

**MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURANTAKAM.**

**PRESENT: Mr. T. GANESH, B.A.,B.L.,
Subordinate Judge,
Madurantakam.**

Monday, this 22nd day of June, 2026

MCOP No. 11/2016

(CNR.No.TNCG13-000018-2016)

Mohan, S/o. Muthukrishnan,
aged about 29 years,
Gendiracherry Madhura Mudugarai Village,
Gurugulam Post,
Madurantakam Taluk,
Kancheepuram District.

...Petitioner

..Vs..

1. Dhanasekar, S/o. Venkatesan,
No. 52, Ward 2, Kalan Street,
Olakkur & Post,
Villupuram District.
2. Banumathy, W/o. Dhanaseelan,
No. 4, Ellaiyamman Koil Street,
Navaloor Village,
Kancheepuram Taluk and District,
Pin Code: 603 303.

... Respondents

This petition was taken on file by this Tribunal court on 11.01.2016.

1.	Name and address of the petitioner	Mohan, S/o. Muthukrishnan, aged about 29 years, Gendiracherry Madhura Mudugarai Village, Gurugulam Post, Madurantakam Taluk, Kancheepuram District.
2.	Name and address of the 1 st respondent	Dhanasekar, S/o. Venkatesan, No. 52, Ward 2, Kalan Street, Olakkur & Post, Villupuram District.
3.	Name and address of the 2 nd respondent	Banumathy, W/o. Dhanaseelan, No. 4, Ellaiyamman Koil Street, Navaloor Village, Kancheepuram Taluk and District, Pin Code: 603 303.
4.	Date of filing of petition	22.12.2016
5.	Date of Award	22.06.2026
6.	Person who is liable to pay compensation	Respondents 1 and 2 are liable to pay compensation.
7.	Details of Award amount	Rs.3,46,000.00/- (Rupees Three Lakh Forty Six Thousand Rupee Only) along with an interest at 7.5% from the date of petition till the date of deposit of the award amount excluding the period of dismissal for default if any.
8.	Details of Interest awarded.	Interest at the rate of 7.5% per annum from the date of petition till the date of realisation.
9.	Details of deposit and disbursement of award amount	Deposit by way of E-transfer such as NEFT, RTGS etc., into State Bank of India, Madurantakam Account No. 42910484246 IFSC code SBIN0000870 of Presiding officer, Motor Accident Claims Tribunal (MACT) Madurantakam. Petitioner to receive directly

		through E transfer such as NEFT or RTGS etc., in the bank account.
10.	Advocate fees	Advocate fee of Rs. 9,920.00 fixed for the petitioner to make payment to his counsel as per the sub rule 4 of rule 20 of TN MACT Rules 1989.
11.	Details of court fees	Total court fees to be paid by the petitioner is Rs. 2,832.50. The petitioner has paid a court fee of Rs.25/-. The deficit court fee of Rs. 2,807.50 shall be paid within 15 days from the date of award.
12.	Orders as to costs	Respondents 1 and 2 are liable to pay costs to the petitioner for a sum of Rs. 12,757.00.

This petition came up on 01.06.2026 for final hearing before me in the presence of M/s.C.Manmathan and M.Sathish, counsels for the petitioner and Respondents 1 and 2 called absent and set exparte and upon hearing both side arguments, perusing the case records and having stood over for consideration till this day, this court delivers the following;

ORDER

This petition is filed under Section 140 & 166 of Motor Vehicles Act 1988 (Act IV of 39 r/w Rules 3 of M.M.C.T Rules 1961) claiming compensation of Rs.10,00,000/- (Rupees Ten Lakhs) with interest and costs from the respondents for the injuries sustained by the petitioner in the accident which occurred on 29.07.2015.

2. The case made out by the petitioner in claim petition is as follows:

On 29.07.2015 the petitioner went to Chelliamman temple festival and returned to his home at Gendricherry in a two-wheeler bearing registration number TN 19 W 7656 as pillion rider. At about 1.30 PM when he was nearing Puliyanankottai, a car bearing registration number TN 22 CV 2472 in a rash and negligent manner and hit the two-wheeler. Due to that the petitioner sustained grievous injuries and Fracture in right leg knee and amputation in right leg thumb, grievous injury on his face,

grievous head injury and all over the bodies. Immediately he was admitted at Government Hospital Madurantakam and he was shifted to Government General Hospital, Chengalpattu Medical College and Hospital and further treatment to Rajiv Gandhi Government Hospital, Chennai for better treatment.

The Police was also registered a case in crime No.377/2015 under Sec 279 and 337 of I.P.C. Petitioner is a sole bread winner of the family and he alone maintained the family for his income. The petitioner has estimated a compensation of Rs.10,00,000/- as against the respondents. The 1st respondent is the driver of the vehicle. The 2nd respondent is the owner of the vehicle. Therefore both the respondents are liable to pay the compensation to the petitioner.

Hence the petitioner is claiming a sum of Rs.10,00,000/- as compensation.

3. In spite of substituted service, the respondents 1 and 2, failed to appear and hence they were called absent and set ex parte.

4. Based on the above pleadings, the following points were framed for determination:

1. Whether the accident was occurred due to the rash and negligent riding of the 1st respondent of the 2nd respondent's vehicle bearing Registration Number TN-22-CV-2472?
 2. Whether the petitioner is entitled for compensation and if so, what is the amount?
 3. Who is liable to pay the amount to the petitioner?
5. The petitioner examined herself as Pw1 and through her Exs. P1 to P7 marked.
6. Heard the learned Counsels appearing on either side.

7. The learned counsel appearing for the petitioner would contend that the accident occurred only due to the rash and negligent riding of the rider of the 2nd respondent vehicle, namely the 1st respondent. He contends that as a result of injury, the petitioner could not continue his task and therefore compensation as claimed by the petitioner has to be granted.

8. POINT No.1 - NEGLIGENCE:

On a careful consideration of oral and documentary evidence available on record, it is obvious that the petitioner has claimed compensation for the injuries sustained by him in the accident said to have been caused by the vehicle belonging to the 2nd respondent driven by the 1st respondent. Respondents failed to appear and defend the petition. Hence they were called absent and set exparte. Though the respondents were set exparte, it is incumbent upon the petitioner to prove his case by adducing cogent and acceptable evidence. It is evident from Ex.P1 - copy of First Information Report that on the complaint given by one S.Sudhakar, a case in Cr.No. 377/2015 came to be registered by SHO, Chithamur police station on 29.07.2015 for the alleged offences punishable U/s.279 and 337 of IPC on the ground that the accident occurred only due to the rash and negligent riding of the rider of the TATA Indigo Car bearing registration number TN-22-CV-2472. If really the accident was not occurred as contended by the petitioner, the respondents could have appear and defend the same. For the reasons best known to them, they didn't defend this petition by entering appearance. No oral or documentary evidence was adduced or produced to deny Ex P1 or it was challenged. So, evidence of Pw1 and Ex P1 would clearly prove that the accident was occurred due the negligence of the 1st respondent, who is the driver of the TATA Indigo Car bearing registration number TN-22-CV-2472. Hence this point No.1 is answered accordingly.

9. POINT No.2 QUANTUM :

Since the petitioner was issued Ex P2- the discharge summary would show that the petitioner has sustained closed fracture – both bone right leg and that the medical board by way of memo opined that the petitioner has sustained locomotor disability, this court proceeds to award compensation under the following heads:

(i) Permanent disability:-

In order to assess the percentage of disability, the petitioner has appeared before the medical board and after examination, the members of the medical board assessed the disability at 33% which is obvious from disability certificate. There is no contra evidence adduced on the side of 2nd respondent to reduce the percentage of disability and as such the disability as assessed by Medical Board is accepted.

As per disability certificate, the medical board assessed permanent disability at 33%. As per the decision of our hon'ble high court reported in *2022 – 1 – TNMAC – 299, Manager claims, IFFCO TOKIO General Insurance Co., Ltd Vs Venkatesh and another* for each percentage Rs.5,000/- has to be awarded as the accident was occurred in the year 2015. Hence, a sum of (33 X 5,000) Rs.1,65,000 is awarded under this head.

ii) Pain and Sufferings:-

Ex P2 – discharge summary would show that the petitioner got admitted at Government General Hospital on 29.07.2015 and discharged on 14.08.2015. He underwent surgery on 08.08.2015. As per Ex P2 the petitioner sustained closed fracture of both bone in right leg. So, he underwent surgery of closed reduction with internal fixation and interlocking nail. No doubt that the fracture of both bone in right leg and surgery underwent would cause severe pain. Hence, considering Ex.P2, and the nature of injuries caused, this court is inclined to award a sum of Rs.50,000/- towards pain and sufferings.

