

BEFORE MOTOR ACCIDENTS CLAIMS TRIBUNAL, TENKASI

ADDITIONAL DISTRICT COURT(FTC), TENKASI

**PRESENT: Thiru. S. Manojkumar, M.A., M.L.,
Motor Accident Claims Tribunal Authority,
Additional District Judge, Tenkasi.**

Monday, the 2nd Day of March 2026

M.C.O.P. No.17/2022

(CNR No. TNTS01-000023-2022)

Samuthiram, Aged 52 years, W/o. Perumalsamy, residing at Door No.153/38G,
Five Falls Road, Courtallam Panchayat, Tenkasi Taluk, Tenkasi District.

..Petitioner

/Vs/

1.L. Francis, S/o. Mr. Lasar, Aged 42 years, residing at Old Door No. 4/120, New
Door No. 4/91, East Street, Ilaiyarananthan, Kovilpatti Taluk, Tuticorin District.

2. N. Palanikumar, S/o.Natarajan, residing at Door No. 37, Old Kayavar Palaiyam
Road, Madurai, Madurai District.

3.United India Insurance Company Limited having one of the registered office at
Door No. 60, 2nd Floor, Sun Rise Tower, Kamarajar Salai, Madurai, Madurai
District through its Divisional Manager.

4. United India Insurance Company Limited having one of the registered office at
Door Number 37/2, Neel Complex, 2nd Floor, Mattappa Street, Tenkasi Kaspas,
Tenkasi Taluk, Tenkasi District through its Divisional Manager.

..Respondents

This Claim Petition came before this Tribunal for final hearing on 18.03.2026
in the presence of Thiru.K.P.Kumar, Advocate for the petitioners,
Tmt.B.Muthulakshmi, Advocate for 3rd and 4th respondents and 1st and 2nd
respondents called absent and set ex parte and on hearing the arguments of both
sides and upon perusal of the entire case records and this petition having stood over

for consideration till this day, this Tribunal delivered the following

ORDER

This Claim Petition has been filed by the petitioner u/s 166 and 140 of the Motor Vehicles Act 59/1988 claiming compensation of Rs.15,00,000/- for the injuries sustained by the petitioner in the road accident that took place on 20.04.2021.

2) Briefly stated averments in the Petition are as follows:

On 20.04.2021 at 8.40 P.M., the petitioner was travelling as a pillion rider in the Honda Unicorn two wheeler bearing Reg.No. TN 76 Q 8245 ridden by one Murugananadam on Ambai – Tenkasi main road from South to North on the left side of the road. When they were nearing Abirami saw mill, the 1st respondent after loading trees from the mill, parked the lorry bearing Reg.No. TN 59 AJ 2912 belonging to the 2nd respondent on the middle of the road in a negligent manner, without indicator or reflector and hence the two wheeler ridden by the said Muruganandam dashed against the rear side of the lorry and caused the accident. In the accident, the petitioner sustained injuries on right eye brow, right side of the head, nose, left hand and multiple injuries all over the body and the rider of the two wheeler died on the spot. The petitioner was admitted in Tenkasi Govt. Hospital and thereafter she was admitted in Tirunelveli Medical College Hospital as inpatient and had taken treatment. Till date, the petitioner was taking treatment in various hospitals as inpatient and outpatient. The accident happened due to the negligent parking of the lorry by the 1st respondent on the middle of the road. At the time of the accident, the petitioner was hale and healthy and she was working in Digital Studio, Melagaram and also a marriage broker through which she earned Rs.25,000/- per month. After the accident, the petitioner was unable to do her work as before. The 3rd respondent is the insurer of the 2nd respondent's lorry driven by the 1st respondent at the time of accident and 4th respondent is the insurer of the two wheeler bearing Reg.No. TN76 Q 8245 in which the petitioner was travelling as a

pillion rider. Therefore, the respondents are liable to pay compensation to the petitioner.

3) Briefly stated averments in the counter statement filed on the side of 3rd and 4th respondents are as follows:

The Claim petition filed by the petitioner is not maintainable either in Law or on facts. The accident in question did not take place in the manner as alleged by the petitioner in petition. The accident has not happened due to the rash and negligent driving of the 1st respondent. It is to be noted that any vehicle unless it was driven in rash and negligent manner cannot lead such a big accident and that too leading to death of Murugananadam. From the M.V.I. Report of both vehicles, it is established that the two wheeler only dashed against the rear side of the lorry and has greatly contributed to the accident. The petitioner being the pillion rider of the vehicle cannot make any claim against the insured. The injuries sustained by the petitioner are of simple in nature and all the injuries are healed by the treatment taken by the petitioner. The compensation amount claimed under various heads is highly excessive, exorbitant and is not maintainable in law. Hence, the petition is to be dismissed.

