

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

Saturday, this the 01st day of August 2026

MCOP No.977/2024

CNR No.TNCH09-012496-2023

Murugan,
aged about 50 years,
S/o.Karupasamy,
No.273, Mangalavinayagar kovil street,
Tirusulam, Kancheepuram,
Chennai - 600 043.

...Petitioner

Vs.

1. Anbarasan,
S/o. Govindhan,
No.2/126, F-ground floor,
Karpaga Vingyagar nagar,
4th main road, Vettuvankeni,
Chennai - 600 113.

2. M/s. Cholamandalam MS General Insurance Co.Ltd.,
Dare House, 2nd floor, No.2
N.S. bose road, Chennai.

...Respondents

This petition came up on **15.07.2026** for final hearing before me in the presence of **M/s. C. Thangaraju, P.Murugesan and R. Raja** Counsels for the petitioner and **Mr. J. Michael Visuvasam** Counsel for the 2nd respondent and first respondent called absent and set exparte 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.49,00,000/-** with interest and costs.

1. Brief averments in the petition:

The petitioner submitted that on 28.08.2023 at about 06.30 pm while the petitioner passing the road by walk in GST road, near Sugam hospital service road, Pallavaram in south to north direction, at that time JCP bearing Reg. No. TN 14 P 2381 came from west to east direction with terrific speed, rash and negligent careless manner endangering public safety, without observing traffic rules and hit the petitioner. On this heavy impact the petitioner fell down and sustained grievous injuries all over the body. The accident occurred only due to rash and negligent driving of the first respondent JCP driver. Hence, the 1st respondent being owner and 2nd respondent being insurer of that JCP both are liable to pay compensation to the petitioner.

2. Brief Averments in the Counter of the 2nd Respondent:

The 2nd respondent states that the claim petition is neither maintainable in law nor on facts and the same is liable to be dismissed in limine. The second respondent denied all the averments and allegations made in the claim petition except those that are specifically admitted in the counter. The second respondent disputes that the first respondent JCP bearing Reg. No. TN 14 P 2381 was insured by the second respondent vide policy 3380/02214049/000/00 and policy period from 15.09.2022 to 14.09.2023 and put the petitioner to strict proof of the same by producing documentary evidence. The second respondent denied the manner of accident stated in column 23. The driving license, registration certificate, fitness certificate and permit are denied. The age, income, injuries,

treatment period, disability are denied. The compensation 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.P14. On the 2nd respondent side, no witness was examined and no documents marked. The 2nd respondent filed petition u/s 170 MV Act and allowed. The disability certificate issued by the medical board was marked as Ex.C1.

4. Points for determination :

1)	Whether the accident occurred due to the rash and negligent driving of the 1 st respondent JCP driver?
2)	Whether the 1 st respondent JCP driver 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's son Maharaja to Chrompet investigation wing and Ex.P1 FIR was registered in Crime No.275/2023 u/s. 279 and 337 IPC against the 1st respondent JCP driver. On completion of investigation the police filed Ex.P8 final report against the first respondent JCP driver. Ex.P1 FIR, Ex.P8 Final report and Ex.P2 Accident Register establish that the petitioner sustained injuries in the said accident. The first respondent remained exparte. No contra evidence was

adduced by second respondent side. In the absence of any contra evidence, the evidence of PW1 coupled with Ex.P1 and Ex.P8 proves the case of the petitioner. Hence this Tribunal holds that the accident occurred due to the rash and negligent riding of the JCP bearing Registration No. TN 14 P 2381 by its driver. Point No.1 is answered accordingly.

6. Point No.2:

In this point it has to be ascertained whether the 1st respondent JCP driver had valid driving license and valid insurance at the time of accident. In evidence the petitioner side marked Ex.P9 driving license of the first respondent JCP driver. Further the MV report, RC book and insurance policy of the JCP have been marked as Ex.P3, Ex.P10 and Ex.P11. The 2nd respondent side has not disputed those documents. The insurer has not produced any evidence to establish breach of policy conditions. Therefore, this Tribunal is of the view that the motorcycle involved in the accident was under the cover of insurance at the time of accident and all documents are in order. The point No.2 is decided accordingly.

7. Point No.3:

As a result of the accident, the petitioner sustained injuries to right foot and head, right foot partial amputation of right great toe and right 2nd toe and he was admitted at Chrompet Govt Hospital as inpatient from 28.08.2023 and discharged on the same day as per the Ex.P4 Medical record. When the petitioner was referred to the medical board, after examination the medical board fixed disability as 9%. The petitioner has stated that he was working in Mepz - Sen Avalon service, Guindy. 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 9% and the accident occurred on 28.08.2023, 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. 90,000/-** (9 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. 75,000/-** towards pain and suffering.

iii) Medical Expenses

The medical bills marked in Ex.P5 for sum of Rs.5,284/- rounded off to **Rs.6,000/-** is awarded under this head.

iv) Attendant Charges

During the treatment period a person would have stayed and assisted the petitioner and hence a sum of **Rs.25,000/-** awarded under this head.

v) 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.

vi) Loss of Income

The petitioner stated that he was working in Mepz - Sen Avalon service, Guindy. and earned Rs. 30,000/- per month. But no documents are marked to prove his income and nature of work. Hence, this court considering that his age was 50 at the time of accident and prevailed working atmosphere his notional income is fixed as Rs.17,500/-. The petitioner would have lost his income for three months. Hence this Tribunal is inclined to award **Rs. 54,000/-** (3 x 18,000) under this head.

vii) Loss of Amenities

During the treatment time and in rest period certainly, he would have lost amenities by not able to perform his day-to-day activities and depending upon his family members. Hence under this head this Tribunal is inclined to award **Rs.40,000/-**.

viii) Extra nourishment

During the period of treatment and subsequent days he would have taken nutritious food to restore his body to normal condition. Hence under this head this Tribunal is inclined to award **Rs.20,000/-**.

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

Part disability	Rs.90,000/-
Pain and Suffering	Rs.75,000/-
Loss of Income	Rs.54,000/-
Medical expenses	Rs.6,000/-
Attendant charges	Rs.25,000/-

Transportation	Rs.15,000/-
Loss of Amenities	Rs.40,000/-
Extra Nourishment	Rs.20,000/-
TOTAL	Rs.3,25,000/-

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

(i)	An award of Rs.3,25,000/- (Rupees Three Lakhs and twenty five thousand only) is passed in favour of the petitioner with interest at 7.5% p.a. from the date of petition i.e., 08.11.2023 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)	In accordance with the guidelines laid down by the Hon'ble Supreme Court of India in <i>Parminder Singh Vs. Honey Goyal & others, reported in 2025 (1) TN MAC 533 (SC)</i> , and directions of Hon'ble High Court, Madras in <i>Oriental Insurance Co. Ltd. v. D. Salsa in CMA No. 2064 of 2026 judgment dated 08.07.2026</i> , the 2 nd respondent is hereby directed to deposit the award amount as stated above by Direct Bank Transfer (NEFT/RTGS) directly into the bank account of the petitioner within two months. Petitioner bank Account No.00420110065488, UCO Bank, Sowcarpet branch, Chennai, IFSC code -UCBA000042
(iv)	The petitioner has paid a sum of Rs. 375/- towards Court fee. As per this award, the Court fee is Rs.2,622.5/- The Advocate fee is fixed at Rs.9,500/-. The Additional Court fee of a sum of Rs.2,247.5/- shall be paid within 10 days.

(v)	The costs including Advocate fees for a sum of Rs.9,500/- and deficit court fees for a sum of Rs.2,247.5/- to be paid by 2 nd respondent within 15 days distinct and separately to Tribunal 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.
(vi)	After depositing the amount mentioned in column No.III and V, the 2 nd respondent shall intimate the same to this Tribunal along with UTR Number and MCOP Number via Email ID chnccc.scc5-tn@indiancourts.nic.in within 48 hours of such deposit followed by physical proof of deposit on proper acknowledgment.
(vii)	The costs including Advocate fees shall be paid to Counsel for petitioner on filing separate payment out application. The deficit court fees deposited to be credited to the State Government.
(viii)	Only in the event of the electronic transfer is returned, reversed, or remains unsuccessful on account of the bank account is being inoperative, closed, incorrect, or for any other reason attributable to the Petitioner, the respondent shall intimate to this Tribunal along with proof, if any, and to 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 correct 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.

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 01st day of August 2026.

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

Petitioner side witness: -

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	12.01.2026	Murugan (petitioner)	Ex.P1-Ex.P14

Petitioner side exhibits: -

SI No.	Date	Document Particulars	Document Type
Ex.P1	29.08.2023	First information report	Photocopy
Ex.P2	--	Accident register	Photocopy
Ex.P3	--	MV report of the first respondent vehicle	Photocopy
Ex.P4	--	OP chit	Original
Ex.P5	--	Medical bills	Original
Ex.P6	--	X-ray	Photocopy
Ex.P7	--	Rough sketch	Photocopy
Ex.P8	01.09.2023	Charge sheet	Photocopy
Ex.P9	--	Driving license of the first respondent vehicle	Photocopy
Ex.P10	--	RC book of the first respondent vehicle	Original
Ex.P11	--	Insurance policy of the first respondent vehicle	Original

Ex.P12	--	Aadhar card of the petitioner	Original
Ex.P13	--	PAN card of the petitioner	Photocopy
Ex.P14	--	Bank pass book of the petitioner	Photocopy

Respondent side witness and 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)
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Other Particulars

Date of filing of the petition	08.11.2023
Date of Award	01.08.2026
Amount Claimed under Compensation	Rs.49,00,000/-
Amount Awarded as Compensation	Rs.3,25,000/-
Total Court Fees	Rs. 2,622.5/-
The Court Fee already paid	Rs. 375/-
Balance Court Fee to be Paid	Rs.2,247.5/-

Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs. 2,622.5/-
Vakalath	Rs. 10.00/-
Preparation of Summon Batta Charges	Rs. 40.00/-
Advocate Fees	Rs. 9,500/-
TOTAL	Rs.12,172.5/- (rounded off to Rs.12,173/-

(M.SHAKKIRA BANU)
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