

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUPATTUR.
PRESENT: TMT. J. NAGALAKSHMI @ VIJAYARANI,B.A.,B.L.,**

**Special Subordinate Judge,
Motor Accident claims Tribunal, TIRUPATTUR**

**Friday, 27th day of March 2026
M.C.O.P. No.18/2025
CNR.NO.TNTU04-000018-2025**

a	Name and address of the Claimant/Petitioner (S)	Subramani, aged 60 years, S/o. Samikannu, No.83,Arundhathiyar Colony, Purusho610706thamakuppam Village, Girisamudiram Post, Vaniyambadi Taluk, Tirupathur District.
b	Name and address of the Respondents	1.S.Jeevanantham, S/o. Sekar,No.1/199, Gandhi Nagar, A.Kumaramangalam, Ulundurpet, Kallakurichi District. 2. The Divisional Manager, The New India Assurance Company Limited,No.1/B, 2 nd Floor, Officer's Line, Opposite Khazana Jewellery Building,Kosapet, Vellore.
c	Name and address of the Insurance Company	The Divisional Manager, The New India Assurance Company Limited, No.1/B, 2 nd Floor, Officer's Line, Opposite Khazana Jewellery Building,Kosapet, Vellore.
d	Name and address of the Transport Corporation or such other respondents who	---

	are held liable to pay	
e	Date of filing of the claim petition	06.01.2025
f	Date of award	27.03.2026
g	Amount of award	Rs. 2,14,000/-
h	Interest rate applicable	7.5% per annum
i	Date(S) from which interest is payable	27.03.2026
j	Costs if any	Rs.9,005.50
k	Balance Court fee	Rs.1,140/-

This original petition filed U/S 166 of Motor Vehicles Act coming for final hearing in the presence of learned counsel **Thiru.M.Sureshkumar,B.A.,B.L., & Mr.A.Venkatesan B.A.,B.L.,** for the petitioner, and the 1st and 2nd respondent set exparte, and upon hearing the Petitioner side arguments, and on perusal of entire material records, this tribunal passed the following:-

ORDER

1. This petition was filed by the petitioner under section 166 of the Motor Vehicles Act claiming Rs.5,00,000/- (Rupees Five Lakhs Only) as compensation against the respondent together with interest and cost from the date of accident.

2. The averments of the petition in brief :-

1. On 01.10.2023, at about 11.30 A.M., the petitioner was riding his Two Wheeler bearing Reg.No. TN 23 BW 7016 slowly, cautiously, observing traffic rules on the extreme left side of the Ambur – Vaniyambadi NH Road. When the

petitioner reaching Girisamuthiram Village, opposite to Thaswin Jim, at that time the driver of the two wheeler bearing Reg. No. TN 15 E 4956 drove the same in a rash and negligent manner and dashed behind the petitioner's vehicle and caused the accident. Due to that impact, the petitioner sustained fracture in his left thumb. The petitioner immediately taken to Government Hospital, Tirupathur and then admitted in Vaniyambadi GH as in – Patient and thereafter as out patient. The accident only caused due to the rash and negligent driving of the driver of the 1st respondent. A criminal case also registered against him. The petitioner became permanently disabled and lost his earning capacity due to that accident. The petitioner spent more money towards medical expenses. The 1st respondent being the owner and the 2nd respondent being an insurer are jointly and severally liable to pay compensation to the petitioner along with interest and costs.

2. Though notice served to the 1st & 2nd respondents not appeared and hence they were set exparte as per order dated 08.07.2025 and the 2nd respondent due to non filing of counter on 02.12.2025.

3. On behalf of the petitioner, PW1 was examined and Ex.P1 to Ex.P9 were marked. The report of Medical Board marked as Ex.C1. The respondent's side no witness was examined and documents were not marked.

3. Points for consideration:-

1) Whether the accident occurred due to the rash and negligent driving of the driver of the vehicle bearing Registration TN 15 E 4956?

