



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 04th day of August 2026

Motor Accidents Claims Original Petition No.5520 of 2021

CNR NO : TNCH09-012038-2021

Mr. R.Dharaniraja Boopathi S/o. S.Ravichandran,
No.406/3, 7th Street, Beedi Nagar Gramam,
Venpakkam, Chengelpet – 603 111.

...Petitioner

-Vs-

1. G.Selvam S/o. Gothandan,
No.26, Pilliyar Koil Street, Anumanthakuppam,
Karunguzhim Madurantakkam,
Chengelpet – 603 303.

2. Royal Sundaram General Insurance Co. Ltd.,
Subramaniam Building 2nd Floor,
No.1, Club House Road, Anna Salai,
Chennai – 600 002.

...Respondents

Appearance:

M/s.K.Srinivasan, Counsel appearing for the Petitioner.

1st Respondent: Set *ex parte* on 05.09.2022.

M/s.A.Jeganathan, Counsel appearing for the 2nd Respondent.

Upon perusing the entire records, I passed the following

AWARD

The Petition is filed seeking compensation of **Rs. 22,00,000/-** for the injuries sustained by the Petitioner in a motor accident.



2. Crux of the Petition:

The petitioner was aged about 24 years, working as a coolie, thereby earning Rs. 1,000/- per day. On 12.10.2021 at about 18.30 hours, Tambaram to Chengalpetu GST Road, at Pulipakkam Junction, when the petitioner was traveling as a pillion rider in a motorcycle bearing Reg.No. TN 19 M 1644. A two-wheeler bearing Reg.No. TN 19 BZ 6086, driven by its driver in a rash and negligent manner and hit against the two-wheeler which the petitioner was traveling, due to which the petitioner sustained both bone left leg fracture and head injuries. A criminal case was registered in crime no. 848/2021 by D2 Chengalpetu Taluk Police Station. The 1st respondent is the owner of the motorcycle, bearing Reg.No. TN 19 BZ 6086 and the 2nd respondent is the insurer. Hence, the petition.

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

Denied the averments contained in the petition. Age, income and occupation of the petitioner are denied. The claim of the petitioner is highly excessive. The manner of the accident is denied. The rider of the motorcycle bearing Reg.No. TN 19 M 1644 was riding the vehicle in a rash and negligent manner and suddenly entered into the road, thereby hitting the motorcycle of the petitioner. Since the accident was due to the negligence of the rider of the TN 19 M 1644, the petition is bad for non-joinder of the owner and insurer of the said motorcycle. Hence, the petition is liable to be dismissed.

4. Points for Consideration:

1. On whose negligence did the accident occur?
2. Whether the Petitioner is entitled to compensation? If so, what is the quantum?
3. Which of the Respondents is liable to pay the compensation?



5. The petitioner was examined as the PW1 and Ex.P1 to P10 were marked. On the side of the 2nd respondent, petition under Section 170 of the MV Act was filed and allowed. However, no oral and documentary evidence was adduced. The petitioner was referred to the medical board and the disability was assessed at 11%. The disability certificate was marked as the Ex.C1.

6. Answer to Point No.1:

The burden is upon the petitioner to prove that the accident was due to the rash and negligence of the rider of the motorcycle belonging to the 1st respondent. Ex.P1 is the copy of the FIR registered against the rider of the motorcycle of the 1st respondent. The 1st respondent remained *exparte*. The 2nd respondent did not reduce any contra evidence. Considering the above facts and the evidence, this Tribunal is of the view that the accident was due to the rash and negligence of the rider of the motorcycle belonging to the 1st respondent. Accordingly, the point is answered.

7. Answer to Point No. 2:

(a) The Ex.P2 is the accident register. The Ex.P3 is the copy of the medical records. The Ex.P3 is the wound certificate copy with the opinion that the petitioner sustained both bone left leg fracture, which was opined to be a grievous injury. The Ex.P5 is the discharge summary, which discloses that the petitioner was submitted on 11.04.2023 and discharged on 15.04.2023 for implant removal for the both bone left leg fracture. The Ex.P7 is the medical reports, Ex.P10 is the outpatient treatment note and the Ex.P6 are the X-rays. As per the Ex.C1, the petitioner suffered a disability of 11%. Considering all these facts and the evidence, this Tribunal holds that the petitioner is entitled to compensation under various heads.

