

**BEFORE MOTOR ACCIDENTS CLAIMS TRIBUNAL, TENKASI**

**ADDITIONAL DISTRICT COURT(FTC), TENKASI**

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

**Wednesday, the 29<sup>th</sup> Day of April 2026**

**M.C.O.P. No.36/2022**

**(CNR No.TNTS01-000127-2022)**

Rajadurai, Age 31, S/o. Anthonisamy, residing at Door No. 5/32, Anna Nagar,  
Mela Ambur, Karuthapillaiyoor, Tenkasi Taluk, Tenkasi District.

...Petitioner

/Vs/

1.Subash, Age 21, S/o. Manikavasagam, residing at Door No. 2/342, Main Road,  
Melamathapuram, Mathapuram Post, Kadayam Village, Tenkasi Taluk, Tenkasi  
District.

2. Iyyappan, Age 45, S/o. Rajendran, Door No. 2/2/15, North Street, Kanavoor,  
Perumpathu Village, Kadayam, Tenkasi Taluk, Tenkasi District.

3. United India Insurance Company Limited having its office at Door No. 11/12,  
Mattappa Street, Neel Complex, 2<sup>nd</sup> Floor, Tenkasi Taluk, Tenkasi District.

...Respondents

This Claim Petition came before this Tribunal for final hearing on  
22.04.2026 in the presence of Thiru.S. Muthukumar, Advocate for the petitioner,  
Tmt. B. Muthulakshmi, Advocate for the 3<sup>rd</sup> respondent and 1<sup>st</sup> and 2<sup>nd</sup>  
respondents called absent and set exparte 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.10,00,000/- with interest for the injuries sustained by the petitioner in the road accident that took place on 09.03.2019.

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

On 09.03.2019 at 7.30 A.M. the petitioner was travelling as a pillion rider in the Hero Glamour two wheeler bearing Reg.No. TN 76 AX 5820 ridden by its owner Anthony Irudayaraj on Kadayam – Tenkasi main road. When the rider was waiting on the left side of the road to turn towards Pulavanoor vilakku, the 1<sup>st</sup> respondent drove the Tipper Lorry bearing Reg.No. TN 43 B 3893 belonging to the 2<sup>nd</sup> respondent in a rash and negligent manner, without observing traffic rules and turned toward Pulavanoor vilakku and dashed against the petitioner's two wheeler and the petitioner sustained fracture on right thigh, grievous injury on head and injuries on ankle, hip and the petitioner was taken to Tenkasi Govt. Hospital and was admitted as inpatient and took treatment from 09.03.2019 to 13.03.2019. Till date, the petitioner is taking treatment in various hospitals as inpatient and outpatient. At the time of accident the petitioner was a load man through which he earned Rs.15,000/- per month. Due to the injuries sustained by the petitioner in the accident, he could not do his work as before the accident. The accident happened due to the rash and negligent driving of the 1<sup>st</sup> respondent and FIR has been registered against the 1<sup>st</sup> petitioner in Kadayam P.S.Cr.No. 82/2019 u/s 279, 337 IPC. The 3<sup>rd</sup> respondent is the insurer of 2<sup>nd</sup> respondent's vehicle at the time of occurrence. Hence the respondents are jointly and severally liable to pay compensation to the petitioner.

### **3) Briefly stated averments in the Counter Statement filed by the 3<sup>rd</sup> Respondent are as follows:**

The claim petition filed by the petitioner is not maintainable either in Law

or on facts. The 3<sup>rd</sup> respondent denied the age, income and occupation of the petitioner. The petitioner was not wearing helmet at the time of accident. The accident in question did not take place in the manner as alleged by the petitioner in the petition. In fact, the rider of the two wheeler not put indicator and hence contributed to the accident. The injury sustained by the petitioner is only simple in nature. At the time of accident, the 1<sup>st</sup> respondent had no valid driving license for driving four wheeler and badge endorsement thereby violated the rules of M.V.Act and policy conditions. Therefore, the 3<sup>rd</sup> respondent is not liable to pay compensation to the petitioner. The compensation amount claimed under various heads is very high. Hence, the petition is to be dismissed with cost.

