

**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 27th day of March 2026

M.C.O.P. No.180/2019,

CNR.NO.TNTU04-000508-2019

1. Vijayarangan,(40 years)
S/o. Venkatesan,
No.1/11, Jammana Pudur Village and Post,
A.K.Mottur,
Tirupathur Taluk,
Tirupathur District.

..... Petitioner

/vs/

1. The State, Represented by the District Collector,
District Collector Office,
Tirupathur District.

2. The General Manager,
ICICI Lombard General Insurance Co. Ltd.,
Arihant Plaza No.84 and 85.
1st Floor, Wall Tax Road, Parrys Corner,
Chennai.

..... Respondents

The petition filed on 30.04.2019 and originally came up for final hearing in the presence of **Thiru.K.Udhayakumar,B.Sc.,B.L.**, learned counsel for the petitioner. The 1st respondent sets exparte and **Tmt.K.Nirupama,B.A.,M.L.**, learned counsel for 2nd 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 natural guardian/mother of the minor injured against the respondent's under section 166 of the Motor Vehicles Act claiming compensation of Rs.50,00,000/- as compensation against the respondent together with interest and cost from the date of accident.

2. The averments of the petition in brief :-

On 29.11.2014 at about 04.45 P.M. while the petitioner was riding in his Motor Cycle bearing Reg.No. TN 23 BL 0920 proceeding from Jammunapuddur to A.K.Mottur at that time a another Motor Cycle bearing Reg.No.TN 30 B 6679 (Fake Reg.No.) came from opposite direction in a rash and negligent manner and dashed against the petitioner. Due to the accident the petitioner got grievous injuries. Immediately the petitioner has been taken first aid treatment at Tirupathur Government Hospital and admitted in MIOT Hospital, Chennai and taking treatment as inpatient and outpatient till date. The petitioner is leading to permanent disability and undergone pain and suffering, mental agony and loss of earning capacity. Now he is unable to do his day to day activities and depending upon others to lead his daily livelihood. Still he is taking treatment and medical care. The petitioner was very hale and healthy and he has been doing Agriculturist Coolie and earned more than Rs.25,000/- per month and supporting his family. He is the only breadwinner of his family. The Giramiya Police has registered the Criminal case in Cr.No.518/20104 U/s.279 and 337 of IPC against the driver of the Motor Cycle bearing Reg.No.TN 30 B 6679 (Fake Reg.No.). Since the accident took place due to

the negligent act of the rider of the above said Motor Cycle. The 1st respondent is the State, Represented by District Collector and the 2nd respondent is the insurer of the petitioner's Motor Cycle bearing Reg.No.TN 23 BL 0920. Amended as per order IA 1/2023 dated 20.03.2023. are liable to pay compensation. [After investigation by the Police Authority, it was found that the Reg.No .TN 30 B 6679 does not belong to the Motor Cycle and further the said Motor Cycle is a stolen vehicle. Section 130 of MV Act, 1998 rule 139 of Central Motor Vehicles Rules, 1989 empowers any police officer in uniform to demand the driver of Motor Vehicle to produce the DL, RC, Fitness Certificate in the case of transport vehicle. Thus the Police Officer, in the case in hand, if properly exercised his duty, then he might have found out the details of the concerned stolen vehicle, and would not have allowed such stolen motor vehicles with a fake reg. number to run in the road. Hence the mal exercise of power and failure of statutory duty by the police authorities in allowing the stolen motor cycle to ply on the road and causing the accident, has made the state vicariously liable. Now it is clear that the accident was caused only by a motor vehicle, however the reg.no. is fake. Thus it is now the incumbent duty of the state through its investigation machinery to trace out the offending vehicle. On the failure of the State to do so, it should be made responsible and as such the State has to be made as a party in this proceeding. Hence the District Collector, representing the State has to be necessarily impleaded as a 1st Respondent. Further the 2nd Respondent Insurance company also liable to pay compensation under section 163 A and 166 of MV Act as a joint tort feisor, hence Insurance Company is arrayed as 2nd Respondent.]

3. The Counter of the 2nd respondent has follows:

The allegations made in the petition are hereby denied except those that are admitted hereunder and the petitioners are put to strict proof thereof. The respondent denied the age, income and occupation of the Petitioner. The allegations in Para -23 are denied. The Respondent denies the allegations, that on 29-11-2014, at about 04.45 P.M., while the Petitioner was riding his motor cycle bearing Regn.No. TN 23 BL 0920, proceeding from Jammunapuddur to A.K.Mottur, at that time an another motor cycle bearing Reg.No. TN 30 B 6679 which was the fake Registration number, came from opposite direction in rash and negligent manner and dashed against the Petitioner and due to the said impact the Petitioner sustained grievous injuries. The Petitioner is put to strict proof of the same. The respondent submitted that the accident had occurred due to the sole negligence of the motor cycle bearing fake Reg. No. TN 30 B 6679. This Respondent further submits that since there is no negligence on the Petitioner this Petition as against this Respondent is liable to be dismissed. This Respondent submits that the Motor cycle bearing Regn.No. TN 23 BL 0920, belongs to the Petitioner. And the Contract of Insurance, with regard to the said Vehicle also between the Petitioner and the Respondent. and this Petition is not maintainable and liable to be dismissed.

This Respondent submitted that the date of accident is 29-11-2014 and this Petition is filed 29.04.2019, i.e. after 5 years from the date of accident. This Respondent submits that it is the mandatory duty of the Petitioner Insured to furnish the Particulars of Policy, date, time and place of accident, Particulars of injuries, particulars of driver and DL. Since the Petitioner had not complied

with this Statutory demand, this respondent need not Pay any Compensation to the Petitioner and this Petition is liable to be dismissed as against this Respondent.

It is mandatory that the duty of the Concerned Police Station to forward all the relevant documents to the concerned Insurer within 30 days from the date of accident. Since the Tirupathur Taluk Police had not forwarded the documents and violated the statutory demand, this Petition is liable to be dismissed. And this Respondent further submits that this Respondent could not get any records, with regard to accident since the Petition is filed with long delay. Hence this Petition is liable to be dismissed.

The alleged nature of Injuries to the Petitioner are denied. It is denied that the Petitioner sustained grievous injuries and immediately the Petitioner was taken to Tirupathur G.H., and after first aid the Petitioner was admitted at MIOT Hospital and taken treatment as inpatient and the Petitioner became permanently disabled and the Petitioner is put to strict proof of the same.

This Respondent submits that if there is any disability to this Petitioner, with regard to his occupation, the Petitioner may be directed to approach the Medical Board to get the disability certificate and the disability certificate from the other Doctors can not be relied upon as per new amendment. And otherwise it will be treated as there is no disability to the Petitioner and the Petitioner sustained only simple injuries. That the amount of compensation claimed by claimant is highly exorbitant and without any basis.

4. The petitioner side the petitioner Vijayaragavan filed proof affidavit in consonance with the claim petition and examined as Pw1, Ex.P.1 to P9. The report of Medical Board marked as Ex.C1. The 1st respondent remained exparte. The 2nd respondent side, the official of the insurance company is examined as Rw1 and Ex.R1 to R2 were marked through him.

5. Points for consideration:-

1. Whether the accident occurred on 29.11.2014 at about 4.45P.M. and whether the petitioner sustained injuries in the said accident?
 2. Whether the accident occurred due to the rash and negligent riding of the alleged offending vehicle bearing Registration No. TN-30-B-6679?
 3. Whether the respondents are liable to pay compensation, and if so, to what extent?
 4. To what other relief, if any, is the petitioner entitled?
6. Heard the arguments advanced on both sides. This Tribunal has carefully evaluated the oral and documentary evidence placed on record in order to determine the occurrence of the accident and the nature of injuries sustained by the petitioner and the connected material such as insurance policy taken in to due consideration .

