

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,  
SPECIAL SUBORDINATE JUDGE, TIRUPATTUR.**

**Present: Tmt.J.Nagalakshmi @ Vijayarani,B.A.,B.L.,  
Motor Accident claims Tribunal Authority,  
Special Subordinate Judge(FAC), Tirupattur.  
Wednesday, the 15<sup>th</sup> day of April 2026  
M.C.O.P. No.4/2024,  
CNR.NO.TNTU04-000008-2024**

D.Hari, aged 32 years,  
S/o.Devaraj,  
Residing at No.10/1 Devadhatta Apartment,  
4<sup>th</sup> Cross, N.R.Colony, OPP. KEMP Fort,  
Vimanapura, Bangalore -17

..... Petitioner

/vs/

- 1.Haji J.M.Samsudeen, aged 60 years,  
S/o. Haji M.Md.Saliya,  
Residing at No.51, Batchumiyan Street,  
Alangayam, Vaniyambadi Taluk,  
Tirupattur District.
- 2.The Oriental Insurance Company Limited,  
No.31 13<sup>th</sup> Street, II<sup>nd</sup> Floor, Vijayalakshmi Complex,  
Phase II, TNHB, Sathuvacherry, Vellore,  
Vellore District.

..... Respondents

The petition filed on 05.04.2023 and came up for final hearing in the presence of **Thiru.V.V.Shivaji, B.A., B.L.**, learned counsel for the petitioner. The 1<sup>st</sup> respondent set expate and **Thiru.S.Arunachalam, M.Com., M.L.**, learned counsel for 2<sup>nd</sup> respondent, and after hearing both side arguments, perusing case records and having stood for consideration till this day, this tribunal passed the following:-

## ORDER

1.This petition was filed by the petitioner under section 166 of the Motor Vehicles Act claiming Rs.2,00,000/- as compensation for the damages caused to his motor cycle bearing registration No. KA 04 HQ 2973 against the respondents together with 12% of interest p.a and costs .

### **2. The averments of the petition in brief:-**

On 19.02.2022 at about 5.45 P.M near Kothur Railway Gate, in -between Patchur – Kothur main road, the motor cycle bearing registration No. KA 04 HQ 2973 belonged to the petitioner was stopped since the railway gate closed for passing through the train, and the petitioner, his wife, and his two children were seated on the stopped motor cycle, at that time, the bus bearing registration No TN 54 Z 8624 belonged to the 1<sup>st</sup> respondent was driven by its driver in the course of his employment under the 1<sup>st</sup> respondent rashly and negligently manner and hit against the petitioner and his wife and his children felt down along with motor cycle. Due to impact, the petitioner and his wife and children felt down along with motor cycle, and they were sustained grievous and multiple injuries all over body, and the petitioner s motor cycle was also completely damaged. Immediately after the accident, the petitioner and his wife were taken to Hospital, Natrampalli, and taken treatment. Afterwards the petitioner was taken treatment in the private hospital as out-patient. The petitioner has spent huge amount towards medical expenses, and transport expenses. The petitioner has lost his earning and earning capacity by the said accident. Even now the petitioner is taking treatment in the private hospital as out-patient. A case u/s 279, 337 IPC is registered by Natrampalli Police against

the driver of the bus and same is pending for investigation. Since the accident took place only due to rash and negligent driving of the bus by its driver in the course of his employment under the 1<sup>st</sup> respondent, the respondents being owner and insurer of the bus at the time said accident are liable to pay compensation to the petitioner of injuries sustained by him in the above said accident.

3. The 1<sup>st</sup> respondent set ex parte. The petition under section 170 of Mv Act filed on the side of 2<sup>nd</sup> respondent in order to put forth defence on behalf of 1<sup>st</sup> respondent as per the order in IA no. 1/2024 dated 11.12.2024.

**4. The counter filed on the side of 2<sup>nd</sup> respondent as follows:-**

In this case, it is alleged that the accident occurred on October 19, 2022. However, the complaint was lodged at the police station only three days later, on October 22, 2022. Similarly, the two-wheeler on which the petitioner allegedly traveled was inspected only on October 27, 2022. The petitioner has not stated the reasons for this delay in the petition. The petitioner is under a strict obligation to prove the reasons for such delay. Only the wife sustained minor injuries. The Petitioner's act of traveling on a two-wheeler with four occupants constitutes a violation of the Motor Vehicles Act. The Petitioner sustained no injuries whatsoever as a result of the accident. At the time of the accident, neither the Petitioner nor his wife was wearing a helmet; this, too, constitutes a violation of Motor Vehicle Rules. The Petitioner incurred no medical expenses arising from the accident. Only the Petitioner's wife received treatment at the hospital, doing so as an outpatient. Insofar as this case is concerned, it warrants dismissal on the grounds that the Petitioner sustained no injuries and that his vehicle suffered no damage as a result of the accident.

