

THE COURT OF THE SPECIAL DISTRICT JUDGE NO.1
SPECIAL DISTRICT COURT NO.1, TO DEAL WITH MCOP CASES

PRESENT : Thiru.N. RAMANATHAN, B.A., B.L.
Special District Judge No.1,
Special District Court No.1
to deal with MCOP Cases, Cuddalore.

Wednesday, this the 29th Day of July, 2026
(Thiruvalluvar Year 2057, Parabava Year, Aani Month 13th day)

MCOP. No.1187/2023
[CNR.No.TNCD - 01005398-2023]

(a)	Name and address of the claimant / Petitioners	:	R. Dhanikasalam, S/o. Ranganathan, aged about 60 years, residing at No.370, Old Pathirakottai, Pathirakottai and Post, Chinnappanaickanpalayam, Panruti Taluk, Cuddalore District – 607102.
(b)	Name and address of the respondents	:	1. R. Murugan, S/o. Ramalingam, residing at 311/2 Thillai Veethi, Naduveerapattu, Cuddalore – 607102. 2. The Manager, Shriram General Insurance Co. Ltd., Plot No.5, Ramachandran Street, Saravana Nagar, Seevaram, Perungudi, Chennai – 600 096. 3. The Manager, SBI General Insurance Co. Ltd., 3 rd Floor, A Block, Good Shepherd Square, 82, Kodambakkam High Road, Nungambakkam, Chennai – 600 034.

(c)	Date of accident	:	10.03.2023	
(d)	Date of filing of the claim petition	:	01.06.2023	
(e)	Date of award	:	29.07.2026	
(f)	Amount of Award	:	Rs.1,03,000/-	
(g)	Interest rate applicable	:	7.5% Per annum	
(h)	Date (s) from which interest is payable	:	01.06.2023 to till date of deposit	
(i)	Costs, if any	:	Stamp on Petition	Rs.20.00
		:	Stamp on Vakalath	Rs.10.00
		:	Court Fee	Rs.402.50
		:	Advocate fee	Rs. 5060.00
		:	Total	Rs.5492.50
(j)	In cases where the compensation, interests and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	:	The 3 rd Respondent is directed to pay the award amount of Rs.1,03,000/- , together with interest at 7.5% per annum from the date of petition to till the date of deposit excluding the period, if any, during which this petition stood dismissed for default. The 3 rd respondent namely the insurance company shall pay the compensation to the petitioner and then they can recover the same from the 1 st respondent under this order itself.	
(k)	The mode and manner of disbursement	:	The award together with interest and cost as ordered above be deposited by the 3 rd Respondent within 15 days, in the	

		Account of this Tribunal being held at Indian Overseas Bank, Manjakuppam Branch, cuddcmcopcourt1@gmail.com Cuddalore VAN ID: SDJCUD1MCOP11872023, IFSC Code : IOBA0001355 – NEFT/RTGS.
(l)	Period of default to which the petitioners are not entitled for interest, if any.	NIL
(m)	Balance of Court fee	: The petitioner shall pay the balance court fee of Rs.27.50/- within a period of 15 days from the date of this order and shall intimate the fact of such payment forthwith of the 3 rd Respondent.

R. Dhanikasalam (Age 60)

S/o. Ranganathan

... Petitioner

// Versus //

1. R. Murugan

S/o. Ramalingan

2. Manager,

Shriram General Insurance Co. Ltd.,

Chennai.

3. Manager,

SBI General Insurance Co. Ltd.,

Chennai.

... Respondents

Counsel of the Petitioner : Thiru. M. Sivamani

Counsel of the 1st Respondent : Exparte

Counsel of the 2nd Respondent : Thiru. K. Ravikumar

Counsel of the 3rd Respondent : Thiru. V. Vetrivel

This Petition came up for final hearing on 21.07.2026, upon hearing both sides and perusing the materials available on record, this Court delivered the following:-

AWARD

This claim petition has been filed under Section 166 (1) of the Motor Vehicles Act, seeking a compensation of Rs.7,00,000/- by the victim.

02. Gist of the Petition :

On 10.03.2023 at about 16.30 hours, the petitioner was riding TVS 50 bearing Registration No.TN-29-D-2259, from north to south, keeping left on Naduveerapattu to Pathirakottai Road. While so, near Nainarpettai road, the 1st respondent's TVS XL bearing registration No.TN-31-CU-0807 speeded from behind in rash and negligent manner and dashed against the motor cycle which the petitioner was riding. Due to the said accident the petitioner sustained Greivous Injuries. The petitioner immediately was taken to PHC, Naduveerapattu and then to Govt. Hospital Cuddalore for treatment. In this

regard Naduveerapattu PS had registered the case vide Cr.No.65/2023. The petitioner was hale, healthy, aged 60 years and was earning Rs.20,000/- per month as Agriculture Coolie. The petitioner had undergone pain, sufferings, mental agony, lost income, earning power and valuables. The 1st to 3rd respondents are the owner and insurance companies from which the owner had availed own damage and third party policy respectively. Therefore, all the respondents are jointly and severally liable to pay the compensation of Rs.7,00,000/- with interest and cost. Hence, the petition.