2) Whether the petitioner is entitled for compensation? If so, what is the quantum?

3)Who is liable to pay compensation?

4.POINT NO 1: -

(i) The petitioner's case is that, the accident occurred on 01.10.2023, at around 11.30 A.M. opposite to Thaswin Jim, Girisamuthiram Village situated in between Ambur – Vaniyambadi NH Road. The petitioner filed proof affidavit in consonance of the claim petition deposed that he was riding his two wheeler bearing reg No. TN 23 BW 7016 slowly, cautiously, observing traffic rules, in the extreme left side of the said Road, and at that time he nearing the above said spot, the driver of the 1st respondent / two wheeler bearing Reg. No. TN 15 E 4956 driven by its driver, in a rash and negligent manner and dashed behind the petitioner's vehicle and caused the accident. The 1st respondent remained exparte and its insurer 2nd respondent company not chosen to file counter and failed to deny the manner of accident.

(ii) The petitioner further deposed that she sustained injuries especially his left thumb fractured and immediate to the accident the petitioner was taken to the Government Hospital, Tirupathur and then admitted in Vaniyambadi GH as in – Patient and the medical records produced in this regard corroborates his case. It is also pertinent to be note that to a criminal case in Cr.No.431/2023 U/S 279, 337 IPC registered against the driver of the 1st respondent namely M.AshwinKumar (Vehicle No. TN 15 E 4956) on the file of Vaniyambadi Taluk Police Station as could revealed from Ex.P1 also strengthen the case of the petitioner. It clearly shows that the accident happened in the date, time, place manner contained in the petition.

(iii) In view of the available evidence of petitioner PW1 and materials placed

on record, the tribunal holds that the petitioner proved his case as per the theory of preponderance of probability. Therefore, it is concluded that the accident was only due to rash and negligent driving of the driver of the 1st Respondent and hence the vehicle bearing Reg.No. TN 15 E 4956 termed as offending vehicle. This point is answered accordingly.

5. POINT NO.2 :

(i) For the reason stated in Point No.1 this Tribunal has come to a conclusion that due to the rash and negligent driving of the driver of the 1st respondent only. Due to that accident the petitioner sustained multiple abrasion on the face, foot, leg and right hand and also Sustained “FRACTURE in LEFT THUMB DISTAL PHALANX” as could be seen from accident register marked as Ex P.2. The discharge summary of Vaniyambadi Govt hospital for treatment taken as in patient from 01.10.2023 – 09.10.2023. marked as Ex.P3. The wound sustained by the Petitioner is of a serious nature as the endorsement contained in the Accident Register. The policy of Insurance of the 1st respondent vehicle with the 2nd respondent insurance company marked as Ex. P6. Hence the tribunal holds that the petitioner is entitled to compensation from 1st and respondent for the injuries sustained in the accident.

(ii) The petitioner claimed compensation of Rs.5,00,000/- under various heads this Tribunal for his convenience has proceeded to decide the same head – by head head separately.

6.TOWARDS DISABILITY :

It is apparent that the petitioner sustained injuries due to the

accident .The petitioner was referred to Medical Board for ascertaining the quantum of disability. The report from Medical Board has obtained and marked has EX.C1. It is evident that the petitioner sustained injury and the certificate shows the percentage of disability is 11%. However there no evidence to show that petitioner has sustained total permanent disability or functional disability affecting earning capacity and hence multiplier method cannot not applicable. The tribunal inclined to apply “**Percentage method**”. The accident occurred on 01.10.2023. At this juncture, it is pertinent to read the judgment in

Future General India Insurance Company Limited Vs Manivannan and 2 others, 2024(1) TN MAC 598

The division bench of hon'ble madras high court granted Rs.7,000/- per percentatge for an accident occurred in the year 2017, towards disability certified by the qualified Doctor or Medical Board."

