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Before the Motor Accidents Claims Tribunal, (Subordinate Judge's Court) Tambaram

Present : Thiru.R.Velraj, B.A.B.L.,

Subordinate Judge, Tambaram.

Monday, the 01st day of June 2026

Thiruvalluvar Aandu 2057, Parabhava Varudam, 18th day of "Vaigasi"

MCOP.No.60 of 2016

(CNR.No.TNCGOD-001377-2016)

Savithri, A/26 years,

W/o. S. Devaraj,

No.10-A, Venu Street, Patel Nagar,

West Tambaram, Chennai - 600 045.

... Petitioner

/ Vs /

1. The Correspondent,

Ganathipathi Tulsi's Jain Engineering College,

Chittoor - Cuddalore Road, Kanniyambadi,

Vellore Taluk,

Thiruvannamalai District - 606 803.

2. The Manager,

Third Party Claims Cell,

National Insurance Company Limited,

No.46, Moor Street,

Chennai - 600 001.

... Respondents

This petition is coming before me for final hearing on 30.04.2026 in the presence of M/s. R. Harikrishnan, counsel for the petitioner and in the presence of M/s. B. Deivanayaki, counsel for the 1st respondent and in the presence of M/s. S.Subramania Raja, counsel for the 2nd respondent and upon perusing the entire case records and upon hearing the arguments of both sides and having stood over for consideration till this day, this court delivered the following:

ORDER

I. This petition is filed by the petitioners under Section 166 of M.V.Act 1988 and Rule 3 of M.A.C.T Rules claiming a compensation of Rs.10,00,000/- (Restricted) for the injuries sustained by the petitioner in a road accident said to have occurred on 26.02.2016.

II. The averments in the petition in brief are as follows :

a. On 26.02.2016, at about 11.00 A.M., when the petitioner was riding as a pillion rider along with his husband in a Motor Cycle bearing Registration No. TN 22 CS 4884 from Vallakotai Murugan Temple to her home at Tirisulam and when nearing Sai Hospital, Padapai and by that time, a College Bus bearing Registration No. TN 23 BA 1867 came from behind and overtake the Motor Cycle and hit the Petitioner and as a result, both the rider and the pillion rider of the Motor Cycle lost their balance and fallen down and the left leg of the petitioner caught under the rear tyre of the bus and sustained injuries and she was taken treatment at Sayee Hospital and for further Medical Management, admitted to Sai Hospital, Chromepet.

b. The College Bus bearing Registration No. TN 23 BA 1867 was owned by the 1st Respondent and the said bus was duly insured with the the 2nd respondent and as such both the respondents 1 and 2 are jointly and severally liable to pay compensation to the petitioner under the various heads as claimed by her in her petition. Hence, this petition.

III. Brief case of the 2nd respondent is as follows:-

The 1st Respondent bus did not have valid badge, permit, Registration Certificate, Fitness Certificate to ply on the road and hence, the 2nd Respondent is not liable to pay the compensation. The quantum of compensation claimed by the petitioner is highly excessive and exorbitant. The accident was not occurred due to the negligence of the bus driver. The 2nd Respondent is entitled to contest the petition

on all the ground available to the 1st Respondent. Hence, this petition has to be dismissed as against the 2nd Respondent.

IV. Points for Consideration :

- 1 Whether the accident was due to the negligence driving of the driver of the College Bus bearing Registration No. TN 23 BA 1867?
2. Whether the petitioner is entitled to get any compensation ?
3. Who is liable to pay compensation ?
4. What is the quantum of the compensation that the petitioner is entitled to ?

V. Heard the petitioner and the 2nd respondent. The 1st petitioner was examined as PW1 and Exs.P1 to P14 were marked and on the side of the 2nd Respondent, no oral evidence was let-in and no exhibits were marked.

VI. Point No.1 :

The copy of the first information report in Crime No.89 of 2016 was marked as Ex.P1 and the same was registered based on the complaint given by one Devaraj, who is the husband of the Petitioner. According to the Ex. P1, on 26.02.2016, at about 11.00 A.M., when the petitioner was riding as a pillion rider along with his husband in a Motor Cycle bearing Registration No. TN 22 CS 4884 from Vallakotai Murugan Temple to her home at Tirisulam and when nearing Sai Hospital, Padapai and by that time, a College Bus bearing Registration No. TN 23 BA 1867 came from behind and overtake the Motor Cycle and hit the Petitioner and as a result, both the rider and the pillion rider of the Motor Cycle lost their balance and fallen down and the left leg of the petitioner caught under the rear tyre of the bus and sustained injuries and she was taken treatment at Sayee Hospital and for further Medical Management, admitted to Sai Hospital, Chromepet. No contra evidence let in on the side of the 2nd respondent. The PW.1 also deposed that the accident was occurred due

to the negligence of the driver of the College Bus bearing Registration No. TN 23 BA 1867. Since, the First Information Report was registered as against the driver of the College Bus bearing Registration No. TN 23 BA 1867 and no contra evidence let in on the side of the 2nd respondent and the evidence of the PW.1 also indicates that the accident was occurred due to the negligence of the College Bus bearing Registration No. TN 23 BA 1867, this court is of the view that the accident was occurred due to the negligence of the College Bus bearing Registration No. TN 23 BA 1867. The point No.1 is answered accordingly.

VII. Point No.2 :

This Court has already held that the accident was occurred due to the negligent driving of the College Bus bearing Registration No. TN 23 BA 1867. Ex. P2 is the prescription issued by the Sayee Hospital on 26.02.2016. Ex. P3 is the Discharge Summary issued by the Sree Balaji Medical College and Hospital and according to it, the Petitioner was admitted on 26.02.2016 and discharged on 23.03.2016 and she has undergone a surgery on 29.02.2016. Since, the petitioner met with an accident and sustained injuries and took treatment at hospitals, she is entitled for compensation. The point No.2 is answered accordingly.

VIII. Point No.3

This Court has already held that the accident was occurred due to the negligent driving of the College Bus bearing Registration No. TN 23 BA 1867 and the petitioner is entitled for compensation. The 2nd Respondent has not let in any contra evidence to claim that the 1st Respondent Bus was not insured with it. The Petitioner has claimed that the Bus was duly insured with the 2nd Respondent, vide Policy No.501300311510002482 from 31.10.2015 to 30.10.2016. Since the College Bus bearing Registration No. TN 23 BA 1867 was duly insured with the 2nd respondent at the time of the accident, this court is of the view that the 2nd respondent has to pay the

compensation to the petitioner on behalf of the 1st respondent. The point No.3 is answered accordingly.

IX. Point No.4 :

(a) Disability :

(i) The petitioner has subjected herself for medical examination before a Competent Medical Board. The Medical Board assed the disability at 10%. The date of accident is 26.02.2016. Hence, a sum of Rs.50,000/- is awarded under the head of Disability.

(b) Medical Expenses :

The petitioner has produced the following medical bills :-

Exhibit No.	Hospital / Enterprise	Amount (Rs.)
Ex. P4	Garud Enterprises	36,015/-
Ex. P5	Rotary Blood Bank	3,000/-
Ex. P6	Sree Balaji Hospital	1,902/-
Ex. P7	Sree Balaji Pharmacy	21,049/-
Ex. P8	Sree Balaji Hospital	11,400/-
Ex. P9	Kumaran Medicals	1,285/-
Ex. P10	Bawaa Medicals	4,555/-
Ex. P11	Parvathy Ortho Hospital	1,170/-
	(Total)	78,474/-

The petitioner also produced an undated letter from the Delta Hospital (Ex. P14), stating that a sum of Rs.1,35,000/- will be incurred for implant exit surgery inclusive of medicines, lab and other charges. But has not examined the Doctor, who issued the said letter. However, the petitioner has undergone the surgery on 29.02.2016 and as per the Ex. P3, a plate was fixed. Hence, the same need to be removed after the recovery. Hence, a sum of Rs.50,000/- is awarded for implant exit

surgery. Hence, a sum of Rs.1,28,474/- is awarded under the head of Medical Expenses and future Medical Expenses.

(c) Other Heads :

i. Ex. P2 is the Discharge Summary issued by the Sree Balaji Medical College and Hospital and according to it, the Petitioner was admitted on 26.02.2016 and discharged on 23.03.2016 and she has undergone a surgery on 29.02.2016. Hence, the petitioner could have undergone pain and suffering and she is entitled for a sum of Rs. 50,000/- under the head of pain and sufferings.

ii. During the period of treatment, the petitioner would have been in need of more nutrition and hence Rs.7,500/- shall be awarded under the head of “Extra Nourishment”.

iii. The petitioner could have visited hospital Post Discharge for review and also took treatment as “Out Patient” and hence she could be in requirement of Rs.7,500/- towards “Transportation”.

XII. The petitioner also took treatment as inpatient for 26 days as per the discharge summary and hence, she could be in requirement of an attender for 26 days and as such she is entitled for Rs.500/- per day and as such she is entitled for Rs.15,000/- towards attender charges.

(d) Loss of Amenities and Mental agony :

The petitioner has undergone a surgery and admitted in hospital for 26 days and due to the injuries, she would forego certain amenities, and considering the same, a sum of Rs.20,000/- is awarded towards loss of amenities and due to the injuries sustained by her and she could have suffered mentally and hence a sum of Rs.15,000/- is awarded under the head of “Mental Agony”.

