



**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(III COURT OF SMALL CAUSES, CHENNAI)**

Present: Shri. M.DHARMAPRABU, M.A., M.L.,

III Judge, Court of Small Causes

Tuesday, the 30th day of June 2026

Motor Accidents Claims Original Petition No.2507 of 2024

CNR NO : TNCH09-003391-2024

Mr. K.Kalifulla, S/o. Kadhar Maideen,
No.1256, Dr.Ambedkar Nagar,
Velachery, Chennai – 600 042.

...Petitioner

-Vs-

The Managing Director,
Metropolitan Transport Corporation Ltd.,
No.2, Pallavan House,
Anna Salai, Chennai-600002.

...Respondent

Appearance:

M/s.S.Haridass, Counsel appearing for the Petitioner.

M/s.S.Manivannan, Counsel appearing for the respondent.

Upon perusing the entire records, I passed the following

AWARD

The Petitioner filed petition under Section 166 of the MV Act seeking for a compensation of Rs. 35,00,000/- for the injuries sustained by him in motor accident.

2. Crux of the Petition:

The Petitioner was aged about 75 years working as Plastic Goods Vendor thereby earning Rs. 1,000/- per day. On 13.02.2024 at about 13.10 Hours, when he was proceeding in his motorcycle bearing registration number TN 07 CQ 2685 from east to west on the Guindy Race Course Road near main gate, a bus belonging to the Respondent bearing registration number TN 01 AN 1714 which came in a rash and negligent manner and hit the petitioner and ran over the left leg of the petitioner



resulting grievous injuries. A criminal case was registered in Cr. No. 57/S2/2024 by J3 Guindy Traffic Investigation. Hence, the petition.

3. Crux of the Counter and Additional Counter of 2nd Respondent:

Denied the age, income and occupation of the petitioner and manner of accident. The driver of the bus was driving the vehicle carefully and cautiously. At that time, the petitioner, who was coming from the opposite direction, suddenly attempted to cross the road in order to take a U-turn from north to south in a rash and negligent manner, without noticing the approaching bus. On observing the same, the bus driver immediately sounded the horn, applied brakes, and attempted to stop the vehicle. Despite these precautions, the accident could not be avoided. Hence, the accident occurred solely due to the negligent act of the petitioner, who invited the accident. It is further submitted that the petitioner was not wearing a helmet at the time of the accident, thereby contributing to the severity of injuries. Therefore, the driver of the bus was not responsible for the accident. Additionally, the owner and insurer of the two-wheeler have not been impleaded as parties in the present petition, and hence, the petition is bad for non-joinder of necessary parties. Furthermore, the claim made by the petitioner is highly excessive, unsubstantiated, and unreasonable. Accordingly, the petition is liable to be dismissed.

4. Points for Determination:

1. On whose negligence did the accident occur?
2. Whether the petitioner is entitled to compensation? If so, to what quantum?

5. On the side of the petitioner, the petitioner examined himself as PW1 and Exs.P1 to P5 were marked. On the side of the respondent, the driver of the bus was examined as RW1 and Ex.R1 was marked. The petitioner was also referred to the Medical Board for assessment of permanent disability. The Medical Board assessed the permanent disability at 85%, and the Disability Certificate was marked as Ex.C1.



6. Answer to Point No. 1:

The petitioner is the injured claimant. Ex.P1 FIR reveals that a criminal case has been registered against the driver of the respondent bus, attributing rash and negligent driving on his part. Though the respondent examined the driver as RW1 and denied negligence, no credible documentary evidence, such as the rough sketch or any other contemporaneous record, was produced to substantiate the defence. Further, no independent witness was examined to prove the contention that the petitioner contributed to the occurrence of the accident. In the absence of cogent rebuttal evidence on the side of the respondent, the version of the petitioner, supported by Ex.P1, remains unshaken. Therefore, this Tribunal holds that the accident occurred solely due to the rash and negligent driving of the driver of the respondent bus. Accordingly, Point No. 1 is answered in favour of the petitioner.

7. Answer to Point No. 2:

(a) Ex.P2 is the Discharge Summary, which reveals that the petitioner was admitted to the hospital on 13.02.2024 and was discharged on 03.05.2024. It further discloses that the petitioner sustained a compound fracture of the left leg and underwent multiple surgical procedures and below-knee amputation of the left leg had been performed.

(b) Ex.P3 consists of the photograph of the petitioner, which clearly depict the grievous nature of the injuries and the amputation of the left lower limb. Ex.C1 is the Disability Certificate issued by the Medical Board, certifying that the petitioner has suffered 85% permanent disability on account of the injuries sustained in the accident. The petitioner remained as an inpatient from 13.02.2024 to 03.05.2024, during which period he underwent multiple surgical procedures. Considering the nature of the injuries, the prolonged period of hospitalization and the permanent disability suffered by the petitioner, this Tribunal is of the view that he is entitled to



just compensation under various heads.

Pain and Suffering & Loss of Amenities:

(c) As seen from Ex.P2, the petitioner underwent inpatient treatment for nearly 80 days. During the said period, he underwent multiple surgical procedures and ultimately suffered below-knee amputation of the left leg. Considering the above facts, the petitioner would have suffered a lot due to the surgeries and amputation. Taking into account the age of the petitioner, nature of the injuries and the period of treatment, this Tribunal awards a sum of **Rs.1,00,000/-** towards **pain and suffering**.

(d) The petitioner has permanently lost his left leg below the knee. Even though he was aged about 75 years at the time of the accident, the amputation has permanently restricted his mobility and deprived him of the normal amenities and comforts of life. Even after discharge from the hospital, he would inevitably have to depend upon others for several day-to-day activities. Considering the permanent disability, prolonged hospitalization and its continuing impact on his quality of life, this Tribunal awards **Rs.1,00,000/-** towards **loss of amenities**.

Loss of Earning Capacity

(e) The petitioner claimed that he was working as a plastic goods vendor earning Rs.1,000/- per day. Though no documentary evidence has been produced to establish either his occupation or income, it cannot be ignored that the petitioner was independently riding a motorcycle at the time of the accident, which probalilises his case that he was engaged in an avocation and earning his livelihood.

(f) The accident occurred on 13.02.2024. Taking into consideration the Cost Inflation Index applicable to the Financial Year 2023-2024, the prevailing wages and the nature of the avocation claimed by the petitioner, and applying the principles laid down in *Syed Sadiq v. United India Insurance Co. Ltd.*, (2014) 2 SCC 735 : 2014 (1) TN MAC 459 (SC) and *Andal @ Deepa v. Avinav Kannan and Another*, 2019



(1) **TN MAC 54 (DB)**, this Tribunal fixes the notional monthly income of the petitioner at **Rs.18,000/-**.

(g) The petitioner suffered below-knee amputation of the left leg. His avocation as a plastic goods vendor would be substantially affected. Though the Medical Board assessed the permanent physical disability at **85%**, this Tribunal is satisfied that the **functional disability** affecting his earning capacity can safely be taken at **85%**.

(h) The petitioner was aged 75 years at the time of the accident. Therefore, the appropriate multiplier applicable is '4', in terms of the principles laid down by the Hon'ble Supreme Court in *Sarla Verma and Others v. Delhi Transport Corporation and Another*, (2009) 6 SCC 121 : 2009 (2) TN MAC 1 (SC). Since the petitioner had crossed the age prescribed for addition of future prospects, no addition towards future prospects is permissible. Accordingly, the loss of earning capacity is calculated as follows. Therefore, Loss of earning Capacity is **Rs.7,34,400/-(Rs.18,000 × 12 × 85/100 × 4)**.

Transportation, Extra Nourishment and Attender Charges:

(i) The petitioner remained as an inpatient for nearly 80 days and underwent multiple surgeries before his discharge. Considering the above facts, he would have incurred expenses towards transportation, special nourishment and the assistance of an attendant. Even after discharge, considering the amputation of the left leg, he would have required the help of an attendant for his day-to-day activities till he manages by himself. Therefore, this Tribunal awards a consolidated sum of **Rs.75,000/-** towards **transportation, extra nourishment and attender charges**.

Damage to Clothes and Articles

(j) Towards damage to his clothes and personal articles, a sum of **Rs.5,000/-** is awarded.



Future Medical Expenses – Prosthetic Limb

(k) The petitioner has suffered permanent below-knee amputation of the left leg. He would necessarily require an artificial prosthetic limb for mobility. Such requirement is not confined to its initial procurement alone but also extends to its maintenance, servicing and eventual replacement. The Hon'ble Supreme Court, very recently, in *Prahlad Sahai v. Haryana Roadways and Another*, 2026 (1) TN MAC 789 (SC) has recognised that the cost of an artificial limb is not a one-time expenditure and that future expenses towards maintenance, servicing and replacement should also be taken into account while awarding just compensation. Having regard to the age of the petitioner and the nature of the permanent amputation, this Tribunal awards a sum of **Rs.5,00,000/-** towards future medical expenses for procurement, maintenance and replacement of a **prosthetic limb**.

