

**In the Motor Accidents Claims Tribunal (Special District Court
No. II to deal with MCOP Cases) at Cuddalore**

Present: Thiru. **S.Prakash**, B.Sc., B.L., LL.M.,
Motor Accident Claims Tribunal Judge / Special District Judge No.II,

Thursday, the 29th day of January, 2026.

Motor Accidents Claims Original Petition No. 27 of 2020

Geethapriya, W/o. Velmurugan, aged about 31 years, residing at No.6, Second Cross Street, Rajagowri Nagar, Koravallimedu, Manapattu, Puducherry.

... Petitioner

Vs.

1. Velayutham, S/o. Govindhan, No.5, Angalamman Koil Street, Suiliyankuppam, Manapet, Puducherry.
2. United India Insurance Company Limited., Third Party Service Hub, AR Plaza, Plot No.35, 36, 37, 45, Feet Road Extension, Balaji Nagar, Saram, Puducherry - 605 011.

...Respondents

This petition coming up before this Tribunal for final hearing on 24.01.2026 in the presence of Mr.S.Murugan, Counsel appearing for the petitioner; the Respondent No.1 and 2 are being called absent set exparte and upon hearing the arguments from the side of petitioner and upon perusing the entire records of the case, having stood over for consideration till this date, this Tribunal delivered the following :

AWARD

1. This petition has been filed under Section 166(1) of the Motor Vehicles Act by the petitioner seeking for compensation.

The Brief averments of the Petition runs as :

- 2(a). On 15.09.2019 at 10.00AM, when the petitioner was travelling as

a pillion rider in the 1 Respondent's motor cycle bearing Regn.No:PY.01.VA.5691, the driver of the motor cycle drove the vehicle rash and negligently and due to the sudden breaking, the petitioner was thrown out of the motor cycle and fell on the road and sustained injuries. As a result the petitioner sustained injuries and took treatment at Kannan Hospital, Cuddalore.

2(b). Due to multiple grievous injuries, the petitioner could not do any of her work and depended on others. She suffered great pain and was laid up in bed. She had lost amenities of life which she enjoyed last. She could not attend her job and that she also lost her entire income and has been struggling very much. She had become permanently disabled and incapacitated from earning and the disability will put her in great difficulties that her future has become a question mark. She had spent more money on her medical treatment, food and conveyance charges.

2(c). The petitioner was enjoying good health and was earning Rs.15,000/- per month before the accident. The petitioner estimates the compensation at Rs.10,00,000/-(Rupees Ten Lakh only) for the multiple grievous injuries, pain and sufferings, shock and agony, permanent disability, loss of income and earning capacity, loss of amenities, frustration inconvenience, loss of expectation of life, loss of future prospects, treatment expense food, and conveyance charges.

2(d). The 1st and 2nd respondents are owner and insurer of the motorcycle bearing regn.No:PY.01.VA.5691 respectively. Hence, both are

jointly and severally liable to pay compensation to the petitioner.

3. The Respondent No.1 and 2 are being called absent set exparte.

Points for Consideration:

4. Based on the materials available before this Tribunal and upon hearing the arguments of the learned counsels appearing for the litigants, the following points are framed for consideration:

- (i) **Whether the accident took place due to the rash and negligent act of the riding of the rider of the Motor Cycle bearing Regn.No.PY-01-VA-5691?**
- (ii) **Whether the respondents are liable to pay compensation?**
- (iii) **Whether the petitioner is entitled for the compensation? If so, from whom and what is the quantum?**
- (iv) **To what other reliefs, the petitioner is entitled too?**

On the Points :

5. Heard the counsel for Petitioner. Petition and Case records are carefully perused and considered in the light of arguments placed by the Counsels appearing for the litigants. On the side of the petitioner, examined himself as P.W.1 and Ex.P1 to Ex.P.10 were marked. Disability Certificate received from Medical Board was marked as Ex. C1.

Point No.1:

6. In order to prove the rash and negligence of the rider of Motor Cycle, the petitioner examined herself as P.W.1 and deposed evidence in support of the averments stated in the petition. To prove the date and place of

accident and also the vehicles involved in the accident, the Petitioner relied on Ex.P1 - photocopy of First Information Report, registered by Reddichavadi Police, in Crime No. 186 of 2019, under sections 279 and 337 of Indian Penal Code. Ex.P1 would reveals that criminal law was set into motion, as against the rider of the Motor Cycle bearing Regn.No.PY-01-VA-5691 for committing the accident. After investigation the police had filed the final report as against the rider of Motor Cycle bearing Regn.No.PY-01-AV-5691, vide Ex.P8. PW.1, who is the injured in the accident, had categorically deposed the manner of accident and the rash and negligent riding of the rider of 1st Respondent. From the evidence of P.W.1, it is established that the accident was occurred only because of the rash and negligent riding of the 1st Respondent Motor Cycle bearing Regn.No.PY-01-VA-5691.