03. (a) Gist of the Counter filed by the 2nd Respondent :-

The petition is false, vexatious and not maintainable both on law and on facts. The petitioner is put to strict proof of all the allegations except if any admitted. The manner of the accident as narrated is false. The TVS XL bearing Registration No.TN-31-CU-0807 is insured with this respondent for Standalone Own Damage for the period from 17.11.2022 to 16.11.2023. This two wheeler had availed third party coverage from SBI General Insurance Co., Ltd., on the date of accident. The age, income and occupation of the petitioner has to be proved. The petitioner had no permanent income. The compensation and the interest claimed is excessive. Hence the petition is liable to be dismissed.

03. (a) Gist of the Counter filed by the 3rd Respondent :-

The petition is false, vexatious and not maintainable both on law and on facts. The petitioner is put to strict proof of all the allegations except if any admitted. The manner of the accident as narrated is false. It is for the petitioner to prove that the TVS XL bearing Registration No.TN-31-CU-0807 is insured with this respondent and the rider had valid driving license at the time of accident. The petitioner is reason for the accident. The age, income and occupation of the petitioner has to be proved. The petitioner had no permanent income. The compensation and the interest claimed is excessive. Hence the petition is liable to be dismissed.

04. From rival pleadings the points that arises for consideration are,

1	Whose negligence had led to this Accident ?
2	Whether the petitioners are entitled to claim compensation, if yes, what shall be the quantum and from whom ?

05. On the side of Petitioner PW1 was examined and the Ex.P.1 to Ex.P.6 were marked. On the side of Respondent RW1, RW2 and RW3 were examined and the Ex.R1 and Ex.R2 were marked. Disability Certificate received from Medical Board, Cuddalore is marked as Ex.C1.

The petition filed by the 2nd and 3rd respondents under Section 170 of the Motor Vehicles Act was allowed.

06. Point No.1 :-

(a) According to the petitioner, On 10.03.2023 at about 16.30 hours, the petitioner was riding TVS 50 bearing Registration No.TN-29-D-2259, from north to south, keeping left on Naduveerapattu to Pathirakottai Road. While so, near Nainarpettai road, the 1st respondent's TVS XL bearing registration No.TN-31-CU-0807 speeded from behind in rash and negligent manner and dashed against the motor cycle which the petitioner was riding. Thus as per petitioner the rider of the TVS XL bearing registration No.TN-31-CU-0807 is negligent in causing accident. On the contrary the insurance companies deny it.

b) To prove the manner of accident, the petitioner examined himself as PW1 and advocated his petition. Though he had been cross examined nothing is elicited that could render his claim doubtful. That apart the FIR vide Ex.P1 is also registered against the rider of the TVS XL bearing registration No.TN-31-CU-0807. Thus from the oral evidence of PW1 and Ex.P1, the FIR, this tribunal is able to confirm that the accident was due to

the rash and negligent riding of the two wheeler bearing registration No.TN-31-CU-0807 by its rider. Thus the point is answered.

07. Point No.2

(a) The petitioner is the victim of road accident and had suffered injuries. The petitioner has spent on treatment. The petitioner is not the reason for the accident. Therefore the petitioner is entitled to compensation.

(b) On perusal of medical records such as Ex.P2 and Ex.P3 namely Accident register copy and Discharge summary, we are able to note that the petitioner had sustained injuries. In the Accident Register copy vide Ex.P2 the injury sustained by the petitioner is noted as “Simple” in nature. However the Cuddalore Medical Board had assessed disability of 7% with the petitioner vide Ex.C1. Even though the injuries are simple the petitioner has disability of 7%. Therefore towards compensation for his disability this court deems fit to award Rs.63,000/- ($7\% \times 9,000 = \text{Rs.}63,000/-$) thereby considering the year of the accident. Apart from this, the court is inclined to award Rs.10,000/- towards pain and sufferings, Rs.10,000/- towards loss of amenities Rs.20,000/- in all towards loss of earning, transportation, extra nourishment and damage to cloths & personal belongings. Thus the compensation payable is quantified as below :-

<i>Sl. No.</i>	<i>Head of compensation</i>	<i>Amount Awarded</i>
1.	Towards disability (7% x Rs.9000/-)	Rs.63,000/-
2.	Towards pain and sufferings	Rs.10,000/-
3.	Towards loss of amenities	Rs.10,000/-
4.	Loss of earning, Transportation charges, extra nourishment and Damage to clothes & personal belongings	Rs.20,000/-
	Total	Rs.1,03,000/-

Thus, the petitioner is entitled to a sum of **Rs.1,03,000/-** (Rupees One Lakh and Three Thousand Only) along with interest @ 7.5% per annum from the date of petition to date on when the compensation is deposited into the Court by the concerned.