Relying the dictum laid down in the above judgment, a sum of enhanced Rs.8,500/- per percentage of disability is herewith applied. **Considering the disability in this case fixed as 11 %, it can be calculated at the rate of Rs.8,500/- = Rs.93,500/- is awarded towards DISABILITY**

(d) MEDICAL EXPENSES :

On thorough perusal of records that the petitioner initially taken first aid in Tirupathur GH and then admitted in Vaniyambadi Govt hospital and treated as in patient near by nine days. Being the said treatment taken on free of cost and there is medical bills expected to be produced. Though the petitioner deposed that he had taken treatment as out patient in private hospital, no medical bills or prescription produced in order to prove the medical expenses

incurred. Hence the tribunal not inclined to award compensation under this head.

(e).PAIN AND SUFFERINGS :

It is evident from medial records that the petitioner after getting first aid admitted in Vaniyambadi GH due to fracture on his left thumb on the same day on 01.10.2023. Then he had undergone surgery on 05.10.2023 due to dislocation of the Left thumb phalanx and under the invasive procedure “ fixed with Kirschner wires (K-wires). The said technique is particularly valuable for stabilizing oblique or comminuted fractures to prevent rotation or displacement. It also requires particular time for fracture uniting/ recovery. Being the fracture occurred in his left thumb, the petitioner definitely undergone much pain and sufferings to do his normal routine for approximately 4 – 6 weeks . Upon considering the the period of treatment as in patient, nature of injuries, duration of recovery and the pain and sufferings undergone by the petitioner, the tribunal inclined to award a sum of **Rs. 47,000/-** as compensation for Pain & Sufferings.

(f).EXTRA NOURISHMENT:-

For the injury sustained the petitioner would have given extra nutritious food for speedy recovery and incurred some expenses in this regard and hence the tribunal inclined to award **Rs.15,000/-** towards extra nourishment.

(g).TRANSPORTING EXPENSES

The petitioner initially taken into Tirupathur GH and then taken for higher treatment in Vaniyambadi Govt Hospital. Though the Trip Sheet not

produced it is apparent that incurred some expenses towards Transportation expenses. Upon considering the distance between his residence and hospital, the tribunal inclined to award **Rs.10,000/-** towards transport expenses

(h). LOSS OF INCOME:

The petitioner deposed that he did wood business and earned Rs.20,000/- p.m at the time of accident. There is no documents produced in order to prove the income. The notional income taken as Rs. 7000/- p.m . There is no doubt that the petitioner's right knee has fractured and hospitalized . The period of treatment as in patient clarified that from 01.10.2023 – 09.10.2023 . As already discussed the nature of surgery and fixation of K Wire in his left thumb approximately taken 4 – 6 weeks for its recovery. Therefore he would have absented from his regular avocation for at least 1 1/2 months. Hence the tribunal is inclined to award a **sum of Rs.10,500/- (Rs.7000 x 1 1/2 m = 10,500/-) as compensation towards loss of income'**.

(i) **ATTENDER CHARGES** : Though the petitioner was hospitalized, there is no material produced that he was assisted by an attender. It is clarified that the period of treatment as in patient for NINE days and hence normally accompanied with one attender. On considering the nature of injury and the period of treatment, the tribunal inclined to award **Rs.15,000/-** towards attender Charges .

(j)**LOSS OF AMENITIES:** It is clear from record that the petitioner was 60 years old at the time accident. Considering the nature of injuring and permanent disability of 11%, which he has to endure through out life, and hence tribunal inclined to award **Rs. 23,000/-** for loss of Amenities and

happiness.

(d) In fine, this tribunal award the following amount towards the claim of the petitioner under the given heads.