7. POINT NO 1

(1) The petitioner's case is that, the accident happened On 29.11.2014 at about 04.45 P.M. near by Vodafone Tower, situated in between Jammunapuddur to

A.K.Mottur Main Road. It is gathered from records, the petitioner drove Hero honda vehicle bearing TN-23-BL-0920 belonged to the petitioner who is the owner cum driver of the vehicle at the time of accident. Admittedly the petitioners vehicle insured with the 2nd respondent.. The another vehicle White colour YAMAHA CRUX bearing registration No. TN 30 B 6679 (the number board contained fake registration number involved and caused the accident.

In order to prove the case, the petitioner filed proof affidavit consonance with the claim petition and examined as PW1. He categorically deposed that on the said date, time & place, while he was riding his motorcycle bearing Reg.No. TN-23-BL-0920 near A.K. Mottur, he met with an accident, when another motorcycle (fake Regn. No. TN 30 B 6679) came in a rash and negligent manner and dashed against his vehicle. The said version finds immediate corroboration with the FIR & complaint statement marked as Ex.P1 & P13 . On perusal of Ex.P1 discloses that the complaint was registered without undue delay, and the time, date, and place of occurrence mentioned therein are consistent with the version of the petitioner at the time of taken treatment . There is nothing on record to suggest that the FIR is fabricated or that it has been lodged after deliberation. The prompt registration of the FIR lends credibility to the occurrence of the accident.

Further, the petitioner has produced the Accident Register (Ex.P2) and medical records, including the discharge summary issued by MIOT Hospital, Chennai (Ex.P3). The said document clearly indicates that the petitioner was admitted with a history of road traffic accident on 29.11.2014 at about 4.45 P.M. The nature of injuries noted therein is a ***Grade II compound fracture of the***

shaft of tibia (right leg), which is undoubtedly a grievous injury. The discharge summary further indicates that the petitioner underwent treatment as inpatient during the period 29.11.2014 – 06.12.2014. The medical records are contemporaneous in nature and there is no reason to disbelieve their authenticity.

It is also pertinent to note that the respondents have not placed any material to discredit the occurrence of the accident or to suggest that the injuries were sustained in any manner other than the alleged accident. There is no contra evidence to show that the petitioner suffered the injuries due to self-fall or any other intervening cause. In the absence of any such rebuttal evidence the evidence of PW1 remained unshattered. It is settled law that the standard of proof required in motor accident claims is that of preponderance of probabilities and not proof beyond reasonable doubt. When the oral testimony of the petitioner is supported by contemporaneous documentary evidence such as the FIR and medical records and hence the tribunal is inclined to accept the case of the petitioner regarding the occurrence of the accident.

Therefore, on a cumulative consideration of the oral evidence of the petitioner as well as the documentary evidence, particularly Ex.P1 (FIR) and Ex.P3 (discharge summary), this Tribunal is satisfied that the accident did occur on 29.11.2014 at about 4.45 p.m., and that the petitioner sustained grievous injuries in the said accident. Hence the point No.1 is answered in favour of the petitioner.

8. POINT NO 2

The specific case of the petitioner is that while he was riding his
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motorcycle, another motorcycle bearing Registration No. TN-30-B-6679 came in a rash and negligent manner and dashed against his vehicle. The said allegation finds mention in the First Information Report. However, the mere registration of an FIR, though relevant, is not conclusive proof of negligence. It is only a piece of corroborative evidence and must be weighed along with other materials available on record. It is clear from the evidence of PW1 that the accident occurred due to the negligence of the White colour Yamaha vehicle containing fake registration number (TN 30 B 6679)

The important crucial evidence in this regard is that evidence of PW2 (SI of Police Tirupathur Taluk P.S) who appeared on summon and deposed in this tribunal based on documents. It is clear from the evidence of PW2 that the criminal case registered as per Ex.P1/ Ex.P11 subsequently closed u/sec 468 of Cr.P.C as per the order in C.M.P No. 1942/2018 dated 25.07.2018 on the file of Judicial magistrate No.2, Tirupathur. It is apparent that no final report filed with regard to the accident. It is also extracted that despite efforts taken by the police, the actual vehicle involved in the accident could not be traced, nor could the identity of its rider or owner be ascertained and the registration number of the offending vehicle was found to be fake and hence the necessary formalities to send the vehicle for the motor vehicle inspection not complied so far.

