



**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL/  
CHIEF JUDICIAL MAGISTRATE, CHENGALPATTU**

**Present: Thiru.N.Sultan Aribeen, B.Sc., M.A., LL.M., Dip in JJ & JP.,  
Chief Judicial Magistrate, Chengalpattu.**

Friday the 15<sup>th</sup> day of May 2026

திருவள்ளூர் ஆண்டு 2057, ஸ்ரீ பராபவ வருடம் வைகாசி மாதம் 1ஆம் நாள்

**M.C.O.P.No.28/2022  
(CNR.No.TNCG06-004945-2022)**

Kuppusamy, aged 50 years,  
S/o.Parthasarathy,  
No.3/37, Plot No.104,  
Jawaharriah Nagar,  
Madambakkam Post,  
Adhanur Village, Guduvanchery,  
Kancheepuram District 603 202.

... Petitioner

//Vs//

1. Mr.Abdullah, S/o.Ansar Basha,  
Old No.22, New No.39,  
VOC Nagar, Alandur,  
Chennai - 600 016.

2. Mohammed Ibrahim, S/o.Hyder,  
No.1/284, VOC Street,  
Sholinganallur,  
Kancheepuram District - 600 119.

... Respondents

This Claim original petition was taken on file on 13.04.2022 and coming up before me for final hearing on 02.04.2026 in the presence of M/s.G.Sathish, A.Chithra, and J.Suresh, Counsels for Petitioner and 1<sup>st</sup> and 2<sup>nd</sup> Respondents remained



exparte, and upon perusing the records and having stood over for consideration till this day, this tribunal delivers the following:-

### **ORDER**

This petition filed under Sections 166 of Motor Vehicles Act 1988 and Rule 3 of M.A.C.T Rules, for granting relief of compensation of Rs.5,00,000/- (Rupees Five Lakhs only) in favour of the petitioner in respect of injuries sustained by the petitioner Mr.Kuppusamy in the road accident on 20.07.2019 against 1<sup>st</sup> respondent as owner of the Vehicle and 2<sup>nd</sup> respondent is the driver of the vehicle.

#### **Facts of the Claim**

<b>S.No.</b>	<b>Particulars</b>	<b>Details</b>
1.	Claim for	<b>GREIVOUS INJURY</b>
2.	Date of Accident	20.07.2019
3.	Age of the injured	50 years
4.	Occupation	Assistant Engineer
5.	Monthly Income	Rs.75,000/- per month
6.	Compensation Claimed	Rs.5,00,000/- (restricted)

#### **2. Gist of the Petition:-**

On 20.07.2019 at about 9.00 a.m. the petitioner was riding his two wheeler bearing Registration No.TN-19-AH-9208 travelling at Sholinganallur Perumpakkam Main Road opposite to Mohammed Sadhak College, at the time two wheeler bearing Registration No.TN-22-CQ-2020 came by opposite direction hit the petitioner, due to



the same the petitioner had sustained greivous injuries and rushed to hospital. The 1<sup>st</sup> respondent is the owner of the vehicle and the 2<sup>nd</sup> respondent is the driver of the vehicle are jointly and severally liable to pay the compensation to the petitioner Hence the petition.

3. Evenafter service of summons to the respondents 1 & 2 were not turned to contest the case, accordingly the respondents 1, 2 were set exparte on 16.11.2023.

4. **The points for consideration:-**

To decide the case, the points to be considered are:-

1. Whether the accident took place due to the rash and negligent driving of the driver of the 1st respondent's vehicle bearing Reg.No. TN 22 CQ 2020?
2. Whether the petitioner is entitled for compensation? or not? If so, whether 1st respondent owner of the vehicle or the 2nd respondent driver of the vehicle is liable to pay compensation to the petitioner?
3. What is the compensation amount payable to the petitioner?

5. To substantiate the case of the peitioner, the petitioner examined himself as PW1 and after marked Ex.P1 to Ex.P8 and Ex.C1. On the side of Respondents, the Respondents 1 and 2 were called absent and set exparte.



6. **Answer to Point No.1:-**

The learned counsel for the Petitioner submitted in his arguments that the Petitioner sustained grievous injuries at 09.00 hrs on 20.07.2019 was due to the rash and negligent driving of the Two wheeler bearing Regn No. TN 22 CQ 2020 while the petitioner was driving his Two wheeler TN 19 AH 9208 in the opposite direction, hence, prays that the petitioner ordered to be entitled for compensation for the grievous injuries caused to him.

7. Petitioner side arguments and evidences were carefully considered. While considering the evidence of the petitioner/PW1 coupled with the Medical records Ex.P2 - Accident Register and Ex.P3 - Discharge summary issued by Gleneagles Global Health City Hospital, it is found that the petitioner had sustained Left shoulder dislocation reduced chip fracture, left humerus GT Avulsion fracture injuries as stated in the medical records. Further in Ex.C1 - Disability Certificate it is mentioned that due to the above injuries the petitioner had sustained 10 % disability.

8. Based on the aforesaid oral and documentary evidences, it has been concluded that the petitioner had injuries on his Left shoulder dislocation reduced chip fracture, left humerus GT Avulsion fracture injuries and the petitioner underwent treatment at the Gleneagles Global Health City, Perumbakkam, Chennai. However, the point to be decided is whether the grievous injuries as claimed is due to the accident occurred at 9.00 hrs on 20.07.2019 while the petitioner was proceeding in



his two wheeler TN 19 AH 9208 going towards Sholingnallur perumbakkam main road, the 1<sup>st</sup> respondent's Motor Cycle Reg.No.TN 22 CQ 2020 came in the opposite direction in a rash and negligent manner hit the petitioner? On examination, no eye witnesses or other witnesses to the said accident on the side of the petitioner had been produced, except the Petitioner's own evidence.

9. The petitioner examined himself as PW1 deposed about the manner of the accident as alleged in the Petition. It is also the case of the Petitioner is that accident was occurred solely due to the rash and negligent driving of the Two Wheeler belongs to the 1<sup>st</sup> Respondent and the 2nd respondent is the driver of the above vehicle, hence claimed compensation. Evenafter the service of summons to the respondents they fails to appear and contest the case before the court. It presumed that no contra evidence is available in the case.

10. On careful perusal of Ex.P1 FIR dated 20.07.2019, it is evident that the case has been registered against the driver of the 1<sup>st</sup> respondent's vehicle bearing TN-22-CQ-2020 under Section 279 and 337 of IPC in Cr.No.497/2019 on the file of Traffic Investigation wing, Guindy Police Station. As against the contents of Ex.P1 - FIR, the respondents had not turned and placed any contra evidence. Therefore, this Court comes to the conclusion that the petitioner has proved his case through the evidence of PW1 and Ex.P1 - FIR that the accident took place due to the rash and



negligent driving of the 1st Respondent's Driver i.e., 2nd respondent. This point is answered accordingly.

11. **Point No.2:-**

From Ex.P4 the registration certificate of the vehicle bearing Reg.No.TN-22 CQ-2020 coupled with Ex.P1 - First information Report, it is evident that the vehicle involved in the accident is belongs to 1st respondent. On verification with the Ex.P5 Driving Licence, it clearly established that it belongs to 2nd respondent. At the same time except Ex.P5 driving licence of the 2nd respondent, no other evidences were produced on the side of petitioner to link the fact that the 2nd respondent alone is drove the vehicle at the time of accident. Even in Ex.P1 - First Information Report also his name was not cited as accused. Hence, the petitioner fails to establish the fact that the vehicle involved in the accident was drove by the 2nd respondent. Therefore, without any valid evidences available in this case, this court cannot comes to the conclusion that the 2nd respondent is liable for the accident. Hence, the 1<sup>st</sup> respondent is the owner of the vehicle alone shall pay the compensation to the petitioner. Accordingly this point is answered.

12. **Point No.3:-**

Ex.P3 Discharge Summary issued by Gleneagles Global Health City Hospital, Perumbakkam, Chennai is evident that the petitioner was admitted on 20.07.2019 and



discharged on the same day. The Petitioner has diagnosed left shoulder dislocation reduced and Chip fracture Left hand humerus. As per Ex.C1 Disability certificate the petitioner has been assessed with disability of 10%. It is certified that the ***“His disability is Locomotor Disability due to Post Traumatic Sequale and his percentage is 10%. A Left Shoulder Dislocation/Chip Fracture Left Humerus GT Allusion Fracture”*** and it is Temporary in nature".

