



MCOP.1864/2021

BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
CHENNAI

(In the IV Court of Small Causes, Chennai)

Present: Tmt.M.Arundhadhi, B.A. B.L.,

IV Judge

Wednesday the 19th day of August 2026

M.C.O.P. 1864 of 2021

CNR No.TNCH09-001822-2021

Ramalingam,
 S/o.Gopal,
 No.52, Throwpathiyamman Kovil Street,
 Kandhadu Post, Marakkanam Taluk,
 Villupuram - 604 303.

....Petitioner

-Vs-

1. Ahilakshmi,
 W/o. Kalidoss,
 Door.No.2, Markkanam Main Road,
 Nallam Kutroad,
 Perumukkal, Tindivanam Taluk,
 Villupuram - 604 001.
2. The United India Insurance Company Limited,
 Chennai - 600 001.

....Respondents

This petition is came up before me for final hearing on 27.07.2026 in the presence of M/s.M.Manikandhan, C.Balamurugan, A.Sakthivel, Counsels appearing for the Petitioner, 1st respondent remained exparte, M/s.U.Vignesh, Counsel appearing for the 2nd respondent upon hearing the arguments on both sides and upon perusing the entire records of the case, having stood over for consideration till this date, this Tribunal pronounces the following:-



MCOP.1864/2021

ORDER

1. This petition has been filed under Section 166 of the Motor Vehicles Act and Rule 3 of the Motor Vehicles Rules, seeking for compensation of Rs.20,00,000/- for the injuries sustained by the Petitioner in a motor accident.

2. The averments made in the petition are briefly as follows:-

(i) The case of the petitioner is that on 19.02.2021 at about 08.45 hrs, while the petitioner was riding his Motorcycle bearing Reg.No. PY 01-CM-8012 at Marakkanam to Tindivanam High Way near Kandhadu Bus Stop, at that a tipper Lorry bearing Reg.No. TN 18-K-7882 which belongs to the 1st respondent, driven by its driver in a rash and negligent manner and hit against the petitioner's motorcycle and thus caused the accident to the petitioner. As a result, the petitioner sustained grievous injuries as stated in Column No.11 of the petition. The accident was reported to Marakkanam Police Station, Villupuram and the case was registered in Crime No.52/2021 U/s 279, 337 IPC. The accident occurred only due to the rash and negligent driving by the driver of the respondent's vehicle.

(ii) As mentioned in the petition, the petitioner was aged 64 years and he is running a Hotel in the name and style of Shanthi Fast Food at the time of accident. Due to the injuries sustained by the petitioner, he is unable to do the activities as before the accident. The 1st respondent being the owner and 2nd respondent being the insurer of the vehicle viz., Lorry bearing Reg.No. TN 18-K-7882 both are jointly and severally, vicariously and statutorily liable to pay compensation for a sum of Rs.20,00,000/- with interest along with cost. Hence this claim petition.

3. The averments made in the counter filed by the 2nd respondent are briefly as follows:-

(i) The 2nd respondent denies the age, occupation and income of the petitioner. Further denies that the accident occurred due to the negligence of the 1st respondent vehicle driver and denies the manner of accident.



MCOP.1864/2021

(ii) Further denies that the driver of the 1st respondent's vehicle possessed valid driving license, fitness certificate, registration certificate and his vehicle was insured with this respondent at the time of accident.

(iii) The respondent submits that at the time of accident the petitioner was riding his Motorcycle in a rash and negligent manner without wearing Helmet and hit against the 1st respondent's Lorry bearing Reg.No. TN 18-K-7882 and thus invites the accident. The driver of the 1st respondent's vehicle not responsible for the accident. Hence 2nd respondent is not liable to pay compensation to the petitioner.

(iv) Further denies the nature of injury, period of treatment and medical expenses of the petitioner and alleges that the claim is excessive. The respondent craves leave to file section 170 petition under M.V. Act and also reserves its right to file additional counter and therefore prayed to dismiss the petition.

(v) The 1st respondent remained exparte.

4. On the above pleadings the following points arise for determination:

- (1) Whether the accident has occurred due to rash and negligent driving by the driver of the vehicle viz., Lorry bearing Reg.No TN 18-K-7882 which is owned by 1st respondent and insured with 2nd respondent?
- (2) Whether the Petitioner is entitled for any compensation? If yes, what is the quantum of compensation and from which respondent?
- (3) To what relief the petitioner is entitled to?

5. ON THE POINTS:

(i) On the side of the petitioner, PW1 Ramalingam examined on proof affidavit and Ex.P1 to P10 & Ex.C1 were marked.

(ii) 1st respondent remained exparte. The 2nd respondent filed a petition u/s 170 MV Act in M.P.2/2026 viz. Order dated 27.07.2026, the same was allowed and the 2nd respondent is permitted to contest the case on all grounds that are available to the insured. There is no oral or documentary evidence adduced on the side of contesting



2nd respondent.

(iii) Based on the above materials the Learned Counsel for the petitioner and 2nd respondent submitted their arguments. After hearing both sides and perusing material records and after giving careful consideration to the submission made on either side, the above points are answered as below.

6. Point No.1:

(i) The 2nd respondent denies the manner of accident and the negligence upon the driver of respondent's Lorry and the petitioner also contributed towards the accident so the burden of proof is upon the petitioner to establish the manner of accident and negligence is upon the driver of offending vehicle bearing Reg.No.TN 18-K-7882. The petitioner examined himself as PW1 on proof affidavit, she reiterated the petition averments and attributing the total negligence upon the driver of the 1st respondent's vehicle that on 19.02.2021 at about 08.45 hrs, while the petitioner was riding his Motorcycle bearing Reg.No. PY 01-CM-8012 at Marakkanam to Tindivanam High Way near Kandhadu Bus Stop, at that a tipper Lorry bearing Reg.No. TN 18-K-7882 which belongs to the 1st respondent, driven by its driver in a rash and negligent manner and hit against the petitioner's motorcycle and thus caused the accident to the petitioner. In the said road traffic accident the petitioner sustained grievous injury.

(ii) In support of his case PW1 relies upon Ex.P4 FIR & Ex.P9 AR Copy.

(iii) On the other hand, the 1st respondent remained exparte.

(iv) The 2nd respondent/Insurance Company filed counter denies all the petition averments as false. The 2nd respondent further contended that the accident occurred only due to the rash and negligent riding by the petitioner / rider of Motorcycle bearing Reg.No.PY 01-CM-8012. The petitioner does not wear helmet at the time of accident and hence the contributed towards the accident. The 1st respondent vehicle driver not responsible for the accident. So the 2nd respondent is not liable to pay



MCOP.1864/2021

compensation to the petitioner.

(v) Though the 2nd respondent denies the negligence & manner of accident upon the driver of 1st respondent's vehicle but fails to substantiate the same with oral and documentary evidence. Whereas the petitioner through Ex.P4 FIR & Ex.P9 AR Copy clearly establishes that criminal Prosecution is lodged against the driver of the 1st respondent vehicle for the road traffic accident caused by him. Therefore from the oral evidence of PW1 documentary evidence Ex.P4 & P9 the petitioner proves the negligence upon the driver of the offending vehicle namely Lorry bearing Reg.No.TN 18-K-7882. Hence Point No.1 answered affirmatively.

7. Point No.2 :-

(i) In view of the findings in Point No.1 the petitioner is entitled for just & reasonable compensation for the injuries suffered by him in the accident. There is no dispute that the offending vehicle Lorry bearing Reg.No. TN 18-K-7882 is owned by the 1st respondent and insured with the 2nd respondent at the time of accident. No dispute with respect to the accident and the petitioner got injured. Hence both the respondents 1 & 2 are jointly severally and vicariously liable to pay compensation to the petitioner.

(ii) The factors that are relevant to be considered in order to arrive at just compensation and the quantum of loss of income are the age of the claimant, the nature of employment, income, the nature of disability suffered and the impact of the permanent disability upon the earning capacity of the injured having regard to the nature of the employment.

(iii) The occurrence has taken place on 19.02.2021. As per the medical records in Ex.P8 Discharge summary, the age is given as 50 years as on the date of accident (i.e., 19.02.2021). Ex.P1 Aadhar card of PW1 the date of birth is given as 14.03.1957. Considering the same the age of the petitioner as on the date of accident is fixed as 64 years.



MCOP.1864/2021

(iv) According to the petitioner he is a self employed running a hotel in the name of style of Shanthi Fast Food at the time of accident. But to substantiate the same no oral or documentary evidence produced to prove avocation and income.

(v) Hence following the Judgment reported in 2018(2) TNMAC 168 (National Insurance Co., Ltd., and Ors. Vs. Thangadurai), considering his age, ability and economic condition in the year of 2021. Hence the notional income of the petitioner is fixed as Rs.15,000/- per month.

(vi) Next coming to the nature of injury sustained by the petitioner in the road traffic accident, as per Ex.P9 AR copy, the petitioner was taken to Markanam GH, immediately after the accident, after first aid petitioner refer to Higher Forum for further management. Ex.P8, Discharge Summary, the petitioner has taken treatment at JIPMER Hospital for 4 days as inpatient from 19.02.2021 to 22.02.2021 there he was diagnosed with D5, D11, D12, L4 Vertebra with No Neurodefect with No Bowel and Bladder involvement. He was treated conservatively & got discharged. Ex.P10 outpatient prescriptions.

(vii) Considering the nature of injury, petitioner referred to Regional Medical board as per the directions of the Honourable High Court in the reported decision **Branch Manager, TATA AIG General Insurance Co., Ltd., Coimbatore -Vs- Prabhu & Others 2016 (1) TNMAC 609(DB)** for assessment of disability. The Medical Board opined that the petitioner has suffered 20% Post Traumatic Sequelae disability. Ex.C1 is the Disability certificate issued by Regional Medical Board and the same is accepted as it is.

(viii) A perusal of Ex.C1 Disability certificate, it is mentioned that D5, D11, L4 Fracture has united and there is no Neurodefect. So considering the nature of injury and Disability certificate Ex.C1 issued by the Regional Medical Board, percentage method is adopted.

(ix) Based on the above discussed materials and facts and circumstances of the



MCOP.1864/2021

case, the compensation under both Pecuniary & Non – Pecuniary Heads are awarded as below:

Loss of Income during Medical Treatment:

The petitioner has taken treatment as inpatient from 19.02.2021 to 22.02.2021 i.e., for about 4 days for Disc Fracture @ JIMER Hospital, Pondicherry, K-Wire done. Hence considering the available medical records and nature of injury sustained by petitioner, it might not taken less than 3 months for treatment and recovery. As we have already discussed his notional income is taken as Rs.15,000/- per month. Hence the loss of income during the period of medical treatment and recovery is arrived at **Rs.45,000/-** (Rs.15,000 x 3 months).

Loss due to Partial Permanent Disability:

In view of the recent judgment of our *Hon'ble High Court of Madras in, C.M.A.No.1026/2024 dated 10.07.2024*

K.Mariappan vs. Muthukumaran.V and another, in which Hon'ble High Court held “ for the accident in the year **2022 Rs.8000/-** per percentage to be awarded”.

In the above OP, the accident is in the year **2021**. Considering the year of accident, this tribunal took disability per percentage as **Rs.8,000/-**.

Hence keeping in mind on the above said decision of our Honourable High court, since the accident was occurred in the year of 2021, this Tribunal comes to the conclusion that the Petitioner has suffered **partial permanent disability** of 20% and the Petitioner is entitled for just compensation for the injuries sustained by him as Rs.8,000/- per percentage is allowed. Hence the Petitioner is entitled for **Rs.1,60,000/-** (Rs.8000 x 20%) only as just compensation for the injuries sustained by him.

