

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
SPECIAL SUBORDINATE JUDGE, TIRUPATTUR.**

**Present: Tmt.J.Nagalakshmi @ Vijayarani,B.A.,B.L.,
Motor Accident claims Tribunal Authority,
Special Subordinate Judge, Tirupattur.**

Wednesday, the 1st day of April 2026

M.C.O.P. No.4/2022

CNR.NO.TNTU04-000007-2022

(Old MCOP No.293/2021 on the file III ADJ, Tirupathur)

1. K.Sala, (40 years),
W/o. Kanagaraj ,
No.3/239, Pampandi Vattam,
Thekkupattu Post,
Vaniyambadi Taluk,
Tirupathur District.

..... Petitioner

/vs/

1.D.Chinnathambi(50 years),
S/o. Duraisamy,
No. 5/35, Narayanan Vattam,
Dasiriappanur,
Mallagunda Post,
Natrampalli Taluk,
Tirupathur District.

2. S.Madhaiyan,
S/o. Subramani,
Previous owner of Bolero Maxi Truck,
No.654, Chinnapasilikuttai Village,
Rachamangalam Post,
Tirupathur Taluk & District.

MCOP 4/2022,

01.04.2026

3. United India Insurance Company Limited,
Katpadi Road,
Vellore District.

..... Respondents

The petition originally filed on 20.12.2021 before III ADJ, Tirupathur and taken as MCOP 293/2021 and as per the proceeding in Dis. No.7733/2015, dated 14.09.2015 of Principal District and Sessions Judge, Vellore transferred to this court and reassigned as MCOP 4/2022 on 04.01.2022 and came up for final hearing in the presence of **Thiru.V.V.Shivaji, B.A.,B.L.**, learned counsel for the petitioner. The 1st respondent and 2nd respondent set exparte and **Thiru.D.Bhoopathy, B.A.,B.L.**, learned counsel for the 3rd respondent after hearing both side arguments, perusing case records and having stood for consideration till this day, this tribunal passed the following:-

ORDER

This petition was filed by the Petitioner against the respondent under section 166 of the Motor Vehicles Act claiming Rs.30,00,000/- as compensation against the respondents for the injuries sustained by the petitioner in the accident along with interest and cost from the date of accident.

1. The averments of the amended petition in brief :

On 30.01.2020 at about 09.00 A.M. near Sadalakuttai, in-between Natrampalli Nayanaseruvu Main Road, the Bolero Maxi Truck Plus vehicle MCOP 4/2022,

01.04.2026

bearing Reg.No.TN83 X 8857 belonged to 2nd respondent as per insurance policy, and also belonged to the 1st respondent as per Registration Certificate, and driven by the 1st respondent in a very rash and negligent manner towards Natrampalli from Nayanaseruvu and dashed against the petitioner who was proceeding on the extreme left side of the road in the opposite direction by her TVS Scooty Motor Cycle bearing Reg. No. TN83/ 8298 slowly and cautiously. Due to impact, the petitioner sustained grievous injuries on her back side of the head, near nose, right foot and all over the body and sustained fracture in her right temporal bone, and small hemorrhagic contusion in both temporal region, traumatic right 3rd nerve palsy and her TVS Scooty Motor Cycle was also completely damaged. The petitioner taken treatment in Tirupathur GH, Dharmapuri Govt. Medical College Hospital, PES Speciality Hospital, Kuppanam and Sai Senthil Hospital, Vaniyambadi for more than six months. She also taken treatment in Eye Hospital, Tirupathur etc. She became permanently disabled and lost her eye vision in the accident. She had spent Rs.5,00,000/- towards medical expenses. A case u/s 279,338 IPC is registered by Natrampalli police in Cr.No. 37/2020 against the 1st Respondent. Since the accident took place only due to rash and negligent driving of the said Maxi Truck. The respondents 1 & 2 are the owners and the 3rd respondent is an insurer are liable to pay compensation along with interest and costs.

2. The notice served to the 1st & 2nd respondent and not appeared before the court and hence 1st respondent set exparte on 08.11.2022 and 2nd respondent set exparte on 02.06.2022. The 3rd respondent side filed petition U/Sec 170 of MV Act and allowed in IA No.1/2026 dated 23.03.2026.