4) Points:

1	Whether the accident happened due to the rash and negligent driving of the 1 st respondent?
2	Who is liable to pay compensation?
3	What is the quantum of the compensation the petitioner is entitled to get?

5) During enquiry, the petitioner was examined as P.W.1 and Ex.P1 to Ex.P9 were marked through P.W.1. On the side of 3rd respondent, Tr. Singhjith, Assistant, R.T.Office, Tenkasi was examined as R.W.1 and Ex.R1, Ex.R2 were marked through R.W.1. Tr. Francis, the 1st respondent was examined as R.W.2 and no

exhibit was marked through R.W.2. Tr. Muthukrishnan, S.S.I. of Police, Courtallam P.S. was examined as R.W.3 and Ex.R3 series was marked through R.W.3. The Disability Certificate of the petitioner was marked as Ex.C1.

6) Point No.1,2 and 3:

(i) It is the case of the petitioner that on 20.04.2021 at 8.40 P.M., the petitioner was travelling as a pillion rider in the Honda Unicorn two wheeler bearing Reg.No. TN 76 Q 8245 ridden by one Murugananadam on Ambai – Tenkasi main road from South to North on the left side of the road. When they were nearing Abirami saw mill, the 1st respondent after loading trees from the mill, parked the lorry bearing Reg.No. TN 59 AJ 2912 belonging to the 2nd respondent on the middle of the road in a negligent manner, without indicator or reflector and hence the two wheeler ridden by the said Muruganandam dashed against the rear side of the lorry and caused the accident. In the accident, the petitioner sustained injuries on right eye brow, right side of the head, nose, left hand and multiple injuries all over the body and the rider of the two wheeler died on the spot. The petitioner was admitted in Tenkasi Govt. Hospital and thereafter she was admitted in Tirunelveli Medical College Hospital as inpatient and had taken treatment. Till date, the petitioner was taking treatment in various hospitals as inpatient and outpatient. The accident happened due to the negligent parking of the lorry by the 1st respondent on the middle of the road.

(ii) In order to prove the claim, the petitioner was examined as P.W.1 and she has stated in her Proof Affidavit regarding the manner in which the accident took place which is extracted hereunder:

"கடந்த 20.04.2021ம் தேதியன்று இரவு 8.40 மணியளவில் நான் எனது தொழில் நிமித்தமாக எனது முதலாளியான முருகானந்தம் என்பவருக்கு சொந்தமான டி.என்.76 Q 8245 Honda Unicorn என்ற பதிவெண்ட கொண்ட இரு சக்கர வாகனத்தை மேற்படி முருகானந்தம் இயக்கியும், மேற்படி வாகனத்தின் பின்னால் நான் அமர்ந்து கொண்டு அம்பாசமுத்திரம் சென்று விட்டு, திரும்ப எனது ஊருக்கு

வருவதற்காக வேண்டி அம்பை - தென்காசி மெயின் ரோட்டில் தெற்கிலிருந்து வடக்கு பார்த்து இடது புறமாக அபிராமி சாமில்லுக்கு அருகில் வந்து கொண்டிருக்கம்போது மேற்படி ரோட்டில் TN 59 AJ 2912 பதிவெண் கொண்ட லாரியை அதன் ஓட்டுனரான இந்த 1ம் எதிர்மனுதாரர் மேற்படி அபிராமி சா மில்லில் மரங்களை ஏற்றிக் கொண்டு விட்டு நடு ரோட்டில் மேற்படி லாரியை யாதொரு சிக்னலும் செய்யாமல், யாதொரு லைட்டையும் போடாமல் சாலை விதி முறைகளுக்கு எதிராகவும், மிகவும் அஜாக்கிரதையாகவும், கவனக் குறைவாகவும் நிறுத்திவிட்டுள்ளார். மேற்படி லாரி அந்த இடத்தில் இருப்பதற்கான எந்த ஒரு அறிகுறியும் இல்லாததால் மேற்படி முருகானந்தம் ஓட்டி வந்த TN 76 Q 8245 Honda Unicorn என்ற பதிவெண் கொண்ட இரு சக்கர வாகனம் மேற்படி லாரியின் பின்பக்கத்தில் எதிர்பாராத விதமாக மோதிவிட்டது.”

