

**MOTOR ACCIDENT CLAIMS TRIBUNAL,  
MADURANTAKAM**

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

**Monday, this 27<sup>th</sup> day of April, 2026**

**MCOP No. 20/2019**

**(CNR.No.TNCG13-000119-2019)**

Kovilammal, (age 43/2019 years),

W/o. Desingu,

Residing at No. 16/86 (4) Anna Street,

Vinayaganallur, Madurantakam Taluk,

Kancheepuram District.

...Petitioner

.Vs.

1. Kumar, S/o. Raji, (Owner of the Vehicle)

No. 33/37, Vasanthavadi,

Sirunagalur Post, Madurantakam Taluk.

2. The Divisional Manager,

National Insurance Company,

T.P Claim Hub,

No. 66, Greames Road, Anna Salai,

Thousand Lights, Chennai – 600 006.

...Respondents

This petition was taken on file by this Tribunal court on 15.02.2019.

1.	Name and address of the petitioner	Kovilammal, (age 43/2019 years), W/o. Desingu, No.8, Residing at No. 16/86 (4) Anna Street, Vinayaganallur, Madurantakam Taluk, Kancheepuram District.
2.	Name and address of the 1 <sup>st</sup> respondent	Kumar, S/o. Raji, (Owner of the Vehicle) No. 33/37, Vasanthavadi, Sirunagalur Post, Madurantakam Taluk.
3.	Name and address of the 2 <sup>nd</sup> respondent	The Divisional Manager, National Insurance Company, T.P Claim Hub, No. 66, Greames Road, Anna Salai, Thousand Lights, Chennai – 600 006.
4.	Date of filing of petition	04.02.2019.
5.	Date of Award	27.04.2026
6.	Person who is liable to pay compensation	Respondent No. 2 is liable to pay compensation.
7.	Details of Award amount	Rs.30,000/- (Rupees Thirty Thousand 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. <b>42910484246</b> 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.1,250.00 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. 60.00.

		The petitioner has paid a court fee of Rs.500.00. The deficit court fee : Nil
12.	Orders as to costs	Respondent No. 2 is liable to pay costs to the petitioner for a sum of Rs. 1,320.00.

This petition coming on 15.04.2026 for final hearing before me in the presence of M/s.C.Manmathan and E.Suriyakala, Counsels for the petitioner, Mr.G.S.Suresh babu, Counsel for 2<sup>nd</sup> respondent, 1<sup>st</sup> respondent called absent and set exparte for non filing of counter, 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 Rule 3 of MMCT Rules 1961) claiming a compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) with interest and costs from the respondents for the injuries sustained by the petitioner in the accident which occurred on 05.11.2018 at 07.30 P.M.

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

On 05.11.2018, the petitioner was travelled as pillion rider in a two wheeler bearing registration number TN 19 AZ 2764 driven by one Desingu. At about 07.30 P.M when they were travelling in Melavalampettai to Nelvai Road, near Karikili Bus Stop, the said Desingu drove the two-wheeler in a rash and negligent manner and applied sudden brake. Due to that the petitioner sustained Grievous Head Injury, Right Hand Fracture, Right Leg Fracture, Grievous Injury on her nose and all over the body. Immediately she was admitted in Government Medical College Hospital, Chengalpattu. Accident was occurred only on the part of negligent driving of the driver of 1<sup>st</sup> respondent vehicle alone.

The police was also prosecuted the case as against the deceased under Crime No. 467/2018 under Sec 279 and 337 of I.P.C. The petitioner is a sole bread winner of the family and she alone maintained the family. The 1<sup>st</sup> respondent is the owner of the vehicle. The 2<sup>nd</sup> respondent is the insurer of the 1<sup>st</sup> respondent's vehicle. Therefore both the respondents are liable to pay the compensation to the petitioner.

Hence the petitioner files this petition for directing the respondents to pay compensation of Rs.10,00,000/- with interest and cost.

3. In spite of service of notice, the 1<sup>st</sup> respondent failed to appear and defend the petition. Hence, he was called absent and set exparte.

4. **The averments contained in the counter filed by the 2<sup>nd</sup> respondent is as follows:**

The 2<sup>nd</sup> respondent denies the allegations set out in the petition. There is a delay in 4 days lodging in FIR. which is doubt about the genuineness of the accident. Hence the petitioner is strict to proof the same with documentary evidence.

In any event that the alleged injuries stated by the petitioner in his petition are all simple injuries and not a grievous injuries. The driver of the 1<sup>st</sup> respondent vehicle was not holding a valid and effective driving license at the time of accident and further he not qualified holding or obtaining such driving and further has not satisfied the requirements of the Rule No.3 of the Central Motor Vehicle Rule 1989. The 1<sup>st</sup> respondent has handed over the possession of the vehicle to the said driver and therefore, has contravened the proviso of the M.V.Act and the Rule framed there under and has committed the breach of the terms and conditions of the policy.

The 2<sup>nd</sup> respondent does not admit that the two wheeler Yamaha X-Ray bearing registration No.TN-19-AZ-2764 is insured with it on the date of accident. Hence this 2<sup>nd</sup> respondent is not liable to pay any compensation to the petitioners. As per Section 134 (c) of M.V.Act 1989, it is mandatory duty of the insured/1st Respondent to furnish the particulars of policy, date, time and place of accident, particulars of injured/deceased and the name of the driver and particular of driving license, but the

insured/1<sup>st</sup> Respondent herein has not complied with statutory demand. Hence this respondent is not liable to pay any compensation and the case is liable to be dismissed against this Respondent for non compliance of statutory demand.

Since the owner namely the 1<sup>st</sup> respondent remained exparte, this respondent prays that they may be permitted to take all the defences available to the owner as contemplated under Section 170 of the M.V.Act. The 2<sup>nd</sup> respondent craves leave to file an additional counter, when better particulars regarding the accident and other details are let known to them.

Without prejudice to above the contentions, this respondent submits that the amount of Rs.10,00,000/- with interest and costs claimed by the petitioners is more excessive and exorbitant and the petitioners are not entitle for the same from this respondent. Hence this petition is liable to be dismissed with cost.

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

1. Whether the accident was occurred due to the rash and negligent driving of the driver of the 1<sup>st</sup> respondent's vehicle bearing Registration Number TN 19 AZ 2764?
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?
6. The petitioner examined herself as Pw1 and through him Exs. P1 to P9 marked. No oral or documentary evidence adduced by respondent.
7. Heard the learned Counsel for petitioner and 2<sup>nd</sup> respondent.
8. The learned counsel appearing for the petitioner would contend that the accident occurred only due to the rash and negligent driving of the 1<sup>st</sup> respondent

vehicle. He contends that as a result of injury, the petitioner could not continue her task and therefore compensation as claimed by the petitioner has to be granted.

9. On the other hand, the 2<sup>nd</sup> respondent denies the very occurrence of the accident as alleged, pointing out delay in lodging the complaint and puts the petitioner to strict proof of the FIR, accident, and injuries. The 2<sup>nd</sup> respondent further contends that the accident did not occur due to rash and negligent driving of the 1<sup>st</sup> respondent's vehicle and disputes the nature of injuries, age, income, and occupation of the petitioner. It is also argued that the driver of the vehicle did not possess a valid and effective driving licence and that there is a breach of policy conditions and statutory requirements under the Motor Vehicles Act. The 2<sup>nd</sup> respondent additionally disputes the existence of a valid insurance policy at the relevant time and claims non-compliance of statutory obligations by the insured. Hence, the 2<sup>nd</sup> respondent prays for dismissal of the petition and for exoneration from liability.

10. The 2<sup>nd</sup> respondent has filed petition u/s. 170 of M.V. Act, to defend the case on all or any of the grounds that are available to the first respondent and the same is allowed.

11. **POINT No.1 - NEGLIGENCE:**

On a careful consideration of the oral and documentary evidence available on record, it is seen that the petitioner has filed the present claim petition seeking compensation for the injuries sustained in the accident alleged to have been caused by the vehicle belonging to the 1<sup>st</sup> respondent. It is evident from Ex.P1 – copy of First Information Report that on the complaint given, a case in Crime No.467/2018 came to be registered by Madurantakam Police Station on 09.11.2018 for the alleged offences punishable under Sections 279 and 337 IPC in respect of the accident dated 05.11.2018. Though the 2<sup>nd</sup> respondent has raised a contention regarding delay of four days in lodging the complaint, no material contradiction has been elicited to disbelieve the occurrence of the accident. The petitioner, who was examined as PW1,

has categorically deposed that she travelled as a pillion rider and the accident occurred only due to the rash and negligent driving of the rider of the 1<sup>st</sup> respondent's vehicle bearing Registration number TN 19 AZ 2764. Nothing adverse has been elicited in the cross-examination of PW1 to discredit her version. The 2<sup>nd</sup> respondent, though denied negligence, has not examined the driver of the offending vehicle to substantiate its defence. Non-examination of the driver would lead to an adverse inference against the 2<sup>nd</sup> respondent. Further, the contents of Ex.P1 corroborate the oral testimony of PW1 with regard to the manner of accident. There is no contra evidence placed on the side of the respondents to prove that the accident occurred due to any other reason. Hence, this Tribunal is of the considered opinion that the petitioner has proved that the accident occurred only due to the rash and negligent driving of the driver of the 1<sup>st</sup> respondent's vehicle and accordingly, and point No.1 is answered accordingly.

**12. POINT No.2 QUANTUM :**

In this point, the Tribunal has to determine whether the petitioner is entitled to compensation and if so, to what extent. The petitioner has stated that she sustained grievous injuries such as head injury, fracture in right hand and right leg and injuries all over the body. However, except the oral evidence, no disability certificate has been produced nor any doctor has been examined to prove the nature of injuries as grievous or to assess permanent disability. Apart from that though the petitioner was referred to medical board, the medical board has sent a letter to this court that the petitioner has not subject herself for examination before the medical board. Even the petitioner counsel also filed a memo accepting the same and that he closes the evidence of petitioner, which implidely shows that the petitioner has not suffered any disability. Hence this court proceeds to award compensation as such the petitioner has suffered no grievous injuries.

On perusal of Ex.P2 – Accident Register of Government Hospital, Chengalpattu, the petitioner has sustained abrasion on his right leg, right shoulder and contusion on his right parietal region. There is no other documents like discharge summary, treatment records of the said Government Hospital was produced. Surprisingly the petitioner has produced Ex P7, where it shows that the petitioner took treatment for her illness on and after 27.09.2022. On perusal of the said Ex P7, the prescription dated 27.09.2022 would go into show that the petitioner has sustained injuries in an accident that took place about 10 days ago. So, Ex P7 would not be a relevant document and cannot be taken into consideration as here the accident took place on 05.11.2018. Ex P8 – the medical receipts are also after 2022, which shows that the said expenses were not incurred in respect of the injuries sustained in the accident that took place on 05.11.2018. Ex P9 the X- rays also would not show that it was taken for the petitioner that too for the accident that took place on 05.11.2018. There is no correlating documents produced to show that the Ex P9 was taken to the petitioner and that she was taken treatment in respect of the same. Hence Ex P9 also cannot be taken into consideration. So, the only available document in respect of injuries was Ex P2 the accident register. It would not show that the petitioner has sustained grievous injuries. Hence this court proceeded to award compensation as such the petitioner has sustained simple injuries.

Hence, considering the nature of injuries as mentioned in Ex P2, period of treatment, pain and sufferings and medical expenses incurred, this Tribunal is inclined to award a consolidated sum of Rs.30,000/- towards pain and sufferings, medical expenses and other incidental charges. Therefore, the petitioner is entitled to a compensation of Rs.30,000/- with interest and costs and Point No.2 is answered accordingly.

