

**MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURANTAKAM.**

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

Monday, this 06th day of July, 2026

MCOP No.71/2024

(CNR.No.TNCG13-000419-2024)

Vishwanathan, (aged about 24 years),
S/o. Sankar,
residing at No. 12, Pillaiyar Kovil Street,
Siruvilampakkam Village,
Cheyyur Taluk,
Chengalpattu District – 603 310.

...Petitioner

..Vs..

1. Udhayakumar, S/o. Sathasivam,
No. 46, Vinayagar Koil Street,
Sirumailur Village, Cheyyur Taluk,
Chengalpattu District.

2. The New India Assurance Company Ltd.,
No. 57, Nellukarar Street,
Kancheepuram Town and Taluk,
Kancheepuram District.

... Respondents

This petition was taken on file by this Tribunal court on 27.08.2024.

1.	Name and address of the petitioner	Vishwanathan, (aged about 24 years), S/o. Sankar, residing at No. 12, Pillaiyar Kovil Street, Siruvilampakkam Village, Cheyyur Taluk, Chengalpattu District – 603 310.
2.	Name and address of the 1 st respondent	Udhayakumar, S/o. Sathasivam, No. 46, Vinayagar Koil Street, Sirumailur Village, Cheyyur Taluk, Chengalpattu District.
3.	Name and address of the 2 nd respondent	The New India Assurance Company Ltd., No. 57, Nellukarar Street, Kancheepuram Town and Taluk, Kancheepuram District.
4.	Date of filing of petition	01.07.2024.
5.	Date of Award	06.07.2026
6.	Person who is liable to pay compensation	Respondent No. 2 is liable to pay compensation.
7.	Details of Award amount	Rs.11,68,000.00/- (Rupees Eleven Lakhs Sixty Eight Thousands 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. 18,680.00 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. 11,052.50. The petitioner has paid a court fee of Rs.600.00. The deficit court fee of Rs. 10,452.50 shall be paid within 15 days from the date of award.
12.	Orders as to costs	Respondent No. 2 is liable to pay costs to the petitioner for a sum of Rs. 29,742.50.

This petition came up on 17.06.2026 for final hearing before me in the presence of Mr.D.G.Manikandan, counsel for the petitioner and Mrs.S.Kalainila, Counsel for 1st respondent, Mr.E.Elango, counsel for 2nd respondent and upon 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.40,00,000/- (Rupees Forty Lakhs) with interest and costs from the respondents for the injuries sustained by the petitioner in the accident which occurred on 06.04.2024 at about 7.00 p.m.

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

(Amended as per order in IA.No.1/2025 dated: 18.11.25)

On 06.04.2024 at about 7.00 P.M. near Green Valley House Plots Extension, at Nerkunam village, when the injured petitioner was riding a motor cycle bearing registration number TN-19-BV-1964 from Konerikuppam to Nerkunam, the 1st respondent driven his vehicle John Deere Harvester Machine, bearing registration

number TN-20-R-1651 in the opposite direction with high speed rash and negligent manner and hit the injured petitioner's vehicle. Due to that the petitioner has sustained grievous injuries all over the body and fracture in his right hand. Immediately he was taken to Government Medical College and Hospital, Chengalpattu for treatment and further treatment to Balaji Hospital, Chrompet. He was admitted as in patient and still taking treatment as outpatient at private hospital.

Accident was happened due to rash and negligent driving of the 1st respondent. Hence S.I. of Police, Acharapakkam P.S. also registered a case against the driver in Cr.No. 130/2024, U/sec.279,337 of IPC. Hence the petitioner is claiming compensation of Rs.40,00,000/- for the grievous injuries, loss of earnings, disabilities, mental agony caused by the respondent in the above accident. The petitioner has lost his earning power and also lost his healthiness and he could not be able to continue his task. The petitioner is unable to maintain to him and his family.

1st Respondent is the owner cum driver of the vehicle involved in the accident and the 2nd respondent is the insurer of the same. Hence the respondents are vicariously and statutorily liable to pay compensation to the petitioner. Hence the petitioner is claiming a sum of Rs.40,00,000/-.

Hence this petition.

3. The averments contained in the counter filed by the 1st respondent is as follows:

The 1st respondent denies the allegations set out in the claim petition. The 1st respondent is owner of the above said vehicle and he duly insured his vehicle with the 1st respondent at the time of accident. So, the 2nd respondent alone liable to pay the compensation to the petitioner. Hence this petition is liable to be dismissed with exemplary cost.

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

The 2nd respondent denies the allegations set out in the claim petition. Final report was not filed and no arrest was made against any one by the police. The accident occurred only due to the negligent driving of the petitioner. There is delay in

registering F.I.R. and the reasons for the delay is not properly explained by the petitioner.

Petitioner has to prove that the driver of the vehicle belonging to the 1st respondent has effective license/endorsement to drive the vehicle in question on the date of accident and the said vehicle was insured with this respondent. This respondent craves leave to contest the claim on all the grounds available to the 1st respondent under sec. 170 of M.V. Act 1988.

There is no merits and bonafideness in the present claim application filed by the petitioner. Hence, viewed any angle, the petition is liable to be dismissed with cost. Quantum of compensation claimed by the petitioner is very excessive. 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 occurred due to the rash and negligent driving of the of the bus bearing registration number TN-20-R-1651?
2. Whether the petitioners are entitled to compensation as claimed?
If so, what is the quantum and apportionment?
3. Who is liable to pay compensation?

6. The petitioner examined himself as Pw1 and through him Exhibits P1 to P20 were marked. No oral or documentary evidence adduced by 2nd respondent.

7. Heard both sides and perused the records.

8. The learned counsel appearing for the petitioner would contends that the accident occurred only due to the rash and negligent driving of the driver of the 1st respondent vehicle. He contend that the petitioner sustained grievous injuries,

including fracture of the right hand, underwent inpatient and outpatient treatment, suffered loss of earning capacity and permanent disability, and therefore is entitled to compensation as claimed by the petitioner has to be granted.

9. On the other hand, the learned counsel appearing for the 1st respondent would contend that the vehicle involved in the accident was duly insured with the 2nd respondent under a valid insurance policy covering the date of accident and, therefore, the liability, if any, is to be indemnified by the 2nd respondent. It is further contended that the petitioner has not impleaded the proper party and that the 1st respondent is not liable to pay any compensation. Hence, the learned counsel for the 1st respondent prays for dismissal of the petition.

10. On the other hand, the learned counsel appearing for the 2nd respondent would contend that the petitioner has failed to establish that the offending vehicle was insured with the 2nd respondent and that its driver possessed a valid and effective driving licence on the date of the accident. It is further contended that the accident occurred solely due to the negligence of the petitioner, that there was delay in registration of the F.I.R., and that the petitioner has failed to prove his age, occupation, income and the alleged injuries. The quantum of compensation claimed is also disputed as excessive. Hence, the learned counsel for the 2nd respondent prays for dismissal of the petition.

11. POINT No.1 - NEGLIGENCE:

On a careful consideration of the oral and documentary evidence available on record, the petitioner has claimed compensation for the injuries sustained by him in the accident alleged to have been caused by the vehicle alleged to be belonging to the 1st respondent. To substantiate his case, the petitioner examined himself as PW1 who clearly deposed that the accident was solely occurred due to the rash and negligent driving of the driver of the vehicle bearing registration number TN-20-R-1651. In support of the same, he produced the copy of First Information Report, Ex.P1, where a case in Crime No.130/2024 came to be registered by Acharapakkam Police Station on

08.04.2024 for the alleged offences punishable under Sections 279 and 337 of Indian Penal Code on the ground that the accident occurred only due to the rash and negligent driving by the driver of the vehicle bearing registration number TN-20-R-1651. Ex.P10- Final Report also supports the case of the petitioner, which shows that the prosecution has launched a case under Sections 279 and 338 of IPC, against the driver of the offending vehicle. Ex.P11 - Rough Sketch and Ex.P12 - Motor Vehicle Inspection Report also lend support to the version of the petitioner. If really the accident was not occurred as contended by the petitioner, the 1st respondent who is driver cum owner of the offending vehicle didn't enter the witness box to deny negligence cast upon him. For reasons best known to him, he failed to depose evidence by denying the negligence pleaded by the petitioner.

