

**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.
Friday, the 13th day of March 2026**

M.C.O.P. No.99/2023, CNR.NO.TNTU04-000224-2023

M.C.O.P.No.100/2023, CNR.NO.TNTU04-000226-2023

1. Thenmozhi, (34),
W/o. Jayaseelan,
No. 133 Velavalli,
Valipatti Post,
Pochampalli Taluk,
Krishnagiri District.
Now residing at
Kakkangarai Village and Post,
Tirupattur Taluk & District.

..... Petitioner in MCOP No.99/2023

2. Valliyammal, (64),
W/0. Manickam,
No. 42 Karaottu,
Nallagoundanur,
Kadavanai,
Uthangarai Taluk,
Krishnagiri District.
Now residing at Kakkangarai Village and Post,
Tirupattur Taluk & District.

..... Petitioner in MCOP No.100/2023

/vs/

1. M. Srinivasan,
No. 4/2F Kangayam Nagar, 1st Street,
Kangayam Road,
Tirupattur.

2. United India Insurance Co. Ltd., represented by its Divisional Manager,
Third party Claim,
HUB, 81, 2nd Floor,
Katpadi Road,
Vellore.

..... Respondents

The petition filed on 22.06.2023 and came up for final hearing in the presence of **Thiru.Sivakumar,B.A., L.L.B.**, learned counsel for the petitioner No.1 & 2. The 1st respondent set exparte and **Tmt.Sukanya Asaithambi, B.Sc., B.L** learned counsel for the 1st and 2nd respondents, and after hearing both side arguments, perusing case records and having stood for consideration till this day, this tribunal passed the following:-

COMMON ORDER

These Two claim petitions were filed by the Petitioner No. 1-2 against the respondent under section 166 of the Motor Vehicles Act claiming compensation of Rs.25,00,000/- each from the date of accident together with interest and for costs. Since the claim petitioners are the passengers of the auto sustained injuries in the same course of transaction due to the accident and hence the said petitions are clubbed together and tried jointly as per the order passed in Memo dated 28.01.2025

1. The averments containing in MCOP No.99/2023, 100/2023 as follows :-

On 17.05.2023 at 09.15 hours, the petitioner was proceeding in his the Honda Activa bearing Regn.No. TN 83 X 5301 along with her grandmother as pillion rider in Uthangarai-Tirupattur road in the left side of the road. While

nearing Nallagoundanur Koot road, the petitioner slow down the vehicle, and showing necessary signal turn the vehicle to go to her house. At that time, the car bearing Regn.No. TN 02 AE 5445 belonging to the 1st respondent and insured with the 2nd respondent came in the back side of the petitioner drove in rash and negligent manner and lost his control and dashed against the Honda Activa of the petitioner. Due to the impact the petitioner and the pillion rider had fallen down and sustained grievous injuries.

a) Then the petitioner in MCOP No. 99/2023 sustained injury (1) fracture both bone tibia and fibula in right leg (2) Laceration injury scalp (3) Multiple injuries all over the body

b) The petitioner in MCOP No.100/2023 sustained injuries (1) Left Clavicle fracture (2) Bimalleolar fracture. fracture noted in distal shaft of fibula right (3) Suspicious fracture in lateral aspect of base of 4th metatarsal right (4) Multiple injuries all over the body.

Both of them taken in to G.H. Uthangarai and after taking first aid referred to Gvt. Medical College Hospital, Krishnagiri and then admitted Life care Hospital, Krishnagiri and treated as inpatient. A case registered in Uthangarai Police station against the car driver in Cr.No. 297/2023 U/s 279, 337, of IPC. The accident occurred only due to the rash and negligent driving of the driver of the car. The petitioners became permanently disabled and lost her earning capacity. They have spent more money towards medical expenses as well as transport expenses. Being the 1st the respondent of the owner and the 2nd respondent is the insurer jointly and severally liable to compensation to the petitioners along with interest and costs.

