



**BEFORE THE MOTOR ACCIDENT CLAIM TRIBUNAL/  
CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI**

**Present :Tmt.S.Priya, B.A., B.L (Hon's), M.L.,**

**Chief Judicial Magistrate**

**Thoothukudi.**

**Friday the 08<sup>th</sup> day of July 2026.**

**MCOP. No. 34/2022**

**CNR No. TNTT02-007901-2022**

Ponraj, S/o. Kandasamy, No.19B, Vannar 3rd Street, Mela Shanmugapuram, New Colony,  
Thoothukkudi. .... Petitioner

**Vs.**

1. M.Kachi Ameena, W/o. Muthu Mohamed, No.1G/176-C, Rajagopal Nagar, 3rd Street,  
Thoothukudi.
2. The New India Assurance Co., Ltd., through its Branch Manager, having its office at No.41-B,  
Victoria Street, Tuticorin.

..... Respondents

This petition is coming on 24.06.2026 for final hearing before me in the presence of  
M/s.A.Selvaraj, B.sc., B.L., Advocate for petitioner and Thiru.M.Elayaraja B.A.B.L., Advocate  
for 1st respondent and Thiru. C.Paul Asir, Advocate for 2nd respondent and upon hearing the



arguments of both sides, and having stood over for consideration till this day, this court delivered the following

**ORDER**

This petition is filed under Section 166 of M.V. Act praying for compensation of Rs.10,00,000/- with subsequent interest at the rate of 12% p.a. from the date of petition, till realization and also pay to the costs of this petition.

2.The petitioner has filed this petition stating that the petitioner was working as Loadman and earning Rs.18,000/- per month. On 10.12.2021 at 06.30 hrs the petitioner was travelling in a Pick-up Truck as Loadman, at bearing registration No. TN-69-BM-0483 at Tirunelveli Tuticorin Road, near Maravanmadam Resorts from west to east. One Muthu Mohamed was driving above said vehicle and petitioner was sitting with loaded banana leaves. At that time, the driver of the above said vehicle, driven as rash and negligently and terrific speed and applied sudden break and due to unexpected negligent act of the driver, the petitioner was fell down on the road from the above said Pickup Truck. As a result of the accident, the petitioner sustained grievous head injury and multiple grievous injuries. Then, the petitioner was taken to Government Hospital, Tuticorin as inpatient from 10.12.2021 to 23.12.2021. After discharged from the above hospital the petitioner has been taking treatment as outpatient at above hospital till date.



The petitioner was hale and healthy before the accident. The petitioner was working as Loadman and earning Rs. 18,000/- per month. Due to the accident, the petitioner has sustained grievous head injury and multiple grievous injuries. Due to the above injuries, the petitioner is unable to do any work as before. He cannot drive motorcycle and cannot stand long time and he cannot climb upstairs. The petitioner has loss of conscious often and loss of memory, giddiness present. The petitioner is unable to lift weighted goods and he cannot walk. So, the petitioner became disabled. It leads to inefficient in his work. The accident took place due to rash and negligent driving of the driver of the offending Pick-up Truck bearing registration No. TN-69-BM-0483 during the course of his employment. The first respondent is the owner of the offending vehicle, and the second respondent is the insurer of the offending the vehicle. Hence the 1st & 2nd respondents are liable to pay the compensation to the petitioner.

3.1<sup>st</sup> respondent filed counter stating that the petitioner himself invited the accident. This Respondent has insured his Pick-up Truck with 2nd Respondent's insurance company at the time of accident. The Policy certificate no is 98000031200309840312 effect from 6.1.2021 5.1.2022, hence the insurance policy is in force at the time of the accident. Moreover the the 1st Respondent's driver was having valid license at the time of accident License No: TN 69 20110006028, the license is valid up to 9.2.2030 and the license is also is in force at the time of accident. If at all any award is passed by this Honorable Court, such amount



has to be paid by the 2nd Respondent insurance company alone. Hence this respondent is not liable to pay any compensation to the petitioner by anyway.

