

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO. II,
(IN THE COURT OF SPECIAL SUB-COURT NO. II), SALEM.**

Thiru.N.GNANASAMBANDAM, B.A., B.L.,
Special Sub-Judge No.II for MCOP Cases, Salem.

Tuesday, the 7th day of July 2026

M.C.O.P. No. 495 of 2025
(C.N.R.No.TNSAOC-000384-2025)

C.Pravin, aged about 28 years,
S/o. Chithirasenan,
No.386, South Street, Thottapadi,
Chinna Salem,
Kallakurichi, 636 301.
Now at 32, Court main road,
Maravaneri, Salem -7.

... Claimant

/Vs./

1. Manikandan, S/o.Bhuvaneswaran,
No. 51, Perumal Kovil Veethi,
Thookanaickenpalayam, Vaniputhur,
Gobi, Erode District.

2. The New India Assurance Co.Ltd.,
Motor Third party Claims Hub,
No.252/42, First Floor, NM Arcade,
Opp.ARRS Multiplex,
Meyyanur bye pass Road, Salem -4.

... Respondents

This case was taken on file on 07.03.2025 and came for final hearing on 06.07.2026 in the presence of advocate Thiru.V. Madhesh, learned counsel for the Claimant, and in the presence of advocate Thiru.P. Chandran, learned

counsel for the 2nd Respondent and the 1st Respondent having been set exparte and upon hearing on both sides and on perusal of the oral and documentary evidence of both sides, this Court pronounces the following,

ORDER

The petition filed by the petitioner U/s.166 of M.V.Act r/w Rule 3 of TNMACT Rules claiming Rs.30,00,000/- (Thirty Lakh) as compensation against the respondents to-gather with interest and cost from the date of accident.

2. The brief averments of the petition :

That on 06.07.2024 at about 18.50 hrs, the injured petitioner was riding two wheeler bearing reg. No.TN-38-DJ-5241 along with Vijay as a pillion rider and wearing helmet, in the extreme left side of the Sathi to Athani main road i.e., west to east direction following with all traffic rules and regulations in a careful manner and when he was proceeding Near Bungalapudur Annamar Temple at that time a Pulsar motorcycle bearing Reg. No. TN-36-BB-1701 was came from OPPOSITE DIRECTION., i.,e east to west direction, which was riding by its rider in a rash and negligent manner without minding any traffic rules and regulations with high speed, without blowing horn and all of a sudden due to the uncontrollable speed lost his control and hit against the petitioner's two wheeler bearing Reg. No. TN-38-DJ-5241 and caused the accident. The accident was happened only due to the rash and negligent act of the rider of the motorcycle bearing No. TN-36-BB-1701 Bajaj Pulsar Motorcycle, if the rider took little care the accident could be avoided easily. In connection with the

accident the Bangalapudur P.S. Erode District P.S. has registered a case in Crime No. 246/2024 Under Sec. 281 125 (a) of RNS Act 2023. The injured petitioner is aged 28 years at the time of accident and as a Operator in LMW, Coimbatore and earning a sum of Rs.30,000/- per month easily and the entire income was contributed to the family members.

3. The brief averments of counter filed by the 2nd Respondent :

That this respondent denied validity of RC, FC, Insurance coverage and valid and effective driving license of the rider of the 1st respondent motor cycle having Reg No: TN-36-BB-1701 as well as the petitioner ride motorcycle having Reg.No.TN-38-DJ-5241 at the time of alleged accident. The petitioner is put to strict proof of the same. This respondent further denied the alleged injuries sustained by the petitioner, period of treatment under gone and the alleged disability and too the incurred medical expenses. The petitioner was riding the said motor cycle without wearing helmet and follows road rules in rash and negligent manner with uncontrollable high speed as against MV Act and its rules and hit against the 1st Respondent m/c, by his own negligence. But foisted a criminal as against the 1st respondent and filed this case on that strength in order to get unlawfully without added the insured and insurer of his said motor cycle. It is came to light that the petitioner has deliberately violated the law by riding such a motorcycle without wearing helmet at the time of accident. These are all amounts a clear violation of MV Act and it rules. Moreover this 1st respondent have filed a MACT Claim as against this petitioner before the Hon'ble 3rd Additional District Judge, Gobichettipalayam in MCOP 353/2024 and is in pending trial. Under this juncture the petitioner ought to

have prove his case specifically and properly beyond the reasonable doubt strictly.

4. On the side of petitioner, the petitioner himself was examined as P.W.1 and Ex.P1 to Ex.P16 was marked and the permanent disability certificate issued by the Medical Board Omalur was marked as ExC1. On the side of Respondents no oral evidence and no exhibits was marked. The 2nd Respondent Insurance company had filed petition U/s.170 MV Act and the same was allowed and permitted to contest on all grounds available to the 1st Respondent is remaining set exparte.