(iii) Loss of Income:-

According to the petitioner, he was aged 29 years and was working as a Plumber, earning Rs.15,000/- per month. The petitioner has not produced any document to prove her income. So, notional income has to be fixed. On this context this court wants to rely upon a decision of our Hon'ble High Court in ***Reliance General Ins. Co. Ltd Vs Manju and others in CMA.No.576 of 2022***, where it was held that a sum of Rs.15,000.00 to be taken as notional income of an ordinary person of the year 2015. Here the accident was occurred in the year 2015. Hence there is no bar to fix notional income of the petitioner at Rs. 15,000.00 per month.

Ex P2 would show that the petitioner was admitted in hospital, underwent surgery and was inpatient from 29.07.2015 to 08.08.2015, which is nearly 11 days. Further Ex P6 would show that the petitioner took treatment in hospital till 10.10.2015. No doubt that petitioner could not have attended her task for the above said period of three months. Further as per Ex P2 and P6 there is no doubt that the petitioner sustained fracture in his leg and underwent surgery. So, there is no doubt that the petitioner could not have attended her avocation for a period of 6 months. Therefore, a sum of (6 X 15,000) Rs.90,000.00 is awarded under this head.

iv) Transport:-

The petitioner has not produced any receipts in respect of the transport charges. No doubt that as per Ex P2 and P6, the petitioner took treatment as out patient till 10.10.2015. Hence, considering the same, this court inclined to grant a sum of Rs.20,000/- under this head.

(v) Nutritious Food:-

For taking nutritious food to recuperate his health, notionally a sum of Rs.5,000/- is awarded under this heading.

(vi) Medical Expenses:-

The petitioner has produced medical bills for a sum of Rs.1,867.00, for the treatment taken, which is marked as Ex P7. There is no dispute raised by the respondents in respect of the said bills. Hence, this court concludes that the petitioner is entitled to a sum of Rs. 1,867.00 under this head.

(vii) Attender charges:-

No doubt that the petitioner suffered fracture in his right leg. So, the petitioner would have definitely needed the assistance of an attender to take care of him. The petitioner was in hospital for a period of 11 days. Ex P6 would show that the petitioner took treatment till 10.10.2015. Further due to the said injuries the petitioner cannot move out without the help of an attender atleast for six months. Each day the petitioner could have spent a sum of Rs 100.00 as attender charges, as the accident was occurred in the year 2015. Calculating the same the petitioner could have spent a sum of (100 X 90) Rs.9,000. Hence, considering the same the petitioner is entitled to a sum of Rs.9,000.00 under this head.

(viii) Comfort and Amenities:-

Due to the said injuries, the petitioner would face lot of discomfort to do her daily chores and has lost her comfort and amenities and hence notionally a sum of Rs.5,000/- is awarded under this head.

The petitioner is entitled for compensation under various heads is as follows:

Sl.No.	Heads	Granted amount
1)	Permanent Disability	Rs. 1, 65, 000.00/-
2)	Pain and Sufferings	Rs. 50,000.00/-
3)	Loss of Income	Rs. 90,000.00/-
4)	Transport	Rs. 20,000.00/-
5)	Nutritious Food	Rs. 5,000.00/-

6)	Medical Expenses	Rs. 1,867.00/-
7)	Attender charges	Rs. 9,000.00/-
8)	Comfort and Amenities	Rs. 5,000/-
	Total	Rs. 3,45,867.00/- which is rounded off Rs.3,46,000.00

Therefore, the petitioner is entitled for a compensation of Rs.3,46,000.00/- with interest and costs and the point No.2 is answered accordingly.

10. POINT No.3 - LIABILITY:

Petitioner contends that the 2nd respondent is the owner of the car bearing registration number TN-22-CV-2472, which is proved under Ex P3. Petitioner contends that the 1st respondent is the driver of the offending car. It was not disputed by the respondents. Hence, this court of its considered opinion that the respondents who are the owner and driver of the offending vehicle, cannot escape from their liability and this point is answered accordingly.

