

Before the Motor Accident Claims Tribunal**(II Court of Small Causes, Chennai)****Present: Thiru.A.B. Naseer Ali., B.A., B.L.,****Friday the 10th day of July 2026****Motor Accident Claims Original Petition No.2176 of 2020****CNR No.TNCH09-003757-2020**

Mr. Balaji Singh,
S/o. Radhakrishnan Singh,
No.680, R-Block, SVM Nagar, Vottery,
Perambur Barracks,
Chennai – 600 012.

...Petitioner

-Vs-

1. Mr. Vinoth Kumar.G,
S/o. Govindan,
No.278, Vinayagar Koil Street,
Chengalpattu Nenneli,
Kancheepuram – 603 002.

2. Shriram General Insurance Co., Ltd.,
No.36, 3rd Floor, S.P. Complex,
Wall Tax Road,
Sowcarpet, Chennai – 600 079.

...Respondents

Counsels on Record:-

For Petitioner	M/s.S. Devan, Elamaran, Rajasingh and S. Murugan
1 st Respondent	<i>Ex parte.</i>
For 2 nd Respondent	Mr.S. Stanley John

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

Both sides had been heard already. Upon perusal of records 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.30,00,000/- for the injuries sustained by the petitioner in a motor accident.

2. Gist of Petition:-

- (a) On 12.08.2020 around 14.45 Hrs when the petitioner was riding his motorcycle bearing registration number TN05 X 2149, a car bearing registration number TN19 R 5038 which was driven in a rash and negligent manner from east to west, hit the petitioner, out of which the petitioner sustained injuries.
- (b) The above accident occurred only due to the rash and negligent driving of the driver of the above said car. The first respondent is the owner and the second respondent is the insurer of the above said vehicle and they are liable to pay compensation to the petitioner and 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) The petitioner has to prove that there was a valid insurance policy and other vehicular records.
- (c) The respondent denies the manner of accident alleged. It is submitted that the driver of the car was under the influence of alcohol and the FIR has been filed including the offence alleged under section 185 of the MV Act.

- (d) It is denied that the driver of the alleged offending motorcycle had valid driving license at the time of accident. The accident occurred only due to the rash and negligent driving of the petitioner.
- (e) It is denied that the vehicle was duly insured with the second respondent and it has to be proved by the petitioner.
- (f) The age, income, avocation and the alleged injury are all denied.
- (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 petitioner is entitled to compensation from the 2nd respondent?
2. Whether pay and recovery is to be ordered as requested by the 2nd respondent?
3. What is the quantum?

5. On the side of petitioner, he was examined as PW1 and Ex.P1 to Ex.P16 were marked. On the side of the 2nd respondent, one witness was examined as RW1 and Ex.R1 to R5 were marked. The Disability Certificate issued by the Regional Medical Board, Rajiv Gandhi Government General Hospital, Chennai has been marked as Ex.C1. R1 remained *ex parte*.

6. Point No.1:-

- (a) Records were perused. Ex.P2, the copy of First Information Report (FIR) reveals that on 12.08.2020 around 14.45 Hrs on Paruthipattu Koladi Road when the petitioner was riding his motorcycle bearing registration number

TN05 X 2149, a car bearing registration number TN19 R 5038 which was driven in a rash and negligent manner from east to west hit the petitioner out of which the petitioner sustained 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 above, it is concluded that the accident occurred only due to the rash and negligent driving of the driver of the said car. Accordingly, this point is answered in favour of petitioner.

7. Point No.2:-

- (c) As per Ex.P4, copy of the insurance policy, the first respondent is the owner and the second respondent is the insurer of the said offending car during the relevant date of accident. Hence, the second respondent cannot escape from its liability.
- (d) However, even as per the FIR, the car driver Kannan was in a drunken mood. Further, the final report marked as Ex.R3 proves that the accused driver Kannan has been charged with section 185 of the MV Act which means that the driver was under the influence of alcohol.
- (e) It was also stated that the said driver rode the car without driving license and a notice was also issued to produce it before the second respondent. It appears that no driving license was produced before it. However, in this petition the said driving license has been marked as Ex.P5. Therefore, it is clear that the

driver had valid driving license. But he was under the influence of alcohol.