In this regard, FIR has been registered against the 1st respondent in Courtallam P.S.Cr.No. 178/2021 u/s 279, 337, 304(A) IPC and the copy of FIR has been marked as Ex.P1. The petitioner has also marked the copy of M.V.I. Report of the 2nd respondent's lorry as Ex.P3. From the testimony of P.W.1 and from Ex.P1, Ex.P3, it is established that the accident happened due to the parking of the lorry by the 1st respondent on the middle of the road negligently. The learned counsel for the 3rd respondent has argued that the rider of the two wheeler rode the two wheeler in a rash and negligent manner, without wearing helmet and dashed against the rear side of the lorry which was parked on the extreme left side of the road end, thereby the petitioner, pillion rider of the two wheeler sustained injuries and therefore the rider of the two wheeler also contributed to the accident and in order to substantiate the said contention, the learned counsel submitted the Hon'ble Madurai Bench of Madras High Court Judgment in the case of Divisional Manager Vs. Anbuchezeian (CMA(MD) No. 871/2014 dt. 04.01.2022) and in the case of The New India Assurance Co.Ltd. and Vs. Vaddiraju Kalyani and 5 others in (M.A.C.M.A..Nos 7 and 370 of 2020). But, this argument cannot be accepted because, the claimant is only a pillion rider of the two wheeler. Further, from the true copy of charge sheet which has been marked as Ex.R3series through R.W.3 Tr.Muthukrishnan, S.S.I. of Police, Courtallam P.S., it is evident that the charge sheet has been filed against the

1st respondent by the Courtallam P.S. before the Judicial Magistrate Court, Sengottai. In this regard, on the side of the 3rd respondent, the 1st respondent was examined as R.W.2 and he has deposed that he had stationed the lorry in the road as per the traffic rules and regulations. But, at the same time he has stated that FIR and Charge sheet have been filed against him and he has not taken any legal action against the case filed against him. Regarding non wearing of helmet, P.W.1 has clearly stated in her evidence that the rider of the two wheeler rode the two wheeler wearing helmet. Hence, in the absence of contra evidence, this Tribunal concludes that the accident happened on 20.04.2021 due to negligent act of the 1st respondent, who parked the lorry without necessary caution signal on the road.

(iii) Regarding liability, from Ex.R4, copy of insurance policy of the 2nd respondent's vehicle, it is evident that the said vehicle was insured with the 3rd respondent for the period from 06.06.2020 to 05.06.2021. It is also seen that the insurer of the two wheeler involved in this accident is also the same insurance company arrayed as 4th respondent in this petition. The accident happened on 20.04.2021. Thus the Insurance Policy of 2nd respondent's vehicle was on force on the date of accident. Therefore, this Tribunal concludes that the insurer of the 2nd respondent's vehicle, i.e., the 3rd respondent is liable to pay compensation to the petitioner. Accordingly Point No. 1,2 and 3 are answered.

7) Point No.3: (i) The petitioner's learned counsel has argued that at the time of accident, the petitioner was working in Digital Studio, Melgaram and she was also a marriage broker through which she earned Rs. Rs.25,000/- per month and due to the injuries sustained in the accident, she could not work as before the accident and the Medical Board had assessed the disability of the petitioner as 35% partial permanent and therefore the compensation is to be fixed considering the above facts.

(ii) In this regard, from the evidence of P.W.1 and from Ex.P2 copy of Accident Register, it is established that in the accident, the petitioner has sustained

injuries on head, neck, nose and distal radius fracture in left wrist and the injury is grievous in nature. Further, from Ex.C1, Disability Certificate, it is seen that the medical board had assessed the disability of the petitioner as 35% which is partially permanent. Hence, considering the age of the petitioner, the injuries she sustained and the disability is 35% partially permanent, year of accident, this Tribunal is inclined to adopt percentage method and fix a sum of **Rs.7,000/-** per percentage of disability.

(iii) Accordingly, compensation for disability is fixed as **(7,000x 35) Rs.2,45,000/-** and a sum of **Rs.50,000/-** is awarded towards and pain and sufferings considering the injury sustained by the petitioner. The petitioner is said to be working in Digital Studio, Melagaram and also a marriage broker, and she could not have gone to work for atleast four months due to the injuries sustained. Though it is claimed that she earned a sum of Rs.25,000/- per month, there is nothing on record to substantiate the same. Hence, this Tribunal is inclined to fix her notional income as Rs.10,000/- per month and a sum of **Rs.40,000/-** is awarded under the head of **loss of income** for four months and also a sum of **Rs.50,000/-** is awarded towards **loss of convenience**. The petitioner would have incurred some expenses to have nutritious food and hence this tribunal finds it fit to grant **Rs.10,000/-** towards extra nourishment and the petitioner was taking treatment in the hospital as inpatient for 3 days and therefore this Tribunal finds it fit to grant **Rs.20,000/-** for medical expenses and **Rs.10,000/-** towards attender charges and **Rs.10,000/-** towards transportation charges. Apart from the above, the compensation claimed by petitioner under various other heads are disallowed. Therefore, on the basis of above discussion, the total compensation awarded to the petitioner is arrived as follows:

Head of Compensation	Amount in Rupees
Disability	2,45,000/-
Pain and sufferings	50,000/-
Medical Expenses	20,000/-
Extra Nourishment	10,000/-
Attender Charges	10,000/-
Transportation Charges	10,000/-
Loss of Income	40,000/-
Loss of convenience	50,000/-
Total	4,35,000/-

iv) In total, the petitioner is entitled to get a sum of **Rs.4,35,000/- (Rupees Four Lakhs Thirty Five Thousand Only)** as just compensation Thus Point No.4 is answered.