Furthermore, the repair bills for the two-wheeler submitted by the Petitioner in this case bear no nexus to the accident in question.

5. The 1st Respondent, having entered an ex-parte appearance in this case, has colluded with the Petitioner. Consequently, pursuant to Section 170 of the Motor Vehicles Act, all defenses that ought to be raised against the Petitioner in this case are hereby sought to be raised on behalf of the 1st Respondent through this accompanying petition.

6. On behalf of the petitioner, the petitioner was examined as Pw1, Ex.P1 to Ex.P11 were marked. The 2<sup>nd</sup> respondent side there is no witness examined and no documents were marked.

### **7. Points for consideration:-**

1. Whether the accident took place due to the rash and negligent driving of the driver of the bus bearing registration No TN 54 Z 8624 belonged to the 1<sup>st</sup> respondent ?
2. Whether the petitioner is entitled for compensation from the 2 respondent for the damage sustained to his vehicles? If so, what is the quantum?
3. Who is liable to pay compensation?

### **8.Point No.1**

The case of the petitioner is that the accident occurred on 19.02.2022 at about 5.45 P.M near Kothur Railway Gate, in -between Patchur – Kothur main road. It is gathered from the documents that the motor cycle bearing registration No. KA 04 HQ 2973 belonged to the petitioner and the the bus bearing registration No TN 54 Z 8624 belonged to the 1<sup>st</sup> respondent was

driven by its driver in the course of his employment under the 1<sup>st</sup> respondent and insured with the 2nd respondent at the time of accident. The occurrence of accident is an admitted fact.

The petitioner has filed the claim for damages contending that due to the negligent driving of the bus by its driver the accident has taken place resulting damages to his Two Wheeler . The FIR marked as Ex.P1 also shows the defacto complainant namely Hari/ petitioner was standing in the Kothoor railway gate in which locked due to arrival of train and at that time, the driver of the JMS bus bearing registration No TN 54 Z 8624 belonged to the 1<sup>st</sup> respondent driven by its driver in a rash and negligent manner made conversation with the phone call halted behind the petitioner's vehicle and due to that impact, of the bus hitting the two wheeler in which stucked in the front wheel of the bus and completele damaged. It is also mentioned in the FIR the petitioner and his wife & children were sustained injuries. The petitioner has produced the copy of the Registration certificate of the the two wheeler as Ex.P6 which shows the petitioner is the owner . The MVI report of the two wheeler was marked as Ex.P7 which proves the damages to the car. The damages are

1. Headlight sustained scratched,
2. front both indicator broken,
3. front left rear view mirror broken

The MVI report of the bus marked as Ex.P4 shows the Front left pumber, cowl sustained scrtches, From the contents in the FIR and Ex.P6 it is established the damages to the two wheeler was caused by the JMS bus belonging to 1<sup>st</sup> respondent. The petitioner as owner of the vehicle has spoken about the manner of accident and damages to the vehicle. The evidence of the petitioner was not

denied or challenged by the 2<sup>nd</sup> respondent and there was absolutely no cross examination. The 2<sup>nd</sup> respondent has not examined the driver of the lorry or placed any evidence to show the damages to the two wheeler belonging to the petitioner was not occasioned in the manner stated by the petitioner. The evidence of the petitioner is believable, convincing and satisfactory regarding the manner of the accident. From the oral and documentary evidence the tribunal is satisfied the accident occurred only on account of rash and negligent driving of the bus bearing registration No TN 54 Z 8624 by its driver under the employment of the 1<sup>st</sup> respondent and the point no.1 is answered accordingly.

### **9. Point No.2:-**

The 1<sup>st</sup> respondent is the owner of the bus bearing Registration No TN 54 Z 8624 which was involved in the accident and it was insured with the 2<sup>d</sup> respondent. The policy certificate was marked as Ex. P10 which shows it is a Passenger vehicle contained Package policy which covers damages to the 3 party properties- The MVI report of the 1<sup>st</sup> respondent vehicle was marked as Ex,P4. As per the said policy the two wheeler belonging to petitioner is a 3<sup>rd</sup> party property and it is damaged. The two wheeler of the petitioner was damaged which is evident from the MVI report marked as Ex.P7. The bills for repairing the damages caused to two wheeler containing an amount Rs.18,737/- was marked as Ex.P2. Though the MV report contained 3 damages the particulars of repair reveals more than damages. It is clarified that the main damages only to be noted in the MV report and the allied minor things could not been noted. There is no adverse point expressed on the side of 2<sup>nd</sup> respondent in this aspect. The genuinity of the bill also admitted. Hence, the

tribunal is of view the petitioner is entitled to compensation and the point is answered in favor of the petitioner.