(f) Whether the second respondent has to be absolved from all liabilities since the driver rode the car in a drunken mood is the next point to be considered. It is the settled position that in case of policy violation, the insurer has to pay first and may recover later from the insured. Therefore, the second respondent has to pay compensation to the petitioner and it is entitled to get back the amount paid by it from the first respondent.

(g) Therefore, **the petitioner is entitled to get compensation from the second respondent, which can recover from R1.**

(h) Accordingly, this point is answered in favour of the petitioner and as against the first respondent.

8. Point No.3 :-

(a) Medical Board Report marked as Ex.C1 reveals that the petitioner suffers 50% disability. However, the very same report reveals that it is not functional disability. When there is a specific report that it is not functional disability, the tribunal is not inclined to award compensation by applying multiplier method, though there are several medical records to show that the petitioner had suffered a long time to get recovered.

(b) As per the judgment in *M.Chinnathambi vs. Deepa*, for the accident of the year 2020 a sum of Rs.6,000/- to be given per percentage. Therefore, the petitioner is entitled to **Rs.6,000/- X 50 = Rs.3,00,000/- for Disability.**

(c) The petitioner was said to have been working as a Security Guard and was earning Rs.19,058/- per month. His salary slip has been marked as Ex.P10 to prove the same. Hence, his monthly income is the said amount.

(d) From Ex.P6, several Discharge Summaries it could be ascertained that the petitioner had traveled a long way to get recovered. Right from 12.08.2020 till 31.09.2020 he was in hospital. Thereafter, from 15.10.2020 till 30.11.2020 he was in hospital for the second time. Again he got admitted on 03.01 2021 and was discharged on 09.02.2021. The next time he was admitted on 15.11.2021. The said discharge summary observes that “ 1 year old non union of right distal femur fracture” which means that the thigh bone i.e., femur above the knee failed to heal. So, the petitioner had not got healed completely even after almost a year. So, he would have been suffering all those days. Again, he was admitted into hospital on 05.01.2022 and was discharged on 12.01.2022. Thus, the petitioner was admitted 5 times and was inpatient for about 86 days and surgery procedures had been done for two times. Therefore, this tribunal takes the period from 12.08.2020 till 12.02.2022 (after a month after final discharge) as the period when the petitioner would not have been in a position to go for his avocation. Thus, he is entitled to loss of income for 18 months as follows:

Rs.19,058/- X 18 =Rs.3,43,044/- for Loss of Income.

(e) As pointed out already, since the petitioner was inpatient for about 86 days he is entitled to **Attender's Charges** as follows: **Rs.500/- X 86 days =**

Rs.43,000/-.

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

(g) As per the FIR, the claimant was taken to hospital by 108 ambulance which is served at free of cost. However, thereafter he had to go to hospital for about four more times. So, for **Transport Charges** a sum of **Rs.25,000/-** is awarded.

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

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

(j) For **Loss of Amenities**, considering the nature of injury and also the observation in the Disability Certificate that the disability affects day to day life and also the earning capacity a sum of **Rs.1,00,000/-** is awarded.

(k) The petitioner has produced medical bills to the tune of **Rs.4,80,120/-**. No doubt, he is entitled to the said sum under the head of Medical Expenses.

(xi) CALCULATION:

1. Disability	:	Rs.	3,00,000/-
2. Loss of Income	:	Rs.	3,43,044/-
3. Attender's Charges	:	Rs.	43,000/-
4. Pain and Sufferings	:	Rs.	50,000/-
5. Transport Charges	:	Rs.	25,000/-
6. Extra Nourishment	:	Rs.	10,000/-
7. Loss of clothes	:	Rs.	3,000/-
8. Loss of Amenities	:	Rs.	1,00,000/-
9. Medical Expenses	:	Rs.	4,80,120/-
Total Compensation is fixed at	:	Rs.	<u>13,54,164/-</u>