11. Result:

In the result,

1. This claim petition is partly allowed.
2. That the respondents are jointly and severally liable to pay compensation to the petitioner and they are hereby directed to pay the petitioner a sum of Rs.3,46,000.00/- (Rupees Three Lakh Forty Six Thousand Rupee Only) along with an interest at 7.5 percent per annum from the date of petition till the date of deposit of the award amount excluding the period of dismissal for default if any.

3. That it is hereby directed that the said amount shall be paid within 30 days from the date of the award in the Bank account of the Presiding Officer, Motor Accident Claims Tribunal, (MACT) Madurantakam in the State Bank of India Account No. **42910484246** (IFSC code SBIN0000870) through the direct bank e-transfer modes of money ie. RTGS or NEFT.

4. That the respondents shall intimate the compliance to this Tribunal and to file proper proof before the court.

5. That the compensation amount to be deposited in the fixed deposit till the filing of the petition by the petitioner and as per the orders passed in such petition, the petitioner is entitled to receive the amount directly through his bank account through e-transfer modes of money ie. NEFT or RTGS.

6. That the total court fees to be paid by the petitioner is Rs.2,832.50. The petitioner has paid a court fee of Rs.25/-. The deficit court fee of Rs. 2,807.50 shall be paid within 15 days from the date of award.

7. That the Advocate fee of Rs. 9,920.00 is fixed for the petitioner to make payment to his counsel as per Sub Rule 4 of Rule 20 of TN MACT Rules 1989.

8. That the respondents 1 and 2 are directed to pay a cost of Rs. 2,842.50 and Advocate fee of Rs. 9,920.00 totaling a sum of Rs. 12,757.00 to the petitioner.

Details of petitioner and her bank account

1	Name and address of the petitioner and details of Aadhar card	Mohan, S/o. Muthukrishnan, aged about 29 years, Gendiracherry Madhura Mudugarai Village, Gurugulam Post, Madurantakam Taluk, Kancheepuram District.
2	Name of the Bank and Branch	Canara Bank,

		Madurantakam Branch.
3.	Petitioner's Bank Account No.	4328101005784
4	Bank IFSC No.	CNRB0004328

Since the petitioner has not filed the details of her Pan card details, she is directed to file the same immediately.

Details of cost

	Petitioner Side	Rs.P	Respondents side	Rs.P
1	Vakalath	5.00	Vakalath	NIL
2	Court Fee	2,832.50	--	--
3	Advocate Fee	9,920.00	--	--
	Total	12,757.50	Total	NIL

Directly typed by me in my lap – top, corrected and pronounced by me in the open court, this the 22nd day of June, 2026.

Motor Accidents Claims Tribunal Judge/
Subordinate Judge,
Madurantakam.

(All necessary particulars are incorporated in the award itself as per the order of Honourable Madras High Court in Cholamandalam MS Genl Insurance Co.Ltd. Vs. Mr.S.Ayyanar and others Tr.CMP Nos.264 to 281 of 2020 Dt.11.05.2020 and hence it is directed to treat the same as decree)

PETITIONER'S WITNESSES:

PW1: Mohan (Petitioner).

PETITIONER'S EXHIBITS:

Ex P1	29.07.2015	First Information Report.	True copy
Ex P2	29.07.2015 to 08.08.2015	Discharge Summary of Rajiv Gandhi Government Hospital, Chennai.	Xerox Copy
Ex P3		Registration Certificate of 2 nd respondent's vehicle.	Xerox Copy.
Ex P4		Driving License of driver of the 1 st respondent.	Original
Ex P5		Bank Pass book of the Petitioner.	Xerox copy
Ex P6	29.07.2015 to 08.08.2015	Discharge Summary of Rajiv Gandhi Government Hospital, Chennai.	Original
Ex P7		Medical Bills.	Original

RESPONDENT'S WITNESSES: Nil**RESPONDENT'S EXHIBITS: Nil**

Motor Accidents Claims Tribunal Judge/
Subordinate Judge,
Madurantakam.

TNCG130000182016



Fair / Draft Order
MCOP No. 11/2019
D.D: 22.06.2026
Sub Court,
Madurantakam.