5. Points for consideration :-

1. Whether the accident took place due to the rash and negligent driving of the driver of the Pulsar motorcycle bearing Regn.No.TN-36-BB-1701?
2. Whether the petitioner is entitled to compensation, if so what is the quantum ?
3. If the petitioner is entitled for compensation, who is responsible to pay the same ?

6. POINT NO.1 :-

(1) The case of the petitioner regarding negligence is that on 06.07.2024 at about 18.50 hrs, the injured petitioner was riding two wheeler bearing reg. No.TN-38-DJ-5241 along with Vijay as a pillion rider and wearing helmet, in the extreme left side of the Sathi to Athani main road i.e., west to east direction following with all traffic rules and regulations in a careful manner and when he

was proceeding Near Bungalapudur Annamar Temple at that time a Pulsar motorcycle bearing Reg.No.TN-36-BB-1701 was came from OPPOSITE DIRECTION., i.,e east to west direction, which was riding by its rider in a rash and negligent manner without minding any traffic rules and regulations with high speed, without blowing horn and all of a sudden due to the uncontrollable speed lost his control and hit against the petitioner's two wheeler bearing Reg. No. TN-38-DJ-5241 and caused the accident. In connection with the accident the Bangalapudur P.S. Erode District P.S. has registered a case in Crime No. 246/2024 Under Sec. 281 125 (a) of BNS Act 2023.

(2) On the side of 2nd respondent denied the manner of the accident. Based on the rival contentions, it could be found that the 2nd respondent has categorically admitted the accident but alleged that it was due to negligence of the petitioner. The tribunal is bound to determine whose negligence is the cause of the accident and the same may be determined on the basis of preponderance of probability. The standard of proof doesn't required proof beyond reasonable doubt. This was held by Hon'ble Supreme Court in **AIR 2019 SC 994 – Sunita -Vs- RSRTC** .

(3) On perusal of the FIR (Ex.P1), it reveals that the same was registered against the rider of Pulsar motorcycle bearing Regn.No.TN-36-BB-1701. The petitioner was examined as PW1. He had deposed that “ கடந்த 06.07.2024ம் தேதி நான் TN-38-DJ-5241 என்ற இருசக்கரவாகனத்தை ஹெல்மெட் அணிந்து கொண்டு பின்னால் விஜய் என்பவரை அமர வைத்து கொண்டு சத்தி - அத்தாணி மெயின் ரோட்டில் சாலை விதிகளை அனுசரித்து இடதுகை ஓரமாக சென்று

கொண்டிருந்தோம். சுமார் 18.50 மணியளவில் நான் பங்களாப்புதுார் அன்னமார் கோவில் அருகே மேற்கிலிருந்து கிழக்கு நோக்கி போய் கொண்டிருந்தபோது எங்களுக்கு எதிரே கிழக்கிலிருந்து மேற்கு நோக்கி வந்த TN-36-BB-1701 என்ற எண் கொண்ட பஜாஜ் மோட்டார்சைக்கிளின் ஓட்டுனர் அதிவேகமாகவும், அஜாக்கிரதையாகவும், சாலை விதிகளை மதிக்காமலும், கவனக்குறைவாகவும், ஹாரன் அடிக்காமலும், ஓட்டி வந்து என் மோட்டார் சைக்கிளின் மீது மோதி விபத்து ஏற்பட்டது." The petitioner's evidence was not tarnished during cross examination.

(4) No witness deposed on the side of 2nd respondent to establish the negligence of the petitioner and the petitioner is the victim and eyewitness of the accident. The contention of the petitioner regarding the negligence of the rider of Pulsar motorcycle bearing Regn.No.TN-36-BB-1701 is established by probable evidence. Therefore, it is concluded that the accident was only due to rash and negligent driving of the rider of Pulsar motorcycle bearing Regn.No.TN-36-BB-1701. This point is answered accordingly.

7. POINT NO.2:

(1) The petitioner has marked Ex.P1 to Ex.P16. The FIR in Crime No.246/2024 is Ex.P1. It reveals that the Pulsar motorcycle bearing Regn.No.TN-36-BB-1701 was involved in the accident. The petitioner had sustained injuries could be found from the Discharge summary (Ex.P2, Ex.P14), Accident register (Ex.P16) and Wound certificate (Ex.P12). It is proved that the petitioner sustained injuries due to the accident. Hence, the petitioner is entitled for compensation.