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

9. In the result,

- 1) this petition is partly allowed and a sum of **Rs.13,54,164/- (Rupees Thirteen Lakhs Fifty Four Thousand One Hundred and Sixty Four)** 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., 01-10-2020 till the date of realization, **payable by the 2nd respondent, which can recover from R1**. 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** through NEFT or RTGS mode within a period of thirty days from this date, under intimation to this tribunal with the copy of the transaction details.
- 3) It is also made clear that the petitioner is entitled to withdraw the amount if deposited by the 2nd respondent as per the terms of this award only in the event of payment of court fees, if any to be deposited as directed through this award. The registry shall ensure the payment of entire court fees before transferring the compensation amount to the account of the petitioner.
- 4) 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's Name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Mr. Balaji Singh	Indian Overseas Bank, Kellys Branch	A/c.No. Not clear IFSC Code:- Not clear	254890876007	FYWPB5079P

- 5) 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 Bank pass book to this tribunal within a period of fifteen days from to-day without fail.
- 6) The Court fee paid along with the petition is Rs.375/-.
- 7) The Court fee for the award amount is Rs.12,914/-. The deficit court fee of Rs.12,539/- shall be paid by the petitioner within two weeks from the date of order.
- 8) Advocate fee is Rs.20,542/-.
- 9) The second respondent shall pay to the petitioner a sum of Rs.33,516/- towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	28-09-2020
Date of taken up on file	-	01-10-2020

Compensation claimed in the M.C.O.P.	-	Rs.30,00,000/-
Compensation awarded in this petition	-	Rs.13,54,164/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.12,914/-
Additional court fee shall be paid	-	Rs.12,539/-
Additional court fee paid, MP SR.No.....; dated		

Cost List for the petitioner

STATEMENT OF COSTS

For the petitioners

For the Respondents

		<u>Rs.</u>	<u>P.</u>		<u>Rs.</u>	<u>P.</u>
Stamp on petition	-	12,914	. 00			
Stamp on Vakalat	-	10	. 00			
Stamp for process	-	50	. 00	-- not filed --		
Advocate fees		20,542	. 00			
Costs allowed	-	33,516	. 00			

The direction regarding copy of the Judgment and decretal order to be prepared under Sub rule 6 of Rule 20 of TNMAC Rules, 1989, as per Honourable Madras High Court's communication in R.O.C.No.390-A/2014/F1 dated 13.02.2014 is 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.

Part of this order was typed by me in laptop and part of it was dictated by me to the steno typist, transcribed by her, corrected and pronounced by me in the open Court, on this the 10th day of July 2026.

II Judge, MACT
(Court of Small Causes, Chennai).

Petitioner Side Witness:-

P.W.1 : Mr. Balaji Singh

Petitioner Side Documents:-

Ex.P1	Accident Register	Copy
Ex.P2	FIR	Copy
Ex.P3	RC of 1 st respondent's vehicle	Copy
Ex.P4	Insurance policy	Copy
Ex.P5	Driving licence of 1 st respondent's vehicle driver	Copy
Ex.P6	Discharge summary	Original
Ex.P7	Medical bills	Original
Ex.P8	Driving licence of petitioner	Copy
Ex.P9	Employee ID card	Original
Ex.P10	Salary slip	Copy
Ex.P11	PAN card	Copy
Ex.P12	Aadhar card	Copy
Ex.P13	Disability certificate, ID card and pass book	Copy
Ex.P14	Bank pass book	Copy
Ex.P15	X-rays	Original
Ex.P16	Family card of petitioner	Copy

2nd Respondent Side Witness :-

RW1 - Mr.S. Priyavanan

2nd Respondent Side Documents:-

Ex.R1	Authorization letter	Original
Ex.R2	Insurance policy	Copy
Ex.R3	Final report	Copy
Ex.R4	Legal notice with postal cover and AD card	Original
Ex.R5	Medical bills verification report	Copy

Court Side Document:

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

**II Judge, MACT
(Court of Small Causes, Chennai).**