2. The 1st respondent served notice in MCOP No.99/2023, MCOP. No.100/2023 and not appeared and hence set exparte as per the docket order dated 27.07.2023. The 2nd respondent side filed petition U/s.170 of MV Act in order to made defense on behalf of 1st respondent and allowed in IA No. 1 /2025 dated 20.11.2025

3. The counter filed in both cases and its brief as follows:

The respondent denies the allegations as stated in the petition. The nature of injuries sustained in the accident, the disability, the period of treatment, expenses incurred, monthly expenses, income and loss of earning power and income. The petitioner is put to strict proof of the manner of accident. The two wheeler had no insurance at the time accident. The 1st respondent is the owner cum driver of the said car bearing Regn.No. TN 02 AE 5445 drove his car on the left hand side of the road slowly and cautiously observing the traffic rules. The petitioner drove the vehicle in a rash and negligent manner, without blowing horn or indicator, without knowing to drove the vehicle suddenly attempted to cross the road to reach her grandmother's house. The respondent immediate apply sudden brake to stop the vehicle. The petitioner lost her control and hit her two wheeler against the 1st respondent's car and then only the petitioner and her grandmother sustained injuries. The petitioner had driven her two wheeler without wearing helmet, which is the reason for sustaining the head injury. The petitioner alone was the reason for sustaining the head injury and was the reason for the accident. The insurer of the car the 2nd respondent is not liable to pay any compensation to the petitioner. And the amounts claimed under various heads in the petition had been grossly exaggerated and without basis.

4. Points for consideration:-

1) Whether the accident occurred due to the rash and negligence of the driver of the car bearing Regn. No. TN 02 AE 5445 belonged to the 1st respondent ?

2) Whether the 1st Petitioner is entitled to get the compensation from the respondent? If so what is the quantum? from whom?

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

5.POINT NO 1: -

(1) The petitioner's case is that, the accident happened on 17.05.2023 at 09.15 hours, near by Nallagoundanur Koot road, situated in between Uthangarai-Tirupattur road. It is gathered from records, the petitioner was proceeding in his the Honda Activa bearing Regn.No. TN 83 X 5301 along with her grandmother as pillion rider. At that time, the car bearing Regn.No. TN 02 AE 5445 belonging to the 1st respondent and insured with the 2nd respondent came in the back side of the petitioner met with an accident and the second respondent is the insurer of vehicle of the 1st respondent. The factum of the accident is an admitted fact. The 1st respondent remained ex parte. The contesting respondent disputed the manner of accident.

In order to prove the case, the petitioner in MCOP No. 99/2023 filed proof affidavit in consonance with the petition and examined as PW1. She categorically deposed that, the said date, time she drove her friend's HONDA ACTIVA 3G vehicle from Velavalli to Nallakoundanur (leading to Tirupathur) along with her grandmother Valliammal as pillion rider slowly and cautiously,

after blowing horn and signal tried to cross the road, at that time, the car bearing Regn.No. TN 02 AE 5445 came from the back side of the petitioner, in rash and negligent manner and lost his control and dashed against the twowheeler and caused the accident.

The petitioner in MCOP No. 100/2023 who is the pillion rider of the two wheeler examined as Pw2 corroborates their case. The accident register / Wound certificate also supports the case of the petitioner that they sustained injuries due to that accident. There is no in roads elicited regarding manner of accident during cross of PW1 & PW2. The particulars contained in Ex.R1 also strengthen their case. The evidence of Rw1 who is not eye witness to the incident would not affect the case of the petitioner and the documents such as MV report and Investigation Report Ex.R.5 and Ex.R.7 also support the case of the petitioner. Hence the tribunal holds that the accident happened as per the manner stated in the petition.

AS DISCUSSED IN DETAIL, the oral testimony of petitioners clearly shows that the accident caused due to the rash and negligence of the 2nd respondent. The said vehicle stands in the name of 1st respondent. The petitioner proved her case by probable evidence Hence, it is concluded that the accident occurred only due to the negligence of the driver of the car bearing Regn.No. TN 02 AE 5445 belongs top the 1st respondent and termed as offending vehicle . The point No. 1 is answered accordingly.

6. POINT NO.2 :

(A) The 1st petitioner who is examined as Pw2 categorically deposed that, she sustained 1) fracture both bone tibia and fibula in right leg (2) Laceration

injury scalp (3) Multiple injuries all over the body, fracture on his right knee due to that accident. The 2nd petitioner who is examined as Pw2 also deposed that, she sustained injuries in shoulder and right elbow due to that accident. They were taken in to first aid in Uthangarai G.H. and then referred for higher treatment to Krishnagiri Medical College hospital and taken treatment on 17.05.2023 and then considering the report of CT scan and Xray and also due to heavy pain, constrain to admitted Life Care hospital, Krishnagiri and thereby undergone surgery on 20.05.2023 and nails were implanted Vellore. in support to her case, the medical records Ex.P2, P7, P8 – P11, P13, P16 – P22 documents were marked. The accident occurred due to the rash and negligence of the driver of the 1st respondent as decided in point No. 1. The said vehicle stands in the name of 1st respondent and insured with the 2nd respondent revealed from Ex.P.3. Hence the petitioner is entitled compensation from the 1st and 2nd respondents. This point No. 2 is answered accordingly.

(A) The 1st petitioner claimed Rs.25,00,000/- 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:** The petitioner also referred to Medical board and doctors of the medical board had assessed the disability of the petitioner and given Ex.C1, the disability certificate. It shows the percentage of disability is 4%. Though the petitioner sustained injury it is failed to prove that the same affects his day - day activities and routine work. Upon considering the factors that the disability is not functional this tribunal inclined to apply “**Percentage method**”. Being the accident took place in contemporary period, 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 percentage 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, the accident occurred in the year 2022 an enhanced sum of Rs.8,500/- per percentage of disability is herewith applied. **Considering the disability in this case fixed as 4%, it can be calculated at the rate of Rs.8,000/- = Rs.36,000/- is awarded towards Disability**

(ii) MEDICAL EXPENSES:The 1st petitioner claimed Rs.3,00,000/- towards medical expenses and Rs.50,000/- towards future medical expenses. The petitioner categorically deposed that, he sustained injuries. The Accident occurred on 17.05.2023 at 9.15 a.m. The petitioner immediately taken in to Uthangarai G.H. as could seen the entries contained in Accident register (Ex.P11) for the injuries sustained in accident. The injuries contained in accident register are: Laceration in right parietal region, 2) Abaration of 0.5x0.5 c.m. in right elbow 3)swelling and tenderness in right leg. It also reveals that, the petitioner advised to take the opinion of Ortho doctor and also taken Xray in right leg AP and then referred for higher treatment. **The bill for an amount of Rs.500/-, dated.18.05.2023 taken CT MRI scan in Krishnagiri Head quarters hospital marked as Ex.P.7.**

In continuation of the same, the petitioner **admitted in Life Care hospital, Krishnagiri and treated as inpatient from 18.05.2023 – 22.05.2023**

as could be revealed from discharge summary Ex.P.2. It also reveals that she underwent surgery on 19.05.2023 on fracture on both bone tibia and fibula in right leg underwent procedure ORIF IM NAILING RIGHT TIBIA. It is also contained the treatment taken for laceration injury in scalp and advised taken medication. The INPATIENT CASH bill for the period 18.05.2023 -28.05.2023 paid towards dressing charges, ward charges, room rent, nursing charges, DMO charges, maintenance, monitor charge, OT charges, surgery charges, including implant, surgeon, Asst surgeon, Anesthesia, OT charges, OT asst. charges, registration fee for an amount of Rs.42,900/-marked as Ex.P.8. The consolidated pharmacy bills during period of inpatient paid an amount of Rs.7,525/- marked as Ex.P.9. It is apparent that the pharmacy bill is not form part of the inpatient medical bill and hence the petitioner entitled the above said amount of Rs.42,900/- +Rs.7,525/- = RS.50,425/- for the period of taking treatment as inpatient for 1st time in LIFE CARE HOSPITAL, KRISHNAGIRI.

The 1st petitioner also filed separate medical bills 32 Nos. for the period of taken treatment as out patient till 10.06.2025 marked as Ex.P.10.

(a) The bill No.1, 2 dated. 19.05.2023, 11.12.2024 an amount of Rs.400/- paid towards Xray charges and the same not included in inpatient bill. The bill No.9 is nothing but an amount of Rs.850/- paid towards lab charges on 19.05.2023 which is not part of the in patient bill.