13. With regard to the head partial permanent Disability head, in a judgment in ***M.Revanth Kumar Vs. 1. M/s.Sun-X-Concrete India Private Limited, Chennai – 600 045. 2. The United India Insurance Company Ltd., Chennai – 600 006 on 10.01.2025, (CMA.No.13 of 2025) the Hon’ble High Court of Madras has held as hereunder:-***

*“7. The factum and manner of the accident is not disputed by the parties. Therefore, this Court is not entering into the said aspect. The major grievance of the Appellant/claimant is with regard to the quantum of compensation awarded by the Tribunal. It is claimed by the appellant that, the accident is of the year 2022, however, the Tribunal had erroneously taken only a sum of Rs.5,000/- per percentage of disability. In this regard, this Court perused Ex.C.1, which is the disability certificate issued by the Medical Board and the same reveals that the appellant suffered disability of 15% and by erroneously adopting a sum of Rs.5,000/- per percentage of*



*disability, the tribunal awarded a sum of Rs.75,000/-. However, as per the existing law at the relevant point of time, the Tribunal ought to have fixed a sum of Rs.10,000/- per percentage of disability. Hence, the amount under the head Disability stands enhanced to a sum of Rs.1,50,000/- (15% x Rs.10,000/- = Rs.1,50,000/-).”*

14. On a careful consideration of the evidence adduced by PW1 and Medical Reports marked through him, it reveals that because of the accident the petitioner had sustained grievous injury and his disability is assessed at 10% in Ex.C1. Accordingly as per the guidelines laid down by the Hon'ble High Court, Madras in the above citation, this Tribunal fixed a sum of Rs.10,000/- for percentage of disability. Hence, 10% disability = 10 X Rs.10,000 = Rs.1,00,000/-. Accordingly, the petitioner is awarded a sum of Rs.1,00,000/- under the head partial disability.

15. Expenses connected to Hospitalization Charges, Treatments and Medicines:-

While scrutinizing this petition, the petitioner has claimed a compensation towards medical treatment and medicines at Rs.60,000/- and submitted the relevant receipts as Ex.P7. While scrutinizing this document, the above Ex.P7 document indicated that the Petitioner took out patient treatment at Gleneagles Global Health City, Perumbakkam, and he spent a total Rs.3,596.12 towards hospitalization and medicines. Based on the above documents, this tribunal concluded that the Petitioner



is entitled to receive compensation of Rs.3,596/- towards the treatment and medicines.

16. **Computation of compensation: -**

Taking into consideration of the age, income and disability, the compensation is assessed and awarded on the following heads:-

Sl.No.	Head	Award (In Rs.)
1	Transport to hospital	3,000
2	Extra Nourishment	5,000
3	Pain and sufferings	50,000
4	Permanent Disability (Rs.10000/-x10%)	1,00,000
5	Attender charges	5,000
6	Damages to cloths and articles	2,500
7	Expenses related to Hospitalization, treatment & Medicines	3,596
	Total	1,69,096
	Rounded to	1,69,100

17. In the result, this petition is allowed in part and prayer against 2nd respondent is dismissed and an award of **Rs.1,69,100/- (Rupees One Lakh Sixty Nine Tousand and one hundred only)** passed in favour of the petitioner and the 1st respondent is liable to pay the said award amount to the petitioner. The 1st Respondent is ordered to deposit the said award amount with the interest at 7.5% per



annum from the date of petition till the date of deposit excluding the default period if any with proportionate cost.

b) The 1st Respondent is directed to deposit the aforesaid compensation and deposit the same into this Tribunal's Bank Account, the Chief Judicial Magistrate Court, Chengalpattu through NEFT/RTGS mode in the State Bank of India, Main Branch, Chengalpattu in A/c No:36092281179, IFSC Code: SBIN 0000824, within two months from the date of this order and further ordered to comply the order dated 11.03.2016 under para 11 (ix) in CMA No.428/2016 before the Hon'ble High Court of Madras duly communicating this to the Tribunal and copy endorsed to the petitioner or his counsel.

(c) It is ordered that the compensation so deposited be directly transferred to the petitioner's bank account No.2806101011167, Canara Bank, Guduvanchery Branch.

d) The balance court fee of **Rs.691/-** to be paid by the petitioner within 10 days from the date of this order.

e) Advocate fee is fixed at Rs.6,382/-.