3. The counter of the 3rd respondent has follows:

The petitioner's petition is false and should be dismissed with costs of the respondent. The petitioner himself must prove the allegations not expressly admitted herein. The respondent categorically denies all allegations. There is no basis for the amended petition filed in the case seeking additional compensation of Rs.30,00,000/- instead of the initial compensation of Rs.10,00,000/-. If the petitioner had incurred any medical expenses after the case was filed or had undergone additional treatment after the case was filed, he should have filed a petition seeking additional compensation with the relevant documents. In the absence of any such treatment or medical expenses incurred by the petitioner after the case was filed, the additional compensation sought by the petitioner is not permissible in law. The petitioner has made a very high claim in the case with a malicious intention to get more compensation in any case. The petitioner has filed this petition under the mistaken belief that he can get more damages only by claiming more. The petitioner has filed the petition seeking additional damages only on the basis of the circumstances already mentioned in the petition and this is not legally permissible. Even considering the permanent disability alleged to have been caused to the petitioner, the amount of damages initially claimed by the petitioner is very high and requested to dispose the petition of the petitioner with the costs of the respondent.

4. The petitioner side examined the petitioner herself Pw1, Ex.P1 to 20 were marked. In the Court side, Exhibit Ex.C1 was marked. The 1st and 2nd respondent set exparte and on the 3rd respondent side the officer of Regional

Transport Office examined as RW1 and Ex.R1 is marked and the officer of insurance company examined as RW2 and Ex.R2 to R5 marked.

5. Points for consideration:-

1) Whether the accident occurred due to the rash and negligence of the driver of the Bolero Maxi Truck Plus vehicle . bearing Reg.No.TN83 X 8857?

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

6.POINT NO 1: -

(i) The petitioner's case is that, the accident occurred 30.01.2020 at about 09.00 A.M. near Sadalakuttai, in-between Natrampalli and Nayanaseruvu Main Road. The date, time and place of accident not disputed. The factum of the accident admitted. It is gathered from the documents that TVS Scooty bearing Reg. No. TN83/ 8298 belonging to the petitioner and the 1st respondent is the registered owner of the Bolero Maxi Truck Plus vehicle bearing Reg.No.TN83 X 8857 and the said policy stands in the name of 2nd respondent insured with 3rd respondent at the time of accident. The dispute arises with regard to the manner of accident alone. Hence the tribunal inclined to appreciate the oral as well as documentary evidence produced in this regard.

The petitioner filed proof affidavit in consonance with the claim petition and examined as PW1. She categorically deposed that, she had proceeded in his

TVS Scooty slowly cautiously in the extreme left side of the road in the Natrampalli – Narayanaservu Main Road, while nearing Sadalakuttai, the Bolero Maxi truck bearing Reg. No. TN83 X 8857 came in the opposite direction in a rash and negligent manner, without following the traffic rules, dashed against the two wheeler and the petitioner thrown away from the Vehicle and the motor cycle was completely damaged.

It is clear from the testimony of Pw1 that the accident caused due to the negligence of the 1st respondent. Though Pw1 elaborately cross examined the manner of accident not shattered. It is also suggested that the petitioner crossed the road at the time of accident and the same not substantiated with the materials available on record. The petitioner who is the victim of the accident is competent witness to depose about the incident. At the same time, the 1st respondent who is the owner cum driver of the goods vehicle not come forward to examine himself in order to rebut the evidence of the petitioner. There is iota of evidence that the negligence of the petitioner contributed for the accident.

It is pertinent to note that the criminal case in Cr.No.37/2020, U/s.279, 337 of IPC on the file of Natrampalli Taluk P.S. registered and after subsequently altered as U/s 279, 338 of IPC as against the 1st respondent and the final report also filed in this regard marked as Ex.P.1, 2 & 9. The Motor vehicles report of the vehicles involved in the accident marked as Ex.P6 & Ex. R2 & 3 also supports the case of the petitioner. In a rough sketch the place of accident mentioned in the left side of Natrampalli - Nayanaseruvu also strengthen the case of the petitioner. Though the 3rd respondent side

examined RW1 that the petitioner not holding license, the petitioner was wholly or partially contributed the accident not established by way of substantive evidence.

As discussed supra, the oral as well as documentary evidence filed on the side of petitioner itself proves that the accident only occurred due to the rash & negligent driving of the 1st respondent. There is no iota of evidence produced on the side of respondent that the petitioner's negligence also contributed to the accident. The petitioner proved his case as per the theory of preponderance of probability. Hence, the tribunal finds that the accident caused only due to the rash and negligence of the 1st respondent who is the owner cum driver of the the vehicle bearing Reg. No. TN 83 X 8857 termed as "offending vehicle." The point No.1 is answered accordingly.

7. POINT NO.2 :

(1) The petitioner initially taken first aid in Tirupattur Government Hospital and then referred for higher treatment and admitted in to the Dharmapuri Government Medical College Hospital and thereby taken treatment as inpatient there from 30.01.2020- 05.02.2020. The discharge summary of Dharmapuri GH marked as Ex.P.10. The scan report issued by Dharmapuri Medical college hospital, dated. 30.01.2020 marked as Ex.P10. The medical bills for taking CT scan marked as Ex.P11. After discharge, he couldn't recover and hence got treatment in Kuppam PES speciality hospital. The treatment records/ prescription of Kuppam PES hospital marked as Ex.P13 & 14. The CT scan

report of VRR scan center, Chennai on 27.02.2020 marked as Ex.P.15. The registration cum billing receipt of Krishnagiri Head quarters hospital dated 28.02.2020 Ex.P.16. The MRI scan report marked as Ex.p17. The Wound certificate marked as Ex.P3. The accident occurred due to the negligence of the 1st respondent as could have decided in point No.1. Being the petitioner sustained serious injuries due to that accident and hence the petitioner is entitled for compensation from the respondents.

(2) The petitioner claimed Rs.30,00,000/- under various heads as compensation stating that the accident caused Permanent disability and hence it appropriate to discuss the same head by head:

INJURIES & TREATMENT:

(a) The petitioner deposed that the sustained severe head injuries including a skull fracture as well as internal bleeding and lacerations in the temporal bone region. She also suffered damage to the nerves connecting the eye and brain and the right eye vision completely impaired, the left eye also lacks proper vision; it, too, frequently becomes blurred and the accident specifically the recurring effects of the skull fracture and severe trauma - brain function.

(b) The discharge summary (Ex.P10) of Govt Medical college hospital, Dharmapuri reveals that she had taken treatment as inpatient from 30.01.2020-05.02.2020. It also reveals that she had undergone surgery for fracture of Temporal right bone and Left Temporal contusion and RIGHT SIDE III

NERVE PLASY and discharged an advise to for suture removal on 08.02.2020 and also come for review after 10 days in Lumpery OPD and also attended monthly review EYE OPD. The wound certificate (Ex.P.3) reveals that the injury GRIEVOUS IN NATURE.

(3) It is clear from the evidence of PW1 that the petitioner was in good physical condition, strong, agile and healthy before accident. Due to the injuries sustained in the accident herself in a compelling situation and forced to rely on the assistance of others for all her daily necessities and even for performing personal tasks. She also took continuous treatment in various hospitals viz., Dharmapuri GH, Kuppam BSE hospital, Chennai VVR Scan Centre, Krishnagiri GH and also Eye hospital. She specifically deposed that her husband and brother who had stood as a companion and helper, providing support during the period treatment and also attending other essential needs even from the date of the accident. It is also extracted that she was deeply distressed and mentally anguished physical state caused by the accident.

She also specifically deposed that, the accident also made impact upon the life of her husband both mental and physical deterioration & health issues admitted in the Government Medical College Hospital in Vellore and passed away in the hospital on 18.08.2022. The death certificate of the husband of the petitioner also marked as Ex.P20. Though the petitioner married no child begotten during her marital life. In this situation she will be put in to more trouble immensely, unable to even fulfill her daily necessities. The Petitioner's husband who stood as steadfast companion also not alive and hence her

brother alone constrained to take care remaining part of her whole life. She also couldn't to continue her earlier avocation which done at the time of accident.

(4) **DISABILITY** : The petitioner referred to Medical board and doctors of the medical board referred to Vellore GH to conduct investigation regarding Temporal bone fracture, optholmic opinion, Neural Static examination, and also found that she was affected with SQ 48 – moderate disability of SOCIO ADAPTIVE FUNCTIONING and hence also made further reference to Indian Medical health Hospital, Kilpauk, Chennai and there by treated as inpatient (IP No.5416/22) as well as out patient on 25.10.2022, 01.11.2022 and 14.11.2022 in which had assessed the disability of the petitioner and given Ex.C1, the disability certificate. It is evident that the petitioner sustained injury and the certificate shows the percentage of disability is 75% as contained in the certificate The disability certificate issued with the Annexure contained Form No.VIII shows that affected with mental illness especially BRAIN “OYANIC PSYEHOUR” and hence the petitioner not to do any physical or mental work as could be done earlier to the accident. In prior to the accident, the petitioner was milk vendor and out of the earning leading her life. The 2nd respondent side not denied her work and no adverse facts expressed during cross of PW1. Since, the petitioner has sustained FUNCTIONAL DISABILITY in which affecting her day - day life and livelihood, depending upon others assistance and hence this tribunal inclined to apply “Multiplier method”.