(b)The bill No. 3 is an receipt dated. 27.01.2024 towards hospital charges. The Bill No., 4, 5, 6, 7, 8, 10 are also taken Xray, leg AP paid on the following dates. 24.01.2024, 05.03.2025, 18.04.2024, 10.06.2025, 25.08.2023, 22.07.2024 each an amount of Rs. 400/- (totally Rs.2800/-) also produced. The

Bill No. 11, 14 is an amount of Rs.200/- + Rs.200 paid towards consultation charges on 29.05.2023, 06.06.2023. The bill No.12, 13 is a suture removal charges of Rs.300/- + Rs.350/- .

(c) The bill No.15 – 32 are the pharmacy bills towards purchase of medicines, syringes and other medical things on the following dates: 06.06.2023, 11.12.2024, 25.08.2023, 05.07.2023, 19.05.2023, 27.01.2024 (3 Nos.), 24.01.2024, 27.01.2024, 05.03.2025, 06.02.2024, 01.02.2024, 24.01.2024, 18.02.2024, 10.06.2025, 19.05.2023. The bill No.31 is the cash bill of Rs.4000/- and marked as Ex.P.10 and hence the petitioner entitled the above said amount of Rs.20,071/- for the period of taking treatment as out patient for 1st time in the said hospital as per EX.P10 series.

The petitioner also produced bills incurred towards subsequent medical treatment (SECOND TIME) during the period of inpatient from 31.01.2026 – 04.02.2026. The discharge summary (Ex.P.25) reveals that he diagnosed for right leg due to NON UNION OF TIBIA FRACTURE WITH HEALED FIBULA and hence undergone procedure EXCHANGE TIBIA NAILING (RIGHT)/OSTEOTOMY FIBULA/BONE GRAFTING .The cash Bill for the period taken treatment as in patient for 2nd time paid an amount of Rs.49,000/- marked as Ex.P.26. The medical bills 6 Nos. for taken Xray, Lab charges, dressing charges dated.27.01.2026, 30.01.2026, 25.11.2025, 01.02.2026, 09.02.2026 paid an amount of Rs.4650/- marked as Ex.P.27. The pharmacy bills (17 Nos) the period 31.01.2026 – 09.02.2026 paid for an amount of RS.18294/- also produced and found genuine. Hence the petitioner entitled the above said amount contained in three bills Rs71,944/- for the period of taking treatment as out patient for 2nd time in the said hospital.

As discussed in detail, the tribunal inclined to award compensation the expenses incurred as contained in the said bills an amount of = Rs. 1,42,940/- (Rs.500/- + RS.50,425/-+Rs.20,071/-+ Rs71,944/-) towards Medical expenses.

(iii) LOSS OF INCOME: The Petitioner side has stated that he worked as tailor and earned Rs.25,000/- p.m. But there is no document produced in order to prove the income of petitioner. The notional income fixed as Rs.8,000/- The wound certificate reveals that she sustained Grievous injury. Though the disability of the petitioner proved and there is no materials placed that such disablement affected her day to day activities / functional / affected occupation and hence the tribunal holds that there is no permanent loss of income as stated in the petition. At the same time considering the disability and period of treatment as inpatient for 2 times she ought to have absented from regular employment for the period of 2 months.For the said period of absenting from regular work the 1st petitioner entitled a sum of Rs. 16,000/- (8000x2=16000) towards Loss of income during the period of Lay off

(iv).PAIN AND SUFFERINGS: It is apparent from medical records that the petitioner underwent surgery on 19.05.2023 on fracture on both bone tibia and fibula in right leg underwent procedure ORIF IM NAILING RIGHT TIBIA. It is evident from the records that the petitioner admitted in Life care Hospital for 2nd time due to non joiner of tibia portion and undergone further procedure of EXCHANGE TIBIA NAILING (RIGHT)/OSTEOTOMY FIBULA/BONE GRAFTING. The petitioner also treated as out - patient for longer period. It is apparent that the injury Grievous in nature and also

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. 60,000/- as compensation under this head.