(2) The petitioner had claimed Rs.30,00,000/- (Thirty Lakh) under various heads as compensation. The petitioner claimed that he was permanently disabled due to the injuries sustained in the accident. To ascertain the quantum of disability, the petitioner was referred to Medical Board. The Medical Board, after examination of the petitioner had sent the Disability Certificate. The disability certificate (Ex.C1) reveals that the percentage of disability is 25%. As per the Discharge Summary (Ex.P2) issued by Ganga Medical Centre Hospital, Coimbatore, the petitioner is diagnosed with 'Crush injury right foot with skin and soft tissue loss post wound debridement + K wire fixation with raw area over dorsum of right foot'. As per the Discharge Summary (Ex.P14) issued by Ganga Medical Centre Hospital, Coimbatore, the petitioner is diagnosed with '7 months followup case of crush injury right foot with chronic osteomyelitis of midfoot – right side'. Based on the entries made in the discharge summaries and the disability certificate, it reveals that the petitioner had sustained a said injuries.

(3) The age of the petitioner is mentioned as 28 years in the petition. In the discharge summary dated 29.07.2024 (Ex.P2), the age of the petitioner is mentioned as 28 years. Further, the date of birth of the petitioner is mentioned as 22.09.1995 in the copy of Aadhar card (Ex.P11). The date of accident was 06.07.2024. As on the date of accident, the petitioner was aged 29 years. The petitioner's age was not denied by the 2nd respondent. Therefore, the age of the petitioner is fixed as 29 years.

(4) The petitioner contended that he was working as operator in LMW, Coimbatore and earned a sum of Rs.30,000/- (Thirty thousand). No documents

filed to prove the income. In this regard this court relied upon the decision of our Hon'ble High Court reported in **2014 (1) TN MAC 4598 (Syed Sadiq Vs. United India Insurance Co.Ltd.,** the Hon'ble Supreme Court had taken consideration of the monthly income of a Vegetable vendor during the year 2008 as Rs.6,500/-. Our Hon'ble High Court of Madras in **2019 (1) TNMAC 54, Andal and others Vs. Avinav Kannan** and another was also relied the above Apex Court judgment. So, notional income of the petitioner for the year of 2024 – 2025 would

Inflation Index

SI.No.	FinancialYear	Cost
1	2022-23	331
2	2023-24	348
3	2024-25	363

Notional Income fixed for the Cost Inflation Index for the year
vegetable vendor i.e Rs.6,500/- during the year 2007-2008 (X)
Cost of Inflation Index for the year

Cost of Inflation Index for the year

$$= 6500 \times 363 / 129 = 18,290/-$$

Considering the age and nature of work, his notional income is fixed as Rs.18,000/-. Due to the injuries, the petitioner was unable to doing his regular work minimum for period of three months. Hence, loss of income is assessed 3 x Rs.18,000/- = Rs.54,000/- (Fifty four thousand). Hence Rs.54,000/- (Fifty four thousand) is awarded towards loss of income during the period of recuperation.

(5) The petitioner had sustained the said injury and it is found that the claimant had undergone treatment for 28 days and undergone two surgeries. The pain and suffering undergone by the petitioner is enormous. Considering the same, a sum of Rs.75,000/- (Seventy five thousand) is awarded towards pain and suffering. Towards extra nourishment, a sum of Rs.35,000/- (Thirty five thousand) is awarded. The petitioner would not have moved without help of another person. Hence, towards attender charges for 28 days, a sum of Rs.28,000/- (Twenty eight thousand) is awarded.

(6) The petitioner has been assessed with 25% disability as per the disability certificate marked as Ex.C1 given by the Medical Board. In this regard this court relied upon the decision of our Hon'ble High Court of Madras held in,

CMA.No.13 of 2025 DATED : 10.01.2025 Revanth Kumar ..Vs.. 1.
M/S. Sun -X-Concrete India Pvt.Ltd, 2. The United India
Insurence Company Ltd.

In this case the accident had taken place in the year 2024. Hence 25xRs.10,000=Rs.2,50,000/- (Two Lakh and fifty thousand) is awarded towards compensation for disability.

(7) Considering the injuries sustained by the petitioner the petitioner will have to forgo certain amenities. Hence a sum of Rs.30,000/- (Thirty thousand) is awarded towards loss of amenities. Petitioner had produced medical bills for a sum of Rs.7,80,108/- (Seven Lakh eighty thousand hundred and eight) and marked as Ex.P10. The 2nd respondent side filed a verification report for medical bills and accepted only for a sum of Rs.3,32,003/- (Three lakh thirty two thousand and three). Hence a sum of Rs.3,32,003/- (Three lakh thirty two

thousand and three) is awarded towards compensation for medical bills. Considering the place of accident, place of hospital and possibility of transportation a sum of Rs.10,000/- (Ten thousand) is awarded towards transportation expenses and towards damages to cloth a sum of Rs.1,000/-(One thousand) is awarded.

