

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

Thursday, the 25th day of June 2026

M.C.O.P. 4090 of 2015
CNR No.TNCH09-002888-2015

R.Saravanan,
S/o.Ramasamy,
No.65, Muthu Naicken Street,
Ayanavaram,
Chennai-600 023.

....Petitioner

-Vs-

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai-600 002.

....Respondent

This petition is came up before me for final hearing on 10.06.2026 in the presence of M/s.P.Gajendiran, Counsels appearing for the Petitioner, M/s.D.Narayana Kumar, Counsel appearing for the 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.7,00,000/- 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 29.01.2015 at about 19.15 hrs, while the petitioner was driving the Auto-rickshaw bearing Reg.No.TN 03-P-5211 at

Kamarajar Salai, near Queen Mary's College, at that time one MTC Bus bearing Reg.No.TN 01-N-4379 which belongs to the respondent, driven by its driver in a rash and negligent manner and hit against the petitioner's Auto 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 D-6, Anna Square Police Station, Chennai and the case was registered in Crime No.46/T2/2015 U/s 279, 337 IPC. The accident occurred only due to the rash and negligent driving by the driver of the Government bus.

(ii) As mentioned in the petition, the petitioner was aged 33 years and he is a Auto-rickshaw driver and earning Rs.15,000/- 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 respondent is the corporation vicariously and statutorily liable to pay compensation for a sum of Rs.7,00,000/- with interest along with cost. Hence this claim petition.

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

(i) The respondent denies the age, occupation and income of the petitioner. Further denies that the accident occurred due to the negligence of the driver of the Government bus and denies the manner of accident.

(ii) This respondent submits that at the time of accident the MTC Bus driver drove the vehicle in a slow and careful manner at that time the Auto bearing Reg.No. TN 01-N-4379 which was plying in front of the bus in a rash and negligent manner and suddenly applied brake in which the driver lost his control hit against the centre median and toppled in front of bus. Further states that the respondent driver on seeing the same applied sudden brake and stopped the bus to abort the accident. In the consequence, the respondent bus dashed against the another Government bus and bus got damaged. The corporation bus not involved in the accident, it is due to rash and negligent driving by driver of the Auto the accident occurred. Hence respondent is

not liable to pay compensation.

(iii) Further denies the nature of injury, period of treatment and medical expenses of the petitioner and alleges that the claim is excessive.

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., bus bearing Reg.No. TN 01-N-4379 which is owned by 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 Saravanan, PW2 Selva Mariyappan examined and Ex.P1 to P11 were marked.

(ii) No oral or documentary evidence adduced on the side of respondent.

(iii) Based on the above materials the Learned Counsel for the petitioner and 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 respondent denies the manner of accident and the negligence upon the driver of respondent's bus 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 01-N-4379. The petitioner examined himself as PW1 on proof affidavit, he reiterated the petition averments and attributing the total negligence upon the driver of the respondent's vehicle that on 29.01.2015 at about 19.15 hrs, while the petitioner was driving the Auto-rickshaw bearing Reg.No.TN 03-P-5211 at Kamarajar Salai, near Queen Mary's College, at that time one MTC Bus bearing Reg.No.TN 01-N-4379 which belongs to

the respondent, driven by its driver in a rash and negligent manner and hit against the petitioner's Auto 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 Accident Register.

(iii) The respondent filed counter denies all the petition averments as false. The respondent further contended that the accident occurred only due to the rash and negligent driving by the petitioner / driver of Auto-rickshaw bearing Reg.No.TN 03-P-5211. The respondent vehicle driver not responsible for the accident. So the respondent is not liable to pay compensation to the petitioner.

(iv) Though the respondent denies the negligence & manner of accident upon the driver of respondent's Bus but fails to substantiate the same with oral and documentary evidence. Whereas the petitioner through Ex.P1 FIR & Ex.P2 Accident Register clearly establishes that criminal Prosecution is lodged against the driver of the respondent vehicle for the road traffic accident caused by him. Therefore from the oral evidence of PW1 documentary evidence Ex.P1 & P2 the petitioner proves the negligence upon the driver of the offending vehicle namely Bus bearing Reg.No.TN 01-N-4379. 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 Bus bearing Reg.No. TN 01-N-4379 is owned by the respondent at the time of accident. No dispute with respect to the accident and the petitioner got injured. Hence the respondent is 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 29.01.2015. As per the medical records in Ex.P2 Accident Register, the age is given as 30 years as on the date of accident (i.e., 29.01.2015). Ex.P6 Aadhar card of PW1 the date of birth is given as 22.01.1985. Considering the same the age of the petitioner as on the date of accident is fixed as 30 years.

