



**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

Wednesday, the 10th day of June 2026

Motor Accidents Claims Original Petition No.7642 of 2018

CNR NO : TNCH09-010282-2018

Mrs.Devi,
D/o.Muthuvel,
No.42, Corporation Line,
Chennai – 34.

... Petitioner

-Vs-

1. Mr. M.Anbalagan,
No.16, Kamarajar Salai,
Alwarthirunagar,
Tiruvallur – 600 087.

2. Reliance General Insurance Co.Ltd,
Reliance House, 6th Floor,
Haddows Road,
Chennai – 600 006.

... Respondent

This petition came up before me for final hearing today 10.06.2026 in the presence of M/s.B.Nanthakumar, Counsel appearing for the Petitioner and 1st respondent was called absent and set exparte on 31.01.2019 and M/s.C.Ramesh Babu, Counsel appearing for the 2nd respondent and upon perusing the entire records of the case and having stood over for consideration till this date, this Tribunal pronounces the following:-

AWARD

The Petitioner filed the petition seeking for compensation of Rs. 25,00,000/- for the injuries sustained by her in a motor accident.

2. Crux of the Petition:

The Petitioner is aged about 36 years working as a House-Keeping thereby



earning Rs. 16,000/- per month. On 26.04.2017 at about 18.45 Hours, at Vidvan Somasudaram Street Junction, Nungambakkam to Kodambakkam High Road, when the petitioner was crossing the road, a two-wheeler bearing registration number TN 10 AS 048 driven by its driver in a rash and negligent manner and hit the petitioner due to which the petitioner had fallen down and sustained both bone fracture over right leg. She was taken to the Government Hospital, Royapetah. A Criminal case was registered in Crime No. 123/TN2/2017 by R4 Pondy Bazzar Traffic Investigation, T Nagar, Chennai. The accident was due to the rash and negligence of the rider of the two-wheeler. The 1st Respondent is its owner and the 2nd Respondent is the insurer. Hence, the petition.

3. Crux of the Counter of 2nd Respondent:

Denied the averments contained in the petition. Manner of accident is denied. Age, occupation and income of the petitioner are denied. The accident was not due to the rash and negligence of the 1st Respondent's Driver but because of the petitioner who made sudden cross of the road without seeing the oncoming vehicle. Claim of the petitioner is highly excessive. Hence, the petition is liable to be dismissed with Costs.

4. The points taken for consideration are as follows:-

1. On whose negligence, did the accident occur?
2. Whether the petitioner is entitled to compensation? If so, to what extent? And from whom?
3. Which respondent is liable to pay compensation?

5. On the side of the petitioner, the Petitioner was examined as PW1 and Ex.P1 to Ex.P8 were marked. On the side of the 2nd Respondent, application under Section 170 of the Motor Vehicles Act was filed and allowed. However, no oral and documentary evidence were let in. The Petitioner's disability was assessed at 34% permanent disability and Ex.C1 is disability certificate.



6. Answer to Point No. 1:

(a) There was no representation continuously. Hence, Considering the fact that the petition is of the year 2018, I have taken up the matter for orders on the materials available on record.

(b) Carefully perused the records. The Petitioner claimed to have sustained injuries in the motor accident on 26.04.2017 at about 18.45 Hours, when the petitioner was crossing the road, a two-wheeler bearing registration number TN 10 AS 048 driven by its driver in a rash and negligent manner and and hit the petitioner. Ex.P1 is FIR copy. From the averments of the FIR, accident was reported due to the rash and negligence of the rider of the two-wheeler. There is no contra evidence on the side of the 2nd Respondent. In this case, the 1st Respondent remained *exparte*. Therefore, in the absence of any *contra* evidence, I hold that the accident was due to the rash and negligence of the 1st Respondent's driver. Accordingly, the point is answered.

7. Answer to Point No. 2:

(a) Now it is necessary to decide the entitlement of the petitioner. According to the Petition, the Petitioner sustained Right leg both bone fracture. Ex.P2 is the AR copy. Ex.P3 to Ex.P5 are discharge summaries (three in numbers) for treatment as In-Patient. Ex.P6 is the Disability Identity Card showing locomotr disaility of 60%. The Petitioner's disability was assessed at 34% permanent disability due to the locomotor disability and Ex.C1 is the Disability Certificate issued by the District Medical Board. Having held that the Accident was due to the rash and negligence of the 1st Respondent's Driver, the petitioner injured is entitled to compensation.

Pain & Suffering & Loss of Amenities of life:

(b) From the Ex.P3 discharge summary, the Petitioner sustained Grade II compound injury with bimolleolar fracture. Implant was made by surgery and the petitioner was admitted on 26.04.2017 and discharged on 06.06.2017. Ex.P4



Discharge summary shows that she was admitted on 01.08.2017 and discharged on 07.08.2017 due to fixed plantor flexion deformity. Ex.P5 Discharge summary would show that she was admitted on 31.03.2021 and discharged on 07.04.2021 and implant was removed.

(c) The Petitioner's disability was assessed at 34% permanent disability and Ex.C1 is the Disability Certificate issued by the District Medical Board. From the Ex.P3 to Ex.P5, it is seen that the petitioner's injuries resulted in the fixation of screws and reduction of bone size due to the fracture on the right leg. Screws and implants were later removed. Therefore, the Petitioner would have suffered a lot due to the injuries and her treatment for three times as in-patient at the age of 36 years. Hence, towards **pain and sufferings**, this tribunal awards **Rs. 60,000/-**.

(d) Considering the above nature of the fracture injuries, it would affect mobility and day-to-day activities to some extent and she is deprived of normal amenities of life such as free movement, lifting things and articles and engaging in physical and social activities and expectation of normal life, that too, at the active age of 36 years. Hence, a sum of **Rs. 1,00,000/-** is awarded towards **loss of amenities of life**.

Notional income & Loss of income:

(e) Regarding the **loss of income**, the petitioner claimed to be a House Keeping thereby earning Rs. 16,000/- per month. However, there is no proof to show the same. In the absence of the above, it is necessary to fix notional income. Considering the fact that the accident was taken place on 26.04.2017, I am of the view to fix **Rs. 6,000/- per month as Notional income**.

(f) Due to the above injuries and the treatment period as seen from Ex.P3 to Ex.P5, