Before the Motor Accident Claims Tribunal

(II Court of Small Causes, Chennai)

Present: Thiru.A.B. Naseer Ali., B.A., B.L.,

Friday the 03rd day of July 2026

Motor Accident Claims Original Petition No.3298 of 2021

CNR NO :-TNCH09-004852-2021

E. Navamani,
S/o. Elumalai,
No.2/34, Manoranjithampoo Street,
Ponthur, Kancheepuram District – 602 105. …Petitioner

-Vs-

1. Velmurugan,
   S/o.Rathinam,
   No.1, Madha Koil Street,
   Vembakkam Village,
   Panrutti Post – 631 605.

2. United India Insurance Co., Ltd.,
   No.134, Sillingi Building,
   Greams Road, Chennai – 6. …Respondents

Counsels on Record:-

For Petitioner	Mr.K. Balaji
1st Respondent	*Ex parte.*
For 2nd Respondent	Mr.R.V. Sivaraj

This claim petition came before this tribunal for final hearing on 30.06.2026. Both sides had been heard arleady. 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.25,00,000/- for the injuries sustained by the petitioner in a motor accident.

2. Gist of Petition:-

(a) On 25.04.2016 at about 20.00 hours, when the petitioner was riding the motor cycle bearing Reg.No.TN 21 AT 9646 in Vallakottai to Sriperumbuthur Road, Opposite to Vallakottai Petrol Bunk, a motor cycle bearing Reg.No.TN 21 AT 5101 ridden by its rider in a very rash and negligent manner hit against the petitioner. As a result, the petitioner sustained grievous injuries.

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

3. Gist of Counter of the 2nd Respondent:-

(a) The petition is neither maintainable in law nor on facts and the same is liable to be dismissed *in-limine.* Except those averments admitted all other allegations are denied.

(b) At the out set, the 2nd respondent puts the petitioner to strict proof of the fact that the 1st respondent's motor cycle bearing Reg.No.TN 21 AT 5101 was covered by the valid policy of insurance by producing documentary evidence.

(c) The petitioner has to prove the rashness and negligence, the manner of accident and injuries and other related facts stated in the petition.

(d) The petitioner has to prove the age, income and avocation of the petitioner.

This respondent does not admit the alleged treatment undergone by the petitioner. The claims under various heads are excessive and the interest claimed is above the norms.

(e) Therefore, it is prayed to dismiss the petition with exemplary costs.

4. <u>Points for Consideration</u>:-

1. Whether the claimant is entitled to compensation? If yes, from whom?
2. Whether the claimant is not entitled to get compensation from the 2nd respondent?
3. What is the quantum?

5. On the side of the petitioner, he was examined as P.W.1 and Ex.P1 to Ex.P12 were marked. On the side of the 2nd respondent, one witness was examined and Ex.R1 to R3 were marked. The Disability Certificate issued by the Regional Medical Board, Government Kilpauk Medical College Hospital, Chennai has been marked as Ex.C1. R1 remained *ex parte*.

6. <u>Point Nos.1 and 2:</u>

(a) Records were perused. Ex.P1, the copy of FIR reveals that on 25.04.2016 around 20.00 PM when the claimant was riding a motor cycle bearing Reg.No.TN 21 AT 9646, the 1st respondent's bike bearing Reg.No.TN 21 AT 5101 coming in the opposite direction dashed against the petitioner, out of which the claimant sustained injuries. The final report has not been produced. It appears that in spite of the direction given by the Hon'ble High Court to file the final report the same has not been filed. Further, from the FIR copy produced it can be understood that the petitioner suffered injuries because of the accident took place as alleged in the petition.

(b) As per the copy of Registration Certificate marked as Ex.P11, the 1st respondent is the owner of the offending vehicle bearing Reg.No.TN 21 AT 5101. Therefore, it can be well said that the 1st respondent has the liability to pay the compensation unless his vehicle has been properly insured.

(c) On the side of the petitioner, vehicle history report for the offending vehicle has been marked as Ex.P12, as per which the 1st respondent's vehicle has been insured with the 2nd respondent for a period from 23.06.2014 till 28.12.2016 with policy No.60007777. Even though such a claim has been made by the claimant it is the specific point of the 2nd respondent that the above said policy number is not a valid policy number and the policies would be issued only for a period of one year or 5 years etc., and not for the uneven period as mentioned in the petition.