7. To disprove the evidence of PW.1. In the absence of anything contrary, the evidence of P.W.1 remains unchallenged. It is necessary to note that as far as the proof of Claim Petition in a Motor Accident Cases are concerned, it is settled law that the claimant is expected to prove her case only with the preponderance of probabilities and not beyond reasonable doubts. So that relying on the evidence of PW.1 and the documentary evidence discussed earlier, this Tribunal arrived to the conclusion that the accident is solely due to the rash and negligent riding of the rider of the Motor Cycle bearing Regn.No.PY-01-VA-5691. Hence, Point No.1 is answered accordingly.

Point No. 2 :

8. It is already decided that the accident was happened due to the negligence of the rider of the 1st Respondent's vehicle. Ex.P.3 is the copy of Motor Vehicle Inspection Report of the 1st Respondent's vehicle. It is evident that the 1st Respondent is the owner of the offending Motor Cycle bearing Regn.No.PY-01-VA-5691. Ex.P4 - Photocopy of Insurance Policy of 1st Respondent's vehicle, it reveals that the 1st Respondent's vehicle was properly insured with the 2nd Respondent, under Ex.P4, which is valid from 31.07.2019 to 30.07.2020, covering the period of accident (*i.e. 15.09.2019*).

9. On perusal of Motor Vehicle Inspection Report it is noted that the rider of the Motor Cycle Velayutham was not having valid driving licence at the time of accident. The said Velayutham is the owner of the vehicle. During the Motor Vehicle inspection, the vehicle was detained at Police Station, since there is a violation of traffic regulations. The Motor Vehicle Inspector has issued Check Report for riding the Motor Cycle without driving licence at the time of accident. Hence, it is clear policy violation. In this regard, Hon'ble Supreme Court in **Parminder Singh Vs. New India Assurance Co. Ltd., & Others** reported in **CDJ 2019 SC 747**, has held that,

" 7.1 This Court in Shamanna & Ors. V. The Divisional Manager, The Oriental Insurance Co. Ltd., & Ors., held that if the driver of the offending vehicle does not possess a valid driving license, the principle of "pay and recover" can be ordered to direct the insurance company to pay the victim, and then recover the amount from the owner of the offending

vehicle (2018) 9 SCC 650) . "

The intention of the enactment of Motor Vehicles Act, is to benefit the victims of road traffic accident. The Motor Vehicle Act, being a social beneficial legislation, enacted to compensate the victims of the road traffic accident. So the insurer 2nd respondent herein, shall indemnify the contract of insurance between himself and the Respondent No.1, by paying the compensation to the victims petitioners herein who are third parties and shall be at liberty to recover the same from the Respondent No.1 under the rule of pay and recovery. Therefore, it is decided that Respondent No.2 as the insurer shall pay the compensation to the petitioner with liberty to recover the same from the Respondent No.1. Thus, Point No.2 is answered accordingly.

Point No. 3 :

10. In order to prove the injuries sustained by him in the accident, the petitioner relied on Ex.P2 - Accident Register issued by Kannan Hospital, Cuddalore. Ex.P5 - Wound Certificate. Ex.P7 - Discharge Summary issued by Kannan Hospital, Cuddalore. It would reveal that the petitioner took inpatient treatment from 15.09.2019 to 17.09.2019 for **Soft Tissue swelling in the left side of the parietal region. Laceration in occipital region.** Based on the records this Tribunal holds that the petitioner had sustained grievous injuries. Hence, on the directions of this tribunal, the petitioner was subjected to clinical examination by the Medical Board. After examining the petitioner, the Medical board has assessed that the Claim

petitioner suffered with 6% as whole body disability. Considering the injuries sustained by the petitioner in the accident and the disability certificate Ex.C1 issued by the Medical Board, this Tribunal also assessed the petitioner's disability as 6% for the purpose of calculation of compensation.

11. The Medical Board has not offered any rationale to adopt Multiplier method as described in **Raj Kumar Vs. Ajay Kumar and another** reported in **[(2011) 1 SCC 343]**. As the consequence, this Tribunal adopts Percentage method for calculation of quantum in this case.

12. It is pertinent to note that the Accident was occurred on 15.09.2019. The Hon'ble High Court, Madras in **M.Chinnathambi, Vs. 1. S.Deepa, 2. National Insurance Co.Ltd., in CMA 4645 of 2019 dated 10.01.2020 [2020 (1) TN MAC 617]**, for assessing disability, as enhanced the award per percentage and it runs as follows :

If the accident is occurred before 2013, Rs.3,000/- per percentage, 2014-2015, Rs.4,000/- per percentage and for the accident from the year 2016 onwards, Rs.5,000/- per percentage is to be calculated for determining towards disability.

