

Before the Motor Accidents Claims Tribunal

(In the II Court of Small Causes, Chennai)

Present: Tmt. K. Jyothi, B.Sc, M.L.,

Monday the 13th day of October 2025

Motor Accidents Claims Original Petition No.3982 of 2023

CNR NO :-TNCH09-008359-2023

R. Elangovan,
S/o. Rasu,
Keel Usain Nagaram,
Bhujangarayanallur,
Rajaji Nagar,
Perambalur – 621 713.

...Petitioner

-Vs-

1. M. Ragavan,
S/o. Maruthamuthu,
No.1, 16B, Melaveethi, Kottatai,
Perambalur – 621 708.

2. United India Ins., Co., Ltd.,
Sillingi Building, New No.134,
Old No.40-45, Greams Road,
Chennai - 600 006.

...Respondents

This petition came up before me for final hearing on 21.07.2025 in the presence of M/s.G.R. Venkatraman, M. Karuppaiah and P. Rajathi, Counsels appearing for the Petitioner and the 1st respondent was called absent and set exparte on 19.01.2024 and Mr.U. Vignesh, Counsel appearing for the 2nd respondent and upon hearing the arguments of the both side and upon perusing the entire records of the case, having stood over for consideration till this date, this Tribunal pronounces the following:-

ORDER

1. This petition has been filed under Section 166 of the Motor Vehicles Act and Rule 3 of the Motor Vehicles Rules, seeking for compensation of Rs.25,00,000/- for

the injuries sustained by the Petitioner in a motor accident.

2. The averments made in the petition are briefly as follows:-

On 05.02-2023 at about 06.45 hours P.M while the petitioner was a rider of the Motor Cycle bearing Reg.No.TN-46-E-5773 after putting petrol in HP bunk, Allinagaram near Kamaraj Durga Sweet Shop, Allinagaram, from North to South. At the time, the rider of the Motor Cycle bearing Reg.No.TN-46-U-1519 riding the same from the opposite direction, from South to North with terrific speed, rash and negligent careless manner endangering public safety and dashed against the petitioner and he fell down. On this heavy impact the petitioner sustained multiple grievous injuries and fracture all over the body. The first respondent is the owner of vehicle and the second respondent is the insurer of same, both are vicariously and statutorily liable to pay compensation to the petitioner with cost and interest as per M.V.Act.

3. The first respondent is called absent and set exparte.

4. The averments made in the counter filed by the second respondent are briefly as follows:-

The respondent denies the averments made in the claim petition excepting those which are expressly admitted herein and puts the petitioner to strict proof of all the averments made in the claim petition. The respondent specifically denies that the employment (Lorry driver) mentioned in the claim petition and Rs 20,000 per month income mentioned in the petition are denied as false. It is denied that the alleged accident was caused by the rash and negligent driving of the Pulsar bike TN 46 U 1519. The respondent submits that the petitioner was riding the Motor cycle TN 46 E 5773 without observing any rules and regulations and he is the main cause for this accident. Hence the claimant is not entitled compensation under contributory negligence. The occupation and income of the petitioner and the petitioners are put to strict proof of the same. Without prejudice to the above said contentions, the

petitioner is put to strict proof of accident, negligence, nature of injuries sustained, period of treatment, medical expenses, Doctor fees, Operation Charges through proper oral and documentary evidences.

The respondent specifically stated that the injuries mentioned in the petition are denied as false and not severe as mentioned in the petition. Hence it is denied that the petitioner is not able to do any work as before. Further he has not given inpatient hospital details clearly. The claim made for pain and suffering, Loss of earning power, attender charges and Transport charges, Extra nourishment, Future medical expenses, Physical discomfort, and loss of amenities. The driver of the vehicle who has caused the accident is not having driving licence to drive the vehicle. Hence this respondent is not liable to pay the compensation. The Respondent reserve their right to file an additional counter if necessary. The respondents specifically denies that the claim made for loss of income, Mental agony, Medical expenses, enjoyment of life, damage to clothing and articles are denied as false and the petitioner is put to strict proof of the same. The claimant suffered permanent disability and claimed Rs 3,00,000 for that is also denied as false and excessive. The petitioner is put to strict proof of her various claims made in Column no 21 and 21(a) to (j) of the claim petition and the same are denied as false, imaginary, exaggerated and speculative. The petitioner is put to strict proof of his allegations made in Column no 23 and 23(a) of the claim petition. Hence this respondent is not liable to pay any compensation to the petitioner. In any event, the compensation claimed is highly excessive, illegal and the same ought not to be allowed. It is therefore prayed to dismiss the above claim petition, with cost thus render justice.

