

**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, Tirupattur.**

Wednesday, the 29th day of April 2026

**M.C.O.P. No.36/2024,
CNR.NO.TNTU04-000079-2024**

1. L.Balaji, (20 years),
S/o. Loganathan,
Poosaru Vattam,
Naiyanathiyur Village,
Pudupettai Post,
Natrampalli taluk,
Tirupattur District.

..... Petitioner

/vs/

1. S.Boopathy,
S/o. Saravanan,
Periyakonapattu Village & Post,
Pudupettai Via,
Natrampalli Taluk,
Tirupattur District.

..... Respondent

The petition filed on 03.10.2023 and came up for final hearing in the presence of **Thiru.K.Anbzhagan,M.A.,B.L.**, learned counsel for the petitioner. **Thiru.B.Elango,M.L.**, learned counsel for the respondent, and after hearing both side arguments, perusing case records and having stood for consideration till this day, this tribunal passed the following:-

ORDER

This petition was filed by the Petitioner against the respondent under section 166 of the Motor Vehicles Act claiming compensation of Rs.10,00,000/- as compensation against the respondent together with interest and cost from the date of accident.

1. The averments of the petition in brief :-

On 02.04.2023, at about 08.00 A.M, near Annasagaram Bus Stop in between Natrampalli - Pudupettai Main Road, two Wheeler bearing Regn.No. TN 23 BL 6229 was driven by the respondent in a very rash and negligent manner towards Pudupettai and dashed the petitioner who was standing on the left side of the road. Due to the impact, the petitioner sustained grievous injuries in his head, hand, face, right leg fracture and all over the body. Immediate to that accident he was hospitalized in Govt. Hospital, Pudupettai from there he was taken to P.S.V. Multispeciality Hospital, Orappam and operation was done and then treated as out patient. The petitioner becomes permanently disabled and lost his earning capacity. He spent huge amount towards medical and transport expenses. A case U/s. 279, 337 IPC is registered by Natrampalli Police in Cr.No. 188/2023 against the respondent. Since the accident took place only due to the rash and negligence of the respondent, being owner cum driver of the said Motor cycle is liable to pay the compensation to the petitioner along with interests and costs.

2. The Counter of the respondent has follows:

The respondent denies the allegations stated in the petition and the petitioner is put to strict proof of the same. The nature of injuries sustained in the accident, the period of medical treatment, future medical expenses and expenses incurred of the petitioner also denied. The accident was not occurred due to the rash and negligent driving of the driver of the Motor cycle bearing Regn.No. TN 23 BL 6229. The petitioner was in drunken mood suddenly crossed the Natrampalli – Pudupet Main Road dashed against the respondent and caused him an injury and also damaged the bike. The respondent did not paid any fine amount in any forum. The police persons wrongly mentioned his name which came to know about the fact after the respondent got treatment. The respondent is not liable to that accident. The petitioner was the original tortfeasor. The petitioner's false claim did not bind the respondent. Due to respondent's grievous injuries, he was unable to give any complaint against the petitioner and the petitioner could not take an advantage in this aspect. The claim is very high. The petition is liable to be dismissed with costs to the respondent.

3) The petitioner filed proof affidavit and examined Pw1 and the documents Ex.P1 to P 10 were marked. The petitioner side also examined the eye witness namely Jagadeesh and Thirupathi as PW2 & 3 Respectively. The respondent filed proof affidavit and himself examined as RW1 and no documents were marked.

4. Points for consideration:-

1) Whether the accident occurred due to the rash and negligence of the driver of the Motor cycle bearing Reg.No. TN 23 BL 6229 ?

2) Whether the Petitioner is entitled to get the compensation from the respondent? If so what is the quantum?

