

Before the Motor Accidents Claims Tribunal

(In the II Court of Small Causes, Chennai)

Present: Thiru.A.B. Naseer Ali., B.A., B.L.,

Friday the 19th day of June 2026

Motor Accidents Claims Original Petition No.1820 of 2021

CNR NO :-TNCH09-002702-2021

Mr.C. Balaraman,
S/o. Chinnaraj,
No.Plot 18, Sriram Nagar,
Perumalpattu,
Tiruvallur, Pin – 602 024.

...Petitioner

-Vs-

1. Mrs.P. Vasantha,
W/o. Palani,
No.23, Krishnan Street,
Sudesi Nagar,
Thiruninravur, Pin – 602 024.

2. Reliance General Insurance Co., Ltd.,
Reliance House, No.6, Haddows Road,
Nungambakkam, Chennai – 6.
Policy No.121222123750000068
01.01.2021 to 31.12.2025

...Respondents

This petition came before this tribunal for final hearing on 04.06.2026 in the presence of Mr.S. Dharmaraja, Counsel appearing for the Petitioner and of Mr.Micheal Marie Antony, Counsel appearing for the 2nd respondent, R1 remained *ex parte*. Upon hearing the arguments on both sides, upon perusal of records and 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 compensation of Rs.6,00,000/- for the injuries sustained by the Petitioner in a motor accident.

2. Gist of Petition:-

(a) On 16.03.2021 at about 11.00 hours, when the petitioner was riding TVS Jupiter Motor Cycle bearing Reg.No.TN-12-U-6347 from Avadi to Perumalpet (Pudhuchatiram road to Periyapalayam road down) from the Thiruninravur over bridge, the 1st respondent's two wheeler namely, TVS XL bearing Reg.No.TN-12-AL-5628 insured with the 2nd respondent which was ridden by its driver in a very rash and negligent manner, hit the petitioner's motor cycle and as a result, the petitioner sustained grievous injuries over his right leg and also other injuries all over the body. The petitioner was taken by 108 Ambulance to Thiruvallur GH wherein he was admitted as in-patient and was discharged on 18.03.2021 and then he has been taking treatment as out patient till this date.

(b) The petitioner was an electrician and was earning Rs.20,000/- per month before the accident. The 1st Respondent is the owner and the 2nd respondent is the insurer and they are severally and vicariously liable to pay compensation to the petitioner. It is requested to award a sum of Rs.6,00,000/- under various heads to the petitioner with costs.

3. Gist of Counter of the 2nd Respondent:-

(a) The Respondent denies all the allegations of the petitioner except which are

specifically admitted.

- (b) This respondent denies the age, occupation and income alleged, of the petitioner. The injuries alleged to have been sustained by the petitioner are denied.
- (c) The accident occurred solely due to the negligence of the petitioner/rider of the Motor Cycle bearing Reg.No.TN-12-AL-5628 who drove the same without observing any traffic rules.
- (d) There was involvement of two vehicles and so, the petitioner has to implead the owner and insurer of the motor cycle driven by the petitioner.
- (e) The petitioner has to prove that the driver of the TVS XL had a valid licence to drive the vehicle and the said TVS XL had valid fitness and registration certificates. It is, therefore, prayed to dismiss the application with costs.

5. Points for Consideration:-

1. Whether this accident has occurred due to the rash and negligent riding of the rider of the TVS XL bearing Reg.No.TN-12-AL-5628?
2. Who is liable to pay the compensation?
3. Whether the petitioner is entitled to compensation?
4. If so, what is the quantum?

6. On the side of the petitioner, he was examined as P.W.1 and Exs.P1 to P6 were marked. On the side of the 2nd Respondent, two witnesses were examined as RW1 and RW2 and Exs.R1 to R7 were marked. The Disability Certificate issued by

the Regional Medical Board, Government Kilpauk College Hospital, Chennai has been marked as Ex.C1. R1 remained *ex parte*.