(e) On the discussion made above, the compensation as apportioned under various heads, is awarded as below :

1. Disability	:	Rs. 50,000/-
2. Medical expenses	:	Rs.1,28,474/-
3. Pain and suffering	:	Rs. 50,000/-
4. Transportation expenses	:	Rs. 7,500/-
5. Nutrition Expenses	:	Rs. 7,500/-
6. Attender Charges	:	Rs. 15,000/-
8. Loss of amenities	:	Rs. 20,000/-
9. Mental Agony	:	Rs. 15,000/-

Rs.2,93,474/-

(Rounded off to Rs.2,94,000/-)

(Rupees Two Lakhs and Ninety Four Thousand Only)

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

(i)	An award of Rs.2,94,000/- (Rupees Two Lakhs and Ninety Four Thousand Only) is passed in favour of the petitioner with interest at 7.5% p.a. with costs from the date of taking cognizance of the petition to till the date of payment. The 2 nd respondent is directed to pay the compensation amount along with interest and cost.
(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 Sub-court, Tambaram (MACT), Account No. 42798352305 IFSC No.SBIN0001243, State Bank of India, Tambaram

	Branch, Chennai within two months.													
(iv)	On deposit, the petitioner is permitted to withdraw the amount.													
(v)	On Deposit, the amount awarded to the petitioner along with the interest and costs, shall be transferred to the account of the petitioner through RTGS (or) NEFT. The Petitioner Aadhar No.5947 2803 5350, the Petitioner has not produced her PAN CARD and she is directed to produce the copy of the PAN CARD immediately. <u>Bank particulars of the petitioners</u> <table><tr><th>Sl. No.</th><th>Name</th><th>Account No.</th><th>Bank and Branch Name</th><th>IFSC Code/CIF No.</th></tr><tr><td>1.</td><td>D. Savithri</td><td>20109757673</td><td>State Bank of India Nanganallur Branch</td><td>CIF No 86130321040</td></tr></table>				Sl. No.	Name	Account No.	Bank and Branch Name	IFSC Code/CIF No.	1.	D. Savithri	20109757673	State Bank of India Nanganallur Branch	CIF No 86130321040
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1.	D. Savithri	20109757673	State Bank of India Nanganallur Branch	CIF No 86130321040										
(vi)	The petitioner has paid a sum of Rs. 373/- towards Court fee. As per this award, the Court fee payable is Rs.2,312.50. The Advocate fee is fixed at Rs.8,880/-. The balance Court fee to be paid is Rs.1,939.50.													

Dictated by me to the typist and she directly typed it in the computer, after corrections pronounced by me in the open Court on this the 01st day of June 2026.

Subordinate Judge,
Tambaram.

Petitioner's side Witness :

PW1 : Mrs. D. Savithri (Petitioner)

Petitioner's side Exhibits:

1. Ex.P1 – Copy of the First Information Report in Cr.No.89/2016.
2. Ex.P2 – Prescription issued by Sayee Hospital on 26.02.2016.
3. Ex.P3 – Discharge Summary issued by Sree Balaji Medical College & Hospital.
4. Ex.P4 – Invoice dated 01.03.2016, issued by Garud Enterprises.
5. Ex.P5 – Receipt issued by Rotary Blood Bank.
6. Ex.P6 – Bill issued by Sree Balaji Medical College & Hospital and Pharmacy.
7. Ex. P7 –Bills issued by Sree Balaji Medical College & Hospital and Pharmacy.
8. Ex. P8 –Receipts issued by Sree Balaji Medical College & Hospital.
9. Ex. P9 – Bills issued by Kumaran Medicals.
10. Ex. P10- Bills issued by Bawaa Medicals.
11. Ex. P11- Bill issued by Parvathy Ortho Hospital Private Limited.
12. Ex. P12- Copy of the Aadhar Card of the Petitioner.
13. Ex. P13- Copy of the Bank Pass Book of the Petitioner.
14. Ex. P14-Undated Letter issued by Delta Hospitals.

Respondent's side witness : Nil

Respondent's side Exhibits : Nil

Subordinate Judge,
Tambaram.

Other necessary particulars :

Date of taken up on file	- 03.10.2016
Compensation claimed in the M.C.O.P.	- Rs. 10,00,000/- (Restricted)
Compensation awarded in this petition	- Rs. 2,94,000/-
Court fee paid along with the petition	- Rs. 373.00
Court fee payable on the award amount	- Rs. 2,312.50
Additional Court fee to be paid	- Rs. 1,939.50

Additional court fee paid, MPSR.No.2991; dated 15.06.2026.

That the respondent do pay to the petitioner a sum of **Rs. 11,217.50** /- towards the costs of this petition as follows :-

Cost List for the petitioners

STATEMENT OF COSTS

For the petitioners

For the Respondents

	Rs. P.	Rs. P.
Stamp on petition -	2,312.50	
Stamp on Vakalat -	5.00	Not filed
Stamp for process -	20.00	
Advocate fees	8,880.00	
Costs allowed -	<u>11,217.50</u>	

The direction regarding copy of the Judgment and decreetal 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.

Subordinate Judge,
Tambaram.