4.The 2<sup>nd</sup> respondent filed counter stating that the said van was returned from Panagudi after unloading the Banana and Banana leaves and at KTC nagar, Palayamkottai the driver of the said van loaded the vehicle with house hold articles of one Velayutham, S/o.Shanmugam residing at Rajagopal Nagar at KTC Nagar, Palayamkottai to Tuticorin. The said Velayutham was sitting in the cabin with the driver and the injured Ponraj was seated on the top of the House hold articles. It is reliably learnt that the injured consumed liquor at Palayamkottai and travelled to Tuticorin by sitting on the top of the household articles. The injured fell down from the vehicle only due to his negligence and even the driver of the said vehicle did not noticed the same.

In the said Pickup Truck including driver only two persons are permitted to travel. At the time of accident three persons are travelled in the said Truck. Only two persons are covered in the policy taken by the 1st respondent. Further there is no separate cover for loadman. The 1 respondent has violated the permit conditions of her vehicle and permitted her driver to carry more than the seating capacity of the said vehicle. Since there is no cover for the loadman and the 1st respondent's driver has violated the policy conditions by carrying three persons in the said Truck, it is a violation of the policy conditions of the said vehicle and hence this respondent



is not liable to pay any compensation to the petitioner. The rate of interest claimed in the petition is also too high and as per the High Court rulings the petitioners are entitled to claim interest at the rate of 6% only.

**5. The point for consideration is:-**

1. Whether the accident took place due to rash and negligent driving of the driver of the 1st respondent Pickup truck bearing Reg.No.No.TN69BM 0483?
  2. Who is liable to pay the compensation?
  3. What is the compensation amount payable to the petitioner?
6. On the side of the petitioner, petitioner examined himself as **Pw.1** and **Ex.P.1** to **Ex.P.14** were marked. On the side of the respondents side **Rw1** and **RW2** are examined and **Ex.X1**, **Ex.X2** and **EX.R1** were marked.
- 7. Point No.1 Whether the accident took place due to rash and negligent riding of the driver of the 1st respondent Pickup truck bearing Reg.No.No.TN69BM 0483?**

Petitioner in his proof affidavit deposed that the petitioner was working as Loadman and earning Rs.18,000/- per month. On 10.12.2021 at 06.30 hrs the petitioner was travelling in a Pick-up Truck as Loadman, at bearing registration No. TN-69-BM-0483 at



Tirunelveli Tuticorin Road, near Maravanmadam Resorts from west to east. One Muthu Mohamed was driving above said vehicle and petitioner was sitting with loaded banana leaves. At that time, the driver of the above said vehicle, driven as rash and negligently and terrific speed and applied sudden break and due to unexpected negligent act of the driver, the petitioner fell down on the road from the above said Pickup Truck. As a result of the accident, the petitioner sustained grievous head injury and multiple grievous injuries. Then, the petitioner was taken to Government Hospital, Tuticorin as inpatient from 10.12.2021 to 23.12.2021. After discharged from the above hospital the petitioner has been taking treatment as outpatient at above hospital till date.

The petitioner was hale and healthy before the accident. The petitioner was working as Loadman and earning Rs. 18,000/- per month. Due to the accident, the petitioner has sustained grievous head injury and multiple grievous injuries. Due to the above injuries, the petitioner is unable to do any work as before. He cannot drive motorcycle and cannot stand long time and he cannot climb upstairs. The petitioner has loss of conscious often and loss of memory, giddiness present. The petitioner is unable to lift weighted goods and he cannot walk. So, the petitioner became disabled. It is leads to inefficient in his work. So, he will face a huge loss of earnings due to the accident. During the treatment at Government Hospital, Tuticorin, the petitioner was put to excruciating pain and suffering at the time of treatment. He has spent Rs.30,000/- towards extra