7. Point No.1:

- (a) Records were perused. It is the case of the petitioner that when he was riding his motor cycle, the first respondent's vehicle driver drove the bike in a rash and negligent manner and dashed against the petitioner's vehicle, which caused injuries to the petitioner.
- (b) It is the contention of the 2nd respondent that the petitioner is solely responsible for causing accident since he drove the bike without observing any traffic regulations. Though the 2nd respondent has taken such a stand no proper evidence has been let in to prove the negligence on the part of the petitioner. The copy of FIR in crime No.270/2021 of Chennai, TIW, Poonamallee Police Station has been marked as Ex.P2. Even as per the FIR, the case has been registered only pointing fingers against the driver of the 1st respondent's vehicle.
- (c) Of course, the MVI report marked as Ex.R3 reveals that the petitioner did not produce the driving licence at the time of inspection. At the same time, another MVI report marked as Ex.R2 also reveals that the driving licence for the 1st respondent's vehicle's driver was also not produced. Therefore, just because of the driving licence was not produced it cannot be said that the accident occurred only because of the inability to drive the vehicle. It is

to be noted that the vehicles involved are not heavy motor vehicles but only two wheelers. Therefore, the non-production of the driving licence cannot go against the case of petitioner. The 2nd respondent is able only to prove that the driving licence was not produced. Non-production of driving licence will not amount to non-obtaining of the driving licence by the driver. Considering these facts and particularly by relying upon the fact that the case has been registered only against the rider of the 1st respondent's vehicle, this tribunal comes to the conclusion that the rashness and negligence of the driver of 1st respondent's vehicle are the causes for the accident. Accordingly, this point is answered in favour of the petitioner.

8. Point No.2 :-

- (a) Admittedly, the 2nd respondent is the insurer of the 1st respondent's vehicle. Ex.R5, copy of policy confirms that on the date of accident, the policy was in existence.
- (b) By relying upon Ex.R2, MVI report it was argued that the driving licence was not produced and so pay and recovery shall be ordered. The notice under Ex.R6 was also issued to R1 and also to the rider who drove the motorcycle of R1 at the time of accident. It is stated that in spite of the notice, driving licence was not produced. Ex.R7 is the acknowledgment card to prove that the notice under Ex.R6 was served on the 1st respondent.
- (c) This tribunal is of the view that the 1st respondent has given chances to R1

and also to the driver of R1 to produce the driving licence. It has been clearly stated in the notice that non-production of the driving licence will pave to way to draw adverse inference. In spite of this specific assertion, it appears that the driving licence has not been produced. In this petition R1 remains *ex parte*. Therefore, this court is of the view that the 1st respondent is responsible to pay the compensation. However, as per the Judgment in *National Insurance Company Limited Vs. Swarn Singh and others* reported in (2004) 3 (SCC) 297 the 2nd respondent has to pay the compensation **first and it can recover the same from the 1st respondent at later point of time**. Accordingly, this point is answered.

9. Point Nos.3 and 4:-

- (a) As per the decision under point number 1 it has been concluded that the 1st respondent's vehicle is the cause for the accident. As per the decision under point number 2 it has been decided that the 2nd respondent has to pay the compensation to the petitioner and shall recover the same from the 1st respondent.
- (b) As per the Medical Board Report, marked as Ex.C1, the disability suffered by the petitioner is to the extent of 12%. The Medical Board has reported that it is the permanent disability. However, other medical records are not clear to show whether the petitioner sustained fracture or not. Because as per the Ex.P3, the discharge summary, it had been diagnosed that there were fractures of both

bones at right leg. But in the very same discharge summary it has been observed that X-ray done was normal. The X-ray film marked as Ex.P3 is not the one taken in the Government Hospital at Thiruvallur. It appears that it was taken in Puthur Mandal, Chittoor District. Therefore, in the opinion of the tribunal, the X-ray film is going against the contents of the Discharge Summary marked as Ex.P3 and Ex.P3 itself has contradictory observations. In such a situation, the petitioner should have clearly proved that he sustained bony injury in his right leg, but not.

- (c) Further, the petitioner had taken treatment only for 3 days from 16.03.2021 to 18.03.2021. Furthermore, it is not clear as to how this 12% permanent disability will have an impact over the avocation of the petitioner which has also been left unproven.
- (a) Though the petitioner claims to be an electrician, no certificate for having completed the course to become an electrician has been produced by the petitioner. Therefore, the request to apply multiplier method is not able to be entertained, in the absence of concrete evidence to show that the 12% disability is a functional disability. Hence, this tribunal has made up its mind to apply only percentage method, to calculate compensation.
- (b) The accident took place in the year 2021 and so following the guidelines of *M.Chinnathambi vs. Deepa*, reported in 2020 (1) TN MAC 617, this tribunal awards Rs.7,000/- per percentage, since this accident is of the year 2021.

Hence, the claimant is entitled to **12 X 7,000 = Rs.84,000/- for Disability.**

(c) As already pointed out, the petitioner has not proved that he is an electrician and he was earning Rs.20,000/- per month as claimed. Therefore, this tribunal has no other way except to rely upon notional income. As per the judgment in *Andal and others Vs Avinav Kannan and another* 2019 (1) TNMAC 54 (DB), the notional income for the year 2021 will be arrived at Rs.15,200/-. Therefore, the notional income for the petitioner is fixed as Rs.15,200/- per month.

(d) The petitioner was in hospital only for 3 days i.e., from 16.03.2021 to 18.03.2021 as per the discharge summary. Though he was inpatient only for 3 days, since he suffered injury in his leg, he might not have been in a position to walk freely even after those 3 days. Ex.P6, X-ray produced shows that it was taken only on 25.03.2021. Further, Ex.C1 shows 12% permanent disability. Considering all these records, this tribunal comes to a conclusion that the petitioner might not have been able to perform his regular works at least for 3 months. Therefore, the tribunal awards a sum of **Rs.15,200/- X 3 months = 45,600/- for Loss of Income.**

(e) As already pointed out, the petitioner was in hospital only for 3 days. Therefore, for Attender's Charges Rs.500/- per day is fixed. As such, he is entitled to **Rs.500/- X 3 days = 1,500/- for Attender's Charges.**

(f) For **Extra Nourishment** a sum of **Rs.10,000/-** is awarded.

(g) On the date when the argument was heard, the petitioner was present and the

learned advocate for the petitioner, by showing the petitioner, submitted that he is still not able to fold his leg. This tribunal does not know whether it is true or not. But an injury in leg, though not be a bony injury may hamper easy locomotion. So, the tribunal awards a sum of **Rs.10,000/-** under the head of **Loss of Amenities**.

(h) Since the petitioner was taken to hospital only with the help of 108 Ambulance, no transport charge is awarded for the transportation from the place of accident to the hospital. However, from the hospital to home, the petitioner might have required a vehicle for his journey. So, for **Transport Charges Rs.5,000/-** is awarded.

(i) The Petitioner has not produced Medical Bills. So, he is not entitled to any such amount under the head of **Medical Expenses**.

(j) For **Loss of Clothes Rs.2,000/-** is awarded.

(k) Though bony injury has not been clearly proved it has been submitted that the petitioner is not able to fold his leg till this date and the Medical Board Report also discloses 12% permanent disability. So, it could be ascertained that the petitioner might have suffered pain to a greater extent and for **Pain and Suffering** this tribunal awards a sum of **Rs.25,000/-**.

(xi) CALCULATION:

1. Disability	:	Rs.	84,000/-
2. Pain and Sufferings	:	Rs.	25,000/-
3. Transport Charges	:	Rs.	5,000/-

4. Extra Nourishment	:	Rs.	10,000/-
5. Attender Charges	:	Rs.	1,500/-
6. Loss of clothes	:	Rs.	2,000/-
7. Loss of Amenities	:	Rs.	10,000/-
8. Loss of Income	:	Rs.	45,600/-
Total Compensation is fixed at	:	Rs.	<u>1,83,100/-</u>

(l) Thus, it is concluded that the petitioner is entitled only to a sum of **Rs.1,83,100/-**.