(b) Considering the fracture of both bones of left leg, the petitioner would have suffered a lot. Hence, towards **pain and suffering, Rs. 50,000/-** is awarded. Considering the treatment period and the nature of the injury and the fact that the



implant was fixed and was subsequently removed, the petitioner would be deprived of his amenities, physically and socially, due to the above injuries and therefore, towards **loss of amenities**, this Tribunal awards **Rs. 50,000/-**.

(c) As per the Ex.C1, the petitioner suffered a disability of 11%. The accident took place on 12.12.2021. The Hon'ble Madras High Court in ***M. Revanth Kumar v. M/s. Sun-X-Concrete India Pvt. Ltd. & Another***, C.M.A. No.13 of 2025, dated 10.01.2025, awarded **Rs.10,000/- per percentage** for an accident that occurred in the year 2021. Hence, for the disability of 11%, **Rs. 1,10,000/-** (11 x 10,000) is awarded towards the **Disability**.

(d) The petitioner claimed to be working as a coolie, thereby earning Rs. 1,000/- per day. However, there is no evidence in support of the same. Therefore, by following the cost inflation index for 2021-22 at 370, the income is arrived at Rs. 15,973/- rounded up to Rs. 16,000/-. Considering the both bone fracture, treatment and subsequent hospitalization, the petitioner would not have attended his avocation at least for six months. Therefore, towards **loss of income**, **Rs. 96,000/-** (6 x 16,000) is awarded.

(e) Considering the nature of the injury and the disability suffered, the Petitioner would have availed treatment elsewhere. Therefore, a consolidated sum of **Rs. 30,000/-** is awarded towards **Transportation, Attendance Charges and Extra-nourishment**. A further sum of **Rs. 3,000/-** is awarded towards damage to **Clothes and Articles**.

(f) Accordingly, the compensation is tabulated as follows:

Sl. No.	Head of Compensation	Amount (Rs.)
1.	Pain and Suffering	50,000/-
2.	Disability	1,10,000/-
3.	Loss of Amenities	50,000/-



Sl. No.	Head of Compensation	Amount (Rs.)
4.	Transportation, Attendant Charges and Extra Nourishment	30,000/-
5.	Damage to Clothes and Articles	3,000/-
6.	Loss of Income	96,000/-
	Total	3,39,000/-

(g) Thus, the Petitioner is awarded a sum of **Rs. 3,39,000/- (Rupees Three Lakhs and Thirty-Nine Thousand only)** as compensation together with interest at the rate of **6.5% per annum** from the date of petition till the date of realization.

8. Answer to Point No.3:

As this Tribunal has already held that the accident was due to the 1st respondent's driver, the 2nd respondent has not disputed. The 2nd respondent did not seriously dispute the existence of the insurance policy coverage at the time of the accident. In the absence of violation of policy conditions, the 2nd respondent, being the insurer, is liable to indemnify the 1st respondent and pay the compensation to the petitioner.

9. Mode of Disbursement:

(a) Insofar as the mode of disbursement of compensation is concerned, it is brought to the notice of this Tribunal that the Hon'ble Supreme Court in ***Parminster Singh v. Honey Goyal & Ors.*, 2025 INSC 361 : 2025 LiveLaw (SC) 318**, has held that the compensation amount shall be directly transferred to the bank account of the claimant, without requiring deposit before the Tribunal. In the present case, the petitioner has already furnished his bank account particulars before this Tribunal, of which the 2nd Respondent has due notice.

(b) This Tribunal is of the view that insisting upon payment of deficit court fee by the petitioner as a condition precedent for receipt of the compensation may



result in avoidable delay in disbursement and consequential accrual of interest. Since the petition is being allowed with costs, and the liability towards court fee is ultimately to be borne by the 2nd Respondent, it is just and proper to direct the 2nd Respondent to pay the deficit court fee separately, preferably by way of e-court fee, if any. After deducting such court fee, the balance compensation amount, together with costs, shall be directly transferred to the bank account of the claimant, and intimation of such transfer shall be furnished to this Tribunal forthwith.