**13. POINT No.3 - LIABILITY:**

The petitioner has contended that the 1<sup>st</sup> respondent is the owner of the offending vehicle and the 2<sup>nd</sup> respondent is its insurer. Though the 2<sup>nd</sup> respondent has denied the insurance coverage, Ex.P4 – Insurance Policy produced by the petitioner clearly establishes that the vehicle bearing Registration No. TN 19 AZ 2764 was insured with the 2<sup>nd</sup> respondent at the time of accident. Hence, the relationship of insurer and insured stands proved. The 2<sup>nd</sup> respondent has taken a defence that the driver of the 1<sup>st</sup> respondent's vehicle did not possess a valid driving licence and that there is violation of policy conditions. However, no evidence has been let in on the side of the 2<sup>nd</sup> respondent to substantiate the said contention. No official from the RTO has been examined nor any document has been produced to prove absence of valid driving licence. Further, the 1<sup>st</sup> respondent remained exparte and no material is available on record to establish breach of policy conditions. Mere pleading without proof cannot be accepted. In such circumstances, this Tribunal holds that the 2<sup>nd</sup> respondent, being the insurer of the offending vehicle, is liable to indemnify the 1<sup>st</sup> respondent and pay compensation to the petitioner. Hence this Point No.3 is answered accordingly.

**14. Result:**

In the result,

1. This claim petition is partly allowed.
2. That the 2<sup>nd</sup> respondent is liable to pay compensation to the petitioner and he is hereby directed to pay the petitioner a sum of Rs.30,000/- (Rupees Thirty Thousand 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 2<sup>nd</sup> respondent shall inform the counsel for petitioner immediately after the deposit is made 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 the bank account of the petitioner through e-transfer modes of money ie.NEFT or RTGS.

6.That the total court fees to be paid by the petitioner is Rs. 60.00. The petitioner has paid a court fee of Rs.500/-. The deficit court fee : Nil

7.That the Advocate fee of Rs.1,250.00 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 2<sup>nd</sup> respondent is directed to pay a cost of Rs.70.00 and Advocate fee of Rs.1,250.00 totaling a sum of Rs.1,320.00 to the petitioner.

**Details of petitioner and his bank account**

1	Name and address of the petitioner and details of Aadhar card	Kovilammal, (age 43/2019 years), W/o. Desingu, No.8, Residing at No. 16/86 (4) Anna Street, Vinayaganallur, Madurantakam Taluk, Kancheepuram District.
2	Name of the Bank and Branch	Indian Bank, Madurantakam Branch.
3.	Petitioner's Bank Account No.	508000072
4	Bank IFSC No.	IDIB000M072

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

**Details of cost**

	<b>Petitioner Side</b>	<b>Rs.P</b>	<b>Respondents side</b>	<b>Rs.P</b>
1	Vakalath	10.00	Vakalath	10.00
2	Court Fee	60.00	--	--
3	Advocate Fee	1,250.00	--	--
	<b>Total</b>	<b>1,320.00</b>	<b>Total</b>	<b>10.00</b>

Directly typed by me in my lap – top, corrected and pronounced by me in the open court, this the 27<sup>th</sup> day of April, 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 WITNESS:**

PW1 : Kovilammal (Petitioner)

**PETITIONER'S EXHIBITS:**

Ex.P1	09.11.2018	First Information report.	True Copy.
Ex.P2		Accident Register.	True Copy.
Ex.P3		Registration Certificate of 1 <sup>st</sup> respondent's	Xerox Copy.

		vehicle.	
Ex.P4		Insurance Policy of 1 <sup>st</sup> Respondent's vehicle.	Xerox Copy.
Ex.P5		Copy of Aadhaar card of the petitioner.	Xerox Copy.
Ex.P6		Bank Passbook of the Petitioner.	Xerox Copy.
Ex.P7		Medical Prescriptions along with Discharge Summary of the petitioner.	Original.
Ex.P8		Medical Bills.	Original.
Ex.P9		X-Ray.	Original.

**2<sup>nd</sup> RESPONDENT'S WITNESSES:****NIL****2<sup>nd</sup> RESPONDENT'S EXHIBITS:****NIL**

Motor Accident claims Tribunal Judge/  
Subordinate Judge,  
Madurantakam.

**TNCG130001192019**

**Fair / Draft order**  
**MCOP No. 20/2019**  
**D.D: 27.04.2026**  
**Sub Court,**  
**Madurantakam.**