(c) **Under point No.1** it is held that, the accident was due to the rash and negligent riding of the two wheeler bearing registration No.TN-31-CU-0807. The 1st respondent is the owner of the vehicle. Therefore the 2nd Respondent is the insurance company which had offered insurance for own damages of the above vehicle. The 3rd respondent is the insurance company that had offered third party insurance for the offending vehicle. Therefore the 3rd respondent is the person who is liable to indemnify the 1st respondent against the claim of the petitioner.

From Ex.P5 namely motor vehicle inspection report of the offending vehicle we are able to understand that the driving license of the rider who rode to the two wheeler during accident had not produced his driving license for inspection. If the rider or the owner of the offending vehicle fails of produce the driving license, the inference is that the rider may not have driving license. In the absence of valid driving license being produced, this tribunal is inclined to conclude that the rider had no valid driving license at the time of accident. Therefore this tribunal is inclined to invoke the principle of “Pay and recovery” as ordered by our Hon’ble High Court in

1. Bajaj Alliance General Insurance Company Limited and another – vs- Rajadhanasekar and 2 others in CMA (MD) No.709 of 2025 and CMP (MD) No.11365 of 2025 dated 23.07.2025

and

2. The Branch Manager, M/s SBI General Insurance Company Limited – Vs – Muthulakshmi and others in CMA Nos. 554 of 2025 dated 16.04.2025.

In the above two cases our Hon’ble High Court had reiterated that invoking the principle of pay and recovery is justified. Therefore by relying on the said dictum this tribunal is inclined to order pay and recover. Thus the 3rd respondent namely the insurance company shall pay the compensation to the petitioner and

then they can recover the same from the 1st respondent under this order itself. Thus the point is answered.

8. Owing to the discussion and decision on the points, this tribunal doth orders : -

(i)	The petition is PARTLY ALLOWED with costs.
(ii)	The petitioner is awarded a sum of Rs.1,03,000/- (Rupees One Lakh and Three Thousand Only) together with interest at 7.5% per annum from the date of petition to till the date of deposit, excluding the periods during which the claim petition stood dismissed for default if any.
(iii)	The award together with interest and cost as ordered above be deposited by the 3 rd Respondent within 15 days, in the Account of this Tribunal being held at Indian Overseas Bank, Manjakuppam Branch, <u>cuddcmcopcourt1@gmail.com</u> , Cuddalore VAN ID: SDJCUD1MCOP11872023, IFSC Code : IOBA0001355 – NEFT/RTGS. The 3 rd respondent namely the insurance company shall pay the compensation to the petitioner and then they can recover the same from the 1 st respondent under this order itself.
(iv)	The petitioner is entitled to withdraw the entire award together with Proportionate interest and cost after appeal time by filing necessary application, subject to payment of balance court fee. The compensation

	shall be e-transferred to the petitioner in his Bank Account directly by way of RTGS/NEFT.
(v)	Advocate fee is fixed as Rs.5,060/-
(vi)	The deficit court fee shall be deposited within 15 days from the date of this award. The compensation withdrawal application if any filed by any of the petitioner shall be considered only after payment of balance court fee.
(vii)	Following the judgment of the Hon'ble High Court of Madras in <i>M/s. Cholamandalam MS General Insurance Co. Ltd., - Vs – Ayyanar & Others reported in 2020 (4) CTC 272</i> , no separate decree/final order is prepared/needed.

//This order dictated by me to the Steno-typist, typed directly on computer, and printed by her, corrected and pronounced by me on open Court on this the 29th day of July 2026.//

**Special District Judge No. 1,
Special District Court No.1
to deal with MCOP Cases,
Cuddalore.**

Petitioner side Witness :

No. of Witness	Name of the Witness
PW1	Dhanikasalam

Petitioner side Exhibits :

Ex.No.	Date	Details
Ex.P1	16.02.2026	Xerox copy of the First Information Report
Ex.P2	16.02.2026	Xerox copy of Accident Register in the petitioner
Ex.P3	16.02.2026	Discharge summary in the petitioner (Govt. Head Quarters Hospital, Cuddalore
Ex.P4	16.02.2026	CT Scan Report in the petitioner
Ex.P5	16.02.2026	Xerox copy of MVI Report in the 1 st Respondent vehicle
Ex.P6	16.02.2026	Xerox copy of insurance policy in the 1 st respondent vehicle

Respondent side Witness :

No. of Witness	Name of the Witness
RW1	Seenuvasan
RW2	Pravinkumar
RW3	Abinaya

Respondent side Exhibits :

Ex.No.	Date	Details
Ex.R1	21.04.2026	Insurance provide by the 2 nd respondent on the 1 st Respondent vehicle
Ex.R2	21.07.2026	Xerox copy of Insurance Document

Court Exhibit:

Ex.C1	22.01.2026	Physical disability certificate issued by the Medical Board to the petitioner
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**Special District Judge No. 1,
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**Fair/Draft Judgment in
MCOP. No.1187/2023
Dated : 29.07.2026**