Subsequently, in the Judgement of the Division Bench of Hon'ble Madras High Court, rendered in **Future General India Insurance Company Limited., Vs.1.Manivannan, 2.Managing Director Namakkal Transport Carriers Private Ltd., and 3.The Managing Director TNSTC Ltd, Salem - 7 [C.M.A.No.3334 of 2021 Dated 15.06.2022]**, for assessing disability, the award per percentage has been further enhanced as follows:

This Court by judgment dated 09.01.2020 made in C.M.A.No.4870 of 2020 in the case of M/s.IFFCO TOKIO General Insurance Company Limited vs. Venkatesh and another), fixed a sum of Rs.4,000/- per percentage of disability for the accident occurred in the year 2014 & 2015 and a sum of Rs.5,000/- per percentage of disability for the accident occurred from the year 2016 onwards, due to raise in cost of living. In the present case, the accident is of the year 2017. In view of the same, a sum of Rs.7,000/- is awarded per percentage of disability, due to raise in cost of living.

The said enhancement per Percentage was once again re-affirmed in **Kalaiselvi Vs. Manokaran and Reliance General Insurance Company Limited [C.M.A.No.2722 of 2022, Dated 03.04.2024]**. Thus Rs.7,000/- per percentage is awarded. Therefore, for 6% of disability, a sum of Rs.42,000/- (Rs.7,000 x 6) is awarded under the head of permanent disability.

i) Pain and Sufferings:

The petitioner had sustained grievous injuries **Soft Tissue swelling in the left side of the parietal region. Laceration in occipital region** and took inpatient treatment from 15.09.2019 to 17.09.2019 at Kannan Hospital, Cuddalore. So she would have experienced severe pain and suffering. Considering the same, a sum of Rs.25,000/- is awarded towards the pain and sufferings.

ii) Loss of comfort and amenities :

For the injuries sustained by the petitioner as referred above as well as inpatient treatment, she would suffered with discomfort and there would be certainly loss on her comfort and amenities, which she could have enjoyed but

for the accident. Therefore, taking note of the same a sum of Rs.30,000/- is awarded under the head of Loss of comfort and amenities.

iii) **Extra nourishment** :

According to the petitioner, she had undergone treatment for long time. The Petitioner was inpatient and taking further treatment, and as she would have taken with extra nourished and rich food for recuperating her health and for her speedy recovery. Therefore, a sum of Rs.5,000/- is awarded under the head of extra nourishment.

iv) **Attender charges** :

Petitioner had suffered with **Soft Tissue swelling in the left side of the parietal region. Laceration in occipital region.** The injuries taken some time for recovery and till the period of recovery definitely the petitioner would have been under the care and custody of an attender. Therefore, considering the nature of injury this Tribunal is inclined to grant a sum of Rs.500/- per day for treatment as inpatient and took treatment from 15.09.2019 to 17.09.2019 at Kannan Hospital, Cuddalore. (Rs.500/- X 3 Days) Rs.1,500/- is awarded under the head of attender charges.

v) **Medical Expenses** :

By refering the Ex.P6 the petitioner had claimed a sum of Rs.36,921/- towards the Medical Expenses for which he had produce the final bill vide Ex.P6. On perusal of Ex.P6 except the printout there is no any substantiating

Medical bills or Medical receipts. In order to claim pecuniary damages towards the Medical Expenses. The claimant ought to file the original Medical receipts and original Medical bills, so that this Tribunal can pass a proper order for reimbursement of expenses allegedly incurred by the petitioner. In this case except single sheet there is no any original Medical bills or Medical receipts to substantiate the payment of Rs.36,921/- by the petitioner. Hence, this Court not in a position to award any amount under the head of Medical Expenses.

vi) Transportation charges :

Considering the nature of injuries as well as transport from the place of accident to the hospital, inpatient treatment, Cost index of the town, this Tribunal considers that the petitioner would have certainly incurred traveling expenses. Therefore, a sum of Rs.5,000/- is awarded towards transportation charges.

vii) Loss of expectation of Life :

On account of the injuries sustained, the normal longevity of life of the petitioner may be shortened. Therefore, a sum of Rs.20,000/- is awarded towards loss of expectation of life.

viii) Loss of clothes and articles :

There is no evidence produced by the petitioner on this head and thus no amount was ordered under this head.

ix) Loss of Income during Treatment :

The Petitioner / claimant that he was doing Pharmacy Assistant, Kannan Hospital, Cuddalore and earned Rs.15,000/- per month. The Petitioner neither filed any documents relating to proof of income nor the Bank Pass book to substantiate the point of income of the petitioner at the time of accident. In the absence of any proof and materials, this Tribunal resort logical method to fix the notional income. Hence, considering the nature of job as pleaded and the injuries sustained and the period of treatment and healing, a lumpsum of Rs.5,000/- on notional basis, is awarded under the head of loss of income during the treatment.

x) Future Medical Expenses :

The Petitioner had not filed any Report or medical opinion to prove about the Future Medical expenses.