(d) In support of the contention, to prove that the policy has not been issued by the 2nd respondent, the authorized officer of 2nd respondent has been examined as RW1 and he has marked Ex.R1 to R3. According to his evidence, when the policy number given by the petitioner is entered to retrieve data the policy copy is not able to be generated. The 2nd respondent has produced Ex.R2 also to show that no policy is available for the registration number of the offending vehicle. The said RW1 has subjected himself to be cross examined by the petitioner side as well.

(e) The learned counsel for the 2nd respondent relied upon the judgments in *Oriental Insurance Co., Ltd., Vs R. Mahendran and another*, reported in 2017 ACJ 1212, *United India Insurance Co., Ltd., Vs Sudhakar*, in CMA.No.78/2000, of Hon'ble Madras High Court and the *Branch Manager, Oriental Insurance Co., Ltd., Vs Karthikesan and others*, reported in 2007 (2) TN MAC 188 and argued that without giving proper policy details the claimant cannot claim compensation from the 2nd respondent. The argument of the learned counsel for the 2nd respondent has force, in the view of the tribunal.

(f) The 2nd respondent has not simply thrown out vague allegations. It has taken a specific plea that the offending vehicle was not insured with it. It has examined the witness also to that effect apart from marking some documents as referred above. Of course, in Ex.P12 some policy details are shown. However, when the same has been proved to be fake by the 2nd respondent, it is the burden of the claimant to prove that valid insurance policy was available on the date of accident. The relevant portion in *Oriental Insurance Co., Ltd., Vs R. Mahendran and another,* cited supra is given below for ready reference to show the burden on the claimant.

> "When a specific plea was taken by the insurer that the offending vehicle was not insured with the insurance

company, the claimant should have taken necessary steps to produce the policy number of the vehicle and in the absence of any policy details, it is not possible for the insurer to produce the policy before the tribunal and prove the negative that there was no insurance. Thus, failure to produce the policy number of the vehicle would show that the vehicle was not insured with the insurance company. Therefore, the insurance company is not liable to pay the compensation to the legal representative of the deceased".

(g) From the above guidelines of the Hon'ble High Court it can be easily said that the claimant herein has also failed to give correct particulars in respect of the alleged policy. Therefore, it is concluded that the 2nd respondent is not liable to pay any compensation and it is only the 1st respondent who has to pay the same. Accordingly, point number 1 is answered partly in favour of the petitioner and point number 2 is answered in favour of the 2nd respondent.

7. Point No.3 :-

(a) As per the Medical Board Report marked as Ex.C1, the petitioner suffers 9% permanent disability. However, the same is not shown to be a functional disability. Therefore, this tribunal wishes to calculate the compensation by applying percentage method.

(b) The accident took place in the year 2016 and so following the guidelines of *M.Chinnathambi vs. Deepa,* reported in 2020 (1) TN MAC 617, this tribunal awards Rs.5,000/- per percentage. Hence, the claimant is entitled to **9 X 5,000 = Rs.45,000/- for Disability**.

(c) The petitioner is said to be a load man and was earning Rs.20,000/- per month. But no piece of record is available either to prove the avocation or to prove the monthly income. In an attempt to support his claim he has produced ID card copy marked as Ex.P10. But even in the ID card the date of joining has been mentioned as 27.11.2017. The accident took place well before the above said date. Therefore, there is no proof that on the date of accident, petitioner was working as load man in the above said company. Therefore, as per the judgment in *Andal and others Vs Avinav Kannan and another* 2019 (1) TN MAC 54 (DB), the notional income for the year 2016 will be arrived at Rs.12,800/-. Therefore, the **Notional Income** for the petitioner is fixed as **Rs.12,800/-** per month.

(d) The claimant was in hospital for 16 days as per the discharge summary marked as Ex.P4. So he might not have been able to go to his regular work for about 1 month. Therefore, a sum of **Rs.12,800 X 1 month = 12,800/-** is awarded for **Loss of Income**.

(e) As already worked out above, the petitioner was in hospital for 16 days. Hence, for **Attender's Charge** this tribunal awards **Rs.500 X 16 days = Rs.8,000/-**.

(f) For **Pain and Sufferings** this tribunal awards a sum of **Rs.25,000/-**.

(g) Under Ex.P5, the petitioner has produced medical bills for a sum of **Rs.10,766/-**. No doubt, he is entitled to the said sum under the head of **Medical Expenses**.

(h) For **Transport Charges** this tribunal awards a sum of **Rs.5,000/-**.

(i) For **Extra Nourishment** a sum of **Rs.5,000/-** is awarded.