5. The point for consideration in this petition are as follows:-

- (1) Whether this accident has occurred due to the rash and negligent riding of the rider of the Motor Cycle bearing Reg.No.TN-46-U-1519?

- (2) Who is liable to pay the compensation?
- (3) Whether the Petitioner is entitled to compensation? and if so, what is the quantum?

6. On the side of the Petitioner, the petitioner was examined as P.W.1 and 14 documents were marked as Ex.P1 to Ex.P14. The summon witness was examined as P.W.2 and 7 documents were marked as Ex.P15 to P21. On the side of the Respondent, one Mr.S. Jawahar was examined as RW1 and 11 documents were marked as Ex.R1 to Ex.R11. The Disability Certificate issued by the Regional Medical Board, Govt. Kilpauk Medical College Hospital, Chennai is marked as Ex.C1. Written Arguments filed by the 2nd respondent.

7. Point No.1:

(i) It is the case of the petitioner that on 05.02-2023 at about 06.45 hours P.M while the petitioner was a rider of the Motor Cycle bearing Reg.No.TN-46-E-5773 after putting petrol in HP bunk, Allinagaram near Kamaraj Durga Sweet Shop, Allinagaram, from North to South. At the time, the rider of the Motor Cycle bearing Reg.No.TN-46-U-1519 riding the same from the opposite direction, from South to North with terrific speed, rash and negligent careless manner endangering public safety and dashed against the petitioner and he fell down. On this heavy impact the petitioner sustained multiple grievous injuries and fracture all over the body. The first respondent is the owner of vehicle and the second respondent is the insurer of same, both are vicariously and statutorily liable to pay compensation to the petitioner with cost and interest as per M.V.Act.

(ii) To prove the case of the petitioner, he has been examined as PW1 and he reiterated the petition averments in his affidavit. The petitioner has specifically deposed that the accident occurred due to the rash and negligent act of the rider of the Motor Cycle. He has also filed the copy of FIR and the same is marked as Ex.P1. The name of the rider has been shown in the 7th column of the FIR. Moreover in the Ex.P8

Final Report the first respondent's driver has been stated as the accused to that accident. And PW2 the Manager MRD, Kauvery Hospital was examined through whom Ex.P15 to Ex.P21 marked. The first respondent being the owner of the vehicle has not denied same and he simply remained ex-parte. Though the 2nd respondent in his counter has denied the alleged manner of accident, on the side of the 2nd respondent senior manager of the company, one Mr.S.Jawahar was examined as RW1 and filed Ex.R1 to Ex.R11. But he did not speak much about the manner of accident he deposed that the 1st respondent did not possess valid license and he had only heavy vehicle license and that the claimant had no DL. But no evidence let in show that the not possession of DL by claimant was cause of accident though they proved policy violation of the 1st respondent's vehicle driver. The 2nd Respondent has not either brought anything contra from the cross examination of PW1 as to the cause of the accident.

(iii) Hence, from the oral evidence of P.W.1 and the documentary evidence of Ex.P1 and Ex.P8, the case of the petitioner is established, but there is no contra evidence available to disprove the manner of accident and other averments made by the 2nd respondent. And 1st respondent also did not deny the same appearing before the court. Hence this Tribunal comes to the conclusion that the accident has occurred due to the rash and negligent riding of the rider of the Motor Cycle bearing Reg.No.TN-46-U-1519. Thus the Point No.(1) is answered accordingly.

8. Point No.2 :-

(i) In Point No.(1), it has been found that the accident has occurred due to the rash and negligent riding of the rider of the Motor Cycle bearing Reg.No.TN-46-U-1519.

(ii) The petitioner has mentioned in his petition that the first respondent vehicle was insured with the second respondent under Policy No.0920013122P107844536 which was valid from 09.11.2022 to 08.11.2023. The date of accident is 05.02.2023.

