

**MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURANTAKAM**

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

Monday, this 30th day of March, 2026

MCOP No. 99/2019

(CNR.No.TNCG13-000588-2019)

C. Thamodharan, (age 24 years),
S/o. Chandran,
No. 32/127, Kalpattu,
Thiruvathur, Cheyyur,
Kancheepuram – 603 302.

...Petitioner

..Vs..

S. Arul Kumar,
S/o. Subramani,
No. 26, Erumpedu, Erumpedu Post,
Kancheepuram District,
(Amended as per order in I.A 1/2021, Dt: 12.08.2022)

... Respondent

This petition was taken on file by this Tribunal court on 03.07.2019.

1.	Name and address of the petitioner	C. Thamodharan, (age 24 years), S/o. Chandran, No. 32/127, Kalpattu, Thiruvathur, Cheyyur, Kancheepuram – 603 302.
2.	Name and address of the respondent	S. Arul Kumar, S/o. Subramani, No. 26, Erumpedu, Erumpedu Post, Kancheepuram District, (Amended as per order in I.A 1/2021, Dt: 12.08.2022)
3.	Date of filing of petition	21.06.2019
4.	Date of Award	04.03.2026
5.	Person who is liable to pay compensation	Respondent is liable to pay compensation.
6.	Details of Award amount	Rs.1,55,500.00/- (Rupees One Lakh Fifty Five Thousand Five Hundred 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.
7.	Details of Interest awarded.	Interest at the rate of 7.5% per annum from the date of petition till the date of realisation.
8.	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.
9.	Advocate fees	Advocate fee of Rs.6,110.00/- fixed for the petitioner to make payment to his counsel as per the sub rule 4 of rule 20 of TN MACT Rules 1989.
10.	Details of court fees	Total court fees to be paid by the petitioner is Rs. 927.50.

		The petitioner has paid a court fee of Rs.500/-. The deficit court fee of Rs. 427.50 shall be paid within 15 days from the date of award by the petitioners.
11.	Orders as to costs	Respondent is liable to pay costs to the petitioner for a sum of Rs. 7,047.50 .

This petition came up on 13.02.2026 for final hearing before me in the presence of M/s.G.Ramesh and S.Venkat Ravi, counsels for the petitioner, Mr.S.Prathap, Counsel for respondent upon hearing both sides 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 166 of Motor Vehicles Act 1988 r/w Rule 3 of M.A.C.T Rules 1961 claiming compensation of Rs.9,75,000.00/- (Rupees Nine Lakhs Seventy Five Thousand Only) with interest and costs from the respondent for the injuries sustained by the petitioner in the accident which occurred on 18.03.2019.

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

On 18.03.2019 at about 08.30 A.M. near Madukarai Bus Stop, when the petitioner was riding a two wheeler bearing registration number TN 19 AZ 6162, the Respondent who came in a two wheeler bearing registration number TN-19-U-9228, in a rash and negligent manner and hit the two wheeler of the petitioner and caused injury to the petitioner. Respondent is the owner cum driver of the two -wheeler bearing registration number TN 19 U 9228.

Hence the petitioner files this petition claiming compensation of Rs.9,75,000.00/- (Rupees Nine Lakhs Seventy Five Thousand Only) with interest and costs from the respondent.

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

Respondent was worked as Helper in Sriperumbudur Electricity Board. On 18.03.2019 the respondent after finishing his night shift work, was returning to his home to Irumbedu from Sriperumbudur. When he was nearing Madukarai -Kadalar turn, at 6.30 am, when the respondent slowly moving in the two wheeler bearing registration number TN-10-U-9228 towards Chithamur with gested Horn, the petitioner came from Pavinjur in a rash and negligent in a two wheeler bearing registration number TN-19-Z-6162 crossed the Madukarai turn and hit the respondent's two wheeler bearing registration number TN-19-U-9228. Hence the respondent fell down from his two-wheeler and sustained grievous injuries on his head and right leg.

Respondent got admitted in Government Hospital, Cheyyur through his relative Raji. Thereafter he was referred to Government Hospital, Chengalpattu and took treatment for 15 days as inpatient. Petitioner alone responsible for the accident. Respondent could not do his normal works as before the accident. Thereafter the Respondent filed complaint before Chithamur Police station against the petitioner. But the police officials failed to bring the complaint and take action against the petitioner. Police officials orally enquired the matter, where the petitioner has assured to the given compensation to the respondent. But the petitioner has come with false application against the respondent.

Respondent is not responsible for the accident dated 18.03.2019 and the accident was occurred due to petitioner's negligence. There is no merits in the petition. The respondent has holds his right to file compensation against the petitioner at any stage. Hence this petition is liable to be dismissed with cost.

4. 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 respondent of his vehicle bearing registration number TN-19-U-9228?
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 himself as Pw1 and Exhibited P1 to P13. On the other hand Respondent examined himself as Rw1 and Ex.R1 marked. Disability Certificate marked as Ex.C1.

6. Heard the counsel 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 driving of the respondent of his vehicle. He further 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. On the other hand the respondent defend the claim as such the accident was occurred due to the sole negligence of the petitioner alone who suddenly crossed the road and met with accident. He further argued that due to the rash and negligent act of the petitioner, the respondent sustained injuries. Hence the respondent prays for dismissal of the petition.

9. POINT No.1 – NEGLIGENCE:

On a careful consideration of oral and documentary evidence available on record, the petitioner has claimed compensation for the injuries sustained by him in the accident said to have been caused by the respondent through his vehicle. To substantiate his case, the petitioner examined himself as Pw1 and he clearly deposed that the accident was solely occurred due to the rash and negligent driving of the respon-

dent alone who is the owner of the vehicle bearing registration number TN-19-U-9228. In support of the same, he produced the copy of First Information Report, Ex.P2, where a case in Cr.No.46/2019 came to be registered by Chittamur Police station on 20.03.2019 for the alleged offences punishable U/s.279, 337 of Indian Penal Code on the ground that the accident was occurred only due to the rash and negligent driving by the respondent of his vehicle bearing registration number TN-19-U-9228. Though the respondent cross examined the Pw1, nothing was culled out to substantiate his defence that the petitioner alone in negligent of inviting the accident. So, the petitioner has proved the fact that the accident was occurred due to the negligence of the respondent alone.

Now the burden shifts to the respondent to disprove the same. To substantiate his defence, he examined himself as Rw1 and exhibited his wound certificate as Ex R1. On perusal of Ex R1, it would show that the alleged injuries mentioned therein were sustained in an accident that took place on 18.03.2019 at 02.00 p.m. But it is pertinent to note that the respondent in his counter and chief evidence stated that the accident was occurred at 06.30 A.M. So, the said Ex R1 cannot be countenanced. Next on perusal of evidence of Rw1, it would clearly shows that he came in a two-wheeler after finishing his night duty and that he had no valid driving licence to ride a two-wheeler. In Rw1 cross,

"எனக்கு ஓட்டுநர் உரிமம் இல்லை. விபத்து நடந்த காலகட்டத்தில் என்னுடைய வாகனத்திற்கு வாகன காப்பீடு இல்லை".

Further

"அலுவலக வேலை முடித்துவிட்டு எப்பொழுது எங்கள் அலுவலகத்தில் இருந்து கிளம்பினேன் என்றால் 2 அல்லது 2.30 மணி அளவில் கிளம்பினேன். இருங்காட்டுக்கோட்டையில் இருந்து என்னுடைய வீட்டிற்கு திரும்பி வந்தேன்".

This would pellucid that the respondent had no driving licence and that his vehicle was not even insured. Hence this court would presume that the respondent had

rode the two-wheeler in a rash and negligent manner, as he had no driving licence. Apart from that it is pertinent to note that the petitioner has proved that he has driving licence at the time of accident by producing Ex P5.

Next even as per Ex R1 the respondent got admitted in the hospital at 2.00 p.m only. There is no explanation offered by the respondent that why he went to hospital after 7 hours from the time of accident. Next the petitioner's mother has preferred a compliant before police station on 20.03.2019 where the First Information Report was marked as Ex P2. But inspite of sufficient time that is for more than 7 hours to get admitted in hospital, the respondent has not preferred any complaint before the police station. Further there is nothing on record to show that the Ex P2 was false and that the respondent has taken steps to quash the same and also register a case against the petitioner. There is no cogent and acceptable evidence was adduced to disprove the fact of negligence cast upon the respondent. At this juncture the respondent failed to disprove the evidence of petitioner and Ex P2.

In summation of above said discussions the petitioner has clearly proved that the accident was occurred due to the negligence of the respondent alone and that the respondent failed to disprove the same by way of his evidence. Hence this court concludes that the accident was occurred due to the rash and negligent riding of respondent of his two-wheeler bearing registration number TN 19 U 9228 and this point is decided accordingly.

10. POINT No.2 QUANTUM:

Ex P1 the discharge summary of the petitioner would show that he sustained fracture on his right leg. Further the medical board assessed disability of the petitioner and issued certificate that the petitioner has sustained disability at 5%, which is marked as Ex C1. Hence 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 5% which is obvious from disability certificate, Ex C1. There is no contra evidence adduced on the side of respondent 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 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 2019. Hence, a sum of (5 X 5000) Rs.25,000/- is awarded under this head.

ii) Pain and Sufferings: -

Petitioner has produced Ex P13 the accident register, which shows that the petitioner has got admitted immediately at Government Hospital, Madurantakam. Ex P1 the discharge summary would show that the petitioner has sustained grade -I compound fracture on his right leg. Further he underwent ORIF and ILIM Nailing. No doubt that the petitioner would suffer untold pain due to the injuries sustained by him and also treatment given to him. Considering the same this court award a sum of Rs.30,000.00 under this head.

(iii) Loss of Income:-

According to the petitioner, he is a Supervisor at Jai Shakthi Packaging and earned a sum of Rs.25,000.00 per month. In support of the same the petitioner has produced the salary slip which is marked as Ex P3. But the said Ex P5 can be taken into consideration only if the person who issued the same was examined as witness. But no one examined from the said employer of the petitioner to prove Ex P5. Hence this court inclined to fix notional income. Hence this court wants to rely upon a deci-

sion of our Hon'ble High court in *Petchiammal and others Vs M. Sathiyamoorthy* in *CMA 2636 of 2022* where it is held that a sum of Rs. 17,000.00 to be taken as notional income of non-earning member of the year 2019. Here the accident was occurred in the year 2019. Considering the same this court fix a sum of Rs. 17,000.00 per month as notional income of the petitioner. As per Ex P1, the petitioner was inpatient in the hospital from 18.03.2019 to 12.04.2019. Ex P6 the treatment record of the petitioner would show that the petitioner sustained fracture in his leg and that he underwent ORIF. There is no doubt that the petitioner cannot be mobilized atleast for three months. So, there is no doubt that the petitioner could not have attended his avocation atleast for a period of 3 months, particularly as he sustained fracture on his right leg. Therefore, a sum of (3 X 17,000) Rs.51,000.00 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 head and treatment taken, this court inclined to award a sum of Rs.5,000.00 under this head.

(v) Nutritious Food:-

For taking nutritious food to recuperate his health, notionally a sum of Rs.5,000.00 is awarded under this head.

(vi) Medical Expenses:-

The petitioner has produced medical bills, Ex P8 for a sum of Rs.7,535.00. There is no dispute raised by the respondent in respect of the same. Hence this court award a sum of Rs. 7,535.00 towards medical expenses under this head.

(vii) Attender charges: -

Petitioner sustained fracture in his right leg and he underwent ORIF treatment in the hospital. As per Ex P1, he was in hospital for 24 days. Further it shows that the petitioner took continuous treatment. No doubt that he cannot move out and be im-

mobilized for a period of three 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 2019. Calculating the same the petitioner could have spent a sum of (300 X 3 X 30 days) Rs.27,000.00. Hence, considering the same the petitioner is entitled to a sum of Rs.27,000.00 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.5,000.00 under this head.