8) In the result,

(i) This petition is partly allowed with proportionate costs against the 1st to 3rd respondents and dismissed against the 4th respondent.

(ii) The petitioner is entitled for the just compensation of **Rs.4,35,000/- (Rupees Four Lakhs Thirty Five Thousand Only)** payable with interest at 7.5% per annum from the date of filing of the petition i.e from 28.01.2022 till the date of realization with costs.

(iii) The 3rd respondent is directed to deposit the said amount jointly to the credit of the Bank account of the **Additional District Judge (MACT), Tenkasi in the Account No.6551027090, V.Collect No. V00602 maintained at Indian Bank, Tenkasi, IFSC Code No.IDIB000T009**, directly by NEFT or RTGS mode within a period of thirty days from the date of this order and intimate the said deposit details to this Tribunal.

(iv) The compensation amount of the petitioner shall be transferred to the petitioner's Bank account on filing of appropriate petition before this Tribunal.

(v) In view of the direction issued by the Hon'ble Division Bench of the High Court of Madras in C.M.A. No. 428 of 2016 dated 11.03.2016, the petitioner is hereby directed to furnish copy of Adhar card, attested copy of the first page of Bank Pass Book and self attested copies of PAN Card to this Tribunal within a period of one month.

(vi) Advocate fee is fixed as **Rs.12,850/-**.

(vii) The Court fee paid along with the petition is **20/-**. The Court fee for the award amount is **Rs. 3,722.50**. The deficit court fee of **Rs.3,702.50** shall be paid by the petitioner within two weeks from the date of order.

(viii) The petitioner shall not be entitled to withdraw the sum deposited pursuant to the award unless balance of Court fee is deposited as directed by this Tribunal.

(ix) The 3rd respondent is also directed to pay the Advocate fees, Court fees amount and the cost list amount to the petitioner jointly. (Cost fixed as Rs.48/-).

(x) As per the Order of Hon'ble Madras High Court in Tr.Cmp.Nos.264 to 281 of 2020 M/s. Cholamandalam Ms General Insurance Company Ltd., Vs. Ayyanar and others, dated 11.5.2020, no separate Decree passed.

Cost

1.Vakkalat	Rs. 10.00
2.Stamp on Petition	Rs. 20.00
3.Batta memo	Rs. 18.00

Total	<u>Rs. 48.00</u>

Dictated to the Steno-Typist, directly typed by her in the computer, corrected and pronounced by me in the open court on this, the 2nd Day of April 2026.

Motor Accident Claims Tribunal Authority,
Additional District Judge,
Tenkasi.

Petitioner's Side Witnesses:

P.W.1 Tr. Samuthiram (Petitioner)

Petitioner's Side Exhibits:

Ex.P1	20.04.2021	Copy of FIR in Courtallam P.S. Cr.No. 178/2021
Ex.P2	20.04.2021	Copy of Wound Certificate
Ex.P3	20.04.2021	Copy of M.V.I.Report of the vehicle TN 59 AJ 2912
Ex.P4	--	Copy of insurance policy of the vehicle TN 59 AJ 2912
Ex.P5	--	Copy of insurance policy of the vehicle TN 76 Q 8245
Ex.P6	--	Copy of R.C.Book of the vehicle TN 59 AJ 2912
Ex.P7	--	Copy of R.C.Book of the vehicle TN 76 Q 8245
Ex.P8	--	Copy of driving license of 1 st respondent
Ex.P9	--	Copy of Aadar card and Bank passbook of petitioner(compared with the original)

3rd Respondent's side Witnesses:

R.W.1 Tr. Singth, Assistant R.T.Office, Tenkasi

R.W.2 Tr. Francis (1st Respondent)

R.W.3 Tr. Muthukrishnan, S.S.I. of Police, Courtallam P.S.

3rd Respondent's side Exhibits:

Ex.R1 Authorisation Letter

Ex.R2 series True copy of M.V.I. Report of TN 76 Q 8245 and TN59 AJ 2912

Ex.P3 series True copy of complaint, FIR, Observation Mahazar, Rough Sketch, M.V.I.Reports, P.M.Report, Wound Certificate, Charge Sheet concerned in Courtallam P.S.Cr.No. 178/2021

4th Respondent's side Witnesses, Exhibits: Nil**Exhibits Marked on the side of the Court:**

Ex.C1 : Disability Certificate of the Petitioner

Motor Accident Claims Tribunal Authority,
Additional District Judge,
Tenkasi.

Additional District court (FTC), Tenkasi M.C.O.P.No. 17/2022 Dt. 02.04.2026 Draft/Fair Order
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