(iv) According to the petitioner he is a Auto-rickshaw driver and earning Rs.15,000/- 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 2015. Hence the notional income of the petitioner is fixed as Rs.9,500/- 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 Government Royapettah Hospital, immediately after accident. A perusal of Ex.P2 AR copy, it is noted that the petitioner has sustained injury to Left Lower Limb and Back. Apart from, Ex.P2 AR copy no other medical records were produced to show the nature of injury, period of treatment and the nature of treatment taken for the said injury. Ex.P3 is the case sheet dated 13.12.2017 (ie.) 2 years after the accident. Ex.P4 is the Outpatient treatment records in the year 2017 and 2019. Ex.P5 X-ray taken at Stanley Hospital for the Left Elbow. From the X-ray it is noted, the petitioner suffered fracture in the left hand but the date of X-ray is mentioned as 04.05.2017, whereas the accident occurred on 29.01.2015. The above said X-ray is taken after 2 years of the accident. The petitioner counsel submits that the petitioner sustained injury in the upper limb, but in the AR copy it is wrongly mentioned as lower limb. So the hospital Authority has been summoned and examined as PW2, the Medical Record Technician

at Royapettah Government Hospital, deposed that the medical records upto 2016 has been destroyed. In support of his evidence, he produced Ex.P11 Medical Records Disposal Documents. Therefore, the contention of the petitioner is not supported by any medical documents and fails to substantiate the same. Admittedly, the petitioner suffered Left upper limb fracture and the documents produced are pertaining to the year 2017, there is no clear evidence to prove that the upper limb injury is due to the Road traffic accident occurred on 29.01.2015. It is not in dispute regarding the accident dated 29.01.2015. Since there is no medical records available to substantiate the injury sustained by the petitioner in the Road traffic accident occurred on 29.01.2025. So considering the above facts, the tribunal is inclined to award **Rs.1,00,000/-** towards compensation.

In the light of the above assessment, the petitioner/Claimant is entitled for a just compensation of the above said amount of **Rs.1,00,000/-** i.e., **one lakh** 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.1,00,000/- (Rupees one lakh 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., 24.04.2015 till the realization, payable by the Respondent. No interest for the default period as per orders if any. The 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 – Saravanan

Bank name and Branch	Account No. and IFSC code	Adhaar card details	Pan card details
United Bank of India, Madras Armenian street Branch.	Acc : 0286010230636 IFSC : UTBIOMDS801	7674 5143 6551	Not furnished

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.372.50/-**. The Advocate fee is fixed at **Rs.5,000/-**.

Other necessary particulars:

Date of Presentation of petition	24.04.2015
Date of taken up on file	30.04.2015
Compensation claimed in the M.C.O.P.	Rs.7,00,000/-
Compensation awarded in this petition	Rs.1,00,000/-
Court fee paid along with the petition	Rs.372.50/-
Court fee payable on the award amount	Rs.372.50/-

That the respondent do pay to the petitioner a sum of **Rs.5,417.50/-** 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>		
Stamp on petition	-	372	.	50		
Stamp on Vakalat	-	5	.	00		
Stamp for process	-	40	.	00	-- not filed --	
Advocate fees		5,000	.	00		
Costs allowed	-	5,417	.	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 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 Thursday, the 25th day of June 2026.

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

Petitioner's sides Witness:

P.W.1 : Mr.Saravanan

P.W.2 : Selva Mariyappan

Petitioner's side Exhibits:

Ex.P-1 : FIR Xerox

Ex.P-2 : Accident Register

Ex.P-3 : Case sheet

Ex.P-4 : OP Treatment records

Ex.P-5 : Old X-Ray

Ex.P-6 : Aadhar Card xerox

Ex.P-7 : Bank Pass Book Xerox

Ex.P-8 : Photos with CD

Ex.P-9 : Petitioner Driving license

Ex.P-10 : Authorization letter

Ex.P-11: Medical Records Disposal Documents

Respondents Side Witness & Exhibits: NIL

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