(c) The contingency relating to return, reversal, or unsuccessful electronic transfer of the compensation amount shall be governed by the directions contained in the Result portion infra.

10. Result:

In fine,

(a) The Petition is partly allowed.

(b) The Petitioner is awarded a compensation of **Rs. 3,39,000/- (Rupees Three Lakhs and Thirty-Nine Thousand Only)** with interest 6.5% per annum from the date of the application till the deposit excluding the default period, if any,

(c) **The 2nd respondent is directed, within a period of 30 Days from this day, to pay the deficit court fee, if any, and deposit the Advocate fees and Costs into the Tribunal's Account "Registrar (MACT), Court of Small Causes, Chennai Account No. 7103261207 IFSC No. IDIB000M157 Indian Bank, Madras High Court Branch, Chennai".**

(d) Thereafter, the **2nd respondent** shall transfer the **net award amount, together with accrued interest, directly to the bank account of the petitioner,** whose bank account particulars have been furnished below **within a period of 30 Days from this day.** In the event of payment after the said period, the rate of interest shall be 7.5 % per annum instead of 6.5% per annum.



(e) The 2nd respondent shall file before this Tribunal **proof of payment/deposit of the deficit court fee, if any, and proof of electronic transfer of the balance award amount to the Petitioner's bank account(s) immediately after compliance to the email (chnccc.scc-tn@indiancourts.nic.in) within 48 Hours** after the compliance followed by physical proof of compliance.

(f) **Only in the event of** the electronic transfer is returned, reversed, or remains unsuccessful on account of the bank account being inoperative, closed, incorrect, or for any other reason attributable to the Petitioner, the respondent shall intimate this Tribunal along with proof, if any, and the concerned Petitioner. The Petitioner shall furnish correct and operative bank account particulars before this Tribunal within two weeks from the date of such intimation, and the respondent shall re-transfer the amount to the corrected bank account within the time fixed by this Tribunal. Any delay attributable to such incorrect or inoperative account particulars shall not render the respondent liable for additional interest for the period of such delay.

(g) In the event of non-compliance by the 2nd Respondent, the Petitioner shall pay the deficit Court-fees and execute the Award.

(h) The Advocate fees is fixed as **Rs. 9,780/-**.

REQUIRED PARTICULARS

1.	Date of Presentation	22-12-2021
2.	Date of filing	22-12-2021
3.	Compensation Claimed	Rs. 22,00,000/-
4.	Court fees paid	Rs. 372.50/-
5.	Compensation Awarded	Rs. 3,39,000/-
6	Court Fees payable on the Award	Rs. 2,762.50/-
7.	Deficit Court fees Payable (6-4)	Rs. 2,390/-
8.	Petitioner's Bank Name and Branch	HDFC Bank Ltd., Chengalpet.
9.	Petitioner's Account number and IFSC code	50100559843100, HDFC0001851.



10.	Petitioner's Aadhar	3998 2597 9551
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	-	2,762	. 50			
Stamp on Vakalat	-	20	. 00			
Stamp for process	-	40	. 00		-- not filed --	
Advocate fees	-	9,780	. 00			
Costs allowed	-	12,602	. 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 04th day of August 2026.//

III Judge
Court of Small Causes, Chennai.

Petitioner's side Witness:

P.W.1 : Mr. Dharaniraja Boopathi, Petitioner

Petitioner's side Exhibits:

Ex.P1 : FIR
Ex.P2 : AR Copy
Ex.P3 : Treatment records
Ex.P4 : Wound certificate
Ex.P5 : Discharge Summary
Ex.P6 : X-ray
Ex.P7 : Treatment reports



Ex.P8 : Aadhar card

Ex.P9 : Bank pass book

Ex.P10 : Out patient records

2nd Respondent side Witness: Nil

2nd Respondent side Exhibits: Nil

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 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.