

**Before the Motor Accident Claims Tribunal
(II Court of Small Causes, Chennai)**

Present: Thiru.A.B. Naseer Ali., B.A., B.L.,

Monday the 13th day of July 2026

Motor Accident Claims Original Petition No.889 of 2020

CNR No.TNCH09-013864-2023

D. Durai Arulneyam,
S/o. Duraisamy,
No.18/A, Chidambaram Street,
Agaram, Chennai – 600 082.

...Petitioner

-Vs-

1. R. Ragasudha,
No.26/87, “O” Block Street,
Agathiyar Nagar, Villivakkam,
Chennai – 600 049.

2. Shriram General Insurance Co., Ltd.,
Lady Desikachari Road, CIT Colony,
Mylapore, Chennai – 600 004.

...Respondents

Counsels on Record:-

For Petitioner	M/s.S. Ravikumar and R. Dineshkumar
1 st Respondent	M/s.K. Shyam Sunder and G. Balasubramanian
For 2 nd Respondent	Mr.R.V. Sivaraj

This claim petition came before this tribunal for final hearing on 10.07.2026.

Petitioner and 2nd respondent's side had been heard already. Even after sufficient opportunities the 1st respondent had not turned up. Hence R1 side's opportunity was closed *suo moto*. Upon perusal of records and having stood over for consideration till this date, this tribunal delivers the following:-

ORDER.

1. This petition has been filed under Section 166 of the Motor Vehicles Act (MV Act) seeking compensation of Rs.15,00,000/- for the injuries sustained by the petitioner in a motor accident.

2. Gist of Petition:-

- (a) The petitioner is a farmer aged 59 years and was earning Rs.95,000/- per month. On 28.10.2023 at about 7.00 Hrs when the petitioner was riding motor cycle bearing Reg.No.TN 05 AP 0308 from East to West at Thiruvengaiah 2nd street junction, MTH Road, Villivakkam, Chennai an auto rickshaw bearing Reg.No.TN 02 BZ 3171 which was coming in the opposite direction which was driven in a rash and negligent manner, came in a Zig Zag manner and crossed the central median line and dashed against the petitioner's motor cycle, due to which the petitioner fell down and sustained left clavicle fracture and other injuries all over his body.
- (b) The above said accident occurred only due to the rash and negligent driving of the driver of the 1st respondent. Hence, this petition.

3. Gist of Counter of 1st Respondent:-

- (a) All the allegations in the petition are denied except those which are specifically admitted.
- (b) The accident had happened only due to the rash and negligent driving of the petitioner. There is no mistake on the part of the auto rickshaw as alleged.

(c) The petitioner ought to have impleaded the insured and the insurer of the petitioner's vehicle as necessary parties to the proceedings.

(d) The occupation, income and the alleged injuries are all denied. Hence, it is prayed to dismiss the petition with costs.

4. Gist of Counter of 2nd Respondent:-

(a) The petition is not maintainable either in law or on facts. All the allegations are denied except those which are admitted.

(b) The driver of the auto rickshaw did not hold a valid driving licence at the time of accident. Knowing fully well that her driver Mr.G. Rajesh had no driving licence, the 1st respondent permitted to drive the auto rickshaw and violated the terms and conditions of the policy. Hence, the vehicle owner alone is liable to answer the petition.

(c) It is disputed that the 1st respondent's auto rickshaw was insured with the 2nd respondent.

(d) The petitioner's age, avocation and monthly income are all denied.

(e) The alleged injuries are also denied. The claims under various heads are fanciful and the interest claimed is also high. It prayed to dismiss the petition with costs.

5. Points for Consideration:-

1. Whether the petitioner is entitled to compensation from the 2nd respondent?
2. What is the quantum?

6. On the side of petitioner, he was examined as PW1 and Ex.P1 to Ex.P8 were marked. On the side of the 1st and 2nd respondents, no witness was examined and no document was marked. The Disability Certificate issued by the Regional Medical Board, Government Kilpauk Medical College Hospital, Chennai has been marked as Ex.C1.