(i) AGE & INCOME OF THE PETITIONER:

(i) The age of the petitioner stated in the petition that he had 40 years old

at the time of filing application on 20.12.2021. The accident occurred on 30.01.2020. It is extracted from Aadhaar card that the DOB mentioned as 20.04.1982 and hence it is clear that she had completed 38 years of age at the time of accident. At the time of running the age of 39 the accident happened. The tribunal holds that the petitioner comes under the age category of 36 – 40 yrs and hence appropriate multiplier is 15 applicable to the petitioner.

(ii) The petitioner deposed that she had owned 4 cows and earned more than Rs.20,000/- per month from milk vending business. But no income proof was filed. At the same time the respondent side not made any defense denying her occupation & earning capacity. Being the petitioner was doing self employment as milk vendor to pour milk each and every home at the time of accident, the income proof not expected to be produced. Hence the tribunal holds that the suggestion made on the side of 2nd respondent that the bills of milk society not produced would not be sustainable. It is appropriate to mention that the decision of Hon'ble supreme court in K. Raja Vs oriental Insurance company 2018 ACJ 1393 held that, milk vending is skilled work requiring memory and accounting skill and considered as 100% disability”

In Tamil Nadu (As of April 1, 2019): skilled workers in General Category A-Zone (Corporations, Municipalities, District were notified for ₹10,594 per month. Hence, this tribunal considers that it is just and appropriate to fix Rs.9,000 /- as notional income of the petitioner. Even assuming that she would have earned Rs.300/- per day. Being self employment there is no holiday for her work for milk vending business. Hence she could definitely earned not less than Rs.300/- x 30 = Rs.9,000/- milk vendor. The

accident occurred on 30.01.2020. For fixing the multiplier, this tribunal rely on the judgment of Sarla Verma's Case. As per the dictum laid down in the said judgment, the multiplier is fixed as 15. The Aadhaar reveals DOB : 20.04.1982. Since the age of the petitioner's age was 39 years at the time of accident. Hence the tribunal inclined to fix the notional income of Rs.9,000/- per month as stated supra.

Based on the income, deduction and multiplier, the loss of income it is calculated as follows:-

Age	39 years
Multiplier	15
Monthly income	Rs.9,000/- p.m + 40% FP
Future Prospects (40%)	Rs.3600/-
Total Annual income	(9,000+3600) x 12months
percentage of disability	75 %

The certificate issued by medical board is of TOTAL PERMANENT PHYSICAL DISABLEMENT. Due to the Neuro Psychological disorder caused to the petitioner definitely affecting daily activities, Self care & occupational work. Being the petitioner a widow with no male support increases her dependency if she dies. But here she is alive due to sustained Severe head injury in the accident also depend upon others even for livelihood. She is the sole breadwinner for herself after husbands death". The disability also affects her avocation as milk vendor especially affects her ability to maintain cows, milking cows, handle customer, counting money, remember the

existing customers and identifying the new customer/ purchasers, maintain accounts and walk for delivery. Being affected with Neuro disablement, she could not take care of herself. Even her family has to spent apart from lost of income from vending milk from four country cows. It is apparent on face of record that the disability definitively make considerable impact to lead her normal life. Hence the tribunal holds the loss of earning capacity is 100% of FUNCTIONAL DISABLEMENT as per the decision of Hon'ble Apex court in the case of Rajkumar Vs Ajaykumar 2011 1 SCC 343.

Age	Multiplier	Monthly Income + Future prospects	Annual Contribution	Percentage of functional disability	Loss of Income (Annual Income x multiplier x functional disability)
39	15	Rs.12,600/-	Rs.12,600/- x 12 = Rs.1,51,200/-	100%	Rs.1,51,200/-x15x 100/100 = Rs.22,68,000/-

Considering the functional disability fixed to the petitioner as 100%, it can be calculated as stated supra on applying multiplier **Rs.22,68,000/-** is awarded towards permanent total disability.

5. MEDICAL EXPENSES: The petitioner side further claimed Rs.5,00,000/- towards medical expenses. It is also reveal from the records that the petitioner had initially taken treatment in Tirupattur GH and then admitted in Dharmapuri GH and then taken treatment in PES hospital, Kuppam. Though the petitioner undergone surgery in Dharmapuri Medical College Hospital and

the treatment given on free of cost. Hence there will not be expected to produce the medical Bills. At the same time the petitioner side produced certain medical bills and the same to be considered.

DHARMAPURI MEDICAL COLLEGE HOSPITAL

The scan report issued by Dharmapuri Medical college hospital, dated 30.01.2020 marked as Ex.P.10. The scan report of CT Brain – LEFT reveals that fracture temporal bone in right side, Focal hemorrhagic contusion in Temporal bone, the CT Brain – RIGHT reveals that fracture of Temporal bone in the right side and sub arachnoid in hemorrhagic in Temporal region. The bill cum receipt of CT/MRI scan taken for Brain, Para nasal sinus, brain for payment of Rs.500/-+Rs.500/-+Rs.500/- towards Scan Charges paid marked as Ex.P.11. Hence, the tribunal inclined to award Rs.1500/- as compensation for taking treatment in Dharmapuri,GH

KUPPAM PES SPECIALITY HOSPITAL, CHITOOR

In order to prove the medical expenses incurred, The Prescription Sheet issued by PES, Speciality Hospital, Kuppam marked as Ex.P.13. The medical bills shows only payment of Rs.75/- dated 17.02.2020 in consonance with the prescription marked as Ex.P.14. Hence, the tribunal inclined to award Rs.75/- as compensation for taking treatment in Kuppam hospital.

VRR SCAN CENTRE. CHENNAI

The CT scan taken VRR scan center, Chennai on 27.02.2020 marked as Ex.P.15. There is no medical bills produced.

KRISHNAGIRI MEDICAL COLLEGE HOSPITAL

The registration cum billing receipt for taken treatment in outpatient in Krishnagiri Head quarters hospital on 28.02.2020 shows the payment of Rs.2500/- towards charges of CT scan marked as Ex.P.16. The MRI scan report of Krishnagiri Medical college Hospital marked as Ex.p17. It contained impression F/S/O late sub acute stage of contusion hemorrhagic in Left Frontal parietal and Temporal lobes. Hence, the tribunal inclined to award Rs.2500/- as compensation for taking treatment in Kuppam hospital

SAI SENTHIL HOSPITAL, KRISHNAGIRI.

It reveals from the records, the petitioner approached the said hospital for the ailment in the eye. The prescription dated 05.03.2020 for taking treatment in III nerve palsy and the doctor prescribed medication (3 nos.) marked as Ex.P.18. The pharmacy bills purchase of medicines for an amount of Rs.182/- + Rs.453/- + Rs.184/- + Rs.1384/- + Rs.1384/- on the following dates, 19.03.2020, 05.03.2020, 11.03.2020 marked as Ex.P.19. *Hence, the tribunal inclined to award an amount of Rs.3,587/- towards medical charges for taking treatment in Sai Senthil hospital, Krishnagiri, .*

As discussed in detail, the tribunal inclined to award an amount of Rs.1500/- + Rs.75/- + Rs.2500/- + Rs.3,587/- = Rs.7662/- as compensation towards total medical expenses.

6. PAIN & SUFFERINGS:

As discussed in detail, the petitioner taken medical treatment on various

places and the injury sustained by the petitioner in the Brain and the impairment of 3rd nerve palsy considerably affected her vision and the period of treatment, nature of injury Percentage of disability, and the pain & sufferings undergone by the petitioner, the tribunal inclined to award **Rs. 1,25,000/-** towards Pain & Sufferings.

7. TRANSPORTING EXPENSES:

The petitioner claimed Rs.50,000/- towards transportation expenses. She deposed that she discharged from the Dharmapuri Government Medical College Hospital and hence to returned to home engaged private car and paid Rs. 5,000 towards transportation. Then continued treatment as out patient in PES Hospital in Kuppam and hired car and paid Rs. 5,000/- paid on 17.02.2020. Then she had gone to VRR Scan Center to take MRI scan and returned home and paid Rs.7,000/- as taxi fare. Then she gone to Krishnagiri Government Medical College Hospital and returned home and paid Rs.3,000/- as taxi fare on 28.02.2020. But the Trip sheet not produced.

At the same time considering the nature the injury / disability constrained the petitioner to go for further treatment. The medical records itself speaks that she approached the said private hospital for treatment as mentioned by PW1. Hence she definitely incurred some expenses towards Transportation. The distance between the residence of the petitioner and Krishnagiri Medical College hospital nearly about 53 Km. (TO AND FRO 106 Km approximately). The distance between the residence of the petitioner and Kuppam hospital

nearly about 41 Km. (TO AND FRO 82 Km approximately). Then the petitioner also constrained to approach 3 medical authorities 1) Medical Board, Tirupathur, 2) Medical Board, Vellore 3) IMH, Kilpauk, Chennai (3 times on 25.10.2022, 01.11.2022, 14.11.2022) to obtain disability certificate during the year 2022. Upon considering the distance, nature of injury sustained, post operating consultation the tribunal inclined to award **Rs.20,000/-** towards transport expenses.

8. EXTRA NOURISHMENT:- As the petitioner would have given nutritious food for speedy recovery hence towards extra nourishment **Rs.15,000/-** is awarded.

9. ATTENDER CHARGES: As the petitioner was hospitalized for period for several days naturally attender would have been there and for the attender also some expenses would have been occurred. Upon considering the period of treatment undergone the tribunal inclined to award **Rs.15,000/-** towards attender Charges.

10. LOSS OF AMENITIES: It is clear from record that the petitioner was 39 years old at the time accident. The petitioner suffered with Pshycological disorientation cannot be left alone at home. The another persons assistance required 24x7 throughout her life. Considering the nature of injuring and permanent disability is of 75% as decided as functional disability, which he has to endure through out life with this permanent total disablement, and hence tribunal inclined to award **Rs.85,000/-** for loss of Amenities and happiness.

CONCLUSION: In the result , this tribunal award the following amount towards the claim of the petitioner under the given heads.

1	Towards Permanent disability	Rs. 22,68,000/-
2	Towards Medical Expenses	Rs. 7,662/-
3	Towards Future Expenses	Nil
4	Towards Pain & Suffering	Rs. 1,25,000/-
5	Towards loss of Amenities	Rs. 85,000/-
6	Towards Transport Expenses	Rs. 20,000/-
7	Towards Extra nourishment	Rs. 15,000/-
8	Towards Attender Charges	Rs. 15,000/-
	Total	Rs. 25,35,662/-

(11). The registration certificate (Ex.P4) Bolero Maxi Truck Plus vehicle bearing Reg.No.TN83 X 8857 stands in the name of the 1st respondent. Under Section 2(30) the Motor Vehicles (MV) Act, 1988, the person in whose name a motor vehicle stands registered is legally considered the "owner," for all purposes. Being the accident happened due to the negligence of the owner cum driver of the 1st respondent and the petitioner is entitled to the compensation as decided in Point No. The policy of Insurance of the offending vehicle issued in the name of 2nd respondent marked as Ex.P.5. It is the duty of

the insurer to verify the particulars before issuance of policy. If the insurer without verifying records issuing policy to some other name would not affect the third party/petitioner

It revealed that the said policy was valid from the midnight of 04.06.2019 till the midnight of 03.06.2020. The insurance was in force at the time of accident. At the same time, the driving license of the said offending vehicle marked as Ex.P7. There is no violation of policy of insurance. It is no doubt that the 1st respondent eligible to drove the four Wheeler. But the said offending vehicle is a good carriage Vehicle and there is no endorsement of BADGE contained in the driving License.

At this juncture, it is pertinent to rely upon a judgment of Hon'ble Supreme Court in According to the Supreme Court ruling in *Mukund Dewangan vs. Oriental Insurance Co. Ltd.*, and subsequent high court rulings, a driver holding a valid driving license for a **Light Motor Vehicle (unladen weight not exceeding 7500 kg)** does not need a separate badge or endorsement to drive an auto rickshaw or a light transport vehicle.

On though scrutinizing the registration certificate the unladen weight of Vehicle mentioned as 002620/001470 and hence the Badge endorsement not necessary for the vehicle of the 1st respondent on appliance of the said rulings. The tribunal holds that there is no violation of policy of insurance as stated on the side of the 3rd respondent. Hence the 3rd respondent is liable to indemnify the Insurer/ owner as per the terms & conditions of Policy. Hence, it is concluded that the 3rd respondent shall pay the compensation to the petitioner

for the injuries sustained in the accident. This point 2 is answered accordingly.

