

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 10th day of June 2026

MCOP No.6000/2019

CNR No.TNCH09-008259-2019

Palani,
aged about 55 years,
S/o. Solapillai,
No.3/156, Pillaiyar koil street,
Mettukuppam,
Chennai - 600 097.

...Petitioner

Vs.

1. Ramesh,
S/o. Kandhasamy,
No.2/60A, Kandasamy Naicker street,
Karapakkam, Chennai - 600 097.

2. The ICICI Lombard General Insurance Co. Ltd.,
No.84/85, Arihant Plaza, 1st floor,
Wall tax road, Chennai 600 001.

...Respondents

This petition came up on **08.06.2026** for final hearing before me in the presence of **M/s. Y.Dhanasekar, B.Karthik and K.Vijayaraj** Counsels for the petitioner and **Mr. P. Magesh** Counsel for the 2nd respondent and the 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.10,00,000/-** with interest and costs.

1. Brief averments in the petition:

The petitioner submitted that on 24.06.2019 at about 1.20 pm when the petitioner was pedestrian from Rajiv Gandhi salai east to west near Mettukuppam bus stand near Rajiv Gandhi salai with due care and negligence manner. At that time the first respondent vehicle splendor Pro Drum self bearing Reg. No. TN 14 A 5752 came from south to north with against the petitioner in rash and negligent manner without following traffic rules and regulations and dashed against the petitioner and the petitioner suffered serious injuries. The accident occurred owing to speed and reckless driving of the first respondent bike rider. Hence, the 1st respondent is owner and 2nd respondent is insurer of that bike and both are liable to pay compensation to the petitioner.

2. Brief averments in the counter of 2nd respondent :

The second respondent denied all the allegations made in the petition and put the petitioner to the strict proof about his age, avocation, income, the date, place and time of accident. There was no valid driving license and valid permit and fitness certificate and first respondent contravened the provisions of Motor Vehicles Act. The particulars of the policy, date, time, place of accident, particulars of injured, name of driver and particulars of driving license not furnished and hence 2nd respondent is not liable to pay any compensation. As per the medical records of petitioner, he was intoxicated and walking on the road in negligent manner without following safety rules for pedestrians.

The compensation amount claimed by the petitioner is highly exaggerated. If any award passed the rate of interest shall be payable as per the at the rate 6% per annum. With this is the second respondent prayed to dismiss the claim petition.

3. Evidence:

The petitioner examined himself as PW1 and marked Ex.P1 to Ex.P10. On the side of 2nd respondent, no witness was examined and no documents marked.

4. Points for determination:

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

The petitioner submitted that on 24.06.2019 at about 1.20 pm when the petitioner was pedestrain from Rajiv Gandhi salai east to west near Mettukuppam bus stand near Rajiv Gandhi salai with due care and caution manner. At that time the first respondent vehicle splendor Pro Drum self bearing Reg. No. TN 14 A 5752 came from south to north and hit the petitioner in rash and negligent manner without following traffic rules and regulations and dashed against the petitioner and the petitioner suffered serious injuries. In this regard the police complaint

was lodged by the petitioner's son namely Dinakaran to Guindy traffic investigation wing and Ex.P1 FIR was registered in Crime No.415/2019, U/s. 279,337, IPC, against the 1st respondent bike rider. On completion of investigation the police filed Ex.P5 charge sheet against the first respondent bike rider. Further the first respondent did not come forward to contest this case. Though the insurer contended that the petitioner was under intoxication, no evidence has been adduced by the insurer proving that the petitioner was under intoxication at the time of accident. Further, no material has been produced to establish contributory negligence. Hence the said contention is rejected. No contra evidence adduced by 2nd respondent side. Considering the same and the FIR and Charge sheet, this tribunal holds that the accident occurred due to the negligence of the 1st respondent bike rider. The point No.1 is decided accordingly.