The 2nd respondent did not file any documentary evidence to disprove the accident and he has not denied the policy particulars. Therefore, it is considered that the said 1st respondent's Motor Cycle bearing Reg.No.TN-46-U-1519 had a valid insurance policy issued by the 2nd respondent at the time of the accident. On the side of the 2nd respondent one witness was examined as RW1 as discussed in point No 1 they proved that the rider of the offending vehicle of 1st respondent did not possess valid DL as per Ex.R4, 6 & R10. And so policy violation by 1st respondent is proved. Admittedly claimant is third party. Hence, this Tribunal comes to the conclusion that the 2nd respondent being the insurer is liable to pay the compensation to the petitioner at the first instance with a liberty to recover the same from the first respondent without filing any separate application. Accordingly the Point No.(2) is answered.

9. Point No.(3).

(i) In the petition, and in the evidence of P.W.1, the petitioner has stated as to the injuries sustained by him in details. In order to prove the same the petitioner has filed the copy of AR marked as Ex.P2 and P3. The copy of Department of Traumatology marked as Ex.P4. The copy of discharge summary marked as Ex.P5. The evidentiary value of the above said documents has not been disproved by the respondent.

(ii) On perusal of the medical records, in the Ex.P5 discharge summary it has been mentioned that the petitioner suffered with "RTA WITH MODERATE HEAD INJURY PAN FACIAL INJURY BILATERAL ORBITAL FLOOR FRACTURE". For that injuries the petitioner took inpatient treatment from 06.02.2023 to 13.02.2023 in Kauvery Hospital, Trichy and one surgery was conducted on 09.02.2023 in the above said Hospital. The petitioner was also referred to the medical board to assess his disability due to the accident.

The Ex.C1 is the Disability Certificate issued by the Regional Medical Board, Govt. Kilpauk Medical College Hospital, Chennai and it shows that the percentage of

the permanent disability is 12%. Though the petitioner has stated that he was affected with functional disability, he has not established the same by way of oral and documentary evidence. Hence, this tribunal decides that the petitioner is not entitled for compensation under the head of functional disability and he is only entitled for compensation under percentage method.

In the recent judgment of our Honourable High court of madras in *M.Chinnathambi vs. S.Deepa and National Insurance Company Limited, dated 10.01.2020* it was held that;

Para 8....“The amount awarded on percentage basis was periodically enhanced. This Court by the judgment reported in “2013(2) TNMAC 583” in the matter of “National Insurance Co. Ltd., Vs. G.Ramesh”, granted Rs.3,000/- per percentage for accident occurred in the year 2009, enhancing from Rs.2,000/- per percentage taking into account the cost of living at that time. Due to passage of time, a sum of Rs.3,000/- per percentage of disability awarded in the year 2013 for the accident of the year 2009 is to be enhanced. Taking into consideration the raise in cost of living, it will be reasonable to award a sum of Rs.4,000/- per percentage for the accident of the year 2014 and 2015 and Rs.5,000/- per percentage for the accident from the year 2016 onwards towards disability certified by the qualified Doctor or Medical Board.”

Hence keeping in mind of the above said decision of our Honourable High court, since the accident was occurred in the year of 2023 this Tribunal comes to the conclusion that the Petitioner has suffered partial and permanent disability of 12% and the Petitioner is entitled for just compensation for the injuries sustained by him as Rs.7,000/- per percentage is allowed. Hence the Petitioner is entitled for **Rs.84,000/-** (12 x 7,000) only as just compensation for the injuries sustained by him.

(ii) Income of the Petitioner:

The Petitioner has stated in his petition that he was a Lorry Driver and he was earning Rs.20,000/- per month as income at the time of accident. But to prove his

monthly income, he has not filed any documentary evidence. Hence in these circumstances, the notional income has to be fixed. Accordingly considering the age and other relevant factor of the petitioner Rs.16,700/- is fixed as monthly notional income of the petitioner.

(iii) Compensation for Pain and Sufferings:

The Petitioner has sustained above said injuries and he took treatment as inpatient for 8 days from 06.02.2023 to 13.02.2023 in Kauvery Hospital, Trichy and one surgery was conducted on 09.02.2023 in the above said Hospital. Hence, this Tribunal considers awarding **Rs.20,000/-** as just compensation under the head of Pain and Sufferings.