In a claim under Section 166 of the Motor Vehicles Act, the burden lies upon the claimant to establish, on the touchstone of preponderance of probabilities, that the accident occurred due to the rash and negligent act of a particular identifiable vehicle and its driver. In the present case, while the occurrence of the accident is proved, the identity of the offending vehicle itself

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is shrouded in uncertainty. The registration number relied upon by the petitioner has been found to be false, and no alternative material has been placed before this Tribunal to identify the actual vehicle.

It is to be noted that negligence is a sine qua non for fastening liability in a fault-based claim. Such negligence must be attributable to a person or vehicle that is legally identifiable. When the offending vehicle remains untraced and its registration number is proved to be fictitious, the Tribunal is left without any concrete basis to fix responsibility on any specific individual or entity. In the petition the owner or insurer of the offending Vehicle not added as party due to the fact that the vehicle contained fake registration number and hence undetected.

The petitioner has not produced any independent eyewitness to substantiate the manner of accident or to identify the offending vehicle. There is also no material such as CCTV footage, mechanical inspection report of the alleged offending vehicle, or any other corroborative evidence linking a particular vehicle to the accident. In such circumstances, the version of the petitioner, though plausible, remains uncorroborated in material particulars relating to the identity of the offending vehicle.

While this Tribunal is conscious that strict rules of evidence are not to be applied in a hyper-technical manner in motor accident claims, it is equally settled that some reliable material must exist to fix negligence on a definite tortfeasor. In the absence of such material, fastening liability would amount to conjecture rather than adjudication.

As discussed in detail, the tribunal holds that though the accident is

established, the petitioner has failed to prove that the accident occurred due to the rash and negligent riding of any legally identifiable offending vehicle. The registration number furnished by the petitioner having been found to be fake, the alleged offending vehicle remains unproved. The Point No.2 is answered accordingly.

9. POINT NO 3

This Tribunal has given its careful consideration to the question of liability in the light of the findings rendered under Point No.2, wherein it has been held that the identity of the offending vehicle has not been established and that the registration number (TN 30 B 6679) relied upon by the petitioner has been found to be fake.

(a) At the outset, it is to be noted that a claim under Section 166 of the Motor Vehicles Act is founded on the principle of fault liability, and the claimant is required to establish negligence attributable to a specific tortfeasor. In the present case, as already discussed, the alleged offending vehicle remains unidentified, its owner and rider are unknown, and no insurer of such vehicle has been brought before this Tribunal. In the absence of an identifiable tortfeasor, the very foundation for fastening liability under Section 166 is absent. Therefore, no liability can be imposed on any unknown or untraced vehicle.

(b) Insofar as the 1st respondent, namely the District Collector/State, is concerned, the petitioner has sought to attribute liability on the ground that the authorities failed to prevent a vehicle with a fake registration number from

being used on a public road. This Tribunal finds no merit in the said contention. There is no evidence on record to show that the State authorities had prior knowledge of the alleged vehicle or that there was any specific act of omission or commission amounting to negligence on their part. No statutory duty has been shown to have been breached in a manner directly leading to the accident. The allegation is general and lacks the essential element of proximate cause.

(c) It is well settled that the State cannot be held vicariously liable for every act occurring within its territorial jurisdiction unless there is clear proof of negligence attributable to its officials. In the absence of any such material, fastening liability on the State would be legally unsustainable. Accordingly, this Tribunal holds that the 1st respondent cannot be made liable for the accident or the compensation claimed.