5. Heard the arguments advanced on both sides and the connected materials are carefully considered.

6. POINT NO 1: -

(1) The petitioner's case is that, the accident happened on 02.04.2023, at about 08.00 A.M, near Annasagaram Bus Stop in between Natrampalli - Pudupettai Main Road. It is an admitted facts that the vehicle bearing Reg. No. TN23 BL 6229 involved in the accident held by respondent. At the time of accident, the petitioner along with his friend Jegadeesan were landed along with the vehicle expressed. It is clarified that the 2 vehicles involved in the accident is of HERO SPLENDOR & HONDA SHINE. Both vehicle had no insurance. Though it has been stated in counter that, the registration certificate of the vehicles not produced, the respondent/Rw1 admitted the ownership at the time of cross examination. Being the said fact admitted by RW1, need not be proved. Hence the tribunal holds that the respondent is the owner of the vehicle bearing registration No. TN23 BL 6229.

(2) At the outset, the respondent side not denied the factum of accident. The date, time, place of accident impliedly admitted. The manner of the MCOP 36/2024,

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accident alone disputed that the petitioner was in drunken mood suddenly crossed the Natrampalli – Pudupet Main Road dashed against the respondent and caused him an injury and also damaged the bike. The said defense itself shows that the respondent is the owner cum driver of the Hero Splendor bearing registration No. TN23 BL 6229 at the time of accident.

(3) In order to prove the negligence, the petitioner filed proof affidavit in consonance with the claim petition examined as PW1. It reveals from his evidence that, the accidental spot Annasagaram Bus Stop situated approximately 1 km from his village & he along with his friend Jegadeesan were converse with each other in standing posture near by the vehicle hold by his friend at the time of accident. It is also clear from his evidence that, the respondent who drove the motor cycle TN 23 BL 6229 came in a rash and negligent manner suddenly hit against them and caused the accident.

(4) The said Jegadeesan also examined as PW2. He deposed the same facts as narrated in the petition and also corroborates the evidence of PW1. Though PW1&2 elaborately cross examined the manner of accident not shattered. It has been suggested that there is no light at the accidental spot and admitted by PW1. Though it has been established that the accident occurred at 8p.m, it is clarified that the respondent belongs to near by Konapattu Village previously award to the petitioner and hence the defense taken with regard to light not affects the case of the petitioner. There is no contra material placed that the petitioner was drunken mood at the time of accident and hence the tribunal holds that the same is nothing but bare denial and not affects the case of the petitioner with regard to negligence.

(5) The petitioner side also examined independent witness namely Thirupathi as PW3. He deposed that he had seen the incident at the time of proceeding his bicycle from Mallapalli to Annasagaram, at that time, the petitioner and his friend converse with the each other kept aside the vehicle in the edge , the respondent namely Boopathy drove the Hero splendor vehicle, in a rash and negligent manner dashed against the petitioner and his friend and also Two wheeler. It is clear from his evidence that he also aware the respondent prior to the accident. Though the respondent side point out the cross examination that he deposed the petitioner's vehicle as Apachee instead of Hero Honda, there is no adverse remarks regarding the manner of accident. He had not possible to see the vehicle of the Petitioner kept aside the road. Hence the tribunal holds that the said minor discrepancies would not affects the case of the petitioner.

(6) It is clear from the evidence of Pw1, PW2 & PW3 that the accident caused due to the rash and negligence of the driver of the respondent. It is also revealed from cross of PW1 that the respondent has came behind the direction in which they were standing near by Vehicle. The medical records (Ex.P2-8) reveals that the petitioner immediate to the accident approached the hospital in which tallied with the said ocular witness. It is significant to note that, a criminal case in in Cr. No. 188/2023 U/S 279, 337 IPC was registered on the file of Natrampalli P.S against the respondent while the petitioner under treatment in Pudupet GH marked as Ex.P1. The said oral testimony as well as contemporary documents clearly proves that the accident happened as per the manner stated in the petition.

(7) At the same time the respondent examined himself as Rw1 on filing proof affidavit the same facts narrated in his counter. He deposed the manner of accident that, the petitioner drove the new hero splendor vehicle suddenly stopped in the road, and hence he applied sudden brake of his Honda shine in order to avoid dashed against the Petitioner. But during cross examination admitted that the criminal case registered against him. It is also clarified that there is no steps had taken, though he shown as accused in the criminal case. It is also appropriate the relevant portion of RW1 that,

“TN 23 BL 6229 என்ற வாகனம் எனக்கு சொந்தமானது என்றால் சரிதான். விபத்தில் மனுதாரருக்கு காயம்பட்டது என்றால் சரிதான். மனுதாரர் புதுப்பேட்டை அரசு மருத்துவமனை மற்றும் பர்சுவர் PSV தனியார் மருத்துவமனையில் சிகிச்சை பெற்ற விவரம் தெரியுமா என்றால் தெரியும், விபத்து நடந்ததற்கு பின்னிட்டு நான் எனது வாகனத்தை எடுத்துக்கொண்டு சென்றுவிட்டேன் என்றால் சரிதான். விபத்தில் எனக்கும் காயம் ஏற்பட்டதால் நேரடியாக மருத்துவமனைக்கு போனேன். நானும் புதுப்பேட்டை மருத்துவமனைக்குதான் போனேன். புதுப்பேட்டை மருத்துவமனையில் நான் சிகிச்சை எடுத்துக்கொண்டதற்கான ஆதாரங்களை தாக்கல் செய்யவில்லை என்றால் சரிதான்.”

He who stated that himself sustained injury approached Pudupet GH and the same not clarified with appropriate medical records. If the accident would have been happened as stated by RW1, what prevent him to take action against the said accident not clarified with convincing Materials placed on record.

(8) The petitioner side relied upon the evidence of Pw1, 2 and 3 and the same corroborated by documentary evidences of contemporary period. Though some discrepancies found in the evidence of PW3, it is probable, reliable and convincing regarding the occurrence. The respondent side relied upon the evidence of Rw1/ respondent who is the owner cum driver of the HERO SHINE VEHICLE. Though it is direct evidence an the same not supported by MCOP 36/2024,

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independent witness & documents. While evaluating the both side evidence the probability of truth lies on the evidence of PW1,2. There is no convincing material put forth in order to rebut the manner of accident (or) even for contributory negligence. The petitioners proved their case with probable defense. It is concluded that the accident occurred only due to the negligence of respondent/ tortfeasor. The Hero shine vehicle bearing registration No. TN23 BL 6229 termed as offending vehicle. The point No.1 is answered accordingly.

7. POINT NO.2 :

(A) The petitioner deposed that, he had sustained fracture in right leg and also sustained injuries in forehead due to the accident as could be seen the medical records marked as Ex.P2 -P9. A set of medical Bills for an amount of Rs.72,134/- marked as Ex.P2. The X-Ray taken on 04.03.2023, 30.05.2023 25.08.2023 & 05.09.2023 of PSV hospital, Krishnagiri marked as Ex.P3-6. The Ct Brain scan report marked as Ex.P9. The discharge summary of PVS hospital for the treatment taken as inpatient from 03.04.2023 to 05.04.2023 marked as Ex.P7. The report of PSV hospital marked as Ex.P8. The accident occurred due to the rash and negligence of the respondent who is the owner cum driver of the bearing Reg. No. TN 23 BL 6229 as decided in point No.1. Hence the petitioner is entitled compensation from the respondent. This point No. 2 is answered accordingly.

(B) The 1st petitioner claimed Rs.10,00,000/- under various heads as compensation stating that the accident caused Permanent disability and hence it appropriate to discuss the same head by head:

(i) **DISABILITY:** In the petition Rs.2,00,000/- claimed for permanent disability. Though the petitioner side stated that he sustained permanent disability, the petitioner side failed to take steps to refer him to medical board for assessment of disability. The nature of disablement not been proved and hence the tribunal not inclined to award compensation towards disability.

