



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 11th day of August 2026

Motor Accidents Claims Original Petition No.4751 of 2023

CNR NO : TNCH09-010110-2023

Mr. M.Sivakumar S/o. Muthu,
No.2, Vinayagar Kovil Street, Peruveli,
Paiyambadi, Maduranthakam,
Kancheepuram – 603 309.

...Petitioner

-Vs-

1. R.Bala Ganesh S/o. P.K.Rajan,
No.129, Marakkanam Road, Tindivanam,
Villupuram – 604 001.

2. United India Insurance Co. Ltd.,
Silingi Buil, New No. 134, Old No. 40-45,
Greams Road, Chennai – 600 006.

...Respondents

Appearance:

M/s.C.Thangaraju & Others, Counsels appearing for the Petitioner.

1st Respondent: Set *ex parte* on 10.01.2024.

M/s.T.K.Prem Kumar, Counsel appearing for the 2nd Respondent.

Upon perusing the entire records, I passed the following

AWARD

The Petition is filed seeking compensation of Rs. 20,00,000/- for the injuries sustained by the Petitioner in a motor accident.

2. Crux of the Petition:

The Petitioner was aged about 47 years, working as a Head Constable at Maraimalai Nagar Police Station, thereby earning Rs. 65,000/- per month. On



09.08.2023, at about 11.00 a.m., when the Petitioner was traveling as a pillion rider on the motorcycle bearing Reg. No. TN 11 G 0411 near the HP Petrol Bunk Service Road of GST Road, Kattankulathur, a motorcycle bearing Reg. No. TN 16 F 0709, which was driven by its rider in a rash and negligent manner in the same direction, dashed against the motorcycle of the Petitioner from behind, due to which the Petitioner sustained a fracture of the left knee and multiple injuries all over his body. A criminal case was registered in Crime No. 424/T2/2023 by the Tambaram Traffic Investigation Wing. The 1st Respondent is the owner of the motorcycle and the 2nd Respondent is the insurer. Hence, the petition.

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

The averments made in the petition are denied. The age, income and occupation of the Petitioner are denied. The manner of the accident is also denied. The owner and insurer of the vehicle in which the Petitioner was traveling have not been impleaded as parties and, therefore, the petition is bad for non-joinder of necessary parties. The claim of the Petitioner is highly excessive. In fact, the rider of the motorcycle in which the Petitioner was traveling collided with the vehicle of the 1st Respondent and, therefore, the entire liability cannot be fixed on the Respondents. The rider of the motorcycle of the 1st Respondent was not having a valid driving licence. Hence, the petition is liable to be dismissed.

4. Points to be considered:

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

5. On the side of the Petitioner, the Petitioner was examined as PW1 and Ex.P1 to P14 were marked. On the side of the 2nd Respondent, an application under Section 170 of the M.V. Act was filed and allowed. However, no oral or documentary



evidence was adduced. The Petitioner did not subject himself to an assessment of disability.

6. Answer to Point No. 1:

According to the Petitioner, he was travelling as a pillion rider on the motorcycle bearing Reg. No. TN 11 G 0411, and the 1st Respondent's vehicle bearing Reg. No. TN 16 F 0709, which came in the same direction, dashed against the Petitioner's motorcycle. Ex.P1 is the copy of the FIR registered against the rider of the motorcycle of the 1st Respondent. Ex.P6 is the copy of the final report filed against the rider of the 1st Respondent's vehicle under Sections 279, 337 and 338 of the IPC. Ex.P5 is the rough sketch, which portrays the place of occurrence, which is on the service road of GST Road. The 1st Respondent remained *exparte*. Though the 2nd Respondent denied the manner of the accident in the counter, no contra evidence was adduced. Therefore, in the absence of any contra evidence, this Tribunal holds that the accident was due to the rash and negligent riding of the motorcycle by the rider of the 1st Respondent's vehicle.

7. Answer to Point No. 2:

(a) Ex.P2 is the copy of the Accident Register, according to which the Petitioner sustained multiple abrasions measuring 1 x 1 cm and 2 x 2 cm on the anterior aspect of the left knee. There are no medical records to suggest that the Petitioner sustained any fracture injuries as pleaded in the petition. Admittedly, the Petitioner was not treated as an inpatient. It is pertinent to note that Ex.P6, the final report filed upon completion of the investigation by the police, would show that the Petitioner sustained a simple injury and the rider of the motorcycle sustained a grievous injury. Considering all these facts and evidence, this Tribunal holds that the Petitioner sustained a simple injury.

(b) Therefore, considering the nature of the injuries and the period of the accident, and taking into account the cost inflation, this Tribunal holds that a



consolidated sum of Rs. 50,000/- as compensation would be just and reasonable towards pain and suffering, transportation, extra nourishment, etc.

8. Answer to Point No. 3:

The 2nd Respondent has taken a defence that the rider of the motorcycle of the 1st Respondent was not having a valid driving licence. On the contrary, Ex.P7 is the copy of the Registration Certificate of the 1st Respondent's vehicle, and Ex.P8 is the copy of the driving licence of the 1st Respondent's driver. Ex.P9 is the copy of the insurance policy issued by the 2nd Respondent. Therefore, I hold that there is no violation of the policy conditions. In the absence of any violation of the policy conditions, this Tribunal holds that the 2nd Respondent, being the insurer, is liable to pay compensation to the Petitioner. Accordingly, the point is answered.

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 with Costs,

(b) The petitioner is awarded a total compensation of **Rs. 50,000/- (Rupees Fifty Thousand only)** with interest at a rate of 6.5% p.a. from the date of filing of the petition till the date of deposit excluding the period of dismissal for default, 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. 2,250/-**.

REQUIRED PARTICULARS

1.	Date of Presentation	24-08-2023
2.	Date of filing	25-09-2023
3.	Compensation Claimed	Rs. 20,00,000/-
4.	Court fees paid	Rs. 375/-
5.	Compensation Awarded	Rs. 50,000/-
6.	Court Fees payable on the Award	Rs. 110/-
7.	Deficit Court fees Payable (6-4)	Rs. (-) 265/-
8.	Petitioner's Bank Name and Branch	SBI, Madurantakam.
9.	Petitioner's Account number and IFSC code	10504151103
10.	Petitioner's Aadhar	7473 3034 6755
11.	Petitioner's PAN	HVNPS5817J
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	-	110	. 00			
Stamp on Vakalat	-	20	. 00			
Stamp for process	-	40	. 00		-- not filed --	
Advocate fees	-	2,250	. 00			
Costs allowed	-	2,420	. 00			

//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 11th day of August 2026.//

III Judge
Court of Small Causes, Chennai.

Petitioner's side Witness:

P.W.1 : Mr. Sivakumar, Petitioner

Petitioner's side Exhibits:

Ex.P1 : FIR

Ex.P2 : AR copy

Ex.P3 : MVI report of 1st respondent

Ex.P4 : MVI report of the petitioner

Ex.P5 : Rough sketch

Ex.P6 : Charge sheet

Ex.P7 : Registration certificate

Ex.P8 : Driving License of the 1st respondent

Ex.P9 : Insurance policy

Ex.P10 : Aadhar card copy

Ex.P11 : PAN card copy

Ex.P12 : Bank Passbook

Ex.P13 : ID card

Ex.P14 : Driving License



2nd Respondent side Witness: Nil

2nd Respondent side Exhibits: Nil

Court Document: Nil

**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 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.