(v)TRANSPORTING EXPENSES:The petitioner undergone treatment in Government Hospital in Uthangarai, Krishnagiri medical college Hospital and then 2 times admitted in Life care 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 the following dates: 29.05.2023, 06.06.2023. The residence of the petitioner situated in which is far away from Krishnagiri approximately 84 K.m . Upon Considering the distance between her residence to hospital in Bangalore TO AND FRO (45 x 2 = 90 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 Nine 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.15,000/- towards attender Charges.

(viii)LOSS OF AMENITIES : It is clear from record that the petitioner was 34 years old at the time accident. Considering the nature of injuring and permanent

disability of 4%, which he has to endure through out life, and hence tribunal inclined to **award Rs. 25,000/-** for loss of Amenities and happiness.

Finally, this tribunal award the following amount towards the claim of the 1st petitioner under the given heads.

1	Towards disability	Rs.36,000/-
2	Towards Medical Expenses	Rs.1,42,940/-
3	Towards loss of future expenses	Nil
4	Loss of income during the period of injury	Rs. 16,000/-
5	Towards Pain & Suffering	Rs. 60,000/-
	Towards Loss of Amenities	Rs.25,000/-
6	Extra Nourishment	Rs. 15,000/-
7	Attender Charges	Rs. 15,000/-
8	Transportation expenses	Rs.15,000/-
	Total	Rs.3,24,940/-

(B) The 2nd petitioner claimed Rs.25,00,000/- 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:** The petitioner also referred to Medical board and doctors of the medical board had assessed the disability of the petitioner and given **Ex.C1**,

the disability certificate. It shows the percentage of disability is 8%. Though the petitioner sustained injury it is failed to prove that the same affects his day - day activities and routine work. Upon considering the factors that the disability is not functional this tribunal inclined to apply “**Percentage method**”. Being the accident took place in contemporary period, 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 percentage 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, the accident occurred in the year 2022 an enhanced sum of Rs.8,000/- per percentage of disability is herewith applied. **Considering the disability in this case fixed as 8%, it can be calculated at the rate of Rs.8,500/- = Rs.68,000/- is awarded towards Disability**

(ii) MEDICAL EXPENSES: The 2nd petitioner claimed Rs.3,00,000/- towards medical expenses and Rs.50,000/- towards future medical expenses. The Accident register in Uthangarai G.H. (Ex.P21) reveals that she sustained injuries pain in shoulder 3 cm x2c.m. in her right elbow. The scan report taken in right elbow show that fracture noted distal shaft of fibula, medical malleolus and suspicious fracture in lateral aspect of base of IV metatarsal, OS noted inferior to lateral malleolus which marked as Ex.P.6. There after the petitioner taken admission in Krishnagiri Life Care hospital and taken treatment inpatient from 18.05.2023 – 22.05.2023.

The said discharge summary also reveals that the petitioner undergone surgery due to clavical fracture and bimalleolar fracture undergone procedure ORIF PLATING LEFT CLAVICLE AND CONSERVATIVE TREATMENT FOR ANKLE. The INPATIENT CASH BILL for the period of taking treatment as inpatient for an amount of Rs.31,600/- paid towards dressing charges, ward charges, room rent, nursing charges, DMO charges, maintenance, monitor charge, OT charges, surgery charges, including implant, surgeon, Asst surgeon, Anesthesia, OT charges, OT asst. charges, registration fee for an amount of marked as Ex.P.18. The consolidated medical pharmacy bills during period of inpatient paid an amount of Rs.6,304/- marked as Ex.P.9. The separate pharmacy bills 7 nos. for taking treatment as outpatient paid towards purchase of medicine lab, Xray for an amount of Rs.270/-, Rs.737/-, Rs.327/-, Rs.540/-, Rs.495/-, Rs.850/-, Rs.400/- = Rs.3619/- on the following dates. 19.05.2023 05.07.2023 06.06.2023 It is apparent that the pharmacy bill is not form part of the inpatient medical bill and hence the petitioner entitled the above said amount of Rs.31,600/- +Rs.6,304/- + Rs.3619/- = RS.41,523/- for the period of taking treatment as inpatient as well as outpatient towards medical expenses.