(ii) MEDICAL EXPENSES:

The petitioner claimed Rs.2,00,000/- towards medical expenses. The Accident occurred on 02.04.2023 at 8.00 A.M. Though the petitioner deposed that he sustained fracture in right ankle & forehead had taken to Pudupet GH immediate to the accident and the AR not filed. At the same time, the respondent who examined as RW1 admitted that the petitioner initially taken first aid in PUDUPET PRIMARY HEALTH CENTRE. Then the petitioner taken treatment in PSV Multi Specialty Hospital, Krishnagiri Shows that he had treated as in patient from 03.04.2023 – 05.04.2023 as could revealed from discharge summary (Ex.P7).

It also reveals that he had undergone surgery due to *Right Medial Malleolar Fracture under the procedure “ORIF SCREW FIXATION DONE FOR RIGHT MEDIAL MALLEOLI FRACTURE on 03.04.2023.*

and the petitioner advised to take medication and to attend review in Ortho OPD on 01.04.2023. The X-Ray taken for Right Knee dated 03.04.2023, 30.05.2023, 25.08.2023 & 05.09.2023 taken post operated surgery marked as Ex.P.3-6. The CT scan taken for his brain contained impression that SCALP CONTUSION IN LEFT FRONTAL AND RIGHT OCCIPITAL REGION. It is clear that

there is no Significant abnormality in Brain.

In order to prove the medical expenses, a set of medical Bills (29 Nos) issued by PSV Hospital, Krishnagiri marked as **Ex.P2**.

(A) OUT PATIENT PHARMACY & CONSULTATION :

The Bill No. 1 dated 25.08.2023 relates to purchase of syringes, tablets medicine for an amount of Rs.496/-. **(1)** The Bill No. 2 in nothing but consultation fee of Rs.100/- paid to doctor on 25.08.2023. Bill No.3 dated 30.05.2023, relates to purchase of medicine for an amount of Rs.270/-. Bill No.4 dated 09.05.2023, also issued for an amount of Rs.1,265/- for purchase of medicine. Bill No.5 dated 30.05.2023, relates to payment taken for X-Ray purchase of medicine for an amount of Rs.450/- **(2)** The Bill No. 6 in nothing but consultation fee of Rs.100/- paid to doctor on 25.04.2023. Bill No.7 dated 25.04.2023, relates to purchase of medicine for an amount of Rs.270/-. Bill No.8 dated 17.04.2023, also issued for an amount of Rs.126/- for purchase of medicine. **(3)** The Bill No. 9 in nothing but consultation fee of Rs.100/- paid to doctor on 17.04.2023. Bill No.7 dated 17.04.2023, relates to purchase of Bandage, Cloths, surgery cloths for an amount of Rs.179/-. The *Bill No.11 dated 17.04.2023, also issued for an amount of Rs.100/-towards dressing charges.* Bill No.12,13 dated 10.04.2023, relates to purchase of medicine, Bandage, Surgery Gloves for an amount of Rs.126/- + Rs.214/-. **(Total amount – Rs. 3,796/-)**

(B) SEPARATE IN-PATIENT BILLS

(i) There is No Consolidated medical bill produced to prove the expenses

incurred as inpatient. At the same time separate medical bills produced. The same not inclusive of any other heads and hence the tribunal inclined to taken for consideration. The Bill No.14 dated 04.04.2023, relates to purchase of medicine for an amount of Rs.1252/-. The Bill No.15 dated 04.04.2023, relates to purchase of Bandage, Cloths, surgery cloths for an amount of Rs.291/-.

(ii) The Bill No.16 dated 04.04. 2023,, relates to purchase of medicine for an amount of Rs.77/-. Bill No.17 dated 03.04.2023, relates to purchase of tablet and surgical things for an amount of Rs.6,120/- Bill No.18,19 dated 03.04.2023, relates to purchase of tablet and surgical things such as gloves, insulin, disposable Syringes, needle etc. for an amount of Rs.1,119/- + Rs.2,222/-. (Bill No.20 dated 03.04. 2023, relates to purchase of tablet and surgical things for an amount of Rs.6,120/- as double entry.)