(iv) Transport Charges:

The petitioner took treatment as inpatient at Kauvery Hospital, Trichy. Hence this Tribunal considering the place of accident and distance to hospital considers to award **Rs.4,000/-** will be just compensation under the head of Transport Charges.

(v) Medical Expenses:

on the side of the petitioner PW2 Manager MRD of the Kauvery Hospital was examined and he filed duplicate medical bills for Rs.3,11,067/- and the same is marked as Ex.P18. On careful verification of the bills, it is found that Out patient bills alone are genuine, hence this Tribunal is inclined to award a sum of Rs.3,11,067/- only towards Medical Expenses.

(vi) Extra-nourishment:

The Petitioner took treatment as Inpatient for 8 days in Kauvery Hospital, Trichy. Hence this Tribunal decides to award **Rs.10,000/-** towards Extra-nourishment.

(vii) Attender Charges:

On perusal of records it is found that the petitioner took treatment as inpatient for 8 days and hence he is entitled for attender charges and this Tribunal decides to award **Rs.2,400/-** (8 day x Rs.300/-) towards Attender Charges.

(viii) Damage of Clothes:

For **damage of clothes** as would have been caused, he is entitled to **Rs.1,000/-**.

(ix) Loss of Amenities:

Due to the injuries sustained by the petitioner, he would forgo certain amenities at present and future. Considering these facts, **Rs.10,000/-** is awarded towards **loss of amenities**.

(x) Loss of Earning:

The petitioner in his petition and in his evidence stated that he is not able to continue his regular work because of the injuries sustained by him. But to prove his avocation and monthly income, he has not filed any valid documentary evidence. Due to the above said injuries, the petitioner might not have done his work at least for 2 months during his treatment period. Hence this Tribunal is inclined to compensate a sum of Rs.33,400/- towards loss of earnings during the period of treatment and recuperation.

(xi) CALCULATION:

1. Disability	:	Rs. 84,000/-
2. Pain and Sufferings	:	Rs. 20,000/-
3. Transportation	:	Rs. 4,000/-
4. Medical Expenses	:	Rs. 3,11,067/-
5. Extra Nourishment	:	Rs. 10,000/-
6. Attender Charges	:	Rs. 2,400/-

7. Damage of clothes	:	Rs.	1,000/-
8. Loss of Amenities	:	Rs.	10,000/-
9. Loss of Earnings	:	Rs.	33,400/-
Total Compensation is fixed at	:	Rs.	4,75,867/-

The petitioner is entitled for a total compensation of **Rs.4,75,867/-** as just compensation for the injuries sustained by him in the above accident. Accordingly, this point is answered.

10. In the result,

(1) That this petition is partly allowed and a sum of **Rs.4,75,867/- (Rupees Four Lakhs Seventy Five Thousand Eight Hundred and Sixty Seven Only)** is awarded as just compensation to the Petitioner with cost and interest at the rate of 7.5 percent per annum from the date of filing of the Claim Petition i.e., 11-08-2023 till the realization, payable by the Second respondent at the first instance with the liberty to recover the same from the 1st respondent without filing any separate application. The petition is dismissed with regard to the rest of the claim amount. No interest for the default period as per orders if any.

(2) That the 2nd respondent is directed to deposit the said amount to the credit of the bank account of this claim tribunal directly by NEFT OR RTGS mode within a period of two months from this order, and intimate the said deposit details to this tribunal with a copy of the said Bank advise.

3) Considering the fact that the petitioner is literate, the petitioner is permitted to withdraw his respective award amount on deposit of the same together with proportionate interest and costs. The amount shall be credited through Electronic Clearing System (ECS) in favour of the petitioner into the bank of which particulars are given below.

This tribunal account particulars:-

Registrar (MACT), Court of Small Causes, Chennai

Account No. 7103261207

IFSC No. IDIB000M157

Indian Bank, Madras High Court Branch, Chennai.

Email ID: chnccc.secre-tn@indiancourts.nic.in

The Petitioner's Bank A/c, Aadhaar and Pan card details are given below: The Petitioner name is **Mr.R. Elangovan**

Bank name and Branch	Account No. and IFSC code	Adhaar card details	Pan card details
Federal Bank, Ariyalur Branch	A/c.No.20190100010219 IFSC code:-FDRL0002019	997976168633	ACFPE4145D

(4) That the Court fee paid along with the petition is Rs.375/-.