(d) At the same time the legal manager of the 2nd respondent company examined as RW1. With regard to the 2nd respondent is concern, namely the insurer of the petitioner's own vehicle, it is an admitted position that the petitioner himself was the owner-cum-driver of the motorcycle bearing Registration No. TN-23-BL-0920. In a claim under Section 166, the insurer of the claimant's own vehicle cannot be treated as a third-party insurer for the purpose of compensating injuries sustained by the insured himself. The relationship between the petitioner and the 2nd respondent is purely contractual, governed by the terms and conditions of the insurance policy (Ex.P5/ Ex.R1).

(e) A perusal of the policy produced on record reveals that the coverage includes only a Personal Accident (Owner-Driver) cover, for which a nominal premium has been paid. No additional coverage such as medical expenses,

unnamed passenger coverage, or comprehensive personal injury benefits has been shown to exist. Therefore, the liability of the 2nd respondent, if any, is strictly limited to the extent of the Personal Accident cover provided under the policy, subject to proof of eligibility, such as the nature and extent of disability.

(f) The petitioner has claimed medical expenses to the tune of ₹1,44,543/-. While this Tribunal has no reason to doubt that such expenses were incurred for treatment of the injuries sustained, the same cannot be directed to be reimbursed by the 2nd respondent in the absence of a policy provision covering such expenditure. In a fault-based claim under Section 166, such compensation could have been awarded against the tortfeasor or his insurer; however, in the present case, no such party is identified. Hence, the Tribunal is constrained to hold that the respondents are not liable to pay compensation under Section 166 of MV Act. The petitioner's entitlement, if any, is confined only to the contractual benefits available under the Personal Accident (Owner-Driver) cover, subject to the terms and conditions of the policy.

As discussed in detail, the Point No.3 is answered against the petitioner, holding that no liability can be fastened on the respondents under the present claim, except to the limited extent of policy coverage, if applicable.

10. POINT NO 4

Having regard to the findings rendered on Points Nos.1 to 3, this Tribunal now proceeds to consider the nature and extent of relief, if any, that can be granted to the petitioner.

(a) At the outset, this Tribunal reiterates that the petitioner has successfully established that he sustained grievous injuries in a road traffic accident on 29.11.2014. The medical records, including the discharge summary issued by MIOT Hospital, clearly demonstrate that the petitioner suffered a Grade II compound fracture of the shaft of tibia (right leg) and underwent inpatient treatment. The medical bills produced by the petitioner, amounting to ₹1,44,543/-, also substantiate that he incurred considerable expenditure towards treatment. Thus, the injury and consequential hardship suffered by the petitioner are real and duly proved.

(b) However, the grant of compensation under Section 166 of the Motor Vehicles Act is not based merely on the existence of injury, but on the establishment of legal liability against a person or entity. As already held under Point No.2, the offending vehicle has not been identified, and under Point No.3, no liability can be fastened on the respondents. Therefore, this Tribunal is legally precluded from awarding compensation against the respondents under the fault-based jurisdiction of Section 166.

(c) Nevertheless, the matter does not end there. The materials on record disclose that the petitioner is the owner-cum-driver of the insured vehicle and that the insurance policy issued by the 2nd respondent contains a Personal Accident (Owner-Driver) cover. The petitioner has also established that he possessed a valid driving license at the time of the accident, thereby satisfying a fundamental condition for availing such benefit in view of Ex.P 7.

(d) The Personal Accident cover is in the nature of a contractual benefit, distinct from third-party liability. Under this cover, the insurer undertakes to

compensate the insured owner-driver for death or specified bodily injuries, including permanent disability, subject to the terms and conditions of the policy. Therefore, if the petitioner establishes that he has suffered permanent disability as a result of the accident, he would be entitled to claim the amount payable under the said cover, in accordance with the schedule of compensation prescribed in the policy.