1	Towards disability	Rs. 93,500/-
2	Towards Medical Expenses	Nil
3	Towards Future Expenses	Nil
4	Towards Pain & Suffering	Rs. 47,000/-
5	Towards loss of Amenities	Rs. 23,000/-
6	Towards Transport Expenses	Rs. 10,000/-
7	Towards Extra nourishment	Rs. 15,000/-
8	Towards Attender Charges	Rs. 15,000/-
9	Towards Loss of income during period of injury	Rs. 10,500/-
	Total	Rs. 2,14,000/-

11.POINT NO:3

This Tribunal for the reason stated in Point No.1 has come to the conclusion that the driver of the 1st respondent /two-wheeler TN 15 E 4956 is responsible for the accident. The registration certificate of the said offending vehicle stands in the name of 1st respondent marked as Ex.P4. The insurance policy of the offending vehicle with the 2nd respondent marked as Ex.P6. The said insurance

valid from 29.09.2022 – 28.09.2027. The accident occurred on 01.10.2023. At the time of accident the insurance was in force. The driving license of the driver of the said offending vehicle namely M.Aswinkumar marked as Ex.P5. There is no violation of policy of insurance expressed. The tribunal holds that the 2nd respondent insurance company is directed to indemnify the 1st respondent for the injuries sustained in the accident. Hence, the 2nd respondent is directed to pay compensation to the petitioner. The point No.3 is answered accordingly.

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

(1) The Petitioner is awarded **Rs. 2,14,000/- (Rupees Two Lakhs Fourteen Thousand 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).

(2)The 2nd 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), Tirupathur at State Bank of India, Tirupathur Main Branch, Current Account No. **42888609189** under intimation to this Tribunal by way of sending pay advice slip.

(3) The petitioner is permitted to withdraw the deposit amount on condition that to pay the remaining Court Fee of Rs. 1,140/- within 15 days from the date of receipt of copy of order. If not paid within the stipulated time, the petitioner not entitled to claim interest for the aforeside period. The disbursement of the amount shall be made by direct transfer to credit of his

account by NEFT/RTGS mode.

(4) Advocate fee fixed as **Rs.7,280/-** shall be paid by NEFT/RTGS mode.

(5) The 2nd respondent his directed to pay a sum of **Rs.9,005.50/-** being the cost of petitioner tabulated there in.

12. Following the Judgment of the Hon'ble High Court of the Madras in M/s Cholamandalam 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

Date of petition	:	Respondent's side
Date of Award	:	27.03.2026
Amount of compensation claimed is	:	Rs.5,00,000/-
Amount of compensation awarded by this tribunal is	:	Rs. 2,14,000/-
Court fee payable for the said amount is	:	Rs.1,512.50/-
Court fee already paid is	:	Rs.372.50/-
Balance court fee to be paid is	:	Rs.1,140/-

Cost List for the Petitioner

Particulars	Petitioner side	Respondent's side
Court fees	Rs.1,512.50	

Vakalath Nama Stamp	Rs. 40.00	
Process fee	Rs. 28.00	
Advocate fee	Rs.7,280.00	----
Stamp of documents	Rs. 45.00	
Typing charges	Rs. 100.00	
Total	Rs.9,005.50	

Dictated to Typist and directly typed by him in my laptop, corrected, pronounced by me in the open Tribunal on **27th day of March 2026**.

Special Subordinate Judge,
Motor Accident Claims Tribunal,
Tirupattur, Tirupattur District.

Petitioner Side Witness:-

PW1 Subramani

Respondent side witness:-

NIL

Petitioner side Exhibits:

- Ex.P1 Copy of FIR
- Ex.P2 Copy of the Accident Register
- Ex.P3 Copy of Discharge Summary
- Ex.P4 Copy of RC Book of the Two Wheeler bearing Reg.No.TN 15 E 4956
- Ex.P5 Copy of DL of the Two Wheeler
- Ex.P6 Copy of Insurance Policy of the Two Wheeler
- Ex.P7 Copy of MVI Report of the Two Wheeler
- Ex.P8 Copy of Aadhaar Card of the petitioner
- Ex.P9 Copy of Bank Pass Book of the petitioner

Court side Exhibits :

Ex.C1 Medical Board report regarding disability.

Respondent side Exhibits:

NIL

Special Subordinate Judge,
Motor Accident Claims Tribunal,
Tirupattur, Tirupattur District.