7. Point No.1:-

- (a) Records were perused. Ex.P1 is the copy of FIR in crime No.255/2023 of Thirumangalam TIW Police Station, which reveals that on 28.10.2023 at around 7.00 am., when the petitioner was riding his motor cycle bearing Reg.No.TN 05 AP 0308 at Villivakkam, MTH Road in the East West direction, the driver of the Auto Rickshaw bearing Reg.No.TN 02 BZ 3171 rode it in a rash and negligent manner in the opposite direction and dashed at the motor cycle of the petitioner, out of which the petitioner sustained injuries.
- (b) Though it has been alleged that only because of the negligent driving of the petitioner, the accident occurred, no material has been placed either by the 1st respondent or by the 2nd respondent, to substantiate the same.
- (c) As per the judgment in *TNSTC Vs Nagamalli and others*, reported in 2015 SCC Online MAD 13441, strict proof is not required in petitions like this. Therefore, with the available evidence as found in the FIR, it is concluded that the 1st respondent's driver is the cause for the accident.
- (d) There is no record to show that the 1st respondent was the owner of the said

offending Auto Rickshaw. The insurance copy was also not produced. However, no serious objection has been raised in this regard either by the 1st respondent or by the 2nd respondent. Therefore, by taking the version of PW1, it is concluded that the 1st respondent is the owner and the 2nd respondent is the insurer of the offending Auto Rickshaw. In such view of the matter it is held that the 2nd respondent is liable to pay compensation to the petitioner on behalf of 1st respondent.

- (e) It was also alleged on the side of the 2nd respondent that the 1st respondent's driver had no valid driving licence at the time of accident. The said allegation remains only in paper. No acceptable evidence is available and therefore, the said objection is over ruled. Accordingly, this point is answered in favour of the petitioner.

8. Point No.2 :-

- (a) The Medical Board report has been marked as Ex.C1, which reveals that the petitioner sustained 29% permanent disability. However, the same has not been shown as functional disability and therefore, the request to apply multiplier method is disregarded. The accident occurred in the year 2023 and as per the judgment of Honourable High Court in C.M.A.No.13 of 2025 in *M. Revanth Kumar vs. M/s., Sun-X- Concrete India Private Limited* Rs.10,000/- per percentage of disability is to be awarded. Therefore, the petitioner is entitled to **Rs.10,000/- X 29 = 2,90,000/- for Disability.**

- (b) The discharge summary marked as Ex.P2 reveals that the petitioner was admitted in SIMS Hospital on 28.10.2023 and he was discharged on 01.11.2023. He was there for about 5 days. Since the petitioner sustained fractures, he might not have been able to do his regular work at-least for 1 month. Therefore, for Loss of Income 1 month period is taken. In this petition, neither the notional income nor the avocation of the petitioner has been proved and therefore, this tribunal has no other way except to consider the notional income. As per the judgment in *Andal and others Vs Avinav Kannan and another* 2019 (1) TN MAC 54 (DB), Rs.17,600/- is to be fixed for Loss of Income for the year 2023. Hence, the petitioner is entitled to **Rs.17,600/-** for **Loss of Income**.
- (c) As already pointed out, the petitioner was in Hospital for 5 days. Hence, he is entitled to **Rs.500 X 5 days = Rs.2,500** for **Attender's Charges**.
- (d) Considering the fractures suffered by the petitioner, a sum of **Rs.25,000/-** is awarded for **Pain and sufferings**.
- (e) The petitioner was taken to hospital initially by way of 108 Ambulance, which is served at free of cost. However, he has taken treatment in private hospital later and also to return home he would have required vehicles. Therefore, a sum of **Rs.10,000/-** is awarded for **Transport Charges**.
- (f) For **Extra Nourishment** a sum of **Rs.3,000/-** is awarded.
- (g) For **Loss of Clothes** a sum of **Rs.3,000/-** is awarded.

(h) Though the petitioner suffered some fractures, those do not make out a case to award any amount for **Loss of Amenities**. Therefore, no sum is awarded under the said head.

(i) The petitioner has produced Medical Bills to the tune of **Rs.35,832/-**. No dispute has been raised in this regard. Hence, the petitioner is entitled to the sum of **Rs.35,832/-** under the head of **Medical Expenses**.

(xi) CALCULATION:

1. Disability	:	Rs.	2,90,000/-
2. Loss of Income	:	Rs.	17,600/-
3. Attender's Charges	:	Rs.	2,500/-
4. Pain and Sufferings	:	Rs.	25,000/-
5. Transport Charges	:	Rs.	10,000/-
6. Extra Nourishment	:	Rs.	3,000/-
7. Loss of clothes	:	Rs.	3,000/-
8. Medical Expenses	:	Rs.	35,832/-
Total Compensation is fixed at	:	Rs.	<u>3,86,932/-</u>

(a) Accordingly, this point is answered partly in favour of the petitioner.

