

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 10th Day of June 2026

MCOP No.3346/2022

CNR No. TNCH09-007684-2022

1.	Name and Address of the Claimant(s)	:	L.Sakthivel, S/o.Loganathan, No.11, Mohammadiyar Street, Desur, Thiruvannamalai District 604 501.
2.	Name and address of Respondent(s)	:	1.R.Arulmurugan, S/o.Radhakrishnan, No.10, Palla Street, Elanagar Village and Post, Uthiramerur Taluk, Kancheepuram District 603 402. 2.The Manager, Tata AIG General Ins.Co.Ltd., No.1,Village Road, Egmore, Chennai 600 008. Policy No.0189109114/000000/00 Valid from 29.09.2018 to 28.09.2023
3.	Date of filing of the claim petition	:	15.07.2022
4.	Date of Award	:	10.06.2026
5.	Amount of Award	:	Rs. 3,26,500/-

6.	Costs Allowed	:	Rs.12,228/-
7.	Court Fee for award amount	:	Rs. 2,637.50
8.	Court Fee Paid	:	Rs. 375/-
9.	Balance of Court fee to be paid	:	Rs.2,262.50

Date of Final Hearing	10.04.2026
Counsel for the Petitioner(s)	M/s.G.Babu Ganesh, G.Punniyakotti, M.Mythili
Counsel for Respondents(s)	1 st Respondent – Exparte 2 nd Respondent – Mr.A.Jeganathan

AWARD

This petition has been filed under Section 166 of Motor Vehicles Act,1988 claiming a compensation of Rs.20,00,000/- with interest and costs.

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

The petitioner submits that on 06.10.2021 at about 03.00 PM while the petitioner was riding a motor cycle bearing Reg No.TN 65 S 5290 in Vandavasi to Kancheepuram NH Salai, Perunagar Village opposite, At that time the motor cycle bearing Reg No.TN 21 BH 1864 driven by its rider in a very rash and negligent manner and dashed against the petitioner. Due to which the petitioner sustained grievous injuries. Since the accident happened due to the 1st respondent

motor cycle rider the respondents being the owner and insurer of the motor cycle are liable to pay compensation to the petitioner.

3. The averments in the counter filed by the 2nd respondent is as follows:

The second respondent denied the petition averments and put the petitioner to the strict proof about the age, occupation, income, the place, date and time of the accident, the name and address of the rider, owner and insurer of the motor cycle. The 2nd respondent further submits that the accident happened due to the negligence of the petitioner. The petitioner is put strict proof about the injuries, period of treatment, medical expenses incurred and disability and the petitioner must prove the same by producing the documents. The compensation amount claimed by the petitioner under various heads is highly exorbitant, with the above and other general denials the second respondent prayed to dismiss the claim petition.

4. The Points for determination are:

1)	Whether the accident occurred due to the rash and negligent riding of the 1st respondent motor cycle rider?
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 sixteen documents as Ex. P1 to P16 and then Devaraj (Deputy Manager in Ramanchandra Hospital) examined as PW2 with this the petitioner side evidence was closed.

On the second respondent side the Sandhanalakshmi, Senior Manager in 2nd respondent company examined as RW1 and marked four documents as Ex.R1 to R4 and then Anbarasu (Assistant in RTO Office Maduranthagam) examined as RW2 and marked one document as Ex.X1 with this both side evidence was closed.

6. ANSWER FOR POINT No.1:

6.1. The petitioner submits that on 06.10.2021 at about 03.00 PM while the petitioner was riding a motor cycle bearing Reg No.TN 65 S 5290 in Vandavasi to Kancheepuram NH Salai, Perunagar Village opposite, At that time the motor cycle bearing Reg No.TN 21 BH 1864 driven by its rider in a very rash and negligent manner and dashed against the petitioner. Due to which the petitioner sustained grievous injuries.

6.2. The 2nd respondent deny the place, date and time of the accident. The 2nd respondent further submits that the accident happened only due to the negligence of the petitioner.

6.3. With respect to this accident police complaint was lodged by one Aishwarya to Perunagar Police Station. On which Ex.P1, FIR was registered in FIR No.592/2021, u/s. 279, 337 IPC against the 1st respondent motor cycle rider. On completion of investigation final report was also filed against the 1st respondent motor cycle rider as per Ex.P2. But the 1st respondent has not come forward to contest this petition as against the FIR (or) accusation of the petitioner and the second respondent did not disprove the negligence of the 1st respondent motor cycle rider. Therefore, this court is of the view that the accident has happened due to the rash and negligence of the 1st respondent motor cycle rider. Accordingly, the point is decided.