(e) However, it is to be noted that such benefit is not automatically quantifiable in the present proceedings unless there is specific evidence regarding the percentage of disability and its correlation to the policy terms. Hence, the petitioner is at liberty to pursue such claim before the appropriate forum or in accordance with the procedure prescribed by the insurer.

(f) Further, considering that the offending vehicle remains untraced and the case has been treated as undetected, the petitioner's case squarely falls within the category of "Hit and Run" accidents, for which a separate statutory mechanism has been provided. The law recognizes the hardship faced by victims in such situations and provides for compensation through the Hit and Run Compensation Scheme. Therefore, the petitioner is entitled to approach the competent authority under the said scheme and seek compensation as per the provisions applicable at the relevant point of time.

(g) Thus, while this Tribunal expresses its sympathy for the petitioner's predicament, it is bound by the legal framework governing motor accident claims and cannot award compensation in the absence of a legally liable respondent. At the same time, the petitioner cannot be left remediless, and appropriate liberty must be granted to enable him to pursue alternative remedies

available under law. In view of the above, this Tribunal holds that:

* The petitioner is not entitled to compensation under Section 166 of the Motor Vehicles Act as against the respondents.

* The petitioner is at liberty to claim benefits under the Personal Accident (Owner-Driver) cover from the 2nd respondent, subject to policy terms and proof of eligibility.

* The petitioner is further at liberty to seek compensation under the Hit and Run Compensation Scheme before the competent authority.

As discussed in detail, the Point No.4 is answered partly in favour of the petitioner, to the limited extent indicated above.

In the result, the petition in M.C.O.P No.180/2019 is disposed of as follows:

1. The claim petition filed under Section 166 of the Motor Vehicles Act is dismissed as against the respondents, as the petitioner has failed to establish the identity of the offending vehicle and consequently no liability can be fastened on any of the respondents.

2. It is declared that the 1st respondent (District Collector/State) is not liable to pay any compensation, in the absence of proof of specific negligence or statutory breach attributable to the State authorities.

3. It is further held that the 2nd respondent (Insurer), being the insurer of the petitioner's own vehicle, cannot be made liable under a fault-based claim under Section 166 of the Motor Vehicles Act. However, the petitioner is entitled to

avail the benefits, if any, under the Personal Accident (Owner-Driver) cover provided under the policy, subject to the terms and conditions thereof.

4. The petitioner is granted liberty to approach the competent authority under the Hit and Run Compensation Scheme, as applicable, and seek appropriate relief in accordance with law.

5. In the facts and circumstances of the case, there shall be no order as to costs.

Dictated to Steno 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(FAC),
Motor Accident Claims Tribunal,
Tirupattur District.

Petitioner Side Witness:-

PW1 Vijarangan

PW2 John Britto

Respondent side witness:-

RW1 Sundaresan

Petitioner side Exhibits:

Ex.P1 Copy of FIR

Ex.P2 Copy of Accident Register

Ex.P 3 Copy of Discharge Summary issued at Chennai MIOT Hospital

Ex.P 4 Copy of RC Book of the Two Wheeler Hero Splendor Pro bearing

Reg.No.TN23 BL 0920

- Ex.P 5 Copy of Insurance Policy of the Two Wheeler Hero Splendor Pro bearing Reg.No.TN23 BL 0920
- Ex.P 6 Original Medical Bills of Rs.1,44,543/-
- Ex.P 7 Copy of DL of the Petitioner
- Ex.P 8 Copy of Aadhaar Card of the Petitioner
- Ex.P 9 Copy of Bank Pass Book of the Petitioner
- Ex.P 10 Copy of FIR
- Ex.P 11 Copy of Observation Magajar
- Ex.P 12 Copy of Rough Sketch
- Ex.P 13 Copy of Complaint Petition

Court side Exhibits :

Ex. C1	Medical Board report of the petitioner regarding disability.
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Respondent side Exhibits:

Ex. R1	Copy of Investigation Report
Ex. R2	Copy of Insurance Contract between the petitioner and the 2 nd respondent

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