Though the 2nd respondent has disputed the manner of accident and contended that the petitioner himself was negligent, no oral or documentary evidence has been adduced on their side to probabilise such defence. Therefore, there is no material available before this Court to fix negligence muchless any contributory negligence upon the petitioner.

Hence, this Court is of its considered opinion that the petitioner has established that the accident occurred only due to the rash and negligent driving of the 1st respondent while driving the offending vehicle bearing Registration No. TN-20-R-1651. Accordingly, Point No.1 is answered in favour of the petitioner.

12. POINT No.2 QUANTUM :

Since the petitioner has sustained injuries in the accident and has produced Ex.P3 – Discharge Summary showing that the petitioner sustained fracture in his right hand, that the Ex.P18 – Disability Certificate issued by the Medical Board showing that the petitioner has sustained disability of 20% and Ex P19 – wound certificate showing that the injuries sustained by the petitioner are grievous one, 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 20% which is obvious from disability certificate, Ex P18. There is no contra evidence adduced on the side of respondents to reduce the percentage of disability and as such the disability as assessed by Medical Board is accepted.

As per the decision of our Hon'ble High Court in *M. Revanth Kumar Vs M/s Sun X-concrete India Private Limited, Chennai and another, in CMA 13/2025* for each percentage Rs.10,000/- has to be awarded for the accident occurred in the year 2022. Here the accident was occurred in the year 2024. So, there is no bar to fix Rs. 10,000.00 for each percentage. Hence, a sum of (20 X 10,000) Rs.2,00,000.00 is awarded under this head.

ii) Pain and Sufferings: -

The petitioner has produced Ex.P2 – Accident Register, which shows that the petitioner was admitted at Government Hospital, Chengalpattu on 06.04.2024, which shows that the petitioner has sustained injuries on his right elbow. Ex.P3 – Discharge Summary of Sree Balaji Medical College and Hospital, Chrompet, shows that the petitioner was diagnosed with open completely displaced proximal 1/3 both bone forearm fracture right side. He underwent ORIF with plating of ulna with skin grafting and ORIF with radial head plating right forearm on 08.04.2024 and 20.04.2024 respectively. He was inpatient from 07.04.2024 to 13.05.2024. Ex.P4 – Discharge Summary shows that the petitioner was again admitted from 15.07.2024 to 30.09.2024 for further treatment, where he again underwent surgery of Tendon transfer. The petitioner sustained open completely displaced Proximal 1/3 both bone forearm fracture on the right side and underwent plating surgery. Ex P20 the X- ray would prove the same. Ex P19 the photographs would show that the petitioner has sustained injuries on his hand and wrist. No doubt that the petitioner would suffer

untold pain due to the said injuries sustained by him and the surgery underwent. Considering the same this court award a sum of Rs.1,50,000.00 under this head.

(iii) Loss of Income:-

According to the petitioner, he is a working as an employee at Suja Shoei Pvt. Ltd., Konerikuppam, earning Rs.25,000/- per month. In support of the same the petitioner has not produced any evidence. The petitioner has produced Ex.P13 – Provisional Certificate, Conduct Certificate, Final Mark Sheet, Transfer Certificate, Course Completion Certificate to prove his educational qualifications. However, no documentary proof such as salary certificate or employer certificate has been produced to prove the exact income. It is pertinent to note that the deceased has completed his diploma engineering graduate in Computer Engineering as evidenced by Ex P13. There is no document produced in respect of his salary. Hence this court wants to fix notional income for an Engineering Graduate. On this context this court also wants to rely upon a Division Bench Judgment of our Hon'ble High Court in *Managing Director, Tamil Nadu State Transport Corporation Limited Vs. Neela and other, reported in, 2019 (2) TN MAC 153 (DB)* wherein the Hon'ble Division Bench has confirmed the finding of the Tribunal fixing the notional income at Rs.20,000/- per month for the accident of an engineering graduate that occurred in the year 2015. Here the petitioner is a diploma in computer science engineering and the accident was occurred in the year 2024. So, there is no bar to fix a sum of Rs. 20,000.00 per month as his notional income. Hence this court fix the income of the deceased as Rs.20,000.00 p.m at the time of accident.

