

**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

Wednesday, this the 15th day of July 2026

MCOP No.1779/2022

CNR No.TNCH09-004399-2022

Puspa,
aged about 61 years,
W/o.Maikel,
No.106, Giri nagar, Purasawalkam,
Chennai - 600 007.

...Petitioner

Vs.

G. Prabhu Kumar,
No.32, Eden Garden,
Cooks Road, Otteri,
Chennai - 600 012.

...Respondent

This petition came up on **0.07.2026** for final hearing before me in the presence of **Mr. Thanjai Chezian** Counsel for the petitioner and **Mr. N. Naresh** Counsel for the respondent 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.6,00,000/-** with interest and costs.

1. Brief averments in the petition:

The petitioner submitted that on 09.02.2022 at about 20.25 hours while the petitioner was walking along Purasawalkam brickkiln road, Door No.84, near

Pavithra Tea Shop, from west to east direction and crossing the said road at that time a motorcycle bearing Reg. No.TN 05 AA 9455 came from south to north direction, driven in rash and negligent manner endangering to the public safety and hit the pedestrain petitioner and thereby caused the accident. As a result the petitioner fell down and sustained grievous injuries. The above accident occurred only due to rash and negligent manner of the respondent motorcycle driver. Hence, the respondent being owner and driver of that motorcycle are liable to pay compensation to the petitioner.

2. Brief Averments in the Counter of the Respondent:

The respondent denies all the allegations contained in the petition except those that are expressly and specifically admitted herein and put the petitioner to strict proof of the same. The respondent denied the age, occupation, income of the petitioner, address, injuries, damages. The respondent denied the petitioner walked with out help of other after treated as OP due to her old age and age related alimnet may caused the uplift the weight. The compensation amount claimed by the petitioner is highly excessive. Hence prayed for dismissal.

3. Evidence:

The petitioner was examined as PW1 and marked Ex.P1 to Ex.P7. On the respondent side, the respondent was examined as RW1 and no documents marked.

4. Points for determination :

1)	Whether the accident occurred due to the rash and negligent driving of the respondent motorcycle rider?
2)	Whether the 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:

It is pertinent to note that with regard to the accident, police complaint was lodged by the petitioner son namely M.Anandan to Anna nagar traffic investigation wing and Ex.P1 FIR was registered in Crime No.29/2022 U/s. 279 and 338 IPC against the respondent motorcycle rider. PW1 has deposed regarding the manner of the accident, and her evidence has remained substantially unshaken in cross-examination. Though the respondent examined himself as RW1 and denied negligence, no independent evidence has been produced to disprove the petitioner's version. It is well settled that an FIR is not conclusive proof of negligence. However, in a claim petition under Section 166 of the Motor Vehicles Act, negligence need not be proved beyond reasonable doubt and has to be decided on the basis of preponderance of probabilities. Considering the oral and documentary evidence on record, this Tribunal holds that the accident occurred due to the rash and negligent riding of the motorcycle bearing Registration No. TN 05 AA 9455. Point No.1 is decided accordingly.

6. Point No.2:

In evidence the petitioner marked Ex.P4 registration certificate of the motorcycle and Ex.P5 driving license of the respondent. The respondent has not disputed the genuineness of Ex.P5 and there is no material to show that the driving licence was invalid on the date of the accident. During cross-examination, RW1 admitted that the offending vehicle was not covered by a valid insurance

policy at the time of the accident. In the absence of any valid insurance coverage, the liability to pay compensation rests upon the registered owner of the offending vehicle. Hence the Respondent owner of the vehicle is primarily liable to pay the compensation to the victim. The point No.2 is decided accordingly.