9. In the result,

1) this petition is partly allowed and a sum of **Rs.3,86,932/- (Rupees Three Lakhs Eighty Six Thousand Nine Hundred and Thirty Two)** only is awarded as just compensation to the petitioner with cost and interest at the rate of 7.5 percent per annum from the date of filing of the claim petition i.e., 22-02-2024 till the date of realization, payable by the 2nd respondent. The petition

is dismissed with regard to the rest of the claim amount. There will be no interest for the default period as per orders if any.

- 2) The 2nd respondent is directed to deposit the said amount to the credit of the bank account of this claim tribunal directly (i.e.,) **Registrar (MACT), Court of Small Causes, Chennai, Account No.7103261207, IFSC No.IDIB000M157, Indian Bank, Madras High, Court Branch, Chennai** through NEFT or RTGS mode within a period of thirty days from this date, under intimation to this tribunal with the copy of the transaction details.
- 3) It is also made clear that the petitioner is entitled to withdraw the amount if deposited by the 2nd respondent as per the terms of this award only in the event of payment of court fees, if any to be deposited as directed through this award. The registry shall ensure the payment of entire court fees before transferring the compensation amount to the account of the petitioner.
- 4) Considering the fact that the petitioner is not shown as illiterate, the petitioner is permitted to withdraw the compensation amount on deposit of the same together with interest and costs and the said amount shall be credited through Electronic Clearing System (ECS) in favour of the petitioner's account, the details of which are as given below:-

Petitioner's Name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Mr.D. Durai Arulneyam	The Karur Vysya Bank Ltd., Periyar Nagar Branch	A/c.No.1660155000065050 IFSC Code:-KVBL0001835	600783520858	APTPA79222D

- 5) The Court fee paid along with the petition is Rs.375/-.
- 6) The Court fee for the award amount is Rs.3,242/-. The deficit court fee of Rs.2,867/- shall be paid by the petitioner within two weeks from the date of order.
- 7) Advocate fee is Rs.10,739/-.
- 8) The second respondent shall pay to the petitioner a sum of Rs.14,041/- towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	18-12-2023
Date of taken up on file	-	22-02-2024
Compensation claimed in the M.C.O.P.	-	Rs.15,00,000/-
Compensation awarded in this petition	-	Rs.3,86,932/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.3,242/-
Additional court fee shall be paid	-	Rs.2,867/-
Additional court fee paid, MP SR.No.....; dated		

Cost List for the petitioner

STATEMENT OF COSTS

For the petitioners

For the Respondents

	<u>Rs.</u>	<u>P.</u>	<u>Rs.</u>	<u>P.</u>
Stamp on petition	-	3,242	.	00

STATEMENT OF COSTS

Stamp on Vakalat	-	10 . 00	
Stamp for process	-	50 . 00	-- not filed --
Advocate fees		10,739 . 00	
Costs allowed	-	<u>14,041 . 00</u>	

The direction regarding copy of the Judgment and decretal order to be prepared under Sub rule 6 of Rule 20 of TNMAC Rules, 1989, as per Honourable Madras High Court's communication in R.O.C.No.390-A/2014/F1 dated 13.02.2014 is obediently followed. And further it is informed that as per the direction of the Honourable 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.

This order was dictated by me to the steno typist, transcribed by her, corrected and pronounced by me in the open Court, on this the 13th day of July 2026.

II Judge, MACT
(Court of Small Causes, Chennai).

Petitioner Side Witness:-

P.W.1 : Mr.D. Durai Arulneyam

Petitioner Side Documents:-

Ex.P1	FIR	Copy
Ex.P2	Discharge summary issued by SIMS Hospital	Original
Ex.P3	Scan reports	Original

Ex.P4	Medical bills	Original
Ex.P5	Driving licence of petitioner	Copy
Ex.P6	Aadhar card of petitioner	Copy
Ex.P7	PAN card of petitioner	Copy
Ex.P8	Bank pass book of petitioner	Copy

2nd Respondent Side Witness and Document:- Nil

Court Side Document:

Ex.C1 : Disability Certificate issued by the Medical Board.

**II Judge, MACT
(Court of Small Causes, Chennai).**