

**MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURANTAKAM.**

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

Monday, this 20th day of July, 2026

MCOP No. 155/2019

(CNR.No.TNCG13-000706-2019)

S. Ranganayagi, (aged about 70 years)

W/o. Late. Sagadevan,

Madura Mudugarai Gendracherri,

New Mambakkam Post,

Madurantakam Taluk.

...Petitioner

..Vs..

1. E. Suresh, S/o. Elumalai, (Owner of the Vehicle)

No. 26/B, School Street,

Kalathur Village,

Orathy Post, Madurantakam Taluk,

Kancheepuram District.

2. The Divisional Manager,

The New India Assurance Co.Ltd.,

No. 57, Nellukara Street,

Opp. Karthikeyan Theatre,

Kancheepuram District.

... Respondents

This petition was taken on file by this Tribunal court on 20.08.2019.

1.	Name and address of the petitioner	S. Ranganayagi, (aged about 70 years) W/o. Late. Sagadevan, Madura Mudugarai Gendracherri, New Mambakkam Post, Madurantakam Taluk.
2.	Name and address of the 1 st respondent	E. Suresh, S/o. Elumalai, (Owner of the Vehicle) No. 26/B, School Street, Kalathur Village, Orathy Post, Madurantakam Taluk, Kancheepuram District.
3.	Name and address of the 2 nd respondent	The Divisional Manager, The New India Assurance Co.Ltd., No. 57, Nellukara Street, Opp. Karthikeyan Theatre, Kancheepuram District.
4.	Date of filing of petition	13.08.2019
5.	Date of Award	20.07.2026
6.	Person who is liable to pay compensation	2 nd respondent is liable to pay compensation. Liberty given to 2 nd respondent to recover the same from 1 st respondent.
7.	Details of Award amount	Rs. 2,18,000.00 (Rupees Two Lakh Eighteen 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. 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. 7,360.00/- 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. 1,552.50. The petitioner has paid a court fee of Rs.1,000/-. The deficit court fee of Rs. 552.50 shall be paid within 15 days from the date of award by the petitioners.
12.	Orders as to costs	Respondent No. 2 is liable to pay costs to the petitioner for a sum of Rs. 8,922.50.

This petition came up on 25.06.2026 for final hearing before me in the presence of M/s.D.G.Manikandan and M.Sathish, counsels for the petitioner, Mr.E.Elango, Counsel for 2nd Respondent, 1st respondent 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.15,00,000/- (Rupees Fifteen Lakhs) with interest and costs from the respondents for the injuries sustained by the petitioner in the accident which occurred on 14.03.2014.

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

On 14.03.2014 at 8.00 P.M. when the petitioner was standing on the mud road in Mudukarai bus stop, Opposite to Ramakrishnan House in the mud Road, the 1st respondent's vehicle bearing registration number TN-19-Z-0524 (Hero Honda Passion Plus) ridden by its rider in high speed, rash and negligent manner without observing the rules and regulations of the road and hit the petitioner. Due to that the petitioner has sustained grievous head injury, fracture and dislocation Right Proximal Humerus and other injuries all over the bodies.

Immediately the petitioner was admitted in the Government Hospital at Maduranthakam for first aid, thereafter she got admitted at Medical College Hospital at Chengalpattu and thereafter to Parvathy Hospital at Chrompet, Chennai for better treatment. The petitioner was still taking treatment till date.

Accident was occurred only due to the negligence of the rider of the 1st respondent's two-wheeler. Police also prosecuted the case as against the 1st respondent's driver alone under crime No. 185/2014 under Sec.279 and 337 of I.P.C. Petitioner earned a sum of Rs.30,000/- per month. She is the sole bread winner of the family. The petitioner has estimated a compensation of Rs.15,00,000/-as against the respondents. The 1st respondent is the owner of the vehicle. The 2nd respondent is the insurer of the 1st respondent's vehicle. Therefore both the respondents are liable to pay the compensation to the petitioner.

Hence the petitioner files this petition to pass an order directing the respondents to pay a sum of Rs. 15,00,000/- with interest and cost as compensation.