Medical expenses:

The petitioner has taken treatment at JIPMER Hospital and he produced Ex.P9



MCOP.1864/2021

Pharmacy Bills for **Rs.5,274/-** produced. Since there is no serious objection raised on the side of the respondent, the same is awarded as it is.

Transport Charges:

The petitioner taken treatment at JIPMER Hospital as Inpatient for about 4 days and also taken outpatient. Hence he would have incurred transportation expenses for going for the treatment. Hence considering those facts transportation charges is arrived at **Rs.5,000/-**.

Extra-nourishment & Damages to clothing and articles:

Considering the nature of accident and the injuries suffered by the petitioner and the period of treatment it will be just to grant a sum of **Rs.25,000/-** towards extra nourishment and **Rs.1,000/-** towards damages to clothing and articles.

Compensation for Pain and Sufferings:

The petitioner has suffered Disc Fracture and he was treated as inpatient for 4 days at JIPMER Hospital. Hence considering the nature of injury, period of treatment & disablement, trauma & pain undergone by the petitioner it is just and proper to award **Rs.50,000/-** towards pain and sufferings.

Attender Charges:

The petitioner admitted at JIPMER Hospital as an in-patient for about 4 days and taken conservative treatment. The mobility of the petitioner is restrained by the injury and he depends on an attender to do his day to day avocations. Hence considering the nature of injuries and period of recovery a sum of **Rs.3,000/-** is awarded towards attender charges.

Loss of amenities:

The petitioner definitely would not act as before the accident due to the Disc Fracture suffered by him. Hence considering this facts, it would be just and proper to grant a sum of **Rs.40,000/-** towards loss of amenities.

In view of the foregoing discussion this Tribunal fixed the just compensation as



follows:

CALCULATION:

1. Loss of income	:	Rs. 45,000/-
2. Disability	:	Rs. 1,60,000/-
3. Medical Expenses	:	Rs. 5,274/-
4. Transportation	:	Rs. 5,000/-
5. Extra Nourishment	:	Rs. 25,000/-
6. Damages to clothing and articles	:	Rs. 1,000/-
7. Pain and Sufferings	:	Rs. 50,000/-
8. Attender Charges	:	Rs. 3,000/-
9. Loss of amenities	:	Rs. 40,000/-
Total Compensation is fixed at	:	<u>Rs. 3,34,274/-</u>
Rounded off to	:	Rs. 3,34,300/-

In the light of the above assessment, the petitioner/Claimant is entitled for a just compensation of the above said amount of **Rs.3,34,300/-** i.e., **three lakhs thirty four thousand three hundred** and Point No.2 is answered accordingly.

10. In the result this petition is partly allowed and,

(i) An award of **Rs.3,34,300/- (Rupees three lakhs thirty four thousand three hundred only)** is passed in favour of the petitioner with interest at 7.5 percent p.a. from the date of petition i.e., 10.03.2021 to till the date of payment payable by the 2nd respondent with costs.

(ii) There will be no interest for the default period if any.

(iii) In accordance with the guidelines laid down by the Honourable Supreme Court of India in *Parminster Singh Vs. Honey Goyal & others, reported in 2025 (1) TN MAC 533 (SC)*, and directions of Honourable High Court, Madras in *Oriental Insurance Co. Ltd. v. D. Salsa in CMA No. 2064 of 2026 judgment dated*



MCOP.1864/2021

08.07.2026, the 2nd respondent is hereby directed to deposit the award amount as stated above by Direct Bank Transfer (NEFT/RTGS) directly into the bank account of the petitioner within two months. **Petitioner Bank Account No.6030908401, Indian Bank, Marakkanam Branch, IFSC code -IDIB000M133.**

(iv) The petitioner has paid a sum of **Rs.372.50/-** towards Court fee. As per this award, the Court fee is **Rs.2,715.50/-**. The Advocate fee is fixed at **Rs.9,686/-**. The deficit court fee of **Rs.2,343/-** shall be paid within 15 days.

(v) The costs including **Advocate fees for a sum of Rs.12,446.50/-** to be paid by 2nd respondent within 15 days distinct and separately to Tribunal Account in the name of Registrar (MACT), Court of Small Causes, Chennai **Account No. 7103261207, IFSC No. IDIB000M157 Indian Bank, Madras High Court Branch, Chennai.**

(vi) After depositing the amount mentioned in column No.III and V, the 2nd respondent shall intimate the same to this Tribunal along with UTR Number and MCOP Number via **Email ID chnccc.scc4-tn@indiancourts.nic.in** within 48 hours of such deposit followed by physical proof of deposit on proper acknowledgment.

(vii) The costs including Advocate fees shall be paid to Counsel for petitioner on filing separate payment out application. The deficit court fees deposited to be credited to the State Government.

(viii) Only in the event of the electronic transfer is returned, reversed, or remains unsuccessful on account of the bank account is being inoperative, closed, incorrect, or for any other reason attributable to the Petitioner, the respondent shall intimate to this Tribunal along with proof, if any, and to the concerned petitioner. The petitioner shall furnish correct and operative bank account particulars before this Tribunal within two weeks from the date of such intimation, and the respondent shall re-transfer the amount to the correct bank account within the time fixed by this Tribunal. Any delay attributable to such incorrect or inoperative account particulars



MCOP.1864/2021

shall not render the respondent liable for additional interest for the period of such delay.

(ix) In the event of non-compliance by the 2nd respondent, the petitioner shall pay the deficit court fees and execute the award.

Other necessary particulars:

Date of Presentation of petition	10.03.2021
Date of taken up on file	09.04.2021
Compensation claimed in the M.C.O.P.	Rs.20,00,000/-
Compensation awarded in this petition	Rs.3,34,300/-
Court fee paid along with the petition	Rs.372.50/-
Court fee payable on the award amount	Rs.2,715.50/-
Additional court fee shall be paid	Rs.2,343/-
Additional court fee paid, MPSR.No.....dated	

Cost List for the petitioner

<u>STATEMENT OF COSTS</u>							
<u>For the petitioners</u>					<u>For the Respondents</u>		
		<u>Rs.</u>		<u>P.</u>		<u>Rs.</u>	<u>P.</u>
Stamp on petition	-	2,715	.	50			
Stamp on Vakalat	-	5	.	00			
Stamp for process	-	40	.	00		-- not filed --	
Advocate fees		9,686	.	00			
Costs allowed	-	12,446	.	50			

The direction regarding copy of the Judgment and decretal order prepared



MCOP.1864/2021

under Sub rule 6 of Rule 20 of TNMAC Rules, 1989 and Hon'ble Madras High Court's communication in R.O.C.No.390-A/2014/F1 dated 13.02.2014 are obediently followed and further it is informed that, as per the direction of the Honourable High Court, as far as this claim Petition is concerned, Decree is not drafted separately and in the award, instead of drafting the decree, necessary details have been incorporated in this claim Petition's order.

This order has been dictated by me to the typist, typed by him in the computer directly, corrected and pronounced by me in the open Court, on this Wednesday, the 19th day of August 2026.

**Motor Accident Claims Tribunal,
IV Judge
Court of Small Causes
Chennai**

Petitioner's sides Witness:

P.W.1: Mr.Ramalingam

Petitioner's side Exhibits:

Ex.P-1 : Aadhar Card xerox

Ex.P-2 : Bank Pass Book Xerox

Ex.P-3 : Pan Card xerox

Ex.P-4 : FIR Xerox

Ex.P-5 : Permit of Lorry (RC)

Ex.P-6 : Insurance Policy

Ex.P-7 : Driving Licence of the 1st respondent vehicle

Ex.P-8 : Discharge Summary

Ex.P-9 : Medical Records and Medical Bills

Ex.P-10 : Prescriptions and bills



MCOP.1864/2021

Respondents Side Witness & Exhibits: NIL

Court documents:

Ex.C1 : Disability Certificate issued by Medical Board.

**Motor Accident Claims Tribunal,
IV Judge
Court of Small Causes
Chennai**