

Before the Motor Accident Claims Tribunal**(II Court of Small Causes, Chennai)****Present: Thiru.A.B. Naseer Ali., B.A., B.L.,****Wednesday the 08th day of July 2026****Motor Accident Claims Original Petition No.3552 of 2022****CNR NO :-TNCH09-008064-2022**

M. Ramachandran,
S/o.Late. Munusamy,
No.9, Mettu Street,
Melmaruvathur Village and Post,
Cheyyur Taluk,
Chengalpattu District.

...Petitioner

-Vs-

1. N. Umapathy,
S/o. Narayanan,
No.30, Jayalakshmi Nagar,
Nandhivaram,
Guduvancherry,
Chengalpattu Taluk and District.

2. The Divisional Manager,
M/s.Tata AIG General Insurance Co., Ltd.,
(Third Party Claim, Legal Department),
2nd Floor, Samson Towers,
No.403-L, Panthem Road,
Egmore, Chennai – 600 008.

...Respondents

Counsels on Record:-

For Petitioner	M/s.K. Nagarajan, M. Sasikumar and J. Alexpandian
1 st Respondent	<i>Ex parte.</i>
For 2 nd Respondent	Mr.M.B. Raghavan

This claim petition came before this tribunal for final hearing on 07.07.2026.

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.16,00,000/- for the injuries sustained by the petitioner in a motor accident.

2. Gist of Petition:-

- (a) On 07.06.2022 around 10.00 Hrs while the petitioner was riding his motorcycle bearing registration number TN19 Z 9087 at Vandavasi to Agili Coot road at Sothupakkam, a Xylo car bearing registration number TN19 AF 4797 which was driven in a rash and negligent manner dashed the petitioner and he sustained grievous injuries
- (b) The above accident occurred only due to the rash and negligent driving of the driver of the above said vehicle. 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) It is denied that the driver of the alleged offending car had valid driving license at the time of accident.
- (c) It is denied that the offending vehicle was duly insured with the second

respondent and it has to be proved by the petitioner.

(d) The age, income, avocation and the alleged injury are all denied.

(e) It is the petitioner who rode his vehicle rashly and negligently and invited the accident.

(f) 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. What is the quantum?

5. On the side of petitioner, he was examined as PW1 and Ex.P1 to Ex.P11 were marked. On the side of the 2nd respondent, no witness was examined and no document was marked. The Disability Certificate issued by the Regional Medical Board, Government Royapettah Hospital, Chennai has been marked as Ex.C1. R1 remained *ex parte*.

6. Point No.1:-

(a) Records were perused. Ex.P1, the copy of First Information Report (FIR) reveals that on 07.06.2022 around 10.00 Hrs while the petitioner was riding his motorcycle bearing registration number TN19 Z 9087 at Vandavasi to Agili Coot road, a Xylo car bearing registration number TN19 AF 4797 which was driven in a rash and negligent manner dashed the petitioner who 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 motorcycle.
- (c) As per Ex.P2, copy of the Registration Certificate, the first respondent was the owner and as per Ex.P3, copy of the insurance policy, the second respondent was the insurer of the said offending vehicle during the relevant date of accident. Hence, the second respondent has to pay the compensation.
- (d) Though it is alleged that the petitioner had no valid driving license, it has not been proved with any acceptable evidence. The allegation remains only in paper. Therefore, the petitioner is entitled to get compensation from the second respondent.
- (e) Accordingly, this point is answered in favour of the petitioner.

7. Point No.2 :-

- (a) Medical Board Report marked as Ex.C1 reveals that the petitioner suffers 6% permanent disability. The same not shown as functional disability, the percentage method shall be applied to calculate the disability.
- (b) Our Honourable High Court in C.M.A.No.13 of 2025 in *M.Revanth Kumar vs. M/s., Sun-X- Concrete India Private Limited* has awarded Rs.10,000/- per percentage of disability for the accident occurred in the year 2022. Therefore,

the petitioner is entitled to **Rs.10,000/- X 6 = Rs.60,000/-** for **Disability**.

(c) The petitioner was said to be running petty shop business and doing agricultural work and was earning Rs.15,000/- per month. However, the income and avocation have not been proved. Hence, the tribunal has no other go except to consider notional income.

