fee already paid	:	Rs.372.50
Balance court fee to be paid	:	Rs.7,926/-

Cost list for the Petitioner

Sl. No.	Particulars	Petitioner's side	Respondent's side
1.	Stamp on claim petition	Rs. 8,298.50	Rs. ...
2.	Vakalath	Rs. 10.00	Rs. ...
3.	Service of process	Rs. 13.50	Rs. ...
4.	Advocate fee	Rs. 15,926.00	Rs. ...
5.	Stamp on documents	Rs. 85.00	Rs. ...
6.	Typing charges	Rs. 100.00	Rs. ...
Total		Rs. 24,433.00	Rs. ...

Dictated by me to the Steno-Typist, typed by him directly into the computer, corrected, printed out and pronounced by me in the Open Court on the 6th day of November, 2025.

(Sd/-) S.Syed Barkathullah
Tribunal Judge,
Motor Accident Claims Tribunal,
Kallakurichi.

Petitioner's side witnesses:-

PW1	Thiru. Sathishkumar
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Petitioner's side documents:-

Ex.P1	04.02.2023	Copy of First Information Report
Ex.P2	...	Wound Certificate of the petitioner
Ex.P3	...	Copy of Discharge Summary of the petitioner

Ex.P4	03.12.2020	Copy of Registration Certificate of the 1 st respondent's vehicle
Ex.P5	25.02.2019	Copy of Driving Licence of the 1 st respondent's driver
Ex.P6	...	Copy of Insurance Policy of the 1 st respondent's vehicle
Ex.P7	25.04.2001	Copy of Driving Licence of the petitioner travelled vehicle driver
Ex.P8	...	Copy of Registration Certificate of the petitioner travelled vehicle
Ex.P9	...	Copy of Aadhar card of the petitioner
Ex.P10	...	Medical Bills of the petitioner for the month of February, 2023 (28 Nos.)
Ex.P11	...	Medical Bills of the petitioner for the month of March, 2023 (15 Nos.)
Ex.P12	03.05.2023	Medical Bill of the petitioner
Ex.P13	16.06.2023	Medical Bill of the petitioner
Ex.P14	13.02.2023	Medical Bill of the petitioner
Ex.P15	11.03.2023	Medical Bill of the petitioner
Ex.P16	...	Travels Bills of the petitioner from 13.02.2023 to 22.03.2023
Ex.P17	...	Discharge Summary of the petitioner

Respondents' side witnesses and documents :-

- Nil -

Court's side exhibits:-

Ex.C1	13.08.2025	Disability Certificate of the petitioner
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(Sd/-) S.Syed Barkathullah
Tribunal Judge,
Motor Accident Claims Tribunal,
Kallakurichi.

p.s.

Fair/Draft order
MCOP.No.146/2023
Dated : 06.11.2025