(m) Accordingly point No.3 is answered in favour of petitioner and point No.4 is answered as per the above terms.

In the result,

(1) This petition is partly allowed and a sum of **Rs.1,83,100/- (Rupees One Lakh Eighty Three Thousand One 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., 08-04-2021 till the realization, payable by the 2nd respondent **first. R2 can recover the said sum from the 1st respondent at later point of time.** The petition is dismissed with regard to the rest of the claim amount. There will be no interest for the default period as per orders if any.

(2) The 2nd respondent is directed to deposit the said amount to the credit of the bank account of this claim tribunal directly (i.e.,) Registrar (MACT), Court of Small Causes, Chennai, Account No.7103261207, IFSC No.IDIB000M157, Indian Bank, Madras High, Court Branch, Chennai. Email ID: chnccc.sccrc-tn@indiancourts.nic.in through NEFT or RTGS mode within a period of two months

from this order, under intimation to this tribunal with the copy of the transaction details.

3) Considering the fact that the petitioner is not shown to be an illiterate, the petitioner is permitted to withdraw the compensation amount on deposit of the same together with interest and costs and the said amount shall be credited through Electronic Clearing System (ECS) in favour of the petitioner's account, the details of which are as given below:-

Petitioner name is **Mr.C. Balaraman**

Bank name and Branch	Account No. and IFSC code	Adhaar card details	Pan card details
Indian Bank, Esplanade Branch	A/c.No.7654643743 IFSC Code:-IDIB000E011	718096032750	Not Furnished

4) In view of the direction issued by the Hon'ble 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.

5) That the Court fee paid along with the petition is Rs.375/-.

6) That the Court fee for the award amount is Rs.1,203.50/-. The deficit court fee of Rs.828.50/- shall be paid by the Petitioner within two weeks from the date of order.

7) Advocate fee is Rs.6,662/-.

8) That the second respondent shall pay to the petitioner a sum of Rs.7,925.50/- towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	08-04-2021
Date of taken up on file	-	08-04-2021
Compensation claimed in the M.C.O.P.	-	Rs.6,00,000/-
Compensation awarded in this petition	-	Rs.1,83,100/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.1,203.50/-
Additional court fee shall be paid	-	Rs.828.50/-
Additional court fee paid, MP SR.No.....; dated		

Cost List for the petitioner**STATEMENT OF COSTS**

<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	-	1,203			50
Stamp on Vakalat	-	10			00
Stamp for process	-	50	-- not filed --		00
Advocate fees		6,662			00
Costs allowed	-	7,925			50

The direction regarding copy of the Judgment and decretal 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, as per the direction of the Hon'ble 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 Steno typist, transcribed by her, corrected and pronounced by me in the open Court, on this Friday, the 19th day of June 2026.

II Judge
Court of Small Causes, Chennai.

Petitioner Side Witness:

P.W.1 : Mr.C. Balaraman

Petitioner Side Exhibits:

Ex.P1	Accident Register	Copy
Ex.P2	FIR	Copy
Ex.P3	Discharge summary issued by Thiruvallur Govt., Hospital	Copy
Ex.P4	Aadhar card	Copy
Ex.P5	Bank pass book	Copy
Ex.P6	X-ray	Original

2nd Respondent Side Witness :

RW1 - Mr. Sri Ramachandran

RW2 - Mr. Karan

2nd Respondent Side Exhibit:

Ex.R1	Authorization letter for RW1	Original
Ex.R2	MVI report of 1 st Respondent's vehicle	True Copy
Ex.R3	MVI report of Petitioner's vehicle	True Copy
Ex.R4	Authorization letter for RW2	Original
Ex.R5	Insurance policy	Copy

Ex.R6	Legal notice with postal receipt	Original
Ex.R7	Acknowledgment card	Original

Court Side Document:

Ex.C1 : Disability Certificate issued by the Medical Board.

II Judge
Court of Small Causes, Chennai.