7. Point No.3:

As a result of the accident, the petitioner sustained abrasions over the knee, swelling, tenderness and injuries to right arm and she was admitted at KMC Govt Hospital on 09.02.2022 after the accident as per Ex.P2 outpatient records. Again she was admitted at RGGGH as inpatient from 09.02.2022 to 10.02.2022 as per the Ex.P6 discharge summary. When the petitioner was referred to the medical board, after examination the medical board fixed disability as 14%. The petitioner has stated that she was a flower vendor. Hence there is no for loss of job. 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 14% and the accident occurred on 09.02.2022, 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.1,40,000/- (14 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.50,000/-** towards pain and suffering.

iii) Medical Expenses

Since the petitioner underwent treatment in a Government Hospital and no medical bills have been produced, no amount is awarded under this head.

v) Attendant Charges

During the treatment period a person would have stayed and assisted the petitioner and hence a sum of **Rs.15,000/-** awarded under this head.

vi) 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.

vii) Loss of Income

The petitioner stated that she was a flower vendor and earned Rs.200/- per day. But no documents are marked to prove her income and nature of work. Hence, this court considering that her age was 61 at the time of accident and prevailed working atmosphere her notional income is fixed as Rs.16,500/-. The petitioner would have lost her income for one month. Hence this Tribunal is inclined to award **Rs.16,500/-** (1 x 16,500) under this head.

viii) Loss of Amenities

During the treatment time and in rest period certainly, she would have lost amenities by not able to perform her day-to-day activities and depending upon her family members. Hence under this head this Tribunal is inclined to award **Rs.15,000/-**.

ix) Extra nourishment

During the period of treatment and subsequent days she would have taken nutritious food to restore her body to normal condition. Hence under this head this Tribunal is inclined to award **Rs.15,000/-**.

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

Part disability	Rs.1,40,000/-
Pain and Suffering	Rs. 50,000/-
Loss of Income	Rs. 16,500/-
Medical expenses	Nil
Attendant charges	Rs. 15,000/-
Transportation	Rs. 15,000/-
Loss of Amenities	Rs. 15,000/-
Extra Nourishment	Rs. 15,000/-
TOTAL	Rs. 2,66,500/-

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

(i)	An award of Rs. 2,66,500/- (Rupees Two lakhs and sixty six thousand and five hundred only) is passed in favour of the petitioner with
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	interest at 7.5% p.a. from the date of petition i.e., 19.04.2022 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)	The compensation amount shall be deposited into this court Bank 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 within two months.
(iv)	Considering the long pending of this OP and age of the petitioner, on deposit the petitioner permitted to withdraw the entire amount on separate application.
(v)	On petition for payment of the above said initial amount excluding, costs, Advocate fees and bank charges due and payable to the petitioner/claimant which shall be transferred to petitioner/claimant's bank account No.6294260968, Indian Bank, Purasawalkam Branch, IFSC -IDIB000P056 through RTGS (or) NEFT.
(vi)	The petitioner has paid a sum of Rs. 375/- towards Court fee. As per this award, the Court fee is Rs.2037.5/- The Advocate fee is fixed at Rs.8330 /-. The Additional Court fee of a sum of Rs.1662.5/- shall be paid within 10 days.

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 15th day of July 2026.

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

Petitioner side witness: -

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	15.12.2023	Puspa (petitioner)	Ex.P1-Ex.P7

Petitioner side exhibits: -

Sl No.	Date	Document Particulars	Document Type
Ex.P1	10.02.2022	First information report	Photocopy
Ex.P2	--	KMC hospital OP chit	Photocopy
Ex.P3	--	Aadhar card of the petitioner	Photocopy
Ex.P4	--	RC book of the respondent vehicle	Original
Ex.P5	--	Driving license of the respondent vehicle driver	Photocopy
Ex.P6	--	Discharge summary	
Ex.P7	--	Bank pass of the petitioner	Photocopy

Respondent side witness :

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
RW1	18.11.2025	Prabhukumar (Respondent)	--

Respondent side 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)
V Judge
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CHENNAI

Other Particulars

Date of filing of the petition	19.04.2022
Date of Award	15.07.2026
Amount Claimed under Compensation	Rs.6,00,000/-
Amount Awarded as Compensation	Rs.2,66,500/-
Total Court Fees	Rs.2307.5/-
The Court Fee already paid	Rs.375/-
Additional Court Fee to be Paid	Rs.1622.5/-

Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs. 2307.5/-
Vakalath	Rs. 5.00/-
Preparation of Summon Batta Charges	Rs. 40.00/-
Advocate Fees	Rs. 8330/-
TOTAL	Rs.10,682.5/-(rounded off to Rs.10,683/-

(M.SHAKKIRA BANU)
V Judge
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