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

(1) The Petitioner is awarded **Rs. 25,35,662/- (Rupees Twenty five Lakhs Thirty five Thousands Six hundred and sixty two 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).

(2) The 3rd 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.

(3) The petitioner is permitted to withdraw the deposit amount on condition that to pay the remaining Court Fee of Rs. 23,984/- within 15 days from the date of receipt of copy of order. If not paid within the stipulated time, the petitioner is 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.

(4) Advocate fee fixed as Rs.32,357/- shall be paid by NEFT/RTGS mode.

(5) The 3rd respondent is directed to pay a sum of **Rs.56,956/-** being the cost of petitioner tabulated there in.

12. Following the Judgment of the Hon'ble High Court of the Madras in M/s Cholamandalam MS General Insurance Co.Ltd. /Vs/ Ayyanar and others reported in 2020(4) CTC 272, no decree is prepared. All the parties are entitled to free copies of award as per section 168(2) of Motor Vehicles Act.

Other necessary Particulars

Date of petition	:	Respondent's side
Date of Award	:	01.04.2026
Amount of compensation claimed is	:	Rs.30,00,000/-
Amount of compensation awarded by this tribunal is	:	Rs.25,35,662/-
Court fee payable for the said amount is	:	Rs.24,357/-
Court fee already paid is	:	Rs.373/-
Balance court fee to be paid is	:	Rs.23,984/-

Cost List for the Petitioner

Particulars	Petitioner side	Respondent's side
Court fees	Rs.24,357/-	
Vakalath Nama Stamp	Rs. 50.00	
Process fee	Rs. 42.00	

Advocate fee	Rs. 32,357/-	----
Stamp of documents	Rs. 50.00	
Typing charges	Rs. 100.00	
Total	Rs.56,956.00	

Dictated to Typist and directly typed by him in my laptop, corrected, pronounced by me in the open Tribunal on 1st day of April 2026.

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

Petitioner Side Witness:-

PW1 Sala

Respondent side witness:-

RW1 Marudhachalam

RW2 Seenivasan

Petitioner side Exhibits:

Ex.P1 Copy of FIR

Ex.P2 Copy of Wound Certificate of the Petitioner

Ex.P 3 Copy of Police Alteration Report

Ex.P 4 Copy of RC of the Bolero Maxi Truck

Ex.P 5 Copy of Insurance Policy of the Bolero Maxi Truck

Ex.P 6 Copy of MVI Report of the Bolero Maxi Truck

- Ex.P 7 Copy of DL of the driver of the 1st Respondent
- Ex.P 8 Copy of Aadhaar card of the petitioner
- Ex.P 9 Copy of Final Report filed in the court against the 1st respondent by the police
- Ex.P 10 Copy of Discharge Summary issued for the treatment as inpatient at Dharmapuri Government Medical College Hospital dated from 30.01.2020 to 05.02.2020.
- Ex.P 11 Original Medical Bill for Scan of Rs.1,500/- at Dharmapuri Govt. Medical College Hospital.
- Ex.P 12 Original CT Scan Report taken in Dharmapuri Medical College Hospital
- Ex.P 13 Original Medical Certificate issued by Kuppam PES Hospital dated 17.02.2020
- Ex.P 14 Original Medical Bills of Rs.75/- issued by Kuppam PES Hospital
- Ex.P 15 Original prescription for MRI scan taken in Chennai VRR Scan Centre
- Ex.P 16 Original Medical Bills of MRI Scan of Rs.2,500/- taken in Krishnagiri Gvt. Medical College Hospital
- Ex.P 17 Original MRI Scan Report taken in Krishnagiri Gvt. Medical College Hospital
- Ex.P 18 Original Prescription issued by the doctors during the treatment
- Ex.P 19 Original Medical Bills of Rs.3,587/- issued by Private Medical Shop
- Ex.P 20 Copy of Death Certificate of Petitioner's Husband

Court side Exhibits :

Ex.C1 Medical Board report of the petitioner regarding disability.

Respondent side Exhibits:

Ex.R1 Letter of Authorisation

Ex.R2 Copy of MVI Report of the TVS Scooty Two Wheeler bearing
Reg.No.TN83 8298

Ex.R3 Copy of MVI Report of the Bolero Maxi Truck bearing Reg.No.TN
83 X 8857

Ex.R4 Copy of Rough Sketch

Ex.R5 Copy of Investigation Report

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