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

Sl.No.	Heads	Granted amount
1)	Permanent Disability	Rs. 25,000.00
2)	Pain and Sufferings	Rs. 30,000.00
3)	Loss of Income	Rs. 51,000.00
4)	Transport	Rs. 5,000.00
5)	Nutritious Food	Rs. 5,000.00
6)	Medical Expenses	Rs. 7,535.00
7)	Attender charges	Rs. 27,000.00
8)	Comfort and Amenities	Rs. 5,000.00
	Total	Rs.1,55,535.00/- Rounded off to Rs.1,55,500.00/-.

Therefore, the petitioner is entitled for a compensation of **Rs.1,55,500.00/-** with interest and costs and the point No.2 is answered accordingly.

11. POINT No.3 - LIABILITY:

Petitioner contends that the respondent is the rider cum owner of the vehicle bearing registration number TN-19-U-9228. It was not disputed by him. Hence, this court of its considered opinion that the respondent who is the rider cum owner of the offending vehicle, cannot escape from his liability and this point is answered accordingly.

12. Result:

In the result,

1. This claim petition is partly allowed.
2. That the respondent is liable to pay compensation to the petitioner and they are hereby directed to pay the petitioner a sum of **Rs.1,55,500.00/-** (Rupees One Lakh Fifty Five Thousand Five Hundred 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 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 peti-

tioner 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. 927.50. The petitioner has paid a court fee of Rs.500/-. The deficit court fee of Rs. 427.50 shall be paid within 15 days from the date of award by the petitioner.

7. That the Advocate fee of Rs.6,110.00/- 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 respondent is directed to pay a cost of Rs. 937.50 And Advocate fee of Rs.6,110.00/- totaling a sum of Rs. 7,047.50 to the petitioner.

Details of petitioner and his bank account

1	Name and address of the petitioner and details of Aadhar card	C. Thamodharan, (age 24 years), S/o. Chandran, No. 32/127, Kalpattu, Thiruvathur, Cheyyur, Kancheepuram – 603 302.
2	Name of the Bank and Branch	State Bank of India, Pavinjur Branch.
3.	Petitioner's Bank Account No.	33717606832
4	Bank IFSC No.	SBIN0005628

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	Vakalath	10.00
2	Court Fee	927.50	--	--
3	Advocate Fee	6,110.00	--	--
	Total	7,047.50	Total	10.00

Directly typed by me in my lap – top, corrected and pronounced by me in the open court, this the 30th day of March, 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: C. Thamocharan (Petitioner)

PETITIONER'S EXHIBITS:

Ex P1	18.03.2018 to 12.04.2019	Discharge Summary, Chengalpattu Government Medical College, Chengalpattu.	Original.
Ex P2	20.03.2019	First Information Report.	True Copy.

Ex P3		Petitioner's Salary Slip, Jai Sakthi Packaging, Chennai.	Original
Ex P4		Registration Certificate of petitioner's vehicle.	Xerox Copy.
Ex P5		Driving License of petitioner.	Xerox Copy.
Ex P6		Medical Prescription, Vasam Hospital.	Original.
Ex P7		Insurance Policy of petitioner's vehicle.	Original.
Ex P8		Medical Bills.	Original.
Ex P9		Aadhar card of the Petitioner.	Xerox Copy
Ex P10		Bank Passbook of the Petitioner.	Xerox Copy
Ex P11		Registration Certificate of respondent's vehicle.	Xerox Copy.
Ex P12		Vehicle Inspection Report of respondent's vehicle bearing No. TN-19-U-9228.	Xerox Copy.
Ex.P13	18.03.2019	Accident Register.	True Copy.

Court side Exhibits:-

Ex C1	18.12.2019	Disability Certificate, Chengalpattu	Original.
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		Medical College Hospital, Chengalpattu.	
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RESPONDENT'S WITNESSES:

RW1 : S. Arul Kumar (Respondent)

RESPONDENT'S EXHIBITS

Ex.R.1	18.03.2019 to 26.03.2019	Discharge Summary, Chengalpattu Government Medical College Hospital, Chengalpattu.	Original
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Motor Accidents Claims Tribunal Judge/
Subordinate Judge,
Madurantakam.

TNCG130005882019



Fair / Draft order
MCOP No. 99/2019
D.D: 30.03.2026
Sub Court,
Madurantakam.