nourishment and Rs.50,000/- towards medical expenses and Rs.50,000/- for future medical expenses. He estimates Rs.2,00,000/- for pain and suffering. He estimates for shock and mental agony for Rs.50,000/- and Rs.2,00,000/- for loss of earning power. He calculates Rs.4,32,000/- for loss of earnings from 10.12.2021 to 09.12.2023 for 2 years at Rs.18,000/- per month and for Rs.20,000/- for Transport Charges and Damages Cloths Rs.1,000/- and cell phone Rs.4,000/- for totally Rs.5,000/-. He estimates Rs.50,000/- for attendees Charges and Rs.50,000/- for loss of life amenities and Rs. 2,00,000 for permanent disability. Thus in all he estimates the claim to Rs.13,37,000/-. But he restricts the claim to Rs. 10,00,000/-. The accident took place due to rash and negligent driving of the driver of the offending Pick-up Truck bearing registration No. TN-69-BM-0483 during the course of his employment. The first respondent is the owner of the offending vehicle, and the second respondent is the insurer of the offending the vehicle. Hence, the respondents 1 and 2 are liable to pay compensation to the petitioner jointly and severally. The learned council for 2<sup>nd</sup> respondent contended that the negligence is not on part of the driver of the 1<sup>st</sup> respondent. The petitioner fell down from the vehicle only due to his negligence.

Ex.P1 Copy of FIR relating to the above accident. Pudukottai police in Crime No.392/2021 a Criminal case u/s 279, 337 IPC. was registered on 10.12.2021 against the driver of Truck bearing Reg.No. 69BM 0483,based on the complaint given by complainant one MariAnanthi on the same day. Ex.P.1 FIR confirms the nature of the accident. Furthermore, the



evidence of PW1 and Ex.P.1 confirms that the driver of R1 drove the erred vehicle at the time of accident.

The learned counsel for the 2<sup>nd</sup> respondent argued that the driver of the 1<sup>st</sup> respondent was driving the vehicle very slowly and cautiously. It is the petitioner who was in a drunken state lost his control and fell down from the vehicle and hence there is no negligence on part of the driver of 1<sup>st</sup> respondent vehicle. This court observed that to prove the contention of the respondent no oral or documentary evidence was produced. This court further observed that Ex.P1 FIR clearly shows the manner of the accident that the alleged erred vehicle came in a rash and negligent manner and applied sudden break and due to un expected negligent act of the driver the petitioner fell down on the road from the truck and sustained grievous injury. This court further observed that there is no contra evidence on the side of the respondents to disprove the factum of negligence on the part of the driver of the 1<sup>st</sup> respondent vehicle.

Therefore, based on the oral and documentary evidences, as mentioned supra, this court comes to the conclusion that the accident occurred only due to the rash and negligent driving of the driver of the 1<sup>st</sup> respondent's vehicle.

**8.Point No.2 Who is liable to pay the compensation?**

12. In Point No.1, this tribunal has come to the conclusion that this accident has occurred due to the rash and negligent driving of the 1<sup>st</sup> respondent's vehicle bearing Reg. No. TN69BM0483.



ExP9 the insurance certificate clearly shows that the respondent No.1 has taken package policy with the respondent No.2. Hence, as per the R236 of Tamilnadu Motor Vehicle Rules 6 persons can travel upon the load and the respondent No.2 is not able to establish that the load is more than the prescribed limit. Therefore, even if the contention of R2 is accepted as the petitioner/claimant has travelled in the offending vehicle sitting upon the load, being a package policy the respondent No.2 is liable to indemnify the respondent No.1 in paying the compensation to the claimant. Accordingly, the 2<sup>nd</sup> respondent being the insurer of the 1st respondent is liable to pay the compensation to the petitioner.

**9. Point No.3 What is the compensation amount payable to the petitioner?**

Regarding what could be the reasonable compensation payable, the same has to be assessed in the facts and circumstances of each case. In this regard, we may well be guided by the decision of the Hon'ble Supreme Court of India in **Rajkumar Vs. Ajay kumar reported in 2011 ACJ I SC**. With the above guidelines in mind, this court examines the case in hand to fix reasonable compensation as follows:

**10.MEDICAL EXPENSES:**

The petitioner has filed **Ex.P.5** Medical Bills to the tune of Rs.1000/- no serious objections raised by the respondents. Hence, this tribunal deems it fit to allow a sum of **Rs.1000/-** as compensation towards medical expenses.

**11.ATTENDAR CHARGES:**

On perusal of **Ex.P3** discharge summary it is observed that the petitioner sustained grievous injury and was admitted as inpatient at Thoothukudi Government Medical College Hospital, Thoothukudi from 10.12.2021 to 23.12.2021 i.e nearly for 14 days. In view of the injury suffered by him, he has to take assistance of an attendant. Hence, a sum of Rs.150/- per day is allowed towards attendant charges. Rs. 150 x 14 days = **2100/-**.