(iii) The Bill No.21 dated 03.04.2023, relates to purchase of tablet for an amount of Rs.489/-. The Bill No.25 dated 05.04.2023, pertaining to Surgery packages containing an amount of Rs.45,000/-. Bill No.22 dated 05.04.2023, also issued for purchase of medicine for an amount of Rs.29/-. The Bill No. 20 is nothing but the copy of the Bill No.17 and hence the tribunal not inclined the amount contained in BILL NO.20. (**Total amount of Rs.56,599/-**)

(C) OUT PATIENT TREATMENT BILLS :

Bill No.23 dated 25.04.2023, issued for an amount of Rs.275/- towards Dressing charges & Suture removal. Bill No.24 dated 25.04.2023, relates to purchase of Bandage, Cloth, Surgeon blade for an amount of Rs.184/-. The Bill No.26 in nothing but consultation fee of Rs.100/- paid to doctor on 09.05.2023.

Bill No.27 dated relates to payment of Rs.450/- towards X-Ray Charges on 09.05.2023. Bill No.28 dated 03.04.2023 issued for an amount of Rs.1860/- for taking Test of blood, Urea, Serology, Surgicology etc. Bill No.29 dated 02.04.2023, relates to OP registration fee, Consultation fee, CT Brain, X Ray Charges containing an amount of Rs.3,000/- (**Total - Rs.5,594/-**)

As discussed in detail, the tribunal inclined to award compensation the expenses incurred as contained in the said 26 Bills $A + B + C = \text{Rs. } 66,264/-$ towards Medical expenses.

(iii) LOSS OF INCOME: The Petitioner side has stated that he completed Diploma in EEE and worked as technician and also earned Rs.15,000/- p.m. But there is no document produced in order to prove the income of petitioner. The petitioner taken inpatient only from 03.04.2023, 05.04.2023. The wound certificate reveals that she sustained Grievous injury. The disability of the petitioner not proved by way of Medical board report. Hence the tribunal not inclined to award compensation for Loss of income.

At the same time considering the disability and period of treatment as inpatient as 3 days he ought to have absented from regular employment for the period of at least one month. Being no income proof filed and the notional income taken as Rs.8,000/-. Upon considering the nature of injury, period of treatment taken as inpatient as well as out patient on 04.03.2023, 30.05.2023 25.08.2023 & 05.09.2023 he definitely would have absented from his regular avocation and hence the petitioner entitled a sum of Rs. 8000/- towards Loss of income during the period of Lay off.

(iv) PAIN AND SUFFERINGS:

It is apparent from medical records that the petitioner underwent treatment in PSV Hospital as in patient from 03.04.2022 – 05.04.2023 and subjected to surgery due to *Right Medial Malleolar Fracture in right Leg under the procedure “ ORIF SCREW FIXATION DONE FOR RIGHT MEDIAL MALLEOLI FRACTURE on 03.04.2023* . It is evident from rom discharge summary that nails implanted and detailed instruction given for review for removal of Nail. It is also extracted from the other medical records (Ex.P2,) that the petitioner treated out - patient and consulted the doctor on the following dates. 25.08.2023, 02.04.2023, 25.04.2023,17.04.2023, 09.05.2023. Then he also approached the said hospital for dressing made on 17.04.2023, 25.04.2023. It is apparent that the injury Grievous in nature. Upon considering the nature of injuries, duration of treatment, the pain and sufferings undergone by the petitioner, the tribunal inclined to award a sum of **Rs. 70,000/-** as compensation under this head.

(v) TRANSPORTING EXPENSES:

The petitioner undergone treatment in Government Primary Health Centre at Pudupet and PSV Hospital, Krishnagiri. Though the Trip Sheet not produced it is apparent that incurred some expenses towards Transportation expenses. It is apparent that the petitioner also taken treatment as out patient on 25.08.2023, 02.04.2023, 25.04.2023,17.04.2023, 09.05.2023, 17.04.2023, 25.04.2023. He also approached the said hospital for taking X RAY on 04.03.2023, 30.05.2023 25.08.2023 & 05.09.2023. The residence of the petitioner situated in Pudupet

which is too far away from Krishnagiri approximately 49 K.m. Upon Considering the distance between her residence to hospital in Krishnagiri TO AND FRO ($49 \times 2 = 98$ Km) and hence the tribunal inclined to award **Rs. 15,000/-** towards transport expenses.