(5) That the Court fee for the award amount is Rs.4,131.17/-. The deficit court fee of Rs.3,756.17/- shall be paid by the Petitioner within two weeks from the date of order.

(6) Advocate fee is Rs.12,517/-.

(7) That the second respondent do pay to the petitioner a sum of Rs.16,708/- towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	17-07-2023
Date of taken up on file	-	11-08-2023
Compensation claimed in the M.C.O.P.	-	Rs.25,00,000/-
Compensation awarded in this petition	-	Rs.4,75,867/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.4,131.17/-
Additional court fee shall be paid	-	Rs.3,756.17/-

Additional court fee paid, MP SR.No.....; dated

Cost List for the petitioner**STATEMENT OF COSTS**

<u>For the petitioners</u>		<u>For the Respondents</u>	
	<u>Rs.</u> <u>P.</u>	<u>Rs.</u> <u>P.</u>	
Stamp on petition	- 4,131 . 17		
Stamp on Vakalat	- 10 . 00		
Stamp for process	- 50 . 00	-- not filed --	
Advocate fees	12,517 . 00		
Costs allowed	- 16,708 . 17		

The direction regarding copy of the Judgment and decretal order prepared under Sub rule 6 of Rule 20 of TNMAC Rules, 1989, and Hon'ble Madras High Court's communication in R.O.C.No.390-A/2014/F1 dated 13.02.2014 are obediently followed. And further it is informed, as per the direction of the Hon'ble High Court, as far as this claim Petition is concerned, Decree is not drafted separately. And in the award, instead of drafting the decree, necessary details have been incorporated in this claim Petition's order.

This order has been dictated by me to the Steno typist, typed by her in the computer directly, corrected and pronounced by me in the open Court, on this Monday, the 13th day of October 2025.

II Judge
Court of Small Causes, Chennai.

Petitioner's side Witness:

P.W.1 : Mr.R. Elangovan (The petitioner)

P.W.2 : Mr. Chandrasekaran (Witness)

Petitioner's side Exhibits:

Ex.P1 - F.I.R Copy

Ex.P2 - AR copy

Ex.P3 - AR copy

- Ex.P4 - Copy of department of Traumatology
- Ex.P5 - Copy of discharge summary issued by Kauvery Hospital, Trichy
- Ex.P6 - Copy of MVI report of the 1st respondent's vehicle
- Ex.P7 - Copy of driving licence of the 1st respondent's vehicle driver
- Ex.P8 - Copy of final report
- Ex.P9 - Copy of Insurance policy
- Ex.P10 – Copy of Registration certificate of the 1st respondent's vehicle
- Ex.P 11 – Copy of PAN card
- Ex.P12 – Copy of bank pass book
- Ex.P13 – Copy of driving licence of the petitioner
- Ex.P14 - Copy of Aadhar card
- Ex.P15 - Summon
- Ex.P16 - Authorization letter of PW2
- Ex.P17 - Discharge summary issued by Kauvery Hospital, Trichy
- Ex.P18 - Medical bills
- Ex.P19 – Copy of ID card of the PW2
- Ex.P20 – Copy of Aadhar card of the PW2
- Ex.P21 – Copy of Case sheet

Respondent side Witness:

RW1 - Mr.S. Jawahar (Administrative Officer)

Respondent side Exhibits:

- Ex.R1 : Handover summon to served to RTO
- Ex.R2 : Authorization letter of RW1
- Ex.R3 : Copy of ID card of the RW1
- Ex.R4 : Letter of RTO Officer
- Ex.R5 : Driving Licence copy extract of the petitioner
- Ex.R6 : Driving Licence copy extract of the 1st respondent's vehicle driver
- Ex.R7 : Letter sent to the petitioner
- Ex.R8 : Letter sent to the 1st respondent's vehicle driver

Ex.R9 : Copy of driving licence of the petitioner

Ex.R10: Copy of driving licence of the 1st respondent's vehicle driver

Ex.R11: Copy of insurance policy

Court documents:

Ex.C1 : Disability Certificate issued by Medical Board.

**II Judge
Court of Small Causes, Chennai.**