Dictated by me to the Steno-typist, typed by her directly in the Computer, corrected and pronounced by me in the open court, on this the 15<sup>th</sup> day of May 2026.

Motor Accident Claims Tribunal Judge/  
Chief Judicial Magistrate, Chengalpattu.



**Enclosures:-**

**Petitioner Side Witnesses:-**

PW.1 Mr.Kuppusamy

**Petitioner Side Exhibits:-**

Ex.P1/PW1 20.07.2019 First Information Report photo copy

Ex.P2/PW1 20.07.2019 Accident Register photo copy

Ex.P3/PW1 20.07.2019 Discharge Summary photo copy

Ex.P4/PW1 - Copy of R.C.Book of 1<sup>st</sup> Respondent Reg.No.TN-22-CQ-2020

Ex.P5/PW1 - Copy of 2<sup>nd</sup> Respondent Driving License

Ex.P6/PW1 - Petitioner's Aadhaar Card

Ex.P7/PW1 - Cash Bill/Receipt in Global Health City Hospital

Ex.P8/PW1 20.07.2019 Rishik Ortho Spine and Joint Speciality Center Prescription

**Court Exhibit:-**

Ex.C1 13.08.2025 Disability Certificate

Motor Accident Claims Tribunal Judge/  
Chief Judicial Magistrate, Chengalpattu.



**PROFORMA**

(as per the directions of the Hon'ble High Court, Madras order in Tr.CMP Nos.264 to 281/2020 dated 11.05.2020)

- a. Name & address of the Claimant(s) :: Mr.Kuppusamy, aged 50 years, S/o.Parthasarathy, No.3/37, Plot No.104, Jawaharriah Nagar, Madambakkam Post, Adhanur Village, Guduvanchery, Kancheepuram District 603 202.
- b. Name & address of the Respondent(s) :: 1. Mr.Abdullah, S/o.Ansar Basha, Old No.22, New No.39, VOC Nagar, Alandur, Chennai – 600016.  
2. Mr. Mohammed Ibrahim, S/o.Hyder, No.1/284, VOC Street, Sholinganallur, Kancheepuram District 600119.
- c. Name & address of Insurance Company :: --
- d. Name & address of Transport Corporation or such other respondents who are held liable to pay :: - Not Applicable-
- e. Date of filing of the claim petition :: 05.08.2021
- f. Date of award :: 15.05.2026
- g. The Claims Tribunal shall upload the award contemporaneous with the date on which the award is passed and the uploaded award copy shall also be :: -



construed as an authenticated copy of the award and it will also suffice for the purposes of filing an appeal or for the purposes of execution of award

- h. Amount of Award :: Rs.1,69,100/-
- i. Interest rate applicable :: 7.5% p.a.
- j. Date(s) from which interest is payable :: From 05.08.2021 to till the date of deposit on Rs.1,69,100/-
- k. Costs if any :: Court Fee for the award amount: Rs.1,063.50  
Vakalat Rs. 10.00  
Pleader's fee Rs.6,382.00  
Total Rs.7,455.50
- l. In cases where the compensation, interests and interests and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs :: 1st Respondent shall pay Award, interest and cost.
- m. In cases where there are several claimants, the shares and amounts payable to each of them shall be specified :: - Not Applicable –



- n. The mode and manner of deposit of compensation :: 1st Respondent shall be directed to deposit this Court MACT account. Particulars: State Bank of India, Main Branch, Chengalpattu in A/c No:36092281179, IFSC Code: SBIN 0000824, through NEFT or RTGS
- o. The mode and manner of disbursement :: On deposit by 1st Respondent in this Tribunal MACT account, the same shall be transferred to the Petitioner's Savings Bank Account No.2806101011167, Canara Bank, Guduvanchery Branch.
- p. Deficit fees to be paid :: Court Fee for the award amount Rs.1,063.50 - Court fee paid Rs.372.50=**Rs.691/-**
- In Court fee exemption cases :: - Not applicable-

Motor Accident Claims Tribunal Judge/  
Chief Judicial Magistrate, Chengalpattu.



Draft/Fair Judgment

**MCOP.No.28/2022**

**Dt.15.05.2026**

MACT/Chief Judicial  
Magistrate, Chengalpattu.