

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.**

Tuesday, the 16th Day of June 2026

M.C.O.P. No.298/2021

(CNR No.TNTS01-000909-2021)

Mariappan, Aged 54 years, S/o. Kalangiam, residing at Door No 11/174, Mariamman Kovil Street, Arunaperi, Pethanadarpati Village, Alangulam Taluk, Tenkasi District.

...Petitioner

/Vs/

1.Karkuvelraja, Aged 25 years, S/o. Tamilmani, residing at No.121, Migavel Street, Naduvakurichi, Sayarpuram, Thoothukudi District.

2.Reliance General Insurance Company Limited having their office at No. 184/9B/7, VVD Main Road, Thoothukudi, Thoothukudi District through its Branch Manager.

...Respondents

This Claim Petition came before this Tribunal for final hearing on 11.06.2026 in the presence of Thiru.D.Pugalvendan, Advocate for the petitioners, Thiru.P.V.R.Arumugam @ Kannan, Advocate for the 1st respondent, Thiru.J.Samsudeen, Advocate for the 2nd respondent 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 163(A) 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 13.12.2019.

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

On 13.12.2019 at 10.30 P.M., after work, the petitioner was returning in his Bajaj Discover two wheeler bearing Reg.No. TN 75 F 4414 on Tenkasi to Tirunelveli main road from East to West direction, on the left side of the road with care and control and observing traffic rules and regulations near Ponmanju Scrap shop situated on the western side of Pavorchatram new market. At that time, from West to East direction, the 1st respondent rode his Yamaha FZ two wheeler bearing Reg.No. TN 92 C 1771 in a rash and negligent manner and dashed against the petitioner's two wheeler and caused the accident. In the accident, the petitioner sustained fracture on left leg and multiple injuries all over the body. Immediately, the petitioner was taken to C.J.Hospital, Avudaiyanoor and was admitted as inpatient and had taken treatment. After that, the petitioner took treatment in so many hospitals as inpatient and out patient. The accident happened due to the rash and negligent riding of the 1st respondent but, FIR has been registered against the petitioner in Pavorchatram P.S. in Cr.No. 562/2019 u/s 279,337 IPC on the false complaint given by the 1st respondent. Before the accident, the petitioner was coolie worker, through which he earned Rs.3,300/- per month and due to the injury sustained by the petitioner in the accident, he could not do his work as before the accident. The 2nd respondent is the insurer of 1st respondent's two wheeler 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 1st Respondent 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 the petition. In fact on the alleged date of accident, the 1st respondent drove the vehicle with all due care and caution on the proper side at slow speed and carefully following the road traffic rules and regulations. At the same time, the petitioner rode his two wheeler in the main road and negligently crossed the road from South to North direction and dashed against the 1st respondent's two wheeler and invited the accident and petitioner is the tortfeasor and FIR has been registered against the petitioner. The 1st respondent's two wheeler had valid insurance with the 2nd respondent at the time of occurrence. Hence, the 1st respondent is not liable to pay compensation to the petitioner. The 1st respondent denied the age, occupation and income of the petitioner. The compensation amount claimed under various heads is very high and excessive. Hence, this petition is to be dismissed with cost.

4) Briefly stated averments in the Counter Statement filed by the 2nd Respondent 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 the petition and the accident happened due to the petitioner who had ridden the two wheeler in the main road in a negligent manner, without having traffic sense and thus, the injured himself invites the accident. It is also clearly stated in the FIR that due to the rash and negligent riding of the petitioner, he dashed against the 1st respondent's vehicle and sustained injuries. The 1st respondent had no valid driving license at the time of accident. The compensation amount claimed under various heads is very high and excessive. Hence, this petition is to be dismissed with cost.

5)Points:

1.	Whether the accident happened due to the rash and negligent riding of the 1 st 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?

6) During enquiry, the petitioner was examined as P.W.1 and Ex.P1 to Ex.P8 were marked through P.W.1. On the side of 1st respondent, no witness was examined and no exhibit was marked. On the side of 2nd respondent Tmt.Prabha,Gr.I.P.C. attached to Pavoorchatram was examined as R.W.1 and Ex.R1 series was marked through R.W.1.

7) Point Nos.1 to 3:

(i) It is the case of the petitioner that on 13.12.2019 at 10.30 P.M., after work, the petitioner was returning in his Bajaj Discover two wheeler bearing Reg.No. TN 75 F 4414 on Tenkasi to Tirunelveli main road from East to West direction, on the left side of the road with care and control and observing traffic rules and regulations near Ponmanju Scrap shop situated on the western side of Pavoorchatram new market. At that time, from West to East direction, the 1st respondent rode his Yamaha FZ two wheeler bearing Reg.No. TN 92 C 1771 in a rash and negligent manner and dashed against the petitioner's two wheeler and caused the accident. In the accident, the petitioner sustained fracture on left leg and multiple injuries all over the body. Immediately, the petitioner was taken to C.J.Hospital, Avudaiyanoor and was admitted as inpatient and had taken treatment. After that, the petitioner took treatment in so many hospitals as inpatient and out patient. The accident happened due to the rash and negligent riding of the 1st respondent but, FIR has been registered against the petitioner in Pavoorchatram P.S. in Cr.No. 562/2019 u/s 279,337 IPC on the false complaint

given by the 1st respondent.