**12. DISABILITY:**

Even after repeated directions the petitioner not came forward to appear before the medical board. As the petitioner has not appeared before the medical board despite the direction no accurate percentage of disability could be arrived. Hence, as held by out Honourable High Court in **Chandraboss vs Chandra Sekar** <https://indiankanoon.org/doc/930755/>, this court can notionally arrive the loss of future income on the head of loss of future income due to the injuries sustained by the claimant in the accident. On perusal of the discharge summary this court observed that the petitioner has sustained brain contusion which is a greivous injury and hence a sum of **Rs.50,000/-** is awarded under this head.



**13.LOSS OF INCOME DURING THE TIME OF TREATMENT:**

The petitioner in his petition stated that he is a load man and also stated that he was earning a sum of Rs.18000/- per month. But the petitioner did not adduce any documentary evidence to show his income. However, on considering the nature of accident and the period of treatment, a sum of **Rs.7,000/-** is awarded towards loss of income during the period of treatment.

**14. PAIN AND SUFFERINGS:**

On perusal of **Ex.P3** it is observed that the petitioner has sustained brain contusion which is a grievous injury and hence on considering the nature of injury and considering the petitioner's difficulty in managing his day to day activities and hard struggle with his pain and sufferings, this tribunal has inclined to award a sum of **Rs. 25,000/-** towards pain and sufferings.

**15.TRANSPORTATION:**

In order to prove the transportation expenses, the petitioner did not file any document. But, on considering the place of accident and the place of hospital, the period of treatment, this tribunal is inclined to allow a sum of **Rs.1,000/-** towards transportation to hospital.



#### **16.EXTRA NOURISHMENT:**

Considering the place of accident, place of hospital, the period of treatment, extra nourishment expenses incurred due to the accident, a sum of **Rs.2,000/-** is allowed under this head.

#### **17. CALCULATION:**

For the above reasons, just compensation payable is tabulated as follows:

| Sl.No. | HEADS             | Total Rs.          |
|--------|-------------------|--------------------|
| 1      | Medical expenses  | Rs.1000/-          |
| 2      | Disability        | Rs.50,000/-        |
| 3      | Attendant charges | Rs. 2,100/-        |
| 4      | Loss of Income    | Rs. 7,000/-        |
| 5      | Pain & sufferings | Rs. 25,000/-       |
| 6      | Transportation    | Rs. 1,000/-        |
| 7      | Extra nourishment | Rs. 2,000          |
|        | Total             | <b>Rs.88,100/-</b> |



The same is rounded off to Rs. **88,100/-**.

**18. In result,**

1. that the petition is allowed with proportionate costs against the respondents.
2. that the petitioner is entitled to a sum of **Rs.88,100/-** ( Rupees Eighty Eight Thousand and Hundred only) as compensation with interest at 7.5% p.a. from the date of petition i.e. on 22.03.2022 to till the date of realization.
3. that the R2 is directed to deposit the entire award amount together with interest and costs into the **"MACT savings Account No.(Virtual Account No.) 0000004289124356 with IFSC CODE No.SBIN0000943 through NEFT or RTGS directly. The time for deposit is one month.**
4. that the court fee along with the claim petition is Rs. **373/-**. The court fee for the award amount is **Rs. 313/-**.
5. no balance Court fee.
6. that the Advocate fee is fixed at **Rs. 4,256.25/-**. **No interest for the default period if any**
7. that the R2is directed to pay a sum of **Rs. 4,589.25/-** as being the costs to the petitioner as tabulated herein.

