

**IN THE COURT OF THE V JUDGE, COURT OF SMALL CAUSES,
CHENNAI**

(MOTOR ACCIDENTS CLAIMS TRIBUNAL)

PRESENT: Tmt. M. SHAKKIRA BANU, M.A.M.L.,MHR.,PGDHRM.,PGDIPR.,DLLAL.,

V Judge

Tuesday, this the 04th day of August 2026

MCOP No.1673/2023

CNR No.TNCH09-003057-2023

Sadam Hussain,
aged about 20 years,
S/o. Abdul Razak,
New No.11/4, Old No.5/4,
Theetharappan street,
Triplicane, Chennai - 600 005.

...Petitioner

Vs.

1. A. Ajith,
S/o.Aruldass,
No.20, Asuthinkhan street, Chepauk,
Triplicane, Chennai - 5

2. The Magma HDI General Insurance Co. Ltd.,
Navin's Presidium, A Block, 3rd floor,
No.17-19, Old No.103, &A,
Nelson Manickam road, Chennai - 600 029.

...Respondents

This petition came up on **23.07.2026** for final hearing before me in the presence of **Mr. K. Muthusamy and Mr. S. Boobalan** Counsels for the petitioner and **M/s. R. Sree Vidhya** Counsel for the 2nd respondent and first respondent called absent and set exparte and upon hearing both sides and on perusing the case records and having stood over for consideration till this date, this court delivered the following.

AWARD

This petition has been filed under Section 166 of Motor Vehicles Act,1988 claiming a compensation of **Rs.17,00,000/-** with interest and costs.

1. Brief averments in the petition:

The petitioner submitted that on 19.02.2023 at about 00.40 hours while the petitioner was riding the motorcycle bearing Reg. No. TN 12 U 0376 proceeding from T.H. High road, Wallajah road towards Ice house at Triplicane High road, Near IOB Triplicane branch, Chennai-5, at that time a motorcycle bearing Reg. No. TN 06 Z 4534 which came from behind and driven by its driver rash and negligent manner endangering public safety and hit the petitioner motorcycle. As a result, petitioner fell down on the road and sustained greivous injuries all over the body. The accident occurred only due to rash and negligent driving of the first respondent motorcycle rider. Hence, the 1st respondent being owner and 2nd respondent being insurer of that motorcycle both are liable to pay compensation to the petitioner.

2. Brief Averments in the Counter of the 2nd Respondent

The 2nd respondent denied the allegetions in the petition except those that are specifically admitted in the counter. The 2nd respondent submit that they did not receive any information/intimation from the alleged owner of the vehicle. The accident was not caused due to negligent driving of the rider of the motorcycle bearing Reg. No. TN 06 Z 4534. Hence this petition as against this respondent is not maintainable under law or facts. The second respondent denied the Column No.23 and 23A. The age, occupation, income of the petitioner is denied. The compensation amount claimed by petitioner is higly excessive. Hence prayed for dismissal.

3. Evidence

The petitioner was examined as PW1 and marked Ex.P1 to Ex.P8. On the 2nd respondent side, no witness was examined and no documents marked. The disability certificate issued by the medical board was marked as Ex.C1.

4. Points for determination :

1)	Whether the accident occurred due to the rash and negligent driving of the 1 st respondent motorcycle rider?
2)	Whether the 1 st respondent motorcycle rider was having valid driving license and whether the said vehicle was covered under valid insurance and proper documents, as contemplated under the M.V. Act at the time of accident?
3)	Whether the petitioner is entitled to get compensation? If so, what should be the quantum of compensation, and by whom it is payable?

5. Point No.1:

With regard to the accident, police complaint was lodged by the petitioner to Anna Square investigation wing and Ex.P2 FIR was registered in Crime No.88/2023 U/s. 279 and 337 IPC Act against the 1st respondent motorcycle rider. Ex.P1 Accident Register and Ex.P2 FIR establish that the petitioner sustained injuries in the said accident. The first respondent remained exparte. No contra evidence was adduced by second respondent side. In the absence of any contra evidence, the evidence of PW1 coupled with Ex.P2 prove the case of the petitioner. Hence this Tribunal holds that the accident occurred due to the rash and negligent riding of the bus bearing Registration No.TN 06 Z 4534 , by its rider. Point No.1 is answered accordingly.

6. Point No.2:

In this point it has to be ascertained whether the 1st respondent motorcycle rider had valid driving license and the motorcycle had valid insurance at the time of accident. In evidence the petitioner side did not mark the driving license of the first respondent motorcycle rider, RC book and insurance policy of the motorcycle. The insurer has not produced any evidence to establish breach of policy conditions or absence of a valid driving license. The burden to prove policy violation lies upon the insurer. Since no evidence has been adduced by the insurer, adverse inference cannot be drawn against the claimants. Accordingly, this Tribunal holds that the insurer has failed to establish any statutory defense under Section 149(2) of the Motor Vehicles Act. Therefore, this Tribunal is of the view that the motorcycle involved in the accident was under the cover of insurance and had valid driving license at the time of accident. The point No.2 is decided accordingly.