6. Point No.2:

In this point it has to be ascertained whether the vehicle was covered under insurance and proper documents and 1st respondent bike rider had valid driving license at the time of accident. In evidence the petitioner side has not marked the driving license of the 1st respondent bike rider, but marked the online driving license particulars of first respondent bike rider as Ex.P6. On perusal it could be seen that the first respondent had valid driving license at the time of accident. Further the registration certificate, insurance policy of the bike have been marked as Ex.P10 and Ex.P9. However the second respondent side has not disputed those documents. Therefore, this tribunal is of the view that the bike 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 decided in the above points, the accident occurred due to the rash and negligent riding of the 1st respondent bike rider and in result, the petitioner sustained, Grade 3B compound fracture both bone right leg, Grade I compound fracture of both bones of left leg and he was admitted at Royapettah Govt hospital as inpatient from 24.06.2019 to 12.07.2019 and surgery was done on 24.06.2019 and 02.07.2019. Again he was admitted in the same hospital as inpatient from 28.08.2019 to 04.09.2019 and surgery was done on 29.08.2019. Again he was admitted same hospital as inpatient from 25.11.2019 to 04.12.2019 and surgery was done on 30.11.2019. As per the Ex.P3 and Ex.P4 discharge summaries the total inpatient days are 36 days. When the petitioner was referred to the medical board, after examination the medical board fixed disability as 16%. Though the petitioner has stated that he is a Plumber, there is no proof for job loss and functional disability. Considering these aspects, this tribunal inclined to award compensation under various heads in percentage method.

i) Partial disability

Since the disability found by the medical board as 16% and the accident was happened on 24.06.2019 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. 1,28,000/- (16 x 8,000)** awarded under this head.

ii) Pain and suffering

Due to the accident the petitioner sustained Grade 3B compound fracture both bone right leg, Grade I compound fracture of both bones of left leg and he

was admitted at Royapettah Govt hospital as inpatient from 24.06.2019 to 12.07.2019 and surgery was done on 24.06.2019 and 02.07.2019. Again he was admitted in the same hospital as inpatient from 28.08.2019 to 04.09.2019 and surgery was done on 29.08.2019. Again he was admitted same hospital as inpatient from 25.11.2019 to 04.12.2019 and surgery was done on 30.11.2019. As per the Ex.P3 and Ex.P4 discharge summaries the total inpatient days are 36 days. So, till the healing of that injury he would have suffered the pain due to the multiple injuries and hence under this head this tribunal inclined to award **Rs. 1,00,000/-**.

iii) Medical Expenses

The petitioner sustained Grade 3B compound fracture both bone right leg, Grade I compound fracture of both bones of left leg and he was admitted at Royapettah Govt hospital as inpatient from 24.06.2019 to 12.07.2019 and surgery was done on 24.06.2019 and 02.07.2019. Again he was admitted in the same hospital as inpatient from 28.08.2019 to 04.09.2019 and surgery was done on 29.08.2019. Again he was admitted same hospital as inpatient from 25.11.2019 to 04.12.2019 and surgery was done on 30.11.2019. As per the Ex.P3 and Ex.P4 discharge summaries the total inpatient days are 36 days. But no medical bills marked and hence no amount awarded under this head.

iv) Attendant Charges

As stated supra the petitioner sustained Grade 3B compound fracture both bone right leg, Grade I compound fracture of both bones of left leg and he was admitted at Royapettah Govt hospital as inpatient from 24.06.2019 to 12.07.2019 and surgery was done on 24.06.2019 and 02.07.2019. Again he was admitted in

the same hospital as inpatient from 28.08.2019 to 04.09.2019 and surgery was done on 29.08.2019. Again he was admitted same hospital as inpatient from 25.11.2019 to 04.12.2019 and surgery was done on 30.11.2019. As per the Ex.P3 and Ex.P4 discharge summaries the total inpatient days are 36 days. During the said period of hospitalization, a person would have stayed and assisted him and hence a sum of **Rs.30,000/-** awarded under this head.

v) Transport Charges

The petitioner sustained Grade 3B compound fracture both bone right leg, Grade I compound fracture of both bones of left leg and he was admitted at Royapettah Govt hospital as inpatient from 24.06.2019 to 12.07.2019 and surgery was done on 24.06.2019 and 02.07.2019. Again he was admitted in the same hospital as inpatient from 28.08.2019 to 04.09.2019 and surgery was done on 29.08.2019. Again he was admitted same hospital as inpatient from 25.11.2019 to 04.12.2019 and surgery was done on 30.11.2019. As per the Ex.P3 and Ex.P4 discharge summaries the total inpatient days are 36 days. Though he would have gone to hospital for many times, no transport bills are marked. However considering the treatment period, distance to hospital a sum of **Rs.15,000/-** awarded under this head.