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

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 affidavit. In any event this respondent is not admitted that the vehicle bearing registration No: TN 19 Z

0524, is insured with this respondent and the driver has got valid license. The petitioner is put to strict proof of the same. Final report was not filed and no one arrested in connection with this accident. On the scope alone the present claim application has to be dismissed in limini.

The 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. Respondent craves leave to contest the claim on all the grounds available to the 1st respondent under sec. 170 of M.V. Act 1988. The 2nd respondent is not liable to pay compensation to petitioner. The petitioner is not entitled to any relief as against this respondent. That 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 vehicle bearing registration number TN-19-Z-0524?
 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 her Exs. P1 to P9 marked and one Mrs. Jayapriya (Chief medical officer, Government Hospital, Madurantakam) examined as Pw2 and Ex X1 marked through her. Disability Certificate marked as Ex P10 on consent. The 2nd respondent endorsed no oral or documentary evidence on their side.
7. Heard the learned Counsels appearing on either side.

8. The 2nd 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 1st respondent and the same is allowed.

9. The learned counsel appearing for the petitioner would contend that the accident occurred only due to the rash and negligent driving of the driver of the 1st respondent vehicle. He contends that as a result, the petitioner sustained grievous head injury, fracture dislocation of the right proximal humerus and other multiple injuries, for which she underwent treatment in various hospitals. It is further contended that the accident occurred solely due to the negligence of the rider of the 1st respondent's vehicle and that a criminal case was also registered against him and therefore compensation as claimed by the petitioner has to be granted.

10. On the other hand the 2nd respondent denied the entire claim petition and contended that the petitioner has not proved that the offending vehicle was insured with the 2nd respondent or that its rider possessed a valid driving licence on the date of accident. He further contended that the petitioner has failed to establish the age, occupation and monthly income claimed in the petition. It is also contended that no final report was filed and no arrest was made in connection with the alleged accident. Hence, the learned counsel for the 2nd respondent prayed for dismissal of the petition.

11. 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 her in the accident said to have been caused by the vehicle belonging to the 1st respondent. It is evident from Ex.P1 - copy of First Information Report, that on the complaint given by the petitioner's son S. Sankar, a case in Crime No.185/2014 came to be registered by SHO, Chithamur Police Station on 21.03.2014 for the alleged offences punishable under Sections 279 and 337 of IPC on the ground that the accident occurred only due to the rash and negligent driving of the two wheeler

bearing registration number TN-19-Z-0524. The petitioner also by examining herself as PW1 deposed that the accident was occurred due to the negligence of the rider of the 1st respondent alone. But the petitioner in her cross examination deposed that the accident was occurred while she crossed the road. Here it is pertinent to note that the petitioner was aged about 70 years. So it is not possible for her to cross the road suddenly. Apart from that the two-wheeler is not a such a big vehicle, which unable to avoid the accident, even if the petitioner crossed the road. Even for argument sake the petitioner crossed the road, the rider of the two-wheeler had last opportunity to avoid the accident. Rider of the 1st respondent could applied brakes, if he came in normal speed, and could stop the two-wheeler, as the petitioner was 70 years old lady. But if at all the rider came in a high speed, he was unable to control and dashed the petitioner. The 2nd respondent also did not examined the rider of the offending vehicle to substantiate their defence. If really the accident was occurred not due to the rider of the two-wheeler, then the 1st respondent could have entered appearance and defend the claim muchless the 2nd respondent could have examined the rider of the two-wheeler to substantiate the defence. Mere keeping a slip answer from a 70 years old lady, the contention of the 2nd respondent cannot be countenanced.

Anyhow the petitioner by way of examining herself as PW1 and exhibiting Ex.P1 proved that the accident was occurred due to the rider of the vehicle bearing registration number TN-19-Z-0524. Hence, this court is of its considered opinion that the petitioner has established that the driver of the two wheeler bearing registration number TN-19-Z-0524 was responsible for the accident and Point No.1 is answered accordingly.

12. POINT No.3 QUANTUM :

Petitioner appeared before the medical board and her temporary disability was assessed to 10% as per Ex P10. 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 10% which is obvious from disability certificate, Ex P10. 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 reported **2022 – 1 – TNMAC – 299, Manager claims, IFFCO TOKIO General Insurance Co., Ltd Vs Venkatesh and another** for each percentage Rs.4,000/- has to be awarded as the accident was occurred in the year 2014. Hence, a sum of (10 X 4000) Rs.40,000.00 is awarded under this head.

ii) Pain and Sufferings: -

Petitioner has produced Ex X1 the accident register which shows that petitioner has sustained a lacerated wound to the left wrist and a suspected dislocation of the right shoulder joint, which is classified as grievous hurt. The petitioner was admitted to Government Hospital, Madurantakam, and thereafter shifted to Parvathy Hospital, Chrompet, Chennai. Ex.P5 – Discharge Summary of Parvathy Hospital shows that she was inpatient from 19.03.2014 to 29.03.2014. The petitioner sustained fracture dislocation of the right proximal humerus and underwent ORIF with plate Osteosynthesis with fibular grafting. No doubt that due to the injuries and treatment undergone, the petitioner would have suffered untold pain, as she sustained grievous injury. Considering the same this court inclined to award a sum of Rs. 15,000.00 under this head, as the accident of the year 2014.

(iii) Loss of Income:-

According to the petitioner, she was aged 70 years at the time of accident and was doing Milk Business, earning Rs.30,000/- per month. In support of the same, the petitioner has not produced any document to prove her income. Hence this court wants to fix notional income for the petitioner. As the accident was of the year 2014 and the petitioner has not mentioned any income of her own, this court fix a notional income of Rs. 7000.00 p.m, as she was 70 years old. Ex P5 would show that the petitioner was inpatient from 11 days. Considering the same and the the fracture in her humerus bone, the petitioner could not have attended her avocation for a period of 2 months. Therefore, a sum of (2 X 7,000) Rs.14,000.00 is awarded under this head.

(iv) Transport:-

The petitioner has not produced any documents in respect of transport to hospital. Hence considering the same a notional sum of Rs.2000.00 is awarded under this head.

(v) Nutritious Food:-

For taking nutritious food to recuperate his health, notionally a sum of Rs.2000.00 is awarded under this head.

(vi) Medical Expenses:-

The petitioner has produced Ex.P8 – Medical Bills for a sum of Rs.31,325/- and Ex.P9 – Medical Bills for a sum of Rs.1,02,537/-, totaling Rs.1,33,862.00/-. The same are supported by Ex.P5 – Discharge Summary. There is no dispute raised by the 2nd respondent in respect of the medical bills produced by the petitioner. Hence, this Court awards a sum of Rs.1,33,862.00/- under this head.

(vii) Attender charges: -

As the petitioner suffered fracture in her humerus bone, she would have definitely needed the assistance of an attender to take care of her. No doubt that she ought to take rest for a period of atleast 2 months and the assistance of attender was necessary for that month. Each day the petitioner could have spent a sum of Rs.100.00 as attender charges, as the accident was occurred in the year 2014. Calculating the same the petitioner could have spent a sum of (100 X 60 days) Rs.6,000.00. Hence, considering the same the petitioner is entitled to a sum of Rs.6,000.00 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. 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. 40,000.00/-
2)	Pain and Sufferings	Rs. 15,000.00/-
3)	Loss of Income	Rs. 14,000.00/-
4)	Transport	Rs. 2,000.00/-
5)	Nutritious Food	Rs. 2,000.00/-
6)	Medical Expenses	Rs. 1,33,862.00
7)	Attender charges	Rs. 6,000.00/-
8)	Comfort and Amenities	Rs. 5,000.00/-
	Total	Rs. 2,17,862.00

		which is rounded off to Rs. 2,18,000.00
--	--	--

Therefore, the petitioner is entitled for a compensation of Rs.2,18,000.00 with interest and costs and the point No.2 is answered accordingly.

13. POINT No.3 - LIABILITY:

The petitioner contended that the 1st respondent is the owner and the 2nd respondent is the insurer of the offending motorcycle bearing Registration No. TN-19-Z-0524. To substantiate the same, the petitioner has produced Ex.P2 Registration Certificate and Ex.P3 Insurance Policy. Though the 2nd respondent disputed the existence of the insurance policy and the validity of the driving licence in the counter, no oral or documentary evidence has been adduced to substantiate the said defence. Further admitting that the 1st respondent's vehicle was insured with them, the 2nd respondent filed an application under Section 170 of the M.V. Act and the same was allowed. Hence, this court is of the considered opinion that the 2nd respondent, who is the insurer of the offending vehicle, cannot escape from its liability.