(iii) LOSS OF INCOME: The Petitioner side has stated that he worked as tailor and earned Rs.25,000/- p.m. But there is no document produced in order to prove the income of petitioner. The notional income fixed as Rs.8,000/- The wound certificate reveals that she sustained Grievous injury. Though the disability of the petitioner proved and there is no materials placed that such disablement affected her day to day activities / functional / affected occupation and hence the tribunal holds that there is no permanent loss of income as stated in the petition. At the same time considering the disability and period of

treatment as inpatient for 2 times she ought to have absented from regular employment for the period of 2 months. For the said period of absenting from regular work the 1st petitioner entitled a sum of Rs. 16,000/- (8000x2=16000) towards Loss of income during the period of Lay off

(iv) .PAIN AND SUFFERINGS: It is apparent from medical records that the petitioner underwent surgery on 19.05.2023 clavical fracture and bimalleolar fracture undergone procedure ORIF PLATING LEFT CLAVICLE In KNEE and she also advised to take conservative treatment after discharge . It is apparent that the injury Grievous in nature and also 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. 65,000/- as compensation under this head.

(v)TRANSPORTING EXPENSES: The petitioner undergone treatment in Government Hospital in Uthangarai, and then admitted in Life care hospital Krishnagiri. Though the Trip Sheet not produced it is apparent that incurred some expenses towards Transportation expenses. The residence of the petitioner situated in which is far away from Krishnagiri approximately 84 K.m . Upon Considering the distance between her residence to hospital in Bangalore TO AND FRO (45 x 2 = 90 Km) and hence the tribunal inclined to award Rs. 10,000/- 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 Nine 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.15,000/- towards attender Charges.

(e)LOSS OF AMENITIES : It is clear from record that the petitioner was 34 years old at the time accident. Considering the nature of injuring and permanent disability of 8%, which he has to endure through out life, and hence tribunal inclined to **award Rs. 20,000/-** for loss of Amenities and happiness.

Finally, this tribunal award the following amount towards the claim of the 2nd petitioner under the given heads.

1	Towards disability	Rs.68,000/-
2	Towards Medical Expenses	RS.41,523/-
3	Towards loss of future expenses	Nil
4	Loss of income during the period of injury	Rs. 16,000/-
5	Towards Pain & Suffering	Rs. 65,000/-
6	Towards Loss Amenities	Rs.20,000/-
7	Extra Nourishment	Rs. 15,000/-
8	Attender Charges	Rs. 15,000/-
9	Transportation expenses	Rs.10,000/-
	Total	Rs.2,50,523/-

The 1st respondent is the owner of the offending vehicle bearing Regn. No. TN 02 AE 5445 as could be seen from a copy of Registration Certificate (Ex.P4). Being the owner of the said vehicle, the 1st respondent is liable to pay the compensation for the negligence on his part of his driver as decided in Point No. 1. The copy of insurance policy (Ex.P3) reveals that the policy was valid from 12.01.2023 to the midnight of 11.01.2024. The accident occurred on 17.05.2023. The Insurance was in force at the time of accident. The copy of driving license of the driver of offending vehicle namely Srinivasan marked as Ex.P5. Hence it is appropriate to discuss the defense put forth regarding violation of policy stated on the side of 2nd respondent.

The official of the 2nd respondent company namely Srinivasan, (Manager) examined as Rw1. He deposed that the car bearing Reg. No. TN 02 AE 5445 had no valid fitness at the time of accident and it is nothing but violation of insurance of policy. For strengthen the said defense he registration certificate and insurance policy of the car marked as Ex.R1, R2 respectively. It is apparent on face of the record that the said registration valid till 11.05.2023 i.e. expired before 5 days from the date of accident. There is a difference between “ Nil fitness “ and the “fitness already issued expired before accident” and the present case is concerned comes under the 2nd category .

The 2nd respondent insurance company duty bound to check the particulars before issuance of insurance policy.. But the insurance policy Ex.P3 provided beyond the period of its validity mentioned in registration certificate (i.e.) up to 11.01.2024. The petitioners are being third parties not expected to

know the particulars of insurance of offending vehicle. Hence, The tribunal finds that the 2nd respondent is liable to pay compensation to the injured/petitioner as per the Insurance Policy marked as Ex.P3/Ex.R2. At the same time the violation made by the 1st respondent cannot be overlooked.

At this juncture, it is pertinent to rely upon a judgment of Hon'ble Supreme Court in *(2004) 3 SCC 297 National Insurance Company Ltd., - Vs- Swaran Singh*. As per the dictum laid down in the said Judgment, the 2nd respondent insurance company cannot disown its liability. Based on the above said judgment, this tribunal direct the 2nd respondent insurance company to pay the award amount to the petitioner and thereafter they are entitled to recover the same from the 1st respondent by taking recourse as per section 174 of MV Act. Hence, it is concluded that the 2nd respondent shall pay the compensation to the petitioner. The point No.2 is answered accordingly.

In the result, the petition's in M.C.O.P No. 99/2023, 100/2023, are partially allowed as follows:-

(a) The 1st Petitioner is awarded Rs.3,24,940/- (**Rupees Three Lakh Twenty Four Thousand Nine Hundred and Forty Only**) and the 2nd Petitioner is awarded Rs.2,50,523/- (**Rupees Two lakh Fifty Thousand Five Hundred and Twenty Three 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 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), 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 and thereafter taken recourse against the 1st respondent as Per PAY and RECOVERY METHOD.

(c) The 1st petitioner is permitted to withdraw the deposit amount on condition that to pay the remaining Court Fee of Rs.2,250/- 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 2nd petitioner is permitted to withdraw the deposit amount on condition that to pay the remaining Court Fee of Rs.1,506/- 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.

(e) Advocate fee fixed for MCOP No. 93/2023 as Rs.9,499/- shall be paid by NEFT/RTGS mode.

(f) Advocate fee fixed for MCOP No. 100/2023 as Rs.8,011/- shall be paid by NEFT/RTGS mode.

(g) The 2nd respondent is directed to pay a sum of **Rs. 12,331/-** being the cost of 1st petitioner tabulated there in.

(h) The 2nd respondent is directed to pay a sum of **Rs.10,079/-** being the cost of 2nd petitioner tabulated there in.

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

MCOP No. 93/2023

Date of petition	:	Respondent's side
Date of Award	:	13.03.2026
Amount of compensation claimed is	:	Rs.25,00,000/
Amount of compensation awarded by this tribunal is	:	Rs.3,24,940/-
Court fee payable for the said amount is	:	Rs.2,623/-
Court fee already paid is	:	Rs.373/-
Balance court fee to be paid is	:	Rs.2,250/-

Cost List for the 1st Petitioner

Particulars	Petitioner side	Respondent's side
Court fees	Rs.2,623.00	
Vakalath Nama Stamp	Rs. 50.00	
Process fee	Rs. 14.00	
Advocate fee	Rs.9,499.00	----
Stamp of documents	Rs. 45.00	
Typing charges	Rs. 100.00	
Total	Rs. 12,331.00	

Other necessary Particulars**MCOP No. 100/2023**

Date of petition	:	Respondent's side
Date of Award	:	13.03.2026
Amount of compensation claimed is	:	Rs.25,00,000/-
Amount of compensation awarded by this tribunal is	:	Rs.2,50,523/-
Court fee payable for the said amount is	:	Rs.1879/-
Court fee already paid is	:	Rs.373/-
Balance court fee to be paid is	:	Rs.1506/-

Cost List for the 2nd Petitioner

Particulars	Petitioner side	Respondent's side
Court fees	Rs.1879.00	
Vakalath Nama Stamp	Rs. 50.00	
Process fee	Rs. 14.00	
Advocate fee	Rs.8011.00	----
Stamp of documents	Rs. 25.00	
Typing charges	Rs. 100.00	
Total	Rs.10079.00	

Dictated to Typist and directly typed by him in my laptop, corrected, pronounced by me in the open Tribunal on 13th day of March 2026.