(vi) 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.

(vii) ATTENDER CHARGES: As the petitioner was hospitalized for period for fifteen days and hence naturally attender would have been there and for the attender also some expenses would have been occurred. Upon considering the period of treatment undergone by the petitioner the tribunal inclined to award **Rs. 10,000/-** towards attender Charges.

Finally, this tribunal award the following amount towards the claim of the petitioner under the given heads.

1	Towards disability	NIL
2	Towards Medical Expenses	Rs.66,264/-
3	Towards loss of future expenses	NIL
4	Loss of income during the period of injury	Rs. 8,000/-
5	Towards Pain & Suffering	Rs. 70,000/-

6	Extra Nourishment	Rs. 15,000/-
7	Attender Charges	Rs. 10,000/-
8	Transportation expenses	Rs.15,000/-
	Total	Rs. 1,84,264/-

The point No.2 is answered accordingly.

In the result, the petition allowed as follows:-

(a) The Petitioner is awarded Rs.1,84,264/- (**Rupees One Lakh Eighty Four Thousand Two Hundred and Sixty Four 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 from 11.11.2024 to 12.12.2024 as per the order in IA No.1/2024 dated 12.12.2024).

(b) The 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) The petitioner is permitted to withdraw the deposit amount on condition that to pay the remaining Court Fee of **Rs. 843/-** 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 aforesaid period. The disbursement of the amount shall be made by direct transfer to credit of his account by NEFT/RTGS mode given below.

(d) The petitioner is not entitled to claim interest in between the period of dismissed on default and its restoration made as per IA No.1/2025 from 16.06.2025 to 17.11.2025.

(e) Advocate fee fixed for **Rs.6,686/-** shall be paid by NEFT/RTGS mode.

(f) The respondent is directed to pay a sum of **Rs.8,069/-** being the cost of petitioner tabulated there in.

8. 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

Date of petition	:	Respondent's side
Date of Award	:	29.04.2026
Amount of compensation claimed is	:	Rs.10,00,000/-
Amount of compensation awarded by this tribunal is	:	Rs.1,84,264/-
Court fee payable for the said amount is	:	Rs. 1,216/-
Court fee already paid is	:	Rs.373/-
Balance court fee to be paid is	:	Rs.843/-

Cost List for the Petitioner

Particulars	Petitioner side	Respondent's side
Court fees	Rs.1,216.00	
Vakalath Nama Stamp	Rs. 50.00	
Process fee	Rs. 7.00	
Advocate fee	Rs. 6,686.00	----
Stamp of documents	Rs. 10.00	
Typing charges	Rs. 100.00	
Total	Rs. 8,069.00	

Dictated to Typist and directly typed by him in my laptop, corrected, pronounced by me in the open Tribunal on 29th day of April 2026.

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

Petitioner Side Witness:-

PW1 Balaji
PW2 Jagadeesh
PW3 Thirupathi

Respondent side witness:-

RW1 Boopathi

Petitioner side Exhibits:

Ex.P1 Copy of FIR

- Ex.P2 Copy of Medical Bills of P.S.V. Hospital
- Ex.P 3 Original X-Ray of the P.S.V. Hospital dated 04.03.2023
- Ex.P 4 Original X-Ray of the P.S.V. Hospital dated 30.05.2023
- Ex.P 5 Original X-Ray of the P.S.V. Hospital dated 25.08.2023
- Ex.P 6 Original X-Ray of the P.S.V. Hospital dated 05.09.2023
- Ex.P 7 Copy of Discharge Summary of P.S.V Hospital
- Ex.P 8 Copy of Report of P.S.V. Hospital
- Ex.P 9 Copy of CT Scan Report
- Ex.P 10 Copy of Aadhaar Card of the petitioner

Court side Exhibits :

NIL

Respondent side Exhibits:

NIL

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