As per Ex P2 to P4 the petitioner was in continuous treatment in hospital from 06.04.2024 to 30.09.2024. Ex P2 would show that the petitioner should come for review after one month. It is pertinent to note that as per Ex P4, Tendon transfer was done, which shows that the right hand finger of the petitioner was immobilized for a considerable period and hence he underwent the said procedure. So, no doubt that the petitioner is unable to mobilize for nearly 8 months. Petitioner could not have

attended his avocation atleast for a period of 8 months, particularly as he sustained fracture on his right hand. Therefore, a sum of (8 X 20,000) Rs.1,60,000.00 is awarded under this head

(iv) Transport:-

The petitioner has not produced any proof for transport expenses. Considering the fracture sustained by the petitioner on his leg and treatment taken, this court inclined to award a sum of Rs.10,000.00 under this head.

(v) Nutritious Food:-

For taking nutritious food to recuperate his health, notionally a sum of Rs.10,000.00 is awarded under this head.

(vi) Medical Expenses:-

The petitioner has produced medical bills marked as Ex.P15 totaling Rs.4,28,100/- and Ex.P16 totaling Rs.1,27,773/-. The total medical expenses incurred by the petitioner is Rs.5,55,873/-. There is no dispute raised by the respondents in respect of the same. Hence, this Court awards a sum of Rs.5,55,873/- towards medical expenses under this head.

(vii) Attender charges: -

Petitioner sustained fracture on his right hand and that he also underwent three surgeries which was evidenced by Ex P2 to P4, where he was in hospital for treatment nearly for more than 5 months. So, he would have definitely needed the assistance of an attender to take care of him. As per Ex.P3 – Discharge Summary of Sree Balaji Medical College and Hospital, Chromepet, shows that the petitioner was inpatient from 07.04.2024 to 13.05.2024. Ex.P4 – Discharge Summary shows that the petitioner was again admitted from 15.07.2024 to 30.09.2024 for further treatment. Further it shows that the petitioner has to come for review for the surgery. It is pertinent to note that the petitioner has sustained fracture in his right hand and that he underwent two ORIF and also tendon transfer. So, there is no doubt that he cannot

able to do his daily activities for a period of 8 months and that an assistance of attender was necessary to the petitioner for the said period. Each day the petitioner could have spent a sum of Rs.300.00 as attender charges, as the accident was occurred in the year 2024. Calculating the same the petitioner could have spent a sum of (300 X 8 X 30 days) Rs.72,000.00. Hence, considering the same the petitioner is entitled to a sum of Rs.72,000.00 under this head.

(viii) Comfort and Amenities: -

Due to the said injuries, the petitioner would face lot of discomfort to do his daily chores and has lost his comfort and amenities. Considering the same, this court decided to award a sum of Rs.10,000.00 under this head.

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

Sl.No.	Heads	Granted amount
1)	Permanent Disability	Rs. 2,00,000.00/-
2)	Pain and Sufferings	Rs. 1,50,000.00/-
3)	Loss of Income	Rs. 1,60,000.00/-
4)	Transport	Rs. 10,000.00/-
5)	Nutritious Food	Rs. 10,000.00/-
6)	Medical Expenses	Rs. 5,55,873.00/-
7)	Attender charges	Rs. 72,000.00/-
8)	Comfort and Amenities	Rs. 10,000.00/-
	Total	Rs. 11,67,873.00/- Which is rounded off Rs. 11,68,000.00

Therefore, the petitioner is entitled for a compensation of Rs.11,68,000.00 with interest and costs and the point No.2 is answered accordingly.

13. POINT No.3 - LIABILITY:

The petitioner has contended that the 1st respondent is the owner of the offending vehicle bearing Registration number TN-20-R-1651 and that the said vehicle was insured with the 2nd respondent on the date of the accident. Ex.P5 - Registration Certificate, Ex.P6 - Insurance Policy and Ex.P7 - Driving Licence substantiate the said facts. Though the 2nd respondent disputed the insurance coverage, no evidence has been adduced to disprove Ex.P6. Therefore, this Court holds that the offending vehicle was covered by a valid insurance policy on the date of the accident and that the 2nd respondent, being the insurer, is liable to indemnify the insured. Accordingly, the respondents are jointly and severally liable to pay the compensation, and the 2nd respondent shall indemnify the liability of the 1st respondent. Hence, Point No.3 is answered accordingly.

14. Result:

In the result,

1. This claim petition is partly allowed.
2. That the 2nd respondent is liable to pay compensation to the petitioner and they are hereby directed to pay the petitioner a sum of Rs.11,68,000.00/- (Rupees Eleven Lakhs Sixty Eight Thousands 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 2nd 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 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. 11,052.50. The petitioner has paid a court fee of Rs. 600.00. The deficit court fee of Rs. 10,452.50 shall be paid within 15 days from the date of award.

7. That the Advocate fee of Rs. 18,680.00 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 2nd respondent is directed to pay a cost of Rs. 11,062.50 and Advocate fee of Rs. 18,680.00 totaling a sum of Rs. 29,742.50 to the petitioner.

Details of petitioner and his bank account

1	Name and address of the petitioner and details of Aadhar card	Vishwanathan, (aged about 24 years), S/o. Sankar, residing at No. 12, Pillaiyar Kovil Street, Siruvilampakkam Village, Cheyyur Taluk, Chengalpattu District – 603 310.
2	Name of the Bank and Branch	Indian Bank, Acharapakkam Branch.
3.	Petitioner's Bank Account No.	7145557841
4	Bank IFSC No.	IDIB000A208

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

Details of cost

	Petitioner Side	Rs.P	Respondents side	Rs.P
1	Vakalath	10.00	--	--
2	Court Fee	11,052.50	2 nd Respondent	10.00
3	Advocate Fee	18,680.00	--	--
	Total	29,742.50	Total	10.00

Directly typed by me in my lap – top, corrected and pronounced by me in the open court, this the 06th day of July, 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: Vishwanathan (Petitioner).

PETITIONER'S EXHIBITS:

Ex P1	08.04.2024	First Information Report.	True Copy
Ex P2	06.04.2024	Accident Register.	True Copy
Ex P3	07.04.2024	Discharge Summary of Sree Balaji Medical College and Hospital,	Original

	to 13.05.2024	Chromepet, Chennai.	
Ex P4	15.07.2024 to 30.09.2024	Discharge Summary of Sree Balaji Medical College and Hospital, Chromepet, Chennai.	Original
Ex P5		Registration Certificate of the 1 st Respondent.	Xerox Copy
Ex P6		Insurance Policy.	Xerox Copy.
Ex P7		Driving License of the 1 st Respondent.	Xerox Copy
Ex P8		Aadhar card of the Petitioner.	Xerox Copy
Ex P9		Bank Pass Book of the Petitioner.	Xerox Copy
Ex P10		Final Report.	Xerox Copy
Ex P11		Rough Sketch.	Xerox Copy
Ex P12		Motor Vehicle Inspection Report bearing Registration No. TN 20 R 1651.	Xerox Copy
Ex P13		Provisional Certificate, Conduct Certificate, Final Mark Sheet, Transfer Certificate, Course Completion Certificate.	Xerox Copy
Ex P14	06.04.2024	Medical Opinion Form.	Xerox Copy

Ex P15		Medical Bill.	Original
Ex P16		Medical Bill.	Original
Ex P17	29.08.2024	Judgment in S.T.C No. 249/2024.	Certified Court Copy.
Ex P18		Disability Certificate.	Original
Ex P19		Photo.	Original
Ex P20		X Ray.	Original

RESPONDENT'S WITNESSES: Nil

RESPONDENT'S EXHIBITS: Nil

Motor Accidents Claims Tribunal Judge/
Subordinate Judge,
Madurantakam.

TNCG130004192024



Fair / Draft Order
MCOP No. 71/2024
D.D: 06.07.2026
Sub Court,
Madurantakam.