7. ANSWER FOR POINT No.2:

7.1. The petitioner submits that he has sustained left temporoparietal Acute subdural hematoma, left frontal and basifrontal contusion, right temporal bone fracture, right LMN facial nerve palsy and was treated at Sri Ramachandra Hospital, Chennai as inpatient from 07.10.2021 to 16.10.2021 for 10 days. In order to prove his contention the petitioner has marked Ex.P8 discharge summary. So it is proved that petitioner has sustained grievous injury due to the accident. Since the petitioner sustained grievous 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 motor cycle rider. The Registration certificate and insurance policy of 1st respondent motor cycle is marked as Ex.P3 and Ex.P4. The 2nd respondent being the insurer of the 1st respondent motor cycle is liable to pay compensation to the petitioner. The 2nd respondent submits that the rider of the motor cycle namely Arulmurugan did not possess valid driving license at the time of accident. In order to prove the said contention the 2nd respondent rely upon Ex.R3 MV report of motor cycle bearing Reg No.TN 21 BH 1864. On perusal of Ex.R3, it is found that the rider of the motor cycle namely Arulmurugan did not produce driving license at the time of inspection. Legal notice was also issued to Arulmurugan to produce driving license particulars as per Ex.R4. The 2nd respondent also rely upon evidence of RW2, Assistant in Maduranthagam RTO Office, who deposed that Arulmurugan obtained driving license on 25.09.2024 and driving license extract of Arulmurugan is marked as Ex.X1. The date of accident is 06.10.2021. Hence it is proved that the rider of the motor cycle namely Arulmurugan did not possess valid driving license at the time

of accident. Therefore it is clear violation of policy. Hence this court inclined to adopt the pay and recovery principle. The 2nd respondent being the insurer of the 1st respondent motor cycle is liable to pay compensation to the petitioner and recover the same from the 1st respondent. The quantum of compensation under various heads is as follows:

7.3.(a) Permanent disability

The petitioner was sent to the examination of the Medical Board and after examination, the Board of Doctors assessed his disability as 3%. But, no functional disability proved. Considering these aspects, this tribunal inclined to award compensation in percentage method. Since the disability found by the medical board as 3% and the accident was happened on 06.10.2021 as per the judgment of the *Hon'ble Madras High court in CMA 3018/2024 between the Noori Vs Narendran and others dated 20.11.2024* a sum of **Rs.27,000/-** (3x9,000) awarded under this head.

7.3.(b) Pain and suffering

Due to the accident the petitioner was sustained injury took treatment at Sri Ramachandra Hospital, Chennai as inpatient from 07.10.2021 to 16.10.2021 for 10 days as per Ex.P8 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.20,000/-**.

7.3.(c) Medical Expenses

The petitioner for his injury took treatment at Sri Ramachandra Hospital, Chennai as inpatient from 07.10.2021 to 16.10.2021 for 10 days as per Ex.P8

discharge summary. The medical bills marked as Ex.P9 for a sum of Rs.2,00,448/-. Considering the nature of injury and various treatment the entire amount rounded off to **Rs.2,00,500/-** awarded under this head.

7.3.(d) Attender Charges

As stated supra the petitioner took treatment at Sri Ramachandra Hospital, Chennai as inpatient from 07.10.2021 to 16.10.2021 for 10 days as per Ex.P8 discharge summary. So, during the time, a person would have stayed and assisted him hence a sum of **Rs.5000/-**(10x500) awarded under this head.

7.3.(e) Transport Charges

The petitioner after the accident took treatment at Sri Ramachandra Hospital, Chennai as inpatient from 07.10.2021 to 16.10.2021 for 10 days as per Ex.P8 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 working in private company and earned Rs.15,000/- per month but in evidence no documents marked for his income and nature of work. Hence, this court considering his age was 28 at the time of accident and prevailed working atmosphere in 06.10.2021, fixed his notional income as Rs.17,000/- per month, as per Judgment of **Hon'ble Madras High court in CMA 15/2025 between Salammal and others Vs S.R.Enterprises and**

others dated 10.01.2025. 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.34,000/-** (2x 17,000) under this head.

7.3.(g) Loss of Amenities

In view of the fact that the petitioner took treatment at Sri Ramachandra Hospital, Chennai as inpatient from 07.10.2021 to 16.10.2021 for 10 days as per Ex.P8 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.15,000/-**.

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.15,000/-**.

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

Part disability	Rs. 27,000/-
Pain and Suffering	Rs. 20,000/-
Medical expenses	Rs. 2,00,500/-
Attendant charges	Rs. 5,000/-
Transportation	Rs. 10,000/-
Loss of Income	Rs. 34,000/-
Loss of Amenities	Rs. 15,000/-
Extra Nourishment	Rs. 15,000/-
TOTAL	Rs. 3,26,500/-

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

(i)	An award of Rs. 3,26,500/- (Rupees Three lakhs Twenty Six 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 05.08.2022 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 by the 2 nd respondent. After depositing the above said compensation amount the 2 nd respondent insurance company is permitted to recover the deposited amount from the 1 st respondent under Section 174 of the M.V Act.
(iv)	Considering the long pending of this OP and age of the petitioner, on deposit the petitioner is 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.7820405244, Indian Bank, Chtragavoor Pudur Branch, IFSC Code. IDIB000C048 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.2,637.50. The Advocate fee is fixed at Rs.9,530/-. The Additional Court fee of a sum of Rs.2,262.50 shall be paid within 10 days.
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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 10th day of June 2026.

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

LIST OF WITNESSES EXAMINED FOR THE PETITIONER: -

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	03.04.2025 & 23.04.2025	Sakthivel (Petitioner)	Ex.P1-Ex.P16
PW2	23.01.2026	Devaraj (Deputy Manager in Ramanchandra Hospital)	--

LIST OF EXHIBITS FOR THE PETITIONER: -

SL. No.	Date	Document Particulars	Document Type
Ex.P1	06.10.2021	First Information Report	Photocopy
Ex.P2	--	Charge sheet	Photocopy

Ex.P3	--	Registration certificate of 1 st respondent motor cycle bearing Reg No.TN 21 BH 1864	Photocopy
Ex.P4	--	Insurance policy of 1 st respondent motor cycle bearing Reg No.TN 21 BH 1864	Photocopy
Ex.P5	--	MV report of 1 st respondent motor cycle bearing Reg No.TN 21 BH 1864	Photocopy
Ex.P6	--	MV report of petitioner motor cycle bearing Reg No.TN 65 S 5290	Photocopy
Ex.P7	--	Wound certificate	Photocopy
Ex.P8	07.10.2021 to 16.10.2021	Discharge summary issued by Sri Ramachandra Hospital, Chennai	Original
Ex.P9	--	Medical bills (Rs.2,00,448/-)	Original
Ex.P10	--	CT scan report	
Ex.P11	--	Driving license of the petitioner	Photocopy
Ex.P12	--	Pan card of the petitioner	Photocopy
Ex.P13	--	Bank pass book 1 st page of the petitioner	Photocopy
Ex.P14	--	Aadhar card of the petitioner	Photocopy
Ex.P15	--	MRI scan report	Photocopy
Ex.P16	--	MRI scan report	Photocopy

LIST OF WITNESS EXAMINED FOR THE 2nd RESPONDENT:

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
RW1	09.02.2026	Sandhanalakshmi (Senior Manager in 2 nd respondent company)	Ex.R1-R4
RW2	30.03.2026	Anbarasu (Assistant in RTO Madurandagam)	Ex.X1

LIST OF EXHIBITS MARKED FOR THE 2nd RESPONDENT:

SL.No.	Date	Document Particulars	Document Type
Ex.R1	12.02.2026	Authorization letter	Original
Ex.R2	--	Insurance policy of 1 st respondent motor cycle bearing Reg No.TN 21 BH 1864	Photocopy
Ex.R3	---	MV Report of 1 st respondent motor cycle bearing Reg No.TN21 BH 1864	Photo copy
Ex.R4	--	Notice sent to 1 st respondent postal receipt with AD card	Original
Ex.X1	--	Authorization Letter with Extract of driving license of Arulmurugan	Original

COURT DOCUMENT:

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

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

Other necessary Particulars:

Date of filing of claim petition	:	15.07.2022
Date of taking the petition on file	:	05.08.2022
Compensation Claimed in the MCOP	:	Rs. 20,00,000/-
Compensation awarded in this petition	:	Rs.3,26,500/-
Court fee payable on the award amount	:	Rs.2,637.50
Court fee paid along with the petition	:	Rs. 375/-
Balance Court fee to be paid	:	Rs. 2,262.50

STATEMENT OF COSTS

Stamp on Petition	Rs. 2,637.50
Stamp on Vakalat	Rs. 10.00
Stamp on Process	Rs. 50.00
Advocate Fees	Rs. 9,530.00

Costs Allowed	Rs. 12,227.50 (Rounded to 12,228/-)
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**VI Judge
Court of Small Causes,
Chennai-104.**

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

Verified by: