

BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, CHENNAI

(In the VI Court of Small Causes, Chennai)

PRESENT: THIRU. K.S.RAJESH KUMAR, M.L.,

VI JUDGE

Wednesday, this the 29th Day of October 2025

MCOP No.4543/2022

CNR No.TNCH09-009732-2022

1.	Name and Address of the Claimant(s)	:	D.Gokul, S/o.Dhanasekar, No.15, Annai Sathya Nagar, 7 th Street, Kodungaiyur, Chennai 118.
2.	Name and address of Respondent(s)	:	1.Santhosh Dinakaran, S/o.K.Dinakaran, No.102, New No.4, Venkateswara Nagar, 4 th Street, Kodungaiyur, Chennai 118. 2. The Manager The New India Assurance Co.Ltd., Macamillan House, 2 nd Floor, B Block, No.21, Patullos Road, Chennai 600 002. Policy No.71090031220100000785 Valid from 15.05.2022 to 14.05.2023
3.	Date of filing of the claim petition	:	01.09.2022

4.	Date of Award	:	29.10.2025
5.	Amount of Award	:	Rs. 1,10,500/-
6.	Costs Allowed	:	Rs. 5,718/-
7.	Court Fee for award amount	:	Rs. 477.50
8.	Court Fee Paid	:	Rs. 375/-
9.	Balance Court fee to be paid	:	Rs. 102.50

Date of Final Hearing	13.10.2025
Counsel for the Petitioner(s)	M/s.S.Dhilip Kumar, K.Sachithanandan and U.S.Ram Mohan
Counsel for Respondents(s)	1 st & 2 nd Respondents – Exparte

AWARD

This petition has been filed under Section 166 of Motor Vehicles Act,1988 claiming a compensation of Rs.5,00,000/- with interest and costs.

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

The petitioner submits that, on 20.05.2022 at about 08.30 pm when the petitioner was riding the motor cycle bearing Reg No. TN 22 DT 8044 coming west to east on TH road, opposite of George Town Co Operative Bank, MR Nagar, at that time a car bearing Reg No.TN 05 AW 8374 driven by its driver in a rash and negligent manner and dashed against the petitioner motor cycle. Due to which the petitioner sustained injuries. Since the accident happened due to the

negligence of 1st respondent car driver, the respondents being the owner and insurer of the car are liable to pay compensation to the petitioner.

3. The respondents were set exparte.

4. **The Points for determination are:**

1)	Whether the accident occurred due to the rash and negligence driving of the 1 st respondent car driver?
2)	Whether the petitioner is entitled to get compensation if so, what should be the quantum of compensation, and by whom it is payable?

5. **Evidence:**

In evidence the petitioner examined himself as PW1 and marked twenty documents as Ex. P1 to P20 after heard the petitioner side arguments posted for orders.

6. **ANSWER FOR POINT No.1:**

6.1. The petitioner submits that, on 20.05.2022 at about 08.30 pm when the petitioner was riding the motor cycle bearing Reg No. TN 22 DT 8044 coming west to east on TH road, opposite of George Town Co Operative Bank, MR Nagar, at that time a car bearing Reg No.TN 05 AW 8374 driven by its driver in a rash and negligent manner and dashed against the petitioner motor cycle. Due to which the petitioner sustained injuries.

6.2. In this regard a police complaint was lodged by one Parimala to Pulianthope Police Station. On which Ex. P5, FIR was registered in FIR

No.56/2022 u/s. 279, 337 IPC against the 1st respondent's car driver. But the respondents remained exparte. So considering the FIR and evidence of the petitioner this tribunal decided that the accident happened due to rash and negligent of car driver. Accordingly, the point is decided.

7. ANSWER FOR POINT No.2:

7.1. The petitioner submits that he has sustained right ankle fracture and was treated at ESI Hospital, Chennai as inpatient from 24.05.2022 to 30.05.2022 for 7 days. In order to prove his contention the petitioner has marked Ex.P1 Accident Register and Ex.P3 Discharge summary. So it is proved that petitioner has sustained injury due to the accident. Since the petitioner sustained injury due to the accident the petitioner is entitled for compensation.

7.2. It is already decided that accident has occurred due to the rash and negligence of the 1st respondent car driver. The registration certificate and insurance policy of said car bearing Reg No.TN 05 AW 8374 is marked as Ex.P9 and Ex.P10. The 2nd respondent being the insurer of the 1st respondent car is liable to pay compensation to the petitioner. The quantum of compensation under various heads is as follows.

7.3.(a) Permanent disability

The petitioner has failed to prove the disability caused due to the injury hence no amount awarded under this head.

7.3.(b) Pain and suffering

Due to the accident the petitioner sustained injury and took treatment at ESI Hospital, Chennai as inpatient from 24.05.2022 to 30.05.2022 for 7 days as per Ex.P1 Accident Register and Ex.P3 discharge summary. So till the healing of that injury he would have suffered the pain and not able to work properly due to the injury hence under this head this court inclined to award **Rs.25,000/-**.

7.3.(c) Medical Expenses

The petitioner for his injury took treatment at ESI Hospital, Chennai as inpatient from 24.05.2022 to 30.05.2022 for 7 days as per Ex.P1 Accident Register and Ex.P3 discharge summary. But no medical bills marked so no amount awarded under this head.

7.3.(d) Attender Charges

As stated supra the petitioner took treatment at ESI Hospital, Chennai as inpatient from 24.05.2022 to 30.05.2022 for 7 days as per Ex.P1 Accident Register and Ex.P3 discharge summary. A person would have stayed and assisted him during the treatment. Hence a sum of **Rs.3,500/-** (7X 500) awarded under this head.

7.3.(e) Transport Charges

The petitioner after the accident took treatment at ESI Hospital, Chennai as inpatient from 24.05.2022 to 30.05.2022 for 7 days as per Ex.P1 Accident Register and Ex.P3 discharge summary. So, he would have gone to hospital for

many times but no transport bills marked. However considering the treatment period, distance to hospital a sum of **Rs.10,000/-** awarded under this head.

7.3.(f) Loss of Income during treatment period

The petitioner stated that he was a private employee and earned Rs.11,500/- per month but in evidence no documents marked for his income and nature of work. Hence, this court considering his age was 24 at the time of accident and prevailed working atmosphere in 20.05.2022, fixed his notional income as Rs.16,000/- per month, as per **Hon'ble Madras High Court Division Bench Judgment reported in 2019 (1) TNMAC Page. No.54(DB) Andal Vs Avinav Kannan order dated 09.10.2018**. Further during the treatment time and then at least for two months he would have not able to work thereby lost his income so this court inclined to award **Rs.32,000/-** (2x 16,000) under this head.

7.3.(g) Loss of Amenities

In view of the fact that the petitioner took treatment at ESI Hospital, Chennai as inpatient from 24.05.2022 to 30.05.2022 for 7 days as per Ex.P1 Accident Register and Ex.P3 discharge summary. Hence, during that time certainly, he would have loss amenities by not able to perform his day today work properly so under this head this court inclined to award **Rs. 20,000/-**.

7.3.(h) Extra nourishment

During the period of treatment and the subsequent days petitioner would have to take nutritious food to restore his body to normal condition so under this head this court inclined to award **Rs.20,000/-**.

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

Part disability	Nil
Pain and Suffering	Rs. 25,000/-
Medical expenses	Nil
Attendant charges	Rs. 3,500/-
Transportation	Rs. 10,000/-
Loss of Income	Rs. 32,000/-
Loss of Amenities	Rs. 20,000/-
Extra Nourishment	Rs. 20,000/-
TOTAL	Rs. 1,10,500/-

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

(i)	An award of Rs.1,10,500/- (Rupees One Lakh Ten Thousand and Five Hundred only) is passed in favor of the petitioner with interest at 7.5% p.a. from the date of petition, i.e 17.10.2022 to till the date of payment payable by the second respondent 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 amount payable to the petitioner/claimant which shall be transferred to petitioner/claimants bank account No.014201000054736, Indian Overseas Bank, Washermanpet Branch, IFSC Code.IOBA0000142 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.477.50. The Advocate fee is fixed at Rs.5,210/-. The Additional Court fee of a sum of Rs. 102.50 shall be paid within 10 days.

Dictated by me to the Steno typist and she directly typed it in the computer after corrections pronounced by me in Open Court, on this the 29th day of October 2025.

VI Judge
Court of Small Causes,
Chennai-104.

LIST OF WITNESSES EXAMINED FOR THE PETITIONER: -

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	02.09.2025	Gokul (Petitioner)	Ex.P1-Ex.P20

LIST OF EXHIBITS FOR THE PETITIONER: -

SL. No.	Date	Document Particulars	Document Type
Ex.P1	--	Accident Register	Photocopy
Ex.P2	---	Wound Certificate	Photocopy
Ex.P3	24.05.2022 to 30.05.2022	Discharge summary issued by ESI Hospital, Chennai	Carbon copy
Ex.P4	--	Observation Magazar	Photocopy
Ex.P5	21.05.2022	First Information Report	Carboncopy
Ex.P6	--	Rough sketch	Photocopy
Ex.P7	--	MV Report of 1 st respondent car bearing Reg No.TN 05 AW 8374	Photocopy
Ex.P8	--	Driving license of 1 st respondent car driver	Photocopy
Ex.P9	--	Registration certificate of 1 st respondent car bearing Reg No.TN 05 AW 8374	Photocopy
Ex.P10	--	Insurance policy of 1 st respondent car bearing Reg No.TN 05 AW 8374	Photocopy
Ex.P11	--	Medical record	Photocopy
Ex.P12	--	RC Book of petitioner motor cycle bearing Reg No.TN 22 DT 8044	Photocopy
Ex.P13	--	Insurance policy of petitioner motor cycle bearing Reg No.TN 22 DT 8044	Photocopy
Ex.P14	--	Driving license of the petitioner	Photocopy
Ex.P15	--	Family card of the petitioner	Photocopy
Ex.P16	--	Aadhar card of the petitioner	Photocopy
Ex.P17	--	Bank pass book 1 st page of the petitioner	Photocopy

Ex.P18	--	Pan card of the petitioner	Photocopy
Ex.P19	--	X Ray	Original
Ex.P20	--	Traffic Investigation Report	Original

COURT DOCUMENT:Nil

**VI Judge
Court of Small Causes,
Chennai-104.**

Other necessary Particulars:

Date of filing of claim petition	:	01.09.2022
Date of taking the petition on file	:	17.10.2022
Compensation Claimed in the MCOP	:	Rs.5,00,000/-
Compensation awarded in this petition	:	Rs. 1,10,500/-
Court fee payable on the award amount	:	Rs. 477.50
Court fee paid along with the petition	:	Rs. 375/-
Balance Court fee to be paid	:	Rs. 102.50

STATEMENT OF COSTS

Stamp on Petition	Rs. 477.50/-
Stamp on Vakalat	Rs. 10.00/-
Stamp on Process	Rs. 20.00/-
Advocate Fees	Rs. 5,210.00/-

Costs Allowed Rs. 5,717.50 (Rounded off to Rs.5,718/-)

**VI Judge
Court of Small Causes,
Chennai-104.**

Deficit Court fee paid in Memo SR.No.-----, dated:

Verified by: