

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

(MOTOR ACCIDENTS CLAIMS TRIBUNAL)

PRESENT: Tmt. M. SHAKKIRA BANU, M.A.M.L.,MHR.,PGDHRM.,PGDIPR.,DLLAL.,

V Judge

Friday, this the 10th day of July 2026

MCOP No.1347/2023

CNR No.TNCH09-002182-2023

V. Shankar,
aged about 23 years,
S/o. Veeraragavan,
No.8, first street,
Devarajapuram, Patabiram,
Tiruvallur - 600 072.

...Petitioner

Vs.

1.Mrs. Snigdhaa Wukkulam,
W/o. Arun kumar Wukkulam,
Flot No. 19, Gowtham Aprts.,
No.4, First Avenue Shastri nagar,
Adyar,Chennai - 20

2. The Universal Sompo General Co. Ltd.,
Plot No: EL-94 TTC Industrial Area, MIDC,
Mahape, Navi, Mumbai - 400 710.

...Respondents

This petition came up on **25.06.2026** for final hearing before me in the presence of **Mr. S. Dharmaraja** Counsel for the petitioner and **Mr. M. Mani Gopi** Counsel for Counsel for the 2nd respondent and first respondent called absent set exparte and upon hearing both sides and on perusing the case records and having stood over for consideration till this date, this court delivered the following.

AWARD

This petition has been filed under Section 166 of Motor Vehicles Act,1988 claiming a compensation of **Rs.1,00,000/-** with interest and costs.

1. Brief averments in the petition:

The petitioner submitted that on 08.02.2023 at about 07.30 hrs while the petitioner was riding a motorcycle bearing Reg. No. 12 AK 0074 from west to east direction in the CTH road, Babu Reddy Marriage Hall, Avadi at that time the first respondent Maruti car bearing Reg. No. TN 07 CQ 5986 insured with second respondent came in the same road, same direction driven by driver in a very rash and negligent manner over look the traffic rules and hit behind the petitioner motorcycle and also hit one another car, resulting the petitioner sustained grievous injuries all over the body. The above accident occurred only due to rash and negligent manner of the first respondent car driver. Hence, the 1st respondent being owner and 2nd respondent being insurer of that car both are liable to pay compensation to the petitioner.

2. Brief Averments in the Counter of the 2nd Respondent

The second respondent submit that the claim petition is false and unsustainable both in law and on facts. The second respondent denies all the allegations made in the petition except those that are specifically admitted in the counter and put the petitioner is put to strict proof of the same. The second respondent denied that the driver of the car bearing Reg. No. TN 07 CQ 5986 was possessing the valid driving license, fitness certificate and permit. The second respondent does not admit that there was valid insurance policy for the vehicle alleged to have involved on the date of the accident. Hence second respondent is not liable to indemnify the first respondent. The second respondent denied the injuries, period of treatment and medical expenses. The second

respondent denied the column No.23. The compensation amount claimed by petitioner is highly excessive. If any award passed the rate of interest shall be at 7.5% per annum. Hence prayed for dismissal.

3. Evidence:

The petitioner was examined as PW1 and marked Ex.P1 to Ex.P5. On the 2nd respondent side, no witness was examined and no documents marked.

4. Points for determination :

1)	Whether the accident occurred due to the rash and negligent driving of the 1 st respondent car driver?
2)	Whether the 1 st respondent car driver 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?

5. Point No.1:

It is pertinent to note that with regard to the accident, police complaint was lodged by the petitioner to Avadi Traffic investigation wing and Ex.P2 FIR was registered in Crime No.99/2023 U/s. 279 and 337 IPC against the 1st respondent car driver. Ex.P2 FIR and Ex.P1 Accident Register establish that the petitioner sustained injuries in the said accident. The first respondent remained exparte and has not entered the witness box or produced any evidence to rebut the allegations of rash and negligent driving. No contra evidence was adduced by second respondent side. There is no contra evidence regarding the occurrence of the

accident. Hence, this Tribunal holds that the accident occurred due to the rash and negligent driving of the driver of the car bearing Registration No. TN 07 CQ 5986. The point No.1 is decided accordingly.

6. Point No.2:

In this point it has to be ascertained whether the 1st respondent car driver had valid driving license and insurance at the time of accident. In evidence the petitioner side did not mark the driving license of the first respondent car driver. Further the RC book, insurance policy, MV report of the car have not been marked. The insurer has not produced any evidence to establish breach of policy conditions or absence of a valid driving license. Though the petitioners have not produced the driver's license, the burden to prove policy violation lies upon the insurer. Since no evidence has been adduced by the insurer, adverse inference cannot be drawn against the claimants. Accordingly, the Tribunal holds that the insurer has failed to establish any statutory defense under Section 149(2) of the Motor Vehicles Act. Therefore, this court is of the view that the car involved in the accident was under the cover of insurance and had valid driving license at the time of accident. The point No.2 is decided accordingly.

7. Point No.3:

The petitioner is said to have sustained multiple injuries in the accident. The petitioner examined herself as PW1 and produced medical records. As per Ex.P1 Accident register the petitioner has taken outpatient treatment at Avadi government hospital. The nature of injuries are not clearly seen in the Ex.P1. The petitioner marked Ex.P3 MRI report of the right shoulder taken on 11.01.2024. While the accident occurred on 08.02.2023, the MRI report dated 11.01.2024 does not state anything that the treatment in 2024 was related to the accident

occurred on 08.02.2023. Therefore Ex.P3 cannot be taken into consideration. The petitioner was not referred to the Medical Board and no disability certificate has been produced. Therefore, no amount can be awarded under the head of permanent disability. Further, the petitioner has not produced any acceptable evidence to prove functional disability or loss of earning capacity. Considering the nature of injuries and available medical records, this Tribunal is inclined to award compensation of **Rs. 30,000/-** for the simple injury.

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

(i)	An award of Rs. 30,000/- (Rupees Thirty thousand only) is passed in favour of the petitioner with interest at 7.5% p.a. from the date of petition i.e., 14.03.2023 to till the date of payment payable by the 2 nd 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 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.7436117673, Indian Bank, Esplanade Branch, Chennai, IFSC IDIB000E011 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.60/- The Advocate fee is fixed at Rs.5,000/-. The Excess Court fee of a sum of Rs.315/- shall be refunded to the petitioner after appeal period.
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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 10th day of July 2026.

(M.SHAKKIRA BANU)
V Judge
COURT OF SMALL CAUSES
CHENNAI

Petitioner side witness: -

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	13.10.2025	Shankar (petitioner)	Ex.P1-Ex.P5

Petitioner side exhibits: -

Sl No.	Date	Document Particulars	Document Type
Ex.P1	--	Accident register	Photocopy
Ex.P2	11.02.2023	First information report	Photocopy
Ex.P3	--	Hospital record	Photocopy
Ex.P4	--	Aadhar card of the petitioner	Photocopy
Ex.P5	--	Bank pass book of the petitioner	Photocopy

Respondent side witness and exhibits: Nil

Court Document:Nil

(M. SHAKKIRA BANU)
V Judge
COURT OF SMALL CAUSES
CHENNAI

Other Particulars

Date of filing of the petition	14.03.2023
Date of Award	10.07.2026
Amount Claimed under Compensation	Rs.1,00,000/-
Amount Awarded as Compensation	Rs.30,000/-
Total Court Fees	Rs.60/-
The Court Fee already paid	Rs. 375/-
Excess Court Fee to be refunded	Rs.315/-

Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs. 60/-
Vakalath	Rs. 5.00/-
Preparation of Summon Batta Charges	Rs. 40.00/-
Advocate Fees	Rs. 5,000/-
TOTAL	Rs.5105/-

(M.SHAKKIRA BANU)
V Judge
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