(j) For **Loss of Clothes Rs.2,000/-** is awarded

(k) Considering the nature of injury i.e., facial deformity, which will be hurting whenever the claimant looks into his face for **Loss of Amenities** a sum of **Rs.50,000/-** is awarded.

(xi) <u>CALCULATION:</u>

1. Disability	:	Rs.	45,000/-
2. Loss of Income	:	Rs.	12,800/-
3. Attender Charges	:	Rs.	8,000/-
4. Pain and Sufferings	:	Rs.	25,000/-
5. Medical Expenses	:	Rs.	10,766/-
6. Transport Charges	:	Rs.	5,000/-
7. Extra Nourishment	:	Rs.	5,000/-
8. Loss of clothes	:	Rs.	2,000/-
9. Loss of Amenities	:	Rs.	50,000/-
Total Compensation is fixed at	**:**	**Rs.**	**1,63,566/-**

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

8. In the result,

this petition is partly allowed and a sum of **Rs.1,63,566/- (Rupees One Lakh**

Sixty Three Thousand Five Hundred and Sixty Six 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., 05-08-2021 till the realization, payable by the 1st respondent. The petition is dismissed against the 2nd respondent and also with regard to the rest of the claim amount. There will be no interest for the default period as per orders if any.

1) The 1st 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 order, under intimation to this tribunal with the copy of the transaction details.
2) It is also made clear that the petitioner is entitled to withdraw the amount if deposited by the 1st 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.
3) 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.E. Navamani	Indian Bank, Sriperumbudur Branch	A/c.No.6239532667 IFSC Code:- IDIB000S080	555215821216	Not Furnished

4) 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 PAN Card to this tribunal within a period of fifteen days from today without fail.

5) The Court fee paid along with the petition is Rs.375/-.

6) The Court fee for the award amount is Rs.1,008/-. The deficit court fee of Rs.633/- shall be paid by the petitioner within two weeks from the date of order.

7) Advocate fee is Rs.6,271/-.

8) The first respondent shall pay to the petitioner a sum of Rs.7,339/- towards the costs of this petition.

Other necessary particulars:

Date of presentation of petition	-	02-08-2021
Date of taken up on file	-	05-08-2021
Compensation claimed in the M.C.O.P.	-	Rs.25,00,000/-
Compensation awarded in this petition	-	Rs.1,63,566/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.1,008/-
Additional court fee shall be paid	-	Rs.633/-

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

Cost List for the petitioner

STATEMENT OF COSTS

For the petitioners		Rs.	P.	For the Respondents Rs.	P.
Stamp on petition	-	1,008 .	00		
Stamp on Vakalat	-	10 .	00		
Stamp for process	-	50 .	00	-- not filed --	
Advocate fees		6,271 .	00		
Costs allowed	-	7,339 .	00		

The direction regarding copy of the Judgment and decreetal order to be prepared under Sub rule 6 of Rule 20 of TNMAC Rules, 1989, as per Honourable Madras High Court 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.

This order was dictated by me to the steno typist, transcribed by her, corrected and pronounced by me in the open court, on this the 03rd day of July 2026.

A B NASEER ALI
Digitally signed by A B NASEER ALI
Date: 2026.07.03 18:24:09 +0530

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

Petitioner Side Witness:
P.W.1 : Mr.E. Navamani

Petitioner Side Documents:

Ex.P1	FIR	Copy
Ex.P2	Charge sheet	Copy
Ex.P3	Hon'ble High Court direction copy along with letter AD card	Copy
Ex.P4	Discharge summary issued by Saveetha Hospital	Original
Ex.P5	Medical bills	Original
Ex.P6	OP records	Original
Ex.P7	Scan reports	Original
Ex.P8	Aadhar card	Copy
Ex.P9	Bank pass book	Copy
Ex.P10	Employee ID card of the petitioner	Copy
Ex.P11	Registration certificate of the 1st respondent's vehicle	Copy
Ex.P12	Vehicle History report	Copy

2nd Respondent Side Witnesses :-
RW1 - Mr.N.K. Narasimhan

2nd Respondent Side Documents:

Ex.R1	Authorization Letter	Original
Ex.R2	Paper showing No data while entering policy No.60007777	Online Copy
Ex.R3	Paper showing No data while enter vehicle No.TN 21 AT 5101	Online Copy

Court Side Document:
Ex.C1 : Disability Certificate issued by the Medical Board.

A B NASEER ALI
Digitally signed by A B NASEER ALI
Date: 2026.07.03 18:24:16 +0530

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