7. Point No.3:

As a result of the accident, the petitioner sustained Acromlo-clavicular dislocation left, rupture of left ACL logoment, fracture of conraciod process in left scapula and he has taken outpatient treatment at Orthomed Hospital as per Ex.P3 OP chit. Thereafter he had taken outpatient treatment at Dr.Amarnath R.Sowlee as per Ex.P4 wound certificate. When the petitioner was referred to the medical board, after examination the medical board fixed disability as 18%. The petitioner has stated that he was a Tailor. Considering the nature of injuries, period of treatment, percentage of disability assessed by the Medical Board and the absence of evidence regarding loss of earning capacity, this Tribunal deems it appropriate to award compensation under the percentage method under the following heads.

i) Partial disability

Since the disability found by the medical board is 18% and the accident occurred on 19.02.2023, as per the judgment of the **Honble Madras High court in CMA 13/2025 between the Revanth kumar vs M/s. Sun-X-Concrete India private limited and others dated 10.01.2025 in Para No.7 a sum of Rs. 1,80,000/- (18 x 10,000)** is awarded under this head

ii) Pain and suffering

The petitioner would have undergone acute pain at the time of the accident and throughout the period of recovery. Considering these aspects, this Tribunal awards a sum of **Rs.1,00,000/-** towards pain and suffering.

iii) Medical Expenses

The petitioner not produced any medical bills and hence no amount is awarded under this head.

iv) Attendant Charges

During the treatment period a person would have stayed and assisted the petitioner and hence a sum of **Rs.25,000/-** awarded under this head.

v) Transport Charges

Though the petitioner would have gone to hospital for few times, no transport bills are marked. However considering the treatment period, distance to hospital a sum of **Rs.15,000/-** is awarded under this head.

vi) Loss of Income

The petitioner stated that he was a Tailor and earned Rs. 25,000/- per month. But no documents are marked to prove his income and nature of work.

Hence, this court considering that his age was 20 at the time of accident and prevailed working atmosphere his notional income is fixed as Rs.17,500/-. The petitioner would have lost his income for four months. Hence this Tribunal is inclined to award **Rs.70,000/-** (4 x 17,500) under this head.

vii) Loss of Amenities

During the treatment time and in rest period certainly, he would have lost amenities by not able to perform his day-to-day activities and depending upon his family members. Hence under this head this Tribunal is inclined to award **Rs.30,000/-**.

viii) Extra nourishment

During the period of treatment and subsequent days he would have taken nutritious food to restore his body to normal condition. Hence under this head this Tribunal is inclined to award **Rs.20,000/-**.

The summing up of the award amounts under the various heads are as follows,

Part disability	Rs.1,80,000/-
Pain and Suffering	Rs.1,00,000/-
Loss of Income	Rs.70,000/-
Medical expenses	Nil
Attendant charges	Rs.25,000/-
Transportation	Rs.15,000/-
Loss of Amenities	Rs.30,000/-
Extra Nourishment	Rs.20,000/-
TOTAL	Rs. 4,40,000/-

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

(i)	An award of Rs.4,40,000/- (Rupees Four Lakhs and forty thousand only) is passed in favour of the petitioner with interest at 7.5% p.a. from the date of petition i.e., 07.03.2023 to till the date of payment payable by the 2 nd 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 Hon'ble Supreme Court of India in <i>Parminder Singh Vs. Honey Goyal & others, reported in 2025 (1) TN MAC 533 (SC)</i> , and directions of Hon'ble High Court, Madras in <i>Oriental Insurance Co. Ltd. v. D. Salsa in CMA No. 2064 of 2026 judgment dated 08.07.2026</i> , the 2 nd 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.11000100134649, Federal Bank, Anna Salai, ChennaiFDRL0001100
(iv)	The petitioner has paid a sum of Rs. 375/- towards Court fee. As per this award, the Court fee is Rs.3772.5/- The Advocate fee is fixed at Rs.11,400/-. The Additional Court fee of a sum of Rs.3,397.5/- shall be paid within 10 days.
(v)	The costs including Advocate fees for a sum of Rs.11,300/- and deficit court fees for a sum of Rs.3,397.5/- to be paid by 2 nd 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 2 nd respondent shall intimate the same to this Tribunal along with UTR Number and MCOP Number via Email ID chnccc.scc5-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 shall not render the respondent liable for additional interest for the period of such delay.

Dictated by me to the Typist and she directly typed it in the computer after corrections pronounced by me in Open Court, on this the 04th day of August 2026.

(M.SHAKKIRA BANU)
V Judge
COURT OF SMALL CAUSES
CHENNAI

Petitioner side witness: -

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	16.07.2025	Sadam Hussain (petitioner)	Ex.P1-Ex.P8

Petitioner side exhibits: -

Sl No.	Date	Document Particulars	Document Type
Ex.P1	--	Accident register	Photocopy
Ex.P2	04.03.2023	First information report	Photocopy
Ex.P3	--	OP chit	Photocopy
Ex.P4	--	Wound certificate	Photocopy
Ex.P5	--	Driving license of the petitioner	Original
Ex.P6		Aadhar card of the petitioner	Original
Ex.P7	--	PAN card of the petitioner	Photocopy
Ex.P8	--	Bank pass book of the petitioner	Photocopy

Respondent side witness and exhibits: Nil

Court Document:

Sl No.	Date	Document Particulars	Document Type
Ex.C1	--	Disability certificate of the petitioner issued by Medical Board.	Original

(M. SHAKKIRA BANU)
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Other Particulars

Date of filing of the petition	07.03.2023
Date of Award	04.08.2026
Amount Claimed under Compensation	Rs.17,00,000/-
Amount Awarded as Compensation	Rs. 4,40,000/-
Total Court Fees	Rs. 3,772.5/-
The Court Fee already paid	Rs. 375/-
Balance Court Fee to be Paid	Rs.3,397.5/-

Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs. 3,772.5/-
Vakalath	Rs. 10.00/-
Preparation of Summon Batta Charges	Rs. 40.00/-
Advocate Fees	Rs. 11,300/-
TOTAL	Rs. 15,122.5/- (rounded off to Rs.15,123/-)

(M.SHAKKIRA BANU)
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