

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 25th day of February 2026

M.C.O.P. 1150 of 2020
CNR No.TNCH09-002285-2020

Jayaprakash
S/o Murugan,
No.1/206, Nehruji Nagar,
Periyamathur, Madhavarm,
Chennai – 600 068.

....Petitioner

-Vs-

1. National Travels
No.59, W Block, 8th Street,
Anna nagar west,
Anna Nagar, Chennai – 600 101.
2. United India Insurance Company Limited
No.134, Silingi Building, 4th Floor,
Greams Road, Chennai – 600 006.

....Respondents

This petition is came up before me for final hearing on 16.02.2026 in the presence of M/s.R.Sathish, P.Arthipriya, Counsels appearing for the Petitioner, 1st respondent remained exparte, M/s.S.Chandramohan, 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:-

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.15,00,000/- 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 29.02.2020 at about 14.00 hrs, while the petitioner was riding his Motorcycle bearing Registration No. TN 05-BX-2724 near Manjambakkam, Kamarajar Salai Junction, at that time one Load Van bearing Reg.No.TN 02-BQ-5537 which belongs to the 1st respondent, driven by its driver in a rash and negligent manner and hit against the petitioner 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 Madhavaram Police Station, Chennai and the case was registered in Crime No.95/2020 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 25 years and he is a Employee at DHL Pharma Company, Vadaperumbakkam and earning Rs.18,000/- per month 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., Van bearing Reg.No. TN 02-BQ-5537 both are jointly and severally, vicariously and statutorily liable to pay compensation for a sum of Rs.15,00,000/- 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.

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

iii) This respondent submits that at the time of accident the petitioner was riding his Motorcycle in a rash and negligent manner and hit against the 1st respondent's van bearing Reg.No. TN 02-BQ-5537 and thus invites the accident. The driver of the 1st respondent's vehicle not responsible for the accident.

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., van bearing Reg.No. TN 02-BQ-5537 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 Jayaprakash examined on proof affidavit and Ex.P1 to P13 & Ex.C1 were marked.

(ii) 1st respondent remained exparte. The 2nd respondent filed a petition u/s 170 MV Act in M.P.1/2025 viz. Order dated 10.10.2025, 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 evidence on the side of contesting 2nd respondent. Ex.R1 marked during cross examination of PW1.

(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 van and on 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 02-BQ-5537. The petitioner examined himself as PW1 on proof affidavit, he reiterated the petition averments and attributing the total negligence upon the driver of the 1st respondent's vehicle that on 29.02.2020 at about 14.00 hrs, while the petitioner was riding his Motorcycle bearing Registration No. TN 05-BX-2724 near Manjambakkam, Kamarajar Salai Junction, at that time on Load Van bearing Reg.No.TN 02-BQ-5537 which belongs to the 1st respondent, driven by its driver in a rash and negligent manner and hit against the petitioner 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.P1 FIR, Ex.P2 AR Copy, Ex.P3 Final Report , Ex.P4 & Ex.P5 MV Report and Ex.P6 Discharge Summary.

(iii) On the other hand, the 1st respondent remained exparte, inspite of service of summons.

(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.TN 05-BX-2724. The petitioner doesn't possess valid driving license 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 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.P1 FIR, Ex.P2 AR

Copy, Ex.P3 Final Report , Ex.P4 & Ex.P5 MV Report and Ex.P6 Discharge Summary. 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.P1 to P6 the petitioner proves the negligence upon the driver of the offending vehicle namely Van bearing Reg.No.TN 02-BQ-5537. 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 Van bearing Reg.No. TN 02-BQ-5537 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 29.02.2020. As per the medical records in Ex.P6 Discharge summary, the age is given as 24 years as on the date of accident (i.e.,29.02.2020). Ex.P13 Aadhar card of PW1 the date of birth is given as 27.10.1997. Considering the same the age of the petitioner as on the date of accident is fixed as 23 years.

(iv) According to the petitioner he is a Employee at DHL Pharma Company, Vadaperumbakkam and earning Rs.18,000/- per month 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 2020. 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.P2 Accident Register, the petitioner was taken to Stanley Government Hospital, immediately after accident and continued treatment as inpatient for nearly about 3 months from 29.02.2020 to 26.05.2020. He was diagnosed with Compound Grade III Calcaneus Fracture with Talus with Multiple Tarsal Bone Left Foot with PTRE. He underwent surgery on 01.03.2020, Wound Debridement with Ankle Spanning Exfixation, K.Wire Fixation with CCS Fixation/SSG done & got discharged.

(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 40% Permanent disability. Ex.C1 is the Disability certificate issued by Regional Medical Board and the same is accepted as it is.

(viii) On perusal of Ex.C1, Disability Certificate it is noticed that the fracture got united and petitioner was surgically stabilized, it is also noted that Hip and Knee ROM is full. It is seen that one inch discrepancy is noted in the right leg and also suffered physical disability in standing, squatting, sitting cross leg, climbing staircase. Now it has to be assessed whether the permanent disability has resulted in functional disability leading to loss of earning capacity. The Hon'ble Division Bench of the Madras High Court in United India Insurance Co. Ltd. v. Veluchamy reported in 2005 ACJ 1483, has sets out the parameters as to when the multiplier method can be adopted in the case of injury. In Para 11 of the decision it is held as thus: —

(ix) “The following principles emerge from the above discussion

(a) In all cases of injury or permanent disablement ‘multiplier method’ cannot be mechanically applied to ascertain the future loss of income or earning power.

(b) It depends upon various factors such as nature and extent of disablement, avocation of the injured and whether it would affect his employment or earning power, etc. and if so, to what extent?

(c) (1) If there is categorical evidence that because of injury and consequential disability, the injured lost his employment or avocation completely and has to be idle for the rest of his life, in that event loss of income or earnings may be ascertained by applying the ‘multiplier method’ as provided under the Second Schedule to Motor Vehicles Act, 1988.

(2) Even so there is no need to adopt the same period as that of fatal cases as provided under the Schedule. If there is no amputation and if there is evidence to show that there is likelihood of reduction or improvement in future years, lesser period may be adopted for ascertainment of loss of income.

(d) Mainly it depends upon the avocation or profession or nature of employment being attended by the injured at the time of accident.”

(x) In the case of *Raj Kumar v. Ajay Kumar and Anr.* (2011) 1SCC 343 at para 12, it is held as below;

Para 12 “Therefore, the Tribunal has to first decide whether there is any permanent disability and, if so, the extent of such permanent disability. This means that the Tribunal should consider and decide with reference to the evidence:

i) whether the disablement is permanent or temporary;

ii) if the disablement is permanent, whether it is permanent total

disablement or permanent partial disablement;

iii) if the disablement percentage is expressed with reference to any specific limb, then the effect of such disablement of the limb on the functioning of the entire body, that is, the permanent disability suffered by the person. If the Tribunal concludes that there is no permanent disability then there is no question of proceeding further and determining the loss of future earning capacity. But if the Tribunal concludes that there is permanent disability then it will proceed to ascertain its extent. After the Tribunal ascertains the actual extent of permanent disability of the claimant based on the medical evidence, it has to determine whether such permanent disability has affected or will affect his earning capacity.

(xi) Applying the above ratios to the facts of the case, the petitioner has suffered 40% partial physical permanent disability due Ankle injuries.

(xii) The petitioner aged 23 years as on the date of accident. There is no proof that the petitioner has suffered loss of earning capacity due to the accident. However, considering the nature of injury where the Ankle disfigured and Loss of Kneel Pad, he will not be able to walk and do his avocation in the normal manner as before. This will definitely affect his capacity to earn and to do other activities like other normal person and affecting his future prospects. There is possibility that he will be able to do some other avocation in future. He will not able to walk, run and stand, which will be a disadvantage for him in future propectus.

(xii) Hence considered the above aspects this Tribunal is of the view that the petitioner has suffered functional disability leading of loss of earning capacity will be to the extent of 20% and it will be just and proper to adopt multiplier method to arrive at compensation, and as held by the Hon'ble Division Bench in CDJ 2018 MHC 6065 (Mohammed Babu Versus MGM Travels, Chennai & Another) the assessment under the heads loss of income during medical treatment need not be made.

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

the case, the compensation under both Pecuniary and Non-Pecuniary heads are assessed as below:

Loss due to Permanent Disability:

As per Medical records and the Disability Assessment Certificate in Ex.C1, the petitioner has suffered 40% partial physical permanent disability and the functional disability is also assessed at 20%. In B.Kothandapani Vs. Tamil Nadu State Transport Corporation Ltd., 2011 2 TN MAC 62 (SC), it is held that each disability to be compensated separately. Also in 2013 5 LW 576 (S.Manickam vs Metropolitan Transport Corporation Ltd) and 2017(2) TN MAC 544 (New India Assurance Co.Ltd., vs.Sakthivel and another compensation is awarded for both the disability. Following the same ratio, considering the serious nature of injury the petitioner is entitled for compensation for both physical and functional disability.

Disability compensation:

The petitioner has suffered 40% physical disability as per medical board report in Ex.C1. It is assessed at Rs.7,000/- per percentage and the loss due to disability compensation is arrived at **Rs.2,80,000/-** (Rs.7,000/- x 40%).

Loss of earning capacity:

The functional disability of the petitioner is assessed at 20%. The petitioner is aged about 23 years as on the date of accident. Applying the ratio laid down by the Hon'ble Supreme Court in 2017 (2)TN MAC 609 (SC) (National Insurance Co. Ltd vs Pranay Sethi and anr.), future prospects will be 40% and the monthly income is Rs.21,000/- (Rs.15,000 x 40/100 = Rs.6,000). The multiplier applicable will be 18 since the petitioner is aged 23 years. Thus the loss of earning capacity is calculated at (Rs.21,000 x 12 x 20%) x 18m = **Rs.9,07,200/-**.

Medical expenses:

The petitioner has taken treatment at Government Hospital. Though he was treated at Government Hospital he might have spent some amount for medicines. Hence considering the same **Rs.5,000/-** is awarded for medical expenses.

Transport Charges:

The petitioner taken treatment at Stanley Government Hospital as Inpatient for nearly about 3 months. Hence he would have incurred transportation expenses for going for the treatment. Hence considering those facts transportation charges is arrived at **Rs.10,000/-**.

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 Ankle Fracture and Wound Debridement, Ankle Spanning Exfix, K.Wire Fixation, CCS Fixation and SSG done done and he was treated as inpatient for 3 months at Stanley Government 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.40,000/-** towards pain and sufferings.

Attender Charges:

The petitioner admitted at Stanley Government Hospital as an in-patient for nearly about 3 months and Wound Debridement, Ankle Spanning Exfix, K.Wire Fixation with CCS Fixation/SSG done. 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.15,000/-** is awarded towards attender charges.

Loss of amenities:

The petitioner definitely would not act as before the accident due to the Ankle Fracture suffered by him. Hence considering this facts, it would be just and proper to grant a sum of **Rs.50,000/-** towards loss of amenities.

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

follows:

CALCULATION:

1. Loss of income	:	Rs.	2,80,000/-
2. Disability	:	Rs.	9,07,200/-
3. Medical Expenses	:	Rs.	5,000/-
4. Transportation	:	Rs.	10,000/-
5. Extra Nourishment	:	Rs.	25,000/-
6. Damages to clothing and articles	:	Rs.	1,000/-
7. Pain and Sufferings	:	Rs.	40,000/-
8. Attender Charges	:	Rs.	15,000/-
9. Loss of amenities	:	Rs.	50,000/-
Total Compensation is fixed at	:	Rs.	<u>13,33,200/-</u>

In the light of the above assessment, the petitioner/Claimant is entitled for a just compensation of the above said amount of **Rs.13,33,200/-** i.e., **thirteen lakhs thirty three thousand two hundred** and Point No.2 is answered accordingly.