### **10. Point No.3**

It is not in dispute the Bus bearing Registration No. TN 54 Z 8624 belongs to 1<sup>st</sup> respondent and was insured with the 2<sup>nd</sup> respondent for the period 21.02.2022 to 20.02.2022 which covers the date of accident. (i.e)19.02.2022. The 2<sup>nd</sup> respondent has not disputed the correctness of the policy or the particulars of the policy. As such it is proved the vehicle belonging to 1<sup>st</sup> respondent was insured with 2<sup>nd</sup> respondent at the time of accident. The the driving license of the driver of the bus marked as Ex. P5 also shows the driver of the lorry possess valid driving license to drive the vehicle. As such the 1<sup>st</sup> respondent being the owner and 2<sup>nd</sup> respondent insurer of the lorry are jointly and severally liable to pay compensation. There is no violation of policy or Registration certificate conditions expressed and hence the insurer is liable to indemnify the owner. Hence, The 2<sup>nd</sup> respondent is directed to pay the petitioner in accordance to the terms of the policy regarding damages to the 3 party property. Hence, the point No. 3 is answered accordingly

**In the result, the petition is partly allowed as follows:-**

(a) The Petitioner is awarded **Rs. 18,737/- (Rupees Eighteen Thousand Seven Hundred and Thirty Seven Only)** together with interest at 7.5% per annum from the date of petition till the date of deposit (Excluding the period for the dismissal for default if any).

(b) The 2<sup>nd</sup> Respondent is directed to deposit the award amount within

one month from the date of order by NEFT / RTGS mode directly into the account standing in the name of Special Subordinate Judge(MACT), Tirupattur at State Bank of India, Tirupattur Main Branch, Current Account No. 42888609189 under intimation to this Tribunal by way of sending pay advice slip.

(c) Advocate fee fixed as Rs.1000/- shall be paid by NEFT/RTGS mode.

(d) The 2<sup>nd</sup> respondent his directed to pay a sum of Rs.1577/- being the cost of petitioner tabulated there in.

11. Following the Judgment of the Hon'ble High Court of the Madras in M/s Cholamandal 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 award as per section 168(2) of Motor Vehicles Act.

**Other necessary Particulars**

<b>Date of petition</b>	<b>:</b>	<b>Respondent side</b>
Date of Award	:	15.04.2026
Amount of compensation claimed is	:	Rs.2,00,000/-
Amount of compensation awarded by this tribunal is .	:	Rs. 18,737/-
Court fee payable for the said amount is	:	Rs.373/-
Court fee already paid is	:	Rs.373/-
Balance court fee to be paid is	:	Nil

**Cost List for the Petitioner**

<b>Particulars</b>	<b>Petitioner side</b>	<b>Respondent's side</b>
Court fees	Rs.373.00	
Vakalath Nama Stamp	Rs. 40.00	
Process fee	Rs. 14.00	
Advocate fee	Rs.1000.00	----
Stamp of documents	Rs. 50.00	
Typing charges	Rs. 100.00	
<b>Total</b>	<b>Rs.1577.00</b>	

Dictated to Steno Typist and directly typed by him in my laptop, corrected, pronounced by me in the open Tribunal on 15<sup>th</sup> day of April 2026.

Special Subordinate Judge(FAC),  
Motor Accident Claims Tribunal,  
Tirupattur District.

**Petitioner Side Witness:-**

PW1 D. Hair

**Respondent side witness:-**

Nil

**Petitioner side Exhibits:**

Ex.P1	Copy of FIR
Ex.P2	Copy of Motor Cycle Repair Bills
Ex.P 3	Copy of R.C of the Bus
Ex.P 4	Copy of MVI Report of the Bus

Ex.P 5	Copy of Driving Licence of the Driver of the Bus
Ex.P 6	Copy of R.C of the Motor Cycle
Ex.P 7	Copy of MVI Report of the Motor Cycle
Ex.P 8	Copy of Driving Licence of the petitioner
Ex.P 9	Copy of Aadhar card of the petitioner
Ex.P 10	Copy of Insurance Policy of the Bus.
Ex.P 11	Copy of Bank Pass Book of the petitioner

**Court side Exhibits :**

Nil

**Respondent side Exhibits:**

Nil

Special Subordinate Judge(FAC),  
Motor Accident Claims Tribunal,  
Tirupattur, Tirupattur District.