(ii) In order to prove the claim of the petitioner, the petitioner examined himself 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:

“13.12.2019 ம் தேதியில் இரவு 10.30 மணிக்கு வேலையை முடித்து விட்டு எனது டி.என்.75 எப் 4414 எண்ணுள்ள பஜாஜ் டிஸ்கவர் வாகனத்தில் தென்காசி - திருநெல்வேலி மெயின் ரோட்டில் பாவூர்சத்திரம் புது மார்க்கெட்டுக்கு மேல்பக்கம் உள்ள பொன்மஞ்சு இரும்பு கடை அருகில் ரோட்டின் கிழக்கிலிருந்து மேற்கு நோக்கி சாலை விதிமுறைகளை கடைபிடித்து மெதுவாக இடது ஓரமாக ஓட்டி வந்து கொண்டிருக்கும்பொழுது, மேற்படி சாலையில் மேற்கிலிருந்து கிழக்கு நோக்கி 1ம் எதிர்மனுதாரர் அவருக்கு பாத்தியப்பட்ட டி.என். 92 1771 யமஹா எப் இசட் என்ற இரு சக்கர வாகனத்தை அதிக வேகமாகவும், அஜாக்கிரதையாகவும், கவனக்குறைவாகவும், சாலைவிதிகளை மதிக்காமல் முரட்டுத்தனமாக ஓட்டி வந்து நான் ஓட்டிச் சென்ற டி.என். 45 எப் 4414 எண்ணுள்ள பஜாஜ் டிஸ்கவர் என்ற இரு சக்கர வாகனத்தின்மீது மோதி விபத்தினை ஏற்படுத்தி விட்டார்..”

In this regard, FIR has been registered in Pavorchatram P.S. in Cr.No. 562/2019 against the petitioner u/s 279,337 IPC and the copy of the FIR has been marked as Ex.P1. The F.I.R. has been registered based on the complaint given by the 1st respondent. In the FIR, it has been stated that on the alleged date of accident i.e. on 13.12.2019 at 10.30 P.M., when the 1st respondent was proceeding in his two wheeler bearing Reg.No. TN 92 CC 1771 on Tenkasi to Tirunelveli main road from West to East direction on the left side of the road near Ponmanju Scrap shop situated on the western side of Pavorchatram new market, one Mariappan. S/o.Kalangiam came in his two wheeler bearing Reg.No. TN 75 F 4414 in a rash and negligent manner in the same road and without showing any signal or indication, suddenly crossed the road from South to North direction and caused the accident.

(iii) At this juncture, the learned counsel for the petitioner has argued that the accident happened due to the rash and negligent riding of the 1st respondent,

but the 1st respondent lodged false complaint against the petitioner that the negligence is on the part of the victim. Per contra, the learned counsel for the 2nd respondent has argued that the victim is the sole cause for the accident and examined Tmt. Prabha, Gr.I.P.C. attached to Pavorchatram Police and marked the true copy of FIR, Observation Mahazar, Rough Sketch, M.V.I. Reports and Charge Sheet filed against the petitioner u/s 279 IPC before the learned Judicial Magistrate, Tenkasi as Ex.R1 series and therefore, the 2nd Respondent is not liable to pay compensation to the petitioner. On perusal of the above records, it is evident that regarding the alleged accident, FIR and Charge Sheet have been filed against the petitioner. Against these documents, neither oral nor documentary evidence was adduced on the side of the petitioner to prove that the petitioner is not negligent and further the petitioner had admitted in his evidence that FIR and Charge Sheet have been filed against him. Therefore, in the absence of contra evidence, it is decided that the accident on 13.12.2019 happened due to the rash and negligent riding of the victim himself.

(iv) In the alleged accident two vehicles were involved. The claim u/s 163A of M.V.Act is against the owner of 1st respondent and its insurance company. The victim is a 3rd party as far as the respondents are concerned. Hence, irrespective of the negligence aspect, the petitioner is entitled to get compensation as per the structured formula specified in Schedule II of Motor Vehicles Act on the principle of 'no fault liability'.

(v) From Ex.P5, copy of driving license of the petitioner, it is evident that the petitioner had valid driving license at the time of accident. From Ex.P3, copy of Insurance Policy of the 1st respondent's two wheeler, the said vehicle was insured with 2nd respondent from the period from 16.08.2019 to 15.08.2020. The accident happened on 13.12.2019. Therefore, at the time of accident, the 1st respondent's two wheeler had valid insurance with the 2nd respondent. Therefore, the insurer of the 1st respondent's vehicle, the 2nd Respondent is liable to pay

compensation to the petitioner.