Calculation on Quantum of compensation :

Date of Accident : 15.09.2019		
Loss of Earning Power due to Disability (6%)	Rs.	42,000/-
Pain and Sufferings	Rs.	25,000/-
Loss of comfort and amenities	Rs.	30,000/-
Extra nourishment	Rs.	5,000/-
Attender charges	Rs.	1,500/-
Medical expenses	Rs.	-Nil-
Transport expenses	Rs.	5,000/-
Loss of expectation of life	Rs.	20,000/-
Loss of clothes and articles	Rs.	-Nil-

Loss of Income during treatment and recovery	Rs.	5,000
Future Medical Expenses	Rs.	-Nil-
Total	Rs.	1,33,500/-

In all, the petitioner is entitled to a compensation of **Rs.1,33,500/-** With interest and costs. Thus, Point No.3 is answered accordingly.

Point No. 4 :

13. Upon discussions made above, this Tribunal hold that the petitioner/claimant is entitled for **Rs.1,33,500/- (Rupees One Lakh Thirty Three Thousand Five Hundred only)** as just and fair compensation. This petition was filed on 02.01.2020. Thus, the petitioner is entitled for an interest on the award amount at the rate of 7.5% per annum excluding the period if any relates to dismissed for default of claim petition. **(Refer : National Insurance Co.Ltd., Vs. Mannat Johal 2019 (15) SCC 260)**. Thus, the Point No.4 is answered accordingly.

Conclusion:

14. In the result, this Claim petition is partly allowed with costs with following terms :

(i) The Petitioner is entitled for the Compensation as awarded hereunder.

(ii) A sum of **Rs.1,33,500/- (Rupees One Lakh Thirty Three Thousand Five Hundred only)** is awarded as compensation to the petitioner, which is just and reasonable.

(iii) The Award amount shall be paid to the claimant by the Respondent No.2 with interest at 7.5% p.a., from the date of petition, till the date of payment, excluding the period of dismissed for default if any.

(iv) The Respondent No.2 is at liberty to recover the award amount along with interest from the 1st Respondent.

(v) The 2nd Respondent is directed to deposit the award amount with interest to the Bank account of this Tribunal through Virtual Account Number as described below in detail :

Special District Court No.II to deal with MCOP Cases, Cuddalore.	VAN Account No. SDJCUD2MCOP00272020 Indian Overseas Bank, Manjakuppam Branch, Cuddalore.
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(vi) After deposit of the award amount, the petitioner is permitted to withdraw the award amount along with interest and costs. On petition by the Petitioner, the same shall be transmitted to the bank account (Vide Ex.P10) of the Petitioner/claimant through RTGS (or) NEFT.

(vii) The petitioners / claimants and shall deposit the **balance court fees within 15 days from the date of this award**, except already if paid.

(viii) The Advocate Fee is fixed at Rs.5,670/-.

//Dictated to the Steno-Typist, typed directly by her in computer, corrected, additions made by me in my Official Laptop, and pronounced by me in open Court on this the 29th day of January 2026//

Motor Accident Claims Tribunal Judge /
Special District Judge No.II,
Special District Court No.II
to deal with MCOP Cases, *Cuddalore.*

Witnesses examined on the side of the Petitioners :

P.W.1 Selvi. Geethapriya (Petitioner)

Exhibits marked on the side of the Petitioners :

Ex. No	Date	Details
Ex.P1	16.09.2019	Photocopy of the First Information Report
Ex.P2	15.09.2019	Accident Register issued by Kannan Hospital, Cuddalore
Ex.P3	23.09.2019	Photocopy of MVI Report of 1st Respondent's vehicle
Ex.P4	30.07.2020	Photocopy of Insurance Policy of 1st Respondent's vehicle
Ex.P5	15.09.2019	Wound Certificate issued by Kannan Hospital, Cuddalore
Ex.P6	17.09.2019	Medical bills
Ex.P7	15.09.2019	Discharge Summary issued by Kannan Hospital, Cuddalore
Ex.P8	11.10.2019	Photocopy of Final Report
Ex.P9	--	Photocopy of Adhar Card of petitioner
Ex.P10	--	Photocopy of Bank Pass Book of petitioner
Ex.C1	17.09.2023	Disability Certificate

Motor Accident Claims Tribunal Judge /
Special District Judge No.II,
Special District Court No.II
to deal with MCOP Cases,
Cuddalore.

Draft / Fair Order in
MCOP No. 27 of 2020
29.01.2026.
