

Before the Motor Accident Claims Tribunal**(II Court of Small Causes, Chennai)****Present: Thiru.A.B. Naseer Ali., B.A., B.L.,****Thursday the 16th day of July 2026****Motor Accident Claims Original Petition No.1204 of 2022****CNR No.TNCH09-003474-2022**

Janakiraman,
No.212, Mettu Street, 63 Venpakkam,
Venkatapuram, Chengalpet,
Kanchipuram Dist.,
Pin – 603 204.

...Petitioner

-Vs-

1. R. Sudharsan,
S/o. Raghu,
No.168, Indhira Nagar,
Salavakkam, Uthiramerur,
Kanchipuram Dist., Pin – 603 107.

2. United India Insurance Co., Ltd.,
Motor Third Party Claims Cell,
4th Floor, Silingi Building,
No.134, Greams Road,
Chennai - 6.

...Respondents

Counsels on Record:-

For Petitioner	Mr.V. Vijayaraghavan
1 st Respondent	<i>Ex parte.</i>
For 2 nd Respondent	Mr.S. Subramania Raja

This claim petition came before this tribunal for final hearing on 09.07.2026.

Both sides had been heard already. Upon perusal of records including the written arguments filed on behalf of both sides and having stood over for consideration till

this date, this tribunal delivers the following:-

ORDER.

1. This petition has been filed under Section 166 of the Motor Vehicles Act (MV Act) seeking compensation of Rs.17,00,000/- for the injuries sustained by the Petitioner in a motor accident.

2. Gist of Petition:-

(a) On 10.02.2022 at about 20.00 hrs, when the petitioner was riding a bike bearing Reg.No.TN 02 M 9109 along with his friend from Padappai to his house via Sriperumbudur to SP Koil Salai, while waiting at the Thellimedu Junction on the left side of the road to turn on the right side of the road to reach his residence, a bike bearing Reg.No.TN 19 AM 8256 was driven in a rash and negligent manner which came on the back side and dashed against the petitioner's vehicle and caused grievous injuries, to the petitioner.

(b) The 1st Respondent is the owner and the 2nd respondent is the insurer of the vehicle and they are jointly and severally liable to pay compensation to the petitioner with interest and costs. Hence, this petition.

3. Gist of Counter of 2nd Respondent:-

(a) All the averments in the petition are denied except those which are specifically admitted.

(b) It is denied that the driver of the alleged offending motorcycle had valid driving license at the time of accident.

- (c) It is denied that the vehicle was duly insured with the second respondent and it has to be proved by the petitioner.
- (d) The age, income, avocation and the alleged injury are all denied.
- (e) The accident occurred only due to the negligence on the part of the petitioner or at the least, due to his contributory negligence.
- (f) The case is bad for non-joinder of necessary parties, i.e., owner and insurer of the vehicle ridden by the petitioner.
- (g) The compensation claimed under various heads is high and the interest claimed is exorbitant. Hence, the petition is liable to be dismissed.

4. Points for Consideration:-

1. Whether the claimant is entitled to get compensation from the second respondent?
2. Whether pay and recovery shall not be ordered, if the driver of first respondent is found to have no valid driving license at the time of accident?
3. What is the quantum?

5. On the side of the petitioner, he was examined as P.W.1 and Ex.P1 to Ex.P16 were marked. On the side of the 2nd respondent, two witnesses were examined as RW1 and RW2 and Ex.R1 to R7 were marked. The Disability Certificate issued by the Regional Medical Board, Government Royapettah Hospital, Chennai has been marked as Ex.C1. R1 remained *ex parte*.

6. Point Nos.1 & 2:-

- (a) Records were perused. Ex.P9, the copy of First Information Report (FIR) reveals that on 10.02.2022 around 20.00 Hrs while the petitioner was riding motorcycle bearing registration number TN 02 M 9109 along with his friend from Padappai to his house, via Sriperumpudhur to SP Koil salai and while waiting at Thellimedu Junction on the left side to turn on the right side, a bike bearing registration number TN19 AM 8256 which was driven in a rash and negligent manner dashed the petitioner, who sustained grievous injuries.
- (b) As per the judgment in *TNSTC VS Nagamalli and others*, reported in 2015 SCC Online MAD 13441 strict proof is not required in petitions like this. Hence, with the available evidence as pointed out above, it is concluded that the accident occurred only due to the rash and negligent driving of the driver of the said first respondent's motorcycle.
- (c) As per Ex.R2, copy of the motor vehicle inspection report, the first respondent is the owner and the second respondent is the insurer of the said motorcycle bearing registration number TN 19 AM 8256 during the relevant date of accident. Hence, the second respondent cannot escape from its liability.
- (d) However, as per the evidence of RW1 and RW2 and also of Ex.R2, the copy of motor vehicle inspection report and Ex.R3, copy of check report, the first respondent who drove his vehicle had no driving license by that time. The effort taken by the second respondent to produce the driving license is revealed

vide the notice issued under Ex.R5. It was received which is evident from the acknowledgment card, Ex.R6. In spite of the efforts, the driving license was not produced, it seems. Even before this tribunal no such driving license has been produced, which takes this tribunal to infer that R1 had no driving license at the time of accident.