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

Petitioner Side Witness:-

PW1 Thenmozhi

PW2 Valliyammal

Respondent side witness:-

RW1 Seenivasan

RW2 Ranjith Kumar

Petitioner side Exhibits:

Ex.P1 - Copy of FIR

Ex.P2 - Copy of Discharge Summary of the 1st petitioner

Ex.P 3- Copy of Insurance Policy of the car

Ex.P 4- Copy of RC Book of the car

Ex.P 5 Copy of DL of the car

Ex.P 6 Copy of MVI Report of the car involved in accident

Ex.P 7 Copy of CT Scan of Rs. 500/- of Krishnagiri Govt. Hospital of the 1st petitioner

Ex.P 8 Copy of Medical bills of Rs. 42,900/- of the petitioner treated as inpatient in Krishnagiri Govt. Hospital of the 1st petitioner

Ex.P 9 Copy of Medical bills of Rs. 7,525/- of the petitioner treated as inpatient in Life Care Private Hospital of the 1st petitioner

Ex.P 10 Copy of Medical bills of Rs. 20,071/- of the petitioner treated as inpatient in Life Care Private Hospital of the 1st petitioner

Ex.P 11 Copy of Accident Register of the 1st petitioner

Ex.P 12 Copy of Final Report of the car involved in accident

Ex.P 13 Copy of Wound Certificate of the 1st petitioner

Ex.P 14 Copy of Aadhaar card of the 1st petitioner

Ex.P 15 Copy of Bank Passbook of the 1st petitioner

- Ex.P 16 Copy CT Scan Report taken in Krishnagiri GH of the 2nd petitioner
- Ex.P 17 Original Discharge Summary in Life Care Private Hospital, Krishnagiri of the 2nd petitioner
- Ex.P 18 Original Medical Bills of Rs. 31,600/- of Krishnagiri Life care Private Hospital treated as inpatient of the 2nd petitioner
- Ex.P 19 Original Medical Bills of Rs.6,304/- of Krishnagiri Life care Private Hospital treated as inpatient of the 2nd petitioner
- Ex.P 20 Original Medical Bills of Rs. 3,619/- of Krishnagiri Life care Private Hospital treated as inpatient of the 2nd petitioner
- Ex.P 21 Copy of Accident Register of Uthangari GH of the 2nd petitioner
- Ex.P 22 Copy of Wound Certificate of Uthangarai GH of the 2nd petitioner
- Ex.P 23 Copy of Aadhaar card of the 2nd petitioner
- Ex.P 24 Copy of Bank Pass book of the 2nd petitioner
- Ex.P 25 Original Discharge Summary of Krishnagiri Life care Private Hospital treated as inpatient of the 1st petitioner
- Ex.P 26 Original Medical Bills of Rs.49,000/- of Krishnagiri Life care Private Hospital treated as inpatient of the 1st petitioner
- Ex.P 27 Original Medical Bills for X-Ray,ECG and Blood test of Rs.4,650/- of Krishnagiri Life care Private Hospital treated as inpatient of the 1st petitioner
- Ex.P 28 Original Medical Bills of Rs. 18,924/- of Krishnagiri Life care Private Hospital treated as inpatient of the 1st petitioner

Court side Exhibits :

- Ex.C1 Medical Board report of the 1st petitioner regarding disability.
- Ex.C2 Medical Board report of the 2nd petitioner regarding disability.

Respondent side Exhibits:

- Ex.R 1 Copy of RC of 1st Respondent's car bearing Regn.No.TN 02 AE 5445

- Ex.R 2 Copy of Insurance Policy of the 1st Respondent car bearing Regn.No.TN 02 AE 5445
- Ex.R 3 Copy of DL of the car Regn.No.TN 02 AE 5445
- Ex.R 4 Copy of Rough Sketch
- Ex.R 5 Copy of MVI Report of the 1st Respondent Vehicle bearing Regn.No.TN 02 AE 5445
- Ex.R 6 Copy of MVI Report of the Two Wheeler bearing Regn.No. 83 X 5301
- Ex.R 7 Copy of Investigation Report
- Ex.R 8 Original Letter of the Transport officer, Krishnagiri dated 04.02.2026
- Ex.R 9 Copy of Investigation Report of the Vehicle bearing Regn.No. TN83 X 5301
- Ex.R 10 Copy of Investigation Report of the Vehicle bearing Regn.No. TN02 AE 5445
- Ex.R 11 Original Extract of Driving License
- Ex.R 12 Copy of Driving License search details

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