

IN THE COURT OF THE V JUDGE, COURT OF SMALL CAUSES

(MOTOR ACCIDENTS CLAIMS TRIBUNAL)

CHENNAI

PRESENT: THIRU. S. MUTHU MURUGAN, B.A., B.L., LL.M.,

V Judge.

Wednesday, this the 19th Day of November 2025

MCOP No. 1544/2020

CNR No.TNCH09-002911-2020

Thangavel
S/o. Marakkayan,
Aged about 65 years,
No. 343, West colony, Govindharajanpettai,
Agaraputhur,
Vanamadevi,
Cuddalore 608 701

...Petitioner

Vs.

1. S. Karthik,
S/o. Sambanthamoorthy,
Manaveli Main road, Palanjanallur,
Melapalanchanallur,Kattumannarkoil
Cuddalore - 608 301

2. The United India Insurance Co. Ltd.,
Motor third party,
134, Silingi Buildings,
66 Grems road,
Chennai 600 006

... Respondents

This petition came up **18.07.2025** for final hearing before me in the presence of **Mr. P. Shanmugam and S. Lillyrani** Counsel for the petitioner **but the 1st and 2nd respondent was called absent and set exparte.** But the petitioner

side not come forward for argument so on perusing the case records and having stood over for consideration till this date, this court delivered the following.

AWARD

This claim petition has been filed under Section 166 of Motor Vehicles Act, 1988 claiming compensation of Rs. 10,00,000/- with interest and costs.

2. The averments in the petition, in brief, are as follows:

The petitioner submits that on 24.03.2020 at about 18.30 hours when the injured was crossing the road from east towards west to Chennai to Kumbakonam highway at Mamangalam check post, at that time the motorcycle bearing Reg. No. TN 91 E 0639 proceeding from north towards south side very rash and negligent manner at great high speed and dashed the petitioner. Due to the accident the petitioner sustained grievous injuries. The accident occurred due to the negligence of the bike rider hence the first respondent as owner and the second respondent as insurer of the bike are liable to pay compensation to the petitioner.

3. Both the respondents were set as exparte.

4. Evidence:

In evidence the petitioner examined as PW1 and marked eleven documents as Ex.P1 to Ex.P11 after heard the petitioner side arguments posted for orders.

5. The Points for determination are:

1)	Whether the accident occurred due to the rash and negligent driving of the 1 st respondent bike rider ?
2)	Whether the 1 st respondent's bike rider was having valid driving license and whether the said vehicle was covered under valid insurance and proper documents, as contemplated under the M.V. Act at the time of accident?
3)	Whether the petitioner is entitled to get compensation if so, what should be the quantum of compensation, and by whom it is payable?

6. ANSWER FOR POINT No.1:

6.1. The petitioner submits that on 24.03.2020 at about 18.30 hours when the injured was crossing the road from east towards west to Chennai to Kumbakonam highway at Mamangalam check post, at that time the motorcycle bearing Reg. No. TN 91 E 0639 proceeding from north towards south side very rash and negligent manner at great high speed and dashed the petitioner. Due to the accident the petitioner sustained grievous injuries.

6.2. In this regard the police complaint was lodged by one Puthuraja to Chozhatharam police station . On which the Ex. P1, FIR has been registered in FIR No. 59/2020 u/s. 279, 337 IPC against the 1st respondent biker rider. But the 1st and 2nd respondents remains as exparte. So considering the PW1 evidence and the FIR this tribunal decided that the accident happened due to the negligence of the 1st respondent bike rider. Accordingly, the point is decided.

7. ANSWER FOR POINT No.2:

In this point the first step is to find out the driving license of the 1st respondent bike rider in evidence the petitioner side marked the driving license of the 1st respondent bike rider as Ex.P9 and the RC book, insurance policy of that bike have been marked as Ex.P7 and P8. However both the respondents set as exparte so this tribunal decided that the bike involved in the accident was under the cover of insurance at the time of accident. Accordingly, the point is decided.

8. ANSWER FOR POINT No.3:

As decided in the above points the accident was happened due to the rash and negligent riding of the 1st respondent bike rider resulted, the petitioner sustained left fibula fracture and multiple injuries he was treated at Chidambaram medical college as outpatient as per the Ex.P3. Further the petitioner side marked the Ex.P2 another discharge summary but it was for vision-related treatment so it is not relevant to accident injuries. Further the Ex.P4 also not for the treatment to the accident injuries. Further, the petitioner referred to the medical board after examination the medical board disability fixed 50% for age related ailments so considering the nature of injuries the medical disability fixed as 25%. But there is no proof for job loss and no functional disability proved. Considering these aspects, this tribunal inclined to award compensation under various heads in percentage method.

i) **Partial disability**

Since the disability fixed by the tribunal as 25 % and the accident was happened on 24.03.2020 as per the judgment of the **Honble Madras High court in CMA 13/2025 between the Revanth kumar vs M/s. Sun-X-Concrete India private limited and others dated 10.01.2025 in Para No.7 a sum of Rs.2,00,000/- (25 x 8, 000) awarded under this head.**

ii) **Pain and suffering**

Due to the accident the petitioner sustained left fibula fracture and multiple injuries he was treated at Chidambaram medical college as outpatient as per the Ex.P3. Further the petitioner side marked the Ex.P2 another discharge summary but it was for vision-related treatment so it is not relevant to accident injuries. So till the healing that injury he would have suffered the pain and not able to work properly due to the injuries hence under this head this court inclined to give Rs. 50,000/-.

iii) **Medical Expenses**

The petitioner sustained left fibula fracture and multiple injuries he was treated at Chidambaram medical college as outpatient as per the Ex.P3. Further the petitioner side marked the Ex.P2 another discharge summary but it was for vision-related treatment so it is not relevant to accident injuries. The Medical bills marked as Ex.P5 for sum of Rs. 9722/- but that bills are not related to accident injuries so no amount awarded under this head.

iv) **Attender Charges**

As stated supra the petitioner sustained left fibula fracture and multiple injuries he was treated at Chidambaram medical college as outpatient as per the Ex.P3. Further the petitioner side marked the Ex.P2 another discharge summary but it was for vision-related treatment so it is not relevant to accident injuries. So, during the time, a person would have stayed and assisted him hence a sum of Rs.10,000/- awarded under this head.

vi) **Transport Charges**

The petitioner sustained left fibula fracture and multiple injuries he was treated at Chidambaram medical college as outpatient as per the Ex.P3. Further the petitioner side marked the Ex.P2 another discharge summary but it was for vision-related treatment so it is not relevant to accident injuries. So, even then he would have gone to the hospital many times therefore he may have incurred sum expenses for transport. However, no bills marked by the petitioner, therefore considering the treatment period, distance this court fixed the amount under this head as Rs.10,000/-.

vii) **Loss of Income**

The petitioner stated that he was working as Cooli and earned Rs. 10,000/- per month but in evidence no documents marked for his income and nature of work. Hence, this court considering his age was 65 at the time of accident and prevailed working atmosphere in the year 2020, fixed his notional income as Rs.15,000/- per month. Further during the treatment time and then at least for

three months he would have not able to work thereby lost his income so this court inclined to award Rs.45,000 (3x 15,000) under this head.

viii) **Loss of Amenities**

In view of the fact that the petitioner sustained left fibula fracture and multiple injuries he was treated at Chidambaram medical college as outpatient as per the Ex.P3. Further the petitioner side marked the Ex.P2 another discharge summary but it was for vision-related treatment so it is not relevant to accident injuries. Hence, during that time certainly, he would have loss amenities by not able to walk and perform his day today work properly so under this head this court inclined award Rs. 15,000/-.

viii) **Extra nourishment**

During the period of treatment and the subsequent days he would have to take nutritious food to restore his body to normal condition so under this head this court inclined to give Rs.15,000/-.