(8) In fine, the amount awarded under different heads are totaled below:-

1	25% Permanent disability	Rs.2,50,000/-
2.	Pain and Sufferings	Rs.75,000/-
3.	Loss of Amenities	Rs.30,000/-
4.	Loss of Income	Rs.54,000/-
5.	Medical bills	Rs.3,32,003/-
6.	Extra Nourishment	Rs.35,000/-
7.	Attender charge	Rs.28,000/-
8.	Transportation	Rs.10,000/-
9.	Damages to cloth	Rs.1,000/-
	Total	Rs.8,15,003/-

Hence the award comes to Rs.8,15,003/- (Rupees Eight Lakh fifteen thousand and three). The same is awarded as compensation. This point is answered accordingly.

8. POINT NO.3:-

The 1st respondent is the owner of the Pulsar motorcycle bearing Regn.No.TN-36-BB-1701 as per the Registration certificate (Ex.P3). As the

owner of the offending vehicle, the 1st respondent is vicariously liable to compensate the petitioner. However, the petitioner has produced the Insurance policy (Ex.P4) of the Pulsar motorcycle bearing Regn.No.TN-36-BB-1701 which was insured with the 2nd respondent. The policy was valid for third party liability from 19.01.2024 to 28.03.2025. The accident occurred on 06.07.2024. The accident was covered by insurance policy. The two wheeler driver by name of Manikandan was possessed with valid driving license as could be seen from the Copy of driving license (Ex.P5). There was no violation of policy terms. Hence, the 2nd respondent is liable to indemnify the 1st respondent for the compensation awarded to the petitioner. This point is answered accordingly.

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

- (1) The Petitioner is awarded Rs.8,15,003/- (Rupees Eight Lakh fifteen thousand and three) together with interest at 7.5% per annum from the date of petition till the date of deposit excluding the period of dismissal for default if any, and including cost to be paid by the 2nd Respondent.
- (2) The 2nd respondent shall pay on behalf of the 1st respondent a sum of **Rs.8,15,003/- (Rupees Eight Lakh fifteen thousand and three)** to the petitioner.
- (3) As per the decision of Hon'ble Supreme court held in Civil Appeal No.4299/2025 and the direction issued by the Hon'ble High Court of Madras in R.O.C.No.55584/2025/S.C. the petitioner shall pay the balance court fee of within 15 days from the date of this order, failing which the petitioner is not entitled to the interest for the default period.

(4) After the receipt of payment of balance court fee, with in one month the award amount shall be deposited directly into the account standing in the name of the petitioner through his savings account in **Account No.10245963242, Tamilnadu Grama Bank, Salem branch (IFSC Code : IDIB0PLB001)** and the same has to intimate to this Tribunal by way of sending pay advice slip via e-mail **slm.ascmcop2-tn@indiancourts.nic.in**.

Petitioner name	Account Number	Bank Details
Pravin, S/o.Chithirasenan	10245963242	Tamilnadu Grama Bank, Salem branch (IFSC Code : IDIB0PLB001)

(5) The Advocate fees is fixed as Rs.15,150/-.

(6) The petitioner shall intimate the payment of balance court fee to the 2nd respondent by way of service of the acknowledgment of this court immediately.

Dictated to the Steno-Typist directly and typed by her directly in the chamber system, corrected and pronounced by me in the open court, this the 7th day of July 2026.

Motor Accident Claims Tribunal Judge/
Special Sub-Judge No.II, Salem.

Cost memo – List

List cost memo in petitioner side	Amount Rs.
1. Court fee	7,523 00
2. Stamp amount of Vakalathnama	10 00
3. Court fee affixed on documents	80 00
4. Advocate Fees	15,150 00
5. Notice and batta expenses	60 00
6. Typing charges	100 00
Total	22,923 00

ANNEXURE : I**Claimant's side witnesses :**

S.No.	Witness
P.W.1	Pravin, claimant

Claimant's side Exhibits :

S.No.	Description	Nature
Ex.P1	FIR	Xerox
Ex.P2	Discharge summary	Original
Ex.P3	Registration certificate	Xerox
Ex.P4	Insurance policy	Xerox
Ex.P5	Driving license of 1 st respondent	Xerox
Ex.P6	MVI report	Xerox
Ex.P7	Registration certificate	Xerox
Ex.P8	Insurance policy	Xerox
Ex.P9	Driving license of 1 st respondent	Xerox
Ex.P10	Medical bills	Original
Ex.P11	Aadhar card of claimant	Xerox

Ex.P12	Wound certificate	Xerox
Ex.P13	X-rays	Original
Ex.P14	Discharge summary	Original
Ex.P15	Bank pass book	Xerox
Ex.P16	Accident register	Xerox

Respondents side witnesses: Nil.

Respondents side Exhibits: Nil.

Court's Exhibit :

Ex.C1 - Disability Certificate.

Motor Accident Claims Tribunal Judge/
Special Sub-Judge No.II, Salem.

FAIR / DRAFT ORDER

MCOP No.495/2025

DATE: 07.07.2026