TNTT020079012022



|                 |   |              |
|-----------------|---|--------------|
| Petitioner Name | - | Ponraj       |
| Aadhar Numbr    | - | 898526507290 |

**Other Necessary Particulars:-**

|                                                       |   |              |
|-------------------------------------------------------|---|--------------|
| Date of Petition                                      | : | 22.03.2022   |
| Date of Award                                         | : | 08.07.2026   |
| Amount of Compensation claimed is                     | : | Rs.10,00,000 |
| Amount of Compensation is awarded by this Tribunal is | : | Rs.88,100/-  |
| Court Fee payable for the said amount is              | : | Rs.313/-     |
| Court Fee already paid                                | : | Rs.373.00    |
| Balance court fee to be paid                          | : | Nil          |

**Cost List for the Petitioners**

| Particulars    | Petitioner's side | Respondents side |
|----------------|-------------------|------------------|
| Court fees     | Rs. 313/-         | -                |
| Vakalath Stamp | Rs.10.00/-        | -                |



|              |                       |          |
|--------------|-----------------------|----------|
| Process fee  | Rs.10.00/-            | -        |
| Advocate fee | Rs.4,256.25/-         | -        |
| <b>Total</b> | <b>Rs. 4,589.25/-</b> | <b>-</b> |

**(Cost List not filed by the Both Side)**

In pursuance of the direction of the Hon'ble High Court of Madras dated 12/05/2020 and for the said compliance, both side Counsels are entitled to receive free copies of award within 15 days from today. To receive the free copies of award, both side Counsels are directed to file a memo within 15 days from the date of passing award. As per the direction of the Hon'ble High Court, Madras, this court is not insisting the parties to file copy applications for the purpose of receiving their respective free copies of award. As per the direction of the Hon'ble High Court, Madras, no decree is drafted and in the Award, instead of drafting the decree, necessary details have been incorporated.

This Order is directly dictated to the Steno-Typist and the same typed by her, corrected and pronounced by me in the open court on this the 08<sup>th</sup> day of July 2026.

Motor Accident Claims Tribunal Judge/  
Chief Judicial Magistrate,  
Thoothukudi.



**Witnesses on Petitioner's side:**

PW.1 - Ponraj

**Exhibits on Petitioner's side:**

|                       |            |                                            |
|-----------------------|------------|--------------------------------------------|
| <b><u>Ex.P.1</u></b>  | 10.12.2021 | Copy of FIR                                |
| <b><u>Ex.P.2</u></b>  | 10.12.2021 | Accident Register with wound certificate   |
| <b><u>Ex.P.3</u></b>  | 10.12.2021 | Discharge summary                          |
| <b><u>Ex.P.4</u></b>  | 10.12.2021 | Scan receipt                               |
| <b><u>Ex.P.5</u></b>  | 16.12.2021 | Scan Bills Rs.1000/-                       |
| <b><u>Ex.P.6</u></b>  | 06.01.2022 | EP note                                    |
| <b><u>Ex.P.7</u></b>  | -          | MVI eport                                  |
| <b><u>Ex.P.8</u></b>  | -          | RC Book                                    |
| <b><u>Ex.P.9</u></b>  | -          | Insurance Policy                           |
| <b><u>Ex.P.10</u></b> | 10.12.2021 | Final report                               |
| <b><u>Ex.P.11</u></b> | 16.09.2011 | 1 <sup>st</sup> respondent driving licence |



|                       |   |                           |
|-----------------------|---|---------------------------|
| <u><b>Ex.P.12</b></u> | - | Petitioner's Aadhaar card |
| <u><b>Ex.P.13</b></u> | - | Petitioner's PAN Card     |

**Witnesses on Respondents side:**

Rw.1 - Tmt. Meera

Rw.2 - Thiru. Makesh Kumar

**Exhibits on Respondents side:**

|       |            |                                                                                                                   |
|-------|------------|-------------------------------------------------------------------------------------------------------------------|
| Ex.R1 | 06.01.2021 | Copy of the conditional insurance policy issued by the 2nd Respondent's company in the name of the 1st Respondent |
| Ex.X1 | 13.11.2024 | Authorization letter                                                                                              |
| Ex.X2 | 13.11.2024 | Registration certificate                                                                                          |

Motor Accident Claims Tribunal Judge/  
Chief Judicial Magistrate,  
Thoothukudi.

TNTT020079012022



**Chief Judicial Magistrate/  
Motor Accident Claims  
Tribunal, Thoothukudi.**

**Fair/Draft-Order  
MCOP.No.34/2022  
Dated:08.07.2026**