The summing up the award amounts under the various heads are as follows,

Part disability	Rs. 2,00,000/-
Pain and Suffering	Rs. 50,000/-
Loss of Income	Rs.45,000/-
Medical expenses	Rs. Nil
Attendant charges	Rs. 10,000/-
Transportation	Rs. 10,000/-

Loss of Amenities	Rs.15,000/-
Extra Nourishment	Rs. 15,000/-
TOTAL	Rs.3,45,000 /-

9. In the result, this petition is partly allowed that,

(i)	An award of Rs. 3,45,000/- (Rupees Three Lakhs and forty five Thousand only) is passed in favour of the petitioner with interest at 7.5% p.a. from the date of petition, i.e 03.08.2020 to till the date of payment payable by the respondents with costs.
(ii)	There will be no interest for the default period if any.
(iii)	The compensation amount shall be deposited into this court Bank Account in the name of Registrar (MACT), Court of Small Causes, Chennai Account No. 7103261207 IFSC No. IDIB000M157 Indian Bank, Madras High Court Branch, Chennai within two months.
(iv)	Considering the long pending of this OP and age of the petitioner, on deposit the petitioner permitted to withdraw the entire amount on separate application.
(v)	On petition for payment of the above said initial amount excluding, costs, Advocate fees and bank charges due and payable to the petitioner/claimant which shall be transferred to petitioner/claimant's bank account no. 6104303299 Indian bank, Kumbakonam , chennai main road, Sloatharam through RTGS (or) NEFT.
(vi)	The petitioner has paid a sum of Rs. 375/- towards Court fee. As per this award, the Court fee is Rs.2822.50/-. The Advocate fee is fixed at Rs.9900/-.

The Additional Court fee of a sum of Rs. 2447.50 shall be paid within 10 days.
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Dictated by me to the Typist and she directly typed it in the computer after corrections pronounced by me in Open Court, on this the 19th day of November 2025

(S. MUTHUMURUGAN)
Vth Judge
COURT OF SMALL CAUSES
CHENNAI

LIST OF WITNESSES EXAMINED FOR THE PETITIONER: -

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	06.11.2024	Thangavel (Petitioner)	Ex.P1-Ex.P11

LIST OF EXHIBITS FOR THE PETITIONER: -

Sl No.	Date	Document Particulars	Document Type
Ex.P1	30.03.2020	First information report	Photocopy
Ex.P2	16.04.2021	Discharge summary	Original
Ex.P3	--	Outpatient record	Original
Ex.P4	--	Medical reports	Original
Ex.P5	--	Medical bills	Original
Ex.P6	--	Lab reports	Photocopy
Ex.P7	--	RC book of the 1 st respondent vehicle	Photocopy

Ex.P8	--	Insurance policy of the 1 st respondent vehicle	Photocopy
Ex.P9	--	Driving license of the 1 st respondent vehicle driver	Photocopy
Ex.P10	--	Petitioner's Aadhar card	Photocopy
Ex.P11	--	Bank pass book of the petitioner	Photocopy

LIST OF WITNESS EXAMINED FOR THE RESPONDENT: Nil

LIST OF EXHIBITS MARKED FOR THE RESPONDENT: Nil

COURT DOCUMENT:

Sl No.	Date	Document Particulars	Document Type
Ex.C1	--	Disability certificate of the petitioner issued by Medical Board.	Original

(S. MUTHUMURUGAN)
Vth Judge
COURT OF SMALL CAUSES
CHENNAI

OTHER PARTICULARS

Date of filing of the petition	03.08.2020
Date of Award	19.11.2025
Amount Claimed under Compensation	Rs. 10,00,000/-
Amount Awarded as Compensation	Rs. 3,45,000/-
Total Court Fees	Rs. 2822.5/-
The Court Fee already paid	Rs. 375/-
Balance Court Fee to be paid	Rs. 2,447.5/-

Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs. 2822.5/-
Vakalath	Rs. 5.00/-
Preparation of Summon Batta Charges	Rs. 40.00/-
Advocate Fees	Rs. 9900.00/-
TOTAL	Rs. 12,767.50 (Rounded to 12,768/-)

(S. MUTHUMURUGAN)
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