(l) Thus, the petitioner is entitled to compensation under the following heads:

S.No.	Head	Amount (Rs.)
1.	Loss of Earning Capacity	7,34,400
2.	Pain and Suffering	1,00,000
3.	Loss of Amenities	1,00,000
4.	Transportation, Extra Nourishment and Attender Charges	75,000
5.	Damage to Clothes and Articles	5,000
6.	Future Medical Expenses (Prosthetic Limb)	5,00,000
	Total Compensation	15,14,400
	Rounded Off	15,14,000

(m) Thus, the petitioner is entitled to a total compensation of **Rs.15,14,000/- (Rupees Fifteen Lakhs and Fourteen Thousand only)** together with to interest at the rate of 6.5% per annum from the date of filing of the petition till the date of



deposit, provided the award amount is deposited within a period of two months from the date of this award. In the event of failure to deposit the award amount within the said period, the respondent shall pay interest at the rate of 7.5% per annum from the date of filing of the petition till the date of actual deposit.

8. Answer to Point No.3:

In view of the finding under Point No. 1 that the accident occurred solely due to the rash and negligent driving of the driver of the respondent bus, the respondent is vicariously liable to pay the compensation. Accordingly, the point is answered.

9. Result:

In fine,

(a) The Petition is partly allowed;

(b) The Petitioner is awarded a compensation of **Rs.15,14,000/- (Rupees Fifteen Lakhs and Fourteen Thousand only)** with interest at a rate of 6.5% p.a. from the date of filing of the petition till the date of deposit excluding the period of dismissal for default, if any;

(c) The Respondent is directed to deposit the said compensation amount in the **Tribunal's Account "Registrar (MACT), Court of Small Causes, Chennai Account No. 7103261207 IFSC No. IDIB000M157 Indian Bank, Madras High Court Branch, Chennai" within two months**; In default, the interest shall be at the rate of 7.5% instead of 6.5.% p.a.,

(d) Upon such deposit, the Respondent is directed to send a copy of **Bank Advice** to this Tribunal and a copy of the same to be sent to the Petitioner;

(e) On petition for withdrawal of the amount, excluding the Costs, Advocate Fees, etc., the rest of the amount shall be transferred to the Petitioner/claimant's bank account details of which are furnished below through RTGS/NEFT.

(f) The petitioner is directed to deposit the **deficit court fees** for the award amount **within two weeks** from the date of this order, if not already paid and only on



such deposit, the Petitioner is entitled for disbursement;

(g) The Advocate fees is fixed as **Rs. 22,140/-**.

REQUIRED PARTICULARS

1.	Date of Presentation	28-03-2024
2.	Date of filing	07-06-2024
3.	Compensation Claimed	Rs. 35,00,000/-
4.	Court fees paid	Rs. 375/-
5.	Compensation Awarded	Rs. 15,14,000/-
6.	Court Fees payable on the Award	Rs. 14,512.50/-
7.	Deficit Court fees Payable (6-4)	Rs. 14,137.50/-
8.	Petitioner's Bank Name and Branch	UCO Bank, Sowcarpet
9.	Petitioner's Account number and IFSC code	00420110072776, UCBA00000042.
10.	Petitioner's Aadhar	4044 7637 1982
11.	Petitioner's PAN	Not Furnished
12.	Default period, if any	---

Additional court fee paid, MP SR.No.....; dated

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	-	14,512	. 50			
Stamp on Vakalat	-	20	. 00			
Stamp for process	-	40	. 00		-- not filed --	
Advocate fees	-	22,140	. 00			
Costs allowed	-	36,712	. 50			



//Dictated to the Steno typist, typed by him in the computer directly, corrected and pronounced by me in the open Court, on this Tuesday, the 30th day of June 2026.//

III Judge
Court of Small Causes, Chennai.

Annexure:

Petitioner's side Witness:

P.W.1 : Mr. Kalifulla, Petitioner

Petitioner's side Exhibits:

Ex.P1 : FIR Copy

Ex.P2 : Discharge Summary

Ex.P3 : Photo

Ex.P4 : Aadhar Card

Ex.P5 : Bank Pass Book

2nd Respondent side Witness:

R.W.1 : Mr. Sindhukumar

2nd Respondent side Exhibits:

Ex.R1 : Driving License

Court Document:

Ex.C1 : Disability certificate

III Judge
Court of Small Causes, Chennai.

Note:

(a) In view of Sub-rule 6 of Rule 20 of TNMAC Rules, 1989 and **M/S.Cholamandalam MS Genl. Ins Co Ltd. v. Mr. Ayyanar & Ors., Tr.CMP. No. 264-281/2020 dt. 11.05.2020**, Drafting of Decree has been dispensed with by direction of the Hon'ble High Court.

(b) Advocate Fees are fixed by the Tamil Nadu State Legal Authority Act Circular dated 17.10.2016 and Rule 20(5) of Tamil Nadu Motor Vehicles Accident Claims Tribunal Rules 1989.

(c) Digitally Signed copy of the Award shall be utilized for all the purposes.