vi) Loss of Income

The petitioner stated that he was a Plumber and earned Rs. 15,000/- per month. But no documents marked in his evidence to prove his income and nature of work. Hence, this court considering his age was 55 at the time of accident and prevailed working atmosphere, his notional income is fixed as Rs.10,000/- per month. The disability compensation is awarded on percentage basis and not

towards loss of earning capacity. During the treatment time for at least six months he would have not able to work and thereby lost his income. Hence separate compensation for treatment period loss of income is awarded and this tribunal is inclined to award **Rs. 60,000/-** (6 x 10,000) under this head.

vii) Loss of Amenities

In view of the fact that the petitioner sustained Grade 3B compound fracture both bone right leg, Grade I compound fracture of both bones of left leg and he was admitted at Royapettah Govt hospital as inpatient from 24.06.2019 to 12.07.2019 and surgery was done on 24.06.2019 and 02.07.2019. Again he was admitted in the same hospital as inpatient from 28.08.2019 to 04.09.2019 and surgery was done on 29.08.2019. Again he was admitted same hospital as inpatient from 25.11.2019 to 04.12.2019 and surgery was done on 30.11.2019. As per the Ex.P3 and Ex.P4 discharge summaries the total inpatient days are 36 days. So, during that time and in rest period certainly, he would have loss amenities by not able to perform his day today work and depending upon his family members. Hence under this head this tribunal is inclined to award **Rs.30,000/-**.

viii) Extra nourishment

During the period of treatment and the subsequent days he would have to take 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. 1,28,000/-
Pain and Suffering	Rs. 1,00,000/-
Loss of Income	Rs. 60,000/-
Medical expenses	Nil
Attendant charges	Rs. 30,000/-
Transportation	Rs. 15,000/-
Loss of Amenities	Rs. 30,000/-
Extra Nourishment	Rs. 20,000/-
TOTAL	Rs.3,83,000/-

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

(i)	An award of Rs. 3,83,000/- (Rupees Three Lakhs and Eighty three Thousand only) is passed in favour of the petitioner with interest at 7.5% p.a. from the date of petition i.e. 08.11.2019 to till the date of deposit, 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. 7202253645, Indian bank, Thuraipakkam branch, Chennai, IFSC IDIB000D052 through RTGS (or) NEFT.
(vi)	The petitioner has paid a sum of Rs. 372.5/- towards Court fee. As per this award, the Court fee is Rs.3202.5/- The Advocate fee is fixed at Rs.10,660/-. The Additional Court fee of a sum of Rs. 2,830/- 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 10th day of June 2026.

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

LIST OF WITNESSES EXAMINED BY THE PETITIONER: -

SL.No.	DATE	NAME OF THE WITNESSES	REMARKS
PW1	08.03.2025	Palani (petitioner)	Ex.P1-Ex.P10

LIST OF EXHIBITS BY THE PETITIONER: -

Sl No.	Date	Document Particulars	Document Type
Ex.P1	24.06.2019	First information report	Photocopy
Ex.P2	--	Accident register	Photocopy

Ex.P3	--	Discharge summary	Photocopy
Ex.P4	--	Continues treatment record	Photocopy
Ex.P5	--	Charge sheet	Photocopy
Ex.P6	--	Driving license of the accused	Photocopy
Ex.P7	--	Aadhar card petitioner	Photocopy
Ex.P8	--	Bank pass book of the petitioner	Photocopy
Ex.P9	--	Insurance policy of the first respondent vehicle	Photocopy
Ex.P10	--	RC book of the first respondent vehicle	Photocopy

LIST OF WITNESS EXAMINED BY THE RESPONDENT:Nil

LIST OF EXHIBITS MARKED BY THE RESPONDENT: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
COURT OF SMALL CAUSES
CHENNAI

OTHER PARTICULARS

Date of filing of the petition	08.11.2019
Date of Award	10.06.2026
Amount Claimed under Compensation	Rs.10,00,000/-
Amount Awarded as Compensation	Rs.3,83,000/-
Total Court Fees	Rs.3,202.5/-
The Court Fee already paid	Rs. 372.5/-
Balance Court Fee to be Paid	Rs.2,830/-

Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs.3,202.5/-
Vakalath	Rs. 5.00/-
Preparation of Summon Batta Charges	Rs. 40.00/-
Advocate Fees	Rs. 10,660/-
TOTAL	Rs.13,907.5/- (Rounded off to Rs.13,908/-)

(M.SHAKKIRA BANU)
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COURT OF SMALL CAUSES
CHENNAI