**4)Points:**

1.	Whether the accident happened due to the rash and negligent driving of the 1 <sup>st</sup> respondent?
2.	Whether the petitioner is entitled to get compensation?
3.	Who is liable to pay compensation?
4.	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.P6 were marked through P.W.1. On the side of 3<sup>rd</sup> respondent, Tmt.Kalaivani, Assistant, R.T.Office, Amabsamudram was examined as R.W.1 and Ex.R1 to Ex.R4 were marked. Thiru. Muthukumar, Assistant Manager of 3<sup>rd</sup> respondent's insurance company was examined as R.W.2 and Ex.R5 was marked through R.W.2. The disability certificate of the petitioner was marked as Ex.C1.

**6) Point Nos.1 to 3:**

(i) It is the case of the petitioner that on 09.03.2019 at 7.30 A.M. the petitioner was travelling as a pillion rider in the Hero Glamour two wheeler bearing Reg.No. TN 76 AX 5820 ridden by its owner Anthony Irudayaraj on Kadayam – Tenkasi main road. When the rider was waiting on the left side of

the road to turn towards Pulavanoor vilakku, the 1<sup>st</sup> respondent drove the Tipper Lorry bearing Reg.No. TN 43 B 3893 belonging to the 2<sup>nd</sup> respondent in a rash and negligent manner, without observing traffic rules and turned toward Pulavanoor vilakku and dashed against the petitioner's two wheeler and the petitioner sustained fracture on right thigh, grievous injury on head and injuries on ankle, hip and the petitioner was taken to Tenkasi Govt. Hospital and was admitted as inpatient and took treatment from 09.03.2019 to 13.03.2019. Till date, the petitioner is taking treatment in various hospitals as inpatient and outpatient. The accident happened due to the rash and negligent driving of the 1<sup>st</sup> respondent and FIR has been registered against the 1<sup>st</sup> petitioner in Kadayam P.S.Cr.No. 82/2019 u/s 279, 337 IPC.

(ii) In order to prove the claim of the petitioner, the petitioner was examined as P.W.1 and he has stated in his proof affidavit regarding the manner in which the accident took place which is extracted hereunder:

“09.03.2019 ம் தேதியன்று காலையில் நான் அந்தோணி இருதயராஜ் என்பவருக்கு சொந்தமான டி.என்.76 ஏஎக்ஸ் 5820 ஹீரோ கிளாமர் வண்டியில் அந்தோணி இருதயராஜ் வாகனத்தை ஓட்ட அவருக்கு பின்னால் என்னை அமர வைத்துக் கொண்டு கீழ்ப்பாவுருக்கு வேலைக்கு செல்லும்போது காலை 7.30 மணியளவில் கடையம் - தென்காசி மெயின் ரோட்டில் வந்து, புலவனூர் வழியாக செல்வதற்காக கிழக்கிலிருந்து மேற்காக வந்து புலவனூர் விலக்கில் திரும்புவதற்காக சென்றபோது, அரசு பேருந்து ஆட்களை ஏற்றிக் கொண்டிருந்ததால், அந்தோணி இருதயராஜ் மேற்படி பேருந்து செல்லும் வரை காத்திருக்க ரோட்டின் இடது புறம் சாலை விதிகளை கடைபிடித்து நின்று கொண்டிருக்கும்போது, 1ம் எதிர்மனுதாரர் 2ம் எதிர்மனுதாரருக்கு பாத்தியப்பட்ட டி.என். 43 பி 3893 என்ற பதிவெண்ணுடைய 407 டிப்பர் லாரியை அதிகவேகமாகவும், கவனக்குறைவாகவும், சாலை விதிகளை கடைபிடிக்காமலும், தான்தோன்றித்தனமாக ஓட்டி வந்து புலவனூர் விலக்கில் திருப்பி அந்தோணி இருதயராஜ் நின்று கொண்டிருந்த இரு சக்கர வாகனத்தின் மீது மோதி விபத்தினை ஏற்படுத்தி விட்டார்.”

In this regard, FIR has been registered against the 1<sup>st</sup> respondent in Kadayam P.S.Cr.No. 82/2019 u/s 279, 337 IPC and the copy of FIR has been marked as Ex.P1. Further, the petitioner has marked the copy of M.V.I. Report of the Tipper Lorry as Ex.P3. The above records and testimony of P.W.1 transpires that the accident happened due to the rash and negligent driving of the 1<sup>st</sup> respondent. Even though, the 3<sup>rd</sup> respondent denied the negligence of 1<sup>st</sup> respondent, neither oral nor documentary evidence adduced on the side of 3<sup>rd</sup> respondent to prove that the negligence is on the part of rider of the two wheeler in which the petitioner was travelling as a pillion rider. Moreover, the 1<sup>st</sup> and 2<sup>nd</sup> respondents, i.e. the driver and owner of the alleged tipper lorry respectively did not appear before this court to put forth their defence and remained exparte. Hence, in the absence of contra evidence, it is concluded that the accident on 09.03.2019 happened due to the rash and negligent driving of the 1<sup>st</sup> respondent.

**(iii)** Regarding liability, this Tribunal decided that the accident happened due to the rash and negligent driving of the 1<sup>st</sup> respondent. The learned counsel for the 3<sup>rd</sup> respondent has argued that the 1<sup>st</sup> respondent had no valid driving license and badge endorsement at the time of accident, therefore, the 3<sup>rd</sup> respondent is not liable to pay compensation to the petitioner. In order to substantiate the said contention, the 3<sup>rd</sup> respondent has examined Tmt.Kalaivani, Assistant, R.T.Office, Amabsamudram as R.W.1 and marked the copy of driving license extract of 1<sup>st</sup> respondent as Ex.R2 series, copy of M.V.I. Report of the tipper lorry and two wheeler as Ex.R3 and Ex.R4 respectively. R.W.1 in her evidence has deposed that the 1<sup>st</sup> respondent was issued driving licence to drive two wheeler and LMV and no license was issued to drive heavy transport vehicles. Further a perusal of Ex.R2, it transpires that the 1<sup>st</sup> respondent was issued badge only on 06.03.2020 i.e. after the date of accident. Hence, from the above records and testimony of R.W.1, Ex.R2, it is established that the 1<sup>st</sup> respondent had no valid driving license to drive heavy transport vehicles and

had no badge endorsement at the time of accident, thereby 1<sup>st</sup> and 2<sup>nd</sup> respondents violated the rules of M.V.Act and policy conditions. Even then, from Ex.P4 copy of insurance policy of the tipper lorry bearing Reg.No. TN 43 B 3893, it is evident that the 2<sup>nd</sup> respondent is the owner of the said lorry and it was insured with the 3<sup>rd</sup> respondent from 13.04.2018 to 12.04.2019. The accident happened on 09.03.2019. Thus, the 2<sup>nd</sup> respondent's vehicle had valid insurance during the relevant period of accident with the 3<sup>rd</sup> respondent. Hence, the insurer of the 2<sup>nd</sup> respondent's vehicle, the 3<sup>rd</sup> respondent is liable to pay compensation to the petitioner and later recover the amount from the 2<sup>nd</sup> respondent. Accordingly Point Nos. 1,2 and 3 are answered.

**7) Point No.4: (Quantum):**

(i) The Petitioner's learned counsel has argued that at the time of accident, the petitioner was aged 31 years and he was a load man through which he earned Rs.15,000/- per month and due to the injuries sustained in the accident he could not do his work as before the accident and he became disabled, therefore the compensation is to be fixed considering the above facts.

(ii) In this regard, P.W.1 in his evidence has deposed that in the accident he had sustained fracture on right thigh, grievous injury on head and injuries on ankle, hip and the petitioner was taken to Tenkasi Govt. Hospital and was admitted as inpatient and took treatment from 09.03.2019 to 13.03.2019 and marked the copy of wound certificate as Ex.P2 issued by Govt. Hospital, Tenkasi. From Ex.P2, it is seen that the petitioner was admitted in Tenkasi G.H. on 09.03.2019 and found injury on left knee, pelvis, head and a laceration of 3x1cm just behind the right ear, tenderness in left knee, tenderness pelvis and discharged on 13.03.2019 and the doctor gave opinion that the injuries sustained by the petitioner are simple injuries. Further from Ex.C1, disability certificate, it is evident that the medical board had assessed the disability of the petitioner as 10% partial permanent. Hence, considering the injuries sustained by the

petitioner, percentage of disability and year of accident(2019), 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 10) Rs.70,000/-** 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 loadman and he could not have gone to work for atleast four months due to the injuries sustained. Though it is claimed that he earned a sum of Rs.15,000/- per month, there is nothing on record to substantiate the same. From the medical records, it is seen that the petitioner was aged 29 years at the time of accident. Hence, considering the age of the petitioner and year of accident, this Tribunal is inclined to fix his 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 **Rs.10,000/-** towards attender charge and **Rs.10,000/-** towards transportation charge. 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:

<b>Head of Compensation</b>	<b>Amount in Rupees</b>
Disability	<b>70,000/-</b>
Pain and sufferings	<b>50,000/-</b>
Extra Nourishment	<b>10,000/-</b>
Attender Charge	<b>10,000/-</b>
Transportation Charge	<b>10,000/-</b>
Loss of Income	<b>40,000/-</b>
Loss of convenience	<b>50,000/-</b>
<b>Total Compensation</b>	<b>2,40,000/-</b>

iv) In total, the petitioner is entitled to get a sum of **Rs.2,40,000/- (Rupees Two Lakhs Forty 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 Respondents.

(ii) The petitioner is entitled for the just compensation of **Rs.2,40,000/- (Rupees Two Lakhs Forty Thousand Only)** payable with interest at 7.5% per annum from the date of filing of the petition i.e from **10.02.2022** till the date of realization with costs.

(iii) The 3<sup>rd</sup> Respondent is directed to deposit the said amount to the credit of the Bank account of the **Additional District Judge (MACT), Tenkasi in the Account No.6551027090** maintained at **Indian Bank, Tenkasi, IFSC Code No.IDIB000T009, V.Collect No. V00602** 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 and later recover the amount from the 2<sup>nd</sup> respondent.

(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.9,300/-**.

(vii) The Court fee paid along with the petition is **20/-**. The Court fee for the award amount is **Rs.1,772.50/-**. The deficit court fee of **Rs.1,752.50/-** 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 3<sup>rd</sup> respondent is also directed to pay the Advocate fees, Court fees amount and the cost list amount to the petitioner. (Cost fixed as Rs.-).

(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. 15.00
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Total	<u>Rs. 45.00</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 29<sup>th</sup> Day of April 2026.

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

**Petitioner's Side Witnesses:**

P.W.1 Tr. Rajadurai (Petitioner)

**Petitioner's Side Exhibits:**

Ex.P1	Copy of FIR in Kadayam P.S.Cr.No. 82/2019
Ex.P2	Copy of Wound Certificate
Ex.P3	Copy of M.V.I. Report of the vehicle TN 43 B 3893
Ex.P4	Copy of insurance policy of the vehicle TN 43 B 3893
Ex.P5	Copy of driving license of 1 <sup>st</sup> respondent
Ex.P6	Copy of Aadar Card of petitioner(compared with the original)

**3<sup>rd</sup> Respondent's' side Witnesses:**

R.W.1 Tmt. Kalaivani, Assistant, R.T.Office, Ambasamudram

R.W.2 Tr. Muthukumar, Assistant Manager, United India Insurance Company Ltd., Tenkasi.

**3<sup>rd</sup> Respondent's' side Exhibits:**

Ex.R1 Authorisation letter

Ex.R2series Copy of driving licence extract of 1<sup>st</sup> respondent and report

Ex.R3 True copy of M.V.I. Report of the vehicle TN 43 B 3893

Ex.R4 True copy of M.V.I. Report of the vehicle TN 76 AX 5820

Ex.R5 Certified true copy of the insurance policy of the vehicle  
TN 43 B 3893

**Exhibits marked on the side of Court:**

Ex.C1 Disability certificate of the petitioner

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

Additional District court (FTC),  
Tenkasi  
M.C.O.P.No.36/2022  
Dt.29.04.2026  
Order  
Draft/Fair