8. Point No.3:

In view of the above finds, the petitioner is entitled for compensation as above together with interest at 7.5% p.a from the date of petition with cost and none other relief the petitioner is entitled to and point No.3 is answered accordingly.

9. Result:

In the result, this petition is partly allowed and a sum of **Rs.13,33,200/- (Rupees thirteen lakhs thirty three thousand two hundred only)** is awarded as just compensation to the Petitioner with cost and interest at the rate of 7.5 percent per annum from the date of filing of the Claim Petition i.e., 04.03.2020 till the realization, payable by the 2nd Respondent. No interest for the default period as per orders if any. The 2nd respondent is directed to deposit the said amount to the credit of the bank account of this claim tribunal directly by NEFT OR RTGS mode within a period of two months from this order, and intimate the said deposit details to this tribunal with

a copy of the said Bank advise. Thereafter, the said amount shall be made directly to the credit of the Petitioner bank account.

This Tribunal Account particulars:

Registrar (MACT), Court of Small Causes, Chennai

Account No. 7103261207

IFSC No. IDIB000M157

Indian Bank, Madras High Court Branch, Chennai.

E-mail ID. chnccc.sccrc-tn@indiancourts.nic.in

The Petitioner's Bank A/c, Aadhaar and Pan card details are given below: The Petitioner name is – Jayaprakash

Bank name and Branch	Account No. and IFSC code	Adhaar card details	Pan card details
Indian Bank, Esplande Branch.	Acc : 7119837944 IFSC : IDIB000E011	3716 2495 6273	Not Furnised

In view of the direction issued by the Honourable Division Bench of the High Court of Madras in CMA No. 428/2016 dated 11.03.2016, the petitioner is hereby directed to furnish the self attested copy of Pan card to this Tribunal within a period of one month from to-day without fail. The petitioner has paid a sum of **Rs.372.50/-** towards Court fee. As per this award, the Court fee is **Rs.12,704.50/-**. The Advocate fee is fixed at **Rs.20,332/-**. The deficit court fee of **Rs.12,332/-** shall be paid by the petitioner within 2 weeks from the date of order.

Other necessary particulars:

Date of Presentation of petition	04.03.2020
Date of taken up on file	04.03.2020
Compensation claimed in the M.C.O.P.	Rs.15,00,000/-
Compensation awarded in this petition	Rs.13,33,200/-
Court fee paid along with the petition	Rs.372.50/-

Court fee payable on the award amount	Rs.12,704.50/-
Additional court fee shall be paid	Rs.12,332/-
Additional court fee paid, MPSR.No.....dated	

That the 2nd respondent do pay to the petitioner a sum of **Rs.33,081.50/-** towards the costs of this petition.

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	-	12,704	.	50		
Stamp on Vakalat	-	5	.	00		
Stamp for process	-	40	.	00	-- not filed --	
Advocate fees		20,332	.	00		
Costs allowed	-	33,081	.	50		

The direction regarding copy of the Judgment and decreetal order prepared 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 25th day of February 2026.

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

Petitioner's sides Witness:

P.W.1: Mr.Jayaprakash

Petitioner's side Exhibits:

Ex.P-1 : FIR Xerox

Ex.P-2 : Accident Register Copy

Ex.P-3 : Final Report

Ex.P-4 : Motor Vehicle Report of Load Van

Ex.P-5 : Motor Vehicle Report of Motorcycle

Ex.P-6 : Discharge Summary

Ex.P-7 : Outpatient Treatment Records

Ex.P-8 : X-Ray, dated 29.02.2020

Ex.P-9 : X-ray, dated 01.03.2020

Ex.P-10 : Photos

Ex.P-11 : Driving Licence Xerox

Ex.P-12 : Bank Pass Book Xerox

Ex.P-13 : Aadhar Card xerox

Ex.R1 : Rough Sketch

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**