(e) Now the next point to be considered is whether the insurance company should be held as of absolved from all liabilities, as per the amended Act, since the first respondent had no valid driving license. The answer is an emphatic 'No'. In support of the view, the learned counsel for the petitioner relied upon the judgment in *The Branch Manager, SBI General Insurance Co. Ltd. vs. Muthulakshmi and Others*, 2025 (1) TN MAC 597. So, the second respondent cannot escape from its liability. It has to **pay and recover the same from the first respondent**.

(f) Accordingly, point No.1 is answered in favour of the petitioner and point No.2 is answered as against the first respondent.

7. Point No.3 :-

(a) Medical Board Report marked as Ex.C1 reveals that the petitioner suffers 56% permanent disability. It is stated that his disability is locomotor disability, which means that there is a restricted movement. But it appears that this restricted movement has occasioned because of infective non union of fractured bones. There is no clear evidence or report as to whether this

infection will continue to be there for a lifelong time since the infections may get cured on proper medication and follow up. Therefore, the tribunal estimates the disability that may affect the functionality only up to 40%. In such view of the matter, the tribunal does proceed to apply multiplier method to calculate his disability with the said 40%.

(b) The claimant is said to be a painter by profession and was earning a sum of Rs.20,000/- per month. But there is no proof for both. The learned counsel for the petitioner requested to fix more amount per month as notional income for the year 2022. As per *Valliyammal and others Vs A. Muhammed Thameema Noor*, (CMA.1492/2025 of our Hon'ble Madras High Court) notional income for the year 2022, a sum of Rs.20,000/- was fixed. This accident also occurred in the same year. Hence, this tribunal fixes **Rs.20,000/-** as monthly income of the petitioner.

(c) As per his Aadhar Card marked as Ex.P10, he was born in 1972. Hence, his age must be 49 or 50 in the year 2022. As per *National Insurance Co., Ltd., VS Pranay Sethi and others*, reported in 2017 (2) TN MAC 609 (SC), in case of self employed persons aged 40 – 50 an addition of **25%** of future prospects shall be given. And for the petitioner's age, the appropriate **Multiplier** will be **13**.

(d) Therefore, the disability is calculated as follows:

(e) $\text{Rs.20,000} \times 12 = \text{Rs.2,40,000/-} + 25\% = \text{Rs.3,00,000/-}$

(f) $\text{Rs.}3,00,000 \times 13 = \text{Rs.}39,00,000/- \times 40\% = \text{Rs.}15,60,000/-$

(g) Hence, for **Disability** a sum of **Rs.15,60,000/-** is awarded.

(h) As the petitioner has been awarded for loss of future income with multiplier method, taking guidance from the judgment in *Kumar Vs Harish* (C.M.A.No.2039/2015 of Hon'ble Madras High Court) compensation towards **Loss of Income** is not awarded.

(i) Considering the nature of injury and period of treatment for **Pain and Sufferings** a sum of **Rs.50,000/-** is awarded.

(j) The petitioner was in hospitals on five occasions and took treatment as inpatient for about 33 days in total. Hence, for **Attender's Charges** the petitioner is entitled to **33 days X Rs.500/- = Rs.16,500/-**

(k) As pointed out already, the petitioner has visited hospitals for about 5 times. So, for **Transport Charges** a sum of **Rs.25,000/-** is awarded.

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

(m) For **Loss of Clothes** a sum of **Rs.3,000/-** is awarded.

(n) For **Loss of Amenities**, considering the infected wound and nature of injury a sum of **Rs.50,000/-** is awarded.

(o) The petitioner has produced medical bills as per Ex.P6 to the tune of Rs.4,01,600/- (those without seal or sign are not taken into account), as per Ex.P7 to the tune of Rs.15,200/-, as per Ex.P15 to the tune of Rs.2,25,000/- and as per Ex.P16 to the tune of Rs.18,229/- respectively, totally for a sum of

Rs.6,60,029/-. No doubt, he is entitled to the said sum under the head of **Medical Expenses**.

(p) The petitioner has claimed only lesser amount. However, as per the judgment in *Nagappa Vs Gurudayal Singh and others* (2002 INSC 504) just compensation shall only be awarded though lesser sum has sought for. The deficit court fees shall be paid by the petitioners.

(xi) CALCULATION:

1. Disability	:	Rs.	15,60,000/-
2. Pain and Sufferings	:	Rs.	50,000/-
3. Attender Charges	:	Rs.	16,500/-
4. Transport Charges	:	Rs.	25,000/-
5. Extra Nourishment	:	Rs.	10,000/-
6. Loss of clothes	:	Rs.	3,000/-
7. Loss of Amenities	:	Rs.	50,000/-
8. Medical Expenses	:	Rs.	6,60,029/-
Total Compensation is fixed at	:	Rs.	<u>23,74,529/-</u>

(q) Accordingly, this point is answered partly in favour of the petitioner.

8. In the result,

- 1) the petition is allowed to award a sum of **Rs.23,74,529/-** with interest at the rate of 7.5 percent from the date of petition i.e., 17-03-2022 till the date of realization and costs, excluding the period of default if any.
- 2) The said award amount including interest and costs shall be paid directly to the bank account of the claimant, the details of which are given below directly by

the second respondent within thirty days through net banking after deducting the deficit court fees for a sum of Rs.22,743/- which shall be paid/deposited before this tribunal by the second respondent within thirty days.

- 3) The insurance company shall intimate this tribunal about the payment of court fees as well as the payment of compensation to the claimant with a copy of proof of the transaction details immediately after the compliance.
- 4) In case if the bank account of the claimant is inoperative, the same shall be intimated by the insurance company to the claimant under intimation to this tribunal with proof in which event the claimant shall furnish the correct account details within two weeks since then. The insurance company need not pay interest from the date of initial transaction till the date of furnishing of correct bank particulars by the claimant.
- 5) The 2nd respondent is entitled to recover the compensation amount with interest and costs from the 1st respondent after compliance.
- 6) Bank Account Details of the Claimant are as follows:

The Petitioner name is **Mr. Janakiraman**

Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Tamil Nadu Grama Bank, Chengalpattu Branch	A/c.No.10187764355 IFSC Code:-IDIB0PLB001	212860987347	Not Furnished

- 7) The petitioner is hereby directed to furnish the self attested copy of PAN card to this tribunal and also to the 2nd respondent within a period of fifteen days

from today without fail.

- 8) The court fee paid along with the petition is Rs.375/-.
- 9) The court fee for the award amount is Rs.23,118/-. The deficit court fee of Rs.22,743/-.
- 10) Advocate fee is Rs.30,745/-.
- 11) The 2nd respondent shall pay to the petitioner a sum of Rs.53,923/- towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	14-03-2022
Date of taken up on file	-	17-03-2022
Compensation claimed in the M.C.O.P.	-	Rs.17,00,000/-
Compensation awarded in this petition	-	*Rs.22,18,529/-
	-	*Rs.23,74,529/-

***(Amended as per office order No.6/2026, dated 22.07.2026)**

Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.23,118/-
Additional court fee shall be paid	-	Rs.22,743/-
Additional court fee paid, MP SR.No.....; dated		

Cost List for the petitioner

STATEMENT OF COSTS

For the petitioners

For the Respondents

STATEMENT OF COSTS

	<u>Rs.</u>	<u>P.</u>	<u>Rs.</u>	<u>P.</u>
Stamp on petition	-	23,118 . 00		
Stamp on Vakalat	-	10 . 00		
Stamp for process	-	50 . 00	-- not filed --	
Advocate fees		30,745 . 00		
Costs allowed	-	53,923 . 00		

As per the direction of the Honourable High Court, decree is not drafted separately.

This order was partly typed by me in laptop and was partly dictated to the steno typist, transcribed by her, corrected and pronounced by me in the open Court, on this the 16th day of July 2026.

(//Sd//.A.B. Naseer Ali)
II Judge, MACT
(Court of Small Causes, Chennai)

Petitioner Side Witness:

P.W.1 : Mr. Janakiraman

Petitioner Side Documents:

Ex.P1	Accident Register	Copy
Ex.P2	Discharge summary issued by Parvathy Hospital	Original
Ex.P3	Discharge summary issued by Chengalpattu Medical College & Hospital	Original
Ex.P4	Wound certificate	Copy
Ex.P5	Continuous treatment record	Original
Ex.P6	Medical bills	Original

Ex.P7	Pharmacy bills	Original
Ex.P8	Final bill	Original
Ex.P9	FIR	Original
Ex.P10	Aadhar card	Copy
Ex.P11	Bank pass book	Copy
Ex.P12	Discharge summary issued by Dr. Kumar's Hospital	Original
Ex.P13	Discharge summary issued by Dr. Kumar's Hospital	Original
Ex.P14	Day care summary issued by Dr. Kumar's Hospital	Original
Ex.P15	Medical bills	Original
Ex.P16	Pharmacy bills	Original

2nd Respondent Side Witness :

RW1 - Mr.M. Vasu
RW2 - Mr.S. Jawahar

2nd Respondent Side Documents:

Ex.R1	Authorization letter with employee ID card copy of RW1	Original
Ex.R2	MVI report of 1 st respondent's vehicle	Copy
Ex.R3	Check report of Motor cycle Reg.No.TN 19 AM 8256	Copy
Ex.R4	Authorization letter of RW2	Copy
Ex.R5	Legal notice to 1 st respondent (owner cum driver of the car) with postal receipt	Copy
Ex.R6	AD card	Original
Ex.R7	Insurance policy	Copy

Court Side Document:

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

(//Sd//.A.B. Naseer Ali)
II Judge, MACT
(Court of Small Causes, Chennai)