(d) As per the judgment in *P.Radha and another vs. The M.D., MTC* (C.M.A. No.650 of 2025 of our Honourable High Court) the notional income for the year 2021 was fixed as Rs.18,000/-/. This accident being in the year 2022, the Notional Monthly Income may be fixed as Rs.19,000/-. But since the claimed amount itself is Rs.15,000/- per month, the said amount is taken as monthly income.

(e) As per Ex.P7, the discharge summary, the petitioner was in hospital as in-patient for 11 days. However, he might not have been in a position to do his work at least for a month. Hence, a sum of **Rs.15,000/-** is awarded for **Loss of Income**.

(f) As pointed out already, since the petitioner was admitted into hospital for 11 days he is entitled for **Attender's Charges** at **Rs.500 X 11 days = Rs.5,500/-**.

(g) Considering the nature of injury, petitioner's age and also the period of admission into hospital, for **Pain and Sufferings** a sum of **Rs.15,000/-** is awarded.

(h) The claimant was taken to two hospitals for treatment. So, for **Transport**

Charges a sum of **Rs.5,000/-** is awarded.

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

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

(k) For **Loss of Amenities**, considering the simple nature of injury no sum is awarded.

(l) The petitioner has produced medical bills to the tune of **Rs.2,23,276/-** only. No doubt, he is entitled to the said sum under the head of **Medical Expenses**.

(xi) CALCULATION:

1. Disability	:	Rs.	60,000/-
2. Loss of Income	:	Rs.	15,000/-
3. Attender's Charges	:	Rs.	5,500/-
4. Pain and Sufferings	:	Rs.	15,000/-
5. Transport Charges	:	Rs.	5,000/-
6. Extra Nourishment	:	Rs.	3,000/-
7. Loss of clothes	:	Rs.	2,000/-
8. Medical Expenses	:	Rs.	2,23,276/-
Total Compensation is fixed at	:	Rs.	<u>3,28,776/-</u>

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

8. In the result,

- 1) this petition is partly allowed and a sum of **Rs.3,28,776/- (Rupees Three Lakhs Twenty Eight Thousand Seven Hundred and Seventy 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., 22-

08-2022 till the date of realization, payable by the 2nd respondent. 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.M.	Central Bank of	A/c.No.1396204596	892640924794	Not

Ramachandran	India, Melmaruvathur Branch	IFSC Code:- furnished	Not		furnished
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- 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 PAN Card 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.2,660/-. The deficit court fee of Rs.2,285/- shall be paid by the Petitioner within two weeks from the date of order.
- 8) Advocate fee is Rs.9,576/-.
- 9) The second respondent shall pay to the petitioner a sum of Rs.12,296/- towards the costs of this petition.

Other necessary particulars:

Date of Presentation of petition	-	25-07-2022
Date of taken up on file	-	22-08-2022
Compensation claimed in the M.C.O.P.	-	Rs.16,00,000/-
Compensation awarded in this petition	-	Rs.3,28,776/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.2,660/-
Additional court fee shall be paid	-	Rs.2,285/-

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	-	2,660	. 00			
Stamp on Vakalat	-	10	. 00			
Stamp for process	-	50	. 00	-- not filed --		
Advocate fees		9,576	. 00			
Costs allowed	-	12,296	. 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 08th day of July 2026.

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

Petitioner Side Witness:-

P.W.1 : Mr.M. Ramachandran

Petitioner Side Documents:-

Ex.P1	FIR	Copy
Ex.P2	RC of 1 st respondent's vehicle	Copy
Ex.P3	Insurance policy of 1 st respondent's vehicle	Copy
Ex.P4	Driving licence of 1 st respondent	Copy
Ex.P5	Aadhar card fo 1 st respondent	Copy
Ex.P6	RC of petitioner's vehicle	Copy
Ex.P7	Discharge summary issued by MIOT Hospital	Copy
Ex.P8	Medical bills	Original
Ex.P9	Aadhar card of petitioner	Copy
Ex.P10	Family card of petitioner	Copy
Ex.P11	Bank pass book	Copy

2nd Respondent Side Witness and Document:- Nil**Court Side Document:**

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

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