8) Point No. .4: (i) The Petitioner's learned counsel has argued that at the time of accident, the petitioner was aged 54 years and he was a coolie through which he earned Rs.3,300/- per month and due to the injuries sustained by him in the accident, he could not do his work as before the accident and he became permanently disabled, and the medical board has assessed the disability of the petitioner as 20% partial permanent and 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 his left leg and was admitted in C.J. Hospital, Avudayanoor on 13.12.2019, underwent surgery on his left leg and discharged on 18.12.2019. In order to substantiate his oral evidence, the petitioner has marked the discharge summary Ex.P2. From Ex.P2, it is evident that the petitioner was admitted in C.J. Hospital, Avudaiyanoor on 13.12.2019 for the injuries sustained on his left leg, diagnosed with comminuted fracture both bone lower 1/3r left leg, underwent surgery and discharged on 18.12.2019 and again he was admitted in the same hospital on 01.10.2020 and discharged on 02.10.2020. Further from Ex.C1 disability certificate, it is evident that the medical board had assessed the disability of the petitioner as 20% 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.6,000/-** per percentage of disability.

(iii) Accordingly, compensation for disability is fixed as **(6,000x 20) Rs.1,20,000/-** and a sum of **Rs.50,000/-** is awarded towards and pain and sufferings considering the injury sustained by the petitioner. Since the petitioner has filed this claim petition u/s 163(A) of M.V.Act, this Tribunal is inclined to fix the monthly income of the petitioner as Rs.3,300/- as claimed by the

petitioner and a sum of **Rs.13,200/-** is awarded under the head of **loss of income** for four months. The petitioner would have incurred some expenses for transportation and hence this Tribunal finds it fit to grant **Rs.10,000/-** towards transportation charge.

(iv) Medical Expenses: The learned counsel for the petitioner has argued that the petitioner had spent a sum of Rs.1,33,700/- towards medical expenses and marked the medical bills to the tune of Rs.1,33,700/- as Ex.P7. The learned counsel for the 2nd respondent has argued that the total medical bill amount was already included in the bill issued by the Hospital, but the petitioner has again claim the medical bill amount separately and hence the said amount is to be excluded. On perusal of Ex.P7, it is seen that the petitioner had marked the medical bills along with the medical bills issued by C.J.Hospital, Avudaiyanoor dt. 18.12.2019 and 02.10.2020 totally for Rs. 1,33,700/-. But, the medical bill amount was already included in the hospital bills. Hence, this Tribunal is inclined to award **1,04,413/-**, the bill amount issued by the hospital towards medical expense which the petitioner had already spent. 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	1,20,000/-
Pain and sufferings	50,000/-
Transportation Charge	10,000/-
Medical expenses	1,04,413/-
Loss of Income	13,200/-
Total Compensation	2,97,613/- Rounded off to Rs.2,97,610/-

iv) In total, the petitioner is entitled to get a sum of **Rs. 2,97,610/- (Rupees Two Lakhs Nine Seven Thousand Six Hundred and Ten 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. 2,97,610/- (Rupees Two Lakhs Nine Seven Thousand Six Hundred and Ten Only)** payable with interest at 7.5% per annum from the date of filing of the petition i.e from **02.12.2021** till the date of realization with costs.

(iii) The 2nd 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.

(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.10,452/-**.

(vii) The Court fee paid along with the petition is **20/-**. The Court fee for the award amount is **Rs.2,348,50**. The deficit court fee of **Rs.2,328.50** 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 2nd respondent is also directed to pay the Advocate fees, Court fees amount and the cost list amount to the petitioner.(Cost fixed as Rs.30/-).

(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. --

Total	<u>Rs. 30.00</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 16th Day of June 2026.

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

Petitioner's Side Witnesses:

P.W.1 Thiru. Mariappan (Petitioner)

Petitioner's Side Exhibits:

Ex.P1	Copy of FIR in Pavoorchatram P.S.Cr.No. 562/2019 dt. 14.12.2019
Ex.P2	Discharge summary
Ex.P3	Copy of insurance policy of the vehicle TN 92 C 1711
Ex.P4	Copy of R.C.Book of the vehicle TN 92 C 1711
Ex.P5	Copy of driving license of petitioner
Ex.P6	Copy of Aadar card and bank pass book of the petitioner(compared with the original)
Ex.P7	Medical bills for Rs.1,33,700/-
Ex.P8	Discharge summary (copy)

1st Respondent's side Witnesses and Exhibits:-Nil

2nd Respondent's side Witnesses:

R.W.1 Tmt. Prabha, Gr.I.P.C., Pavoorchatram P.S.

2nd Respondent's side Exhibits:

Ex.R1 series True copy of FIR, Observation Mahazar, Rough Sketch,
M.V.I.Report of victim's and 1st respondent's two wheeler,
Charge Sheet

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. 298/2021
Dt.16.06.2026
Order
Draft/Fair