At the same time the 2nd respondent took a defence that the rider of the two-wheeler had no valid driving licence at the time of accident. Ex P4- motor vehicle inspection report would reveal the same. The 1st respondent who is owner of the two-wheeler also didn't defend the claim and produce the driving licence of the rider of his vehicle. So, there is no doubt that the 1st respondent had violated the conditions of policy. But at the same time the petitioner who is third party to the offending vehicle should not be forced to claim compensation from the 1st respondent, which is cumbersome process. Catena of decisions of our Hon'ble Apex Court and High Courts, that tribunal had discretionary power to order for pay and recovery in case of violations of policy in respect of third parties. Hence this court by invoking the discretion power and considering the petitioner is third party, conclude that the 2nd

respondent insurance company has to satisfy the award at the first instance and thereafter it can recover it from the owner of the vehicle namely the 1st respondent.

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. 2,18,000.00 (Rupees Two Lakh Eighteen 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 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 her bank account through e-transfer modes of money ie. NEFT or RTGS.
6. That liberty was given to the 2nd respondent to recover the amount deposited with subsequent interest from the 1st respondent.

7. That the total court fees to be paid by the petitioner is Rs. 1,552.50. The petitioner has paid a court fee of Rs. 1,000.00/-. The deficit court fee: Rs. 552.50 shall be paid within 15 days from the date of award.

8. That the Advocate fee of Rs. 7,360.00/- is fixed for the petitioner to make payment to her counsel as per Sub Rule 4 of Rule 20 of TN MACT Rules 1989.

9. That the 2nd respondent is directed to pay a cost of Rs. 1,562.50 and Advocate fee of Rs. 7,360.00 totaling a sum of Rs. 8,922.50 to the petitioner.

Details of petitioner and her bank account

1	Name and address of the petitioner and details of Aadhar card	S. Ranganayagi, (aged about 70 years) W/o. Late. Sagadevan, Madura Mudugarai Gendracherri, New Mambakkam Post, Madurantakam Taluk.
2	Name of the Bank and Branch	State Bank of India, Madurantakam Branch.
3.	Petitioner's Bank Account No.	34837432507
4	Bank IFSC No.	SBIN0000870

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	10.00	Vakalath	10.00
2	Court Fee	1,552.50	--	--

3	Advocate Fee	7,360.00	--	--
	Total	8,922.50	Total	10.00

Directly typed by me in my lap – top, corrected and pronounced by me in the open court, this the 20th 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: Ranganayaki (Petitioner)

PW2: Mrs. Jayapriya (Cheif Doctor of the Government Hospital, Madurantakam)

PETITIONER'S EXHIBITS:

Ex P1	21.03.2014	First Information Report.	True Copy.
Ex P2		Registration Certificate of 1 st respondent's vehicle.	Xerox Copy.
Ex P3		Insurance Policy of the 1 st respondent's vehicle.	Xerox Copy.

Ex P4		Inspection Report of the 1 st respondent vehicle bearing Registration No. TN 19 Z 0524.	Xerox Copy
Ex P5	19.03.2014 to 29.03.2014	Discharge Summary of the Parvathy Hospital, Chrompet, Chennai.	Original
Ex P6		Aadhar card of the petitioner.	Xerox Copy.
Ex P7		Bank Pass book of the petitioner.	Xerox Copy.
Ex P8		Medical Bills.	Original
Ex P9		Medical Bills, Parvathy Hospital, Chrompet, Chennai.	Original
Ex P10		Disability Certificate.	Original.

Pw2 side Exhibits:

Ex X1	14.03.2014	Accident Register.	Original.
-------	------------	--------------------	-----------

2nd RESPONDENT'S WITNESSES:

NIL

2nd RESPONDENT'S EXHIBITS:

NIL

Motor Accidents Claims Tribunal Judge/
Subordinate Judge,
Madurantakam.

TNCG130007062019



Fair / Draft Order
MCOP No. 155/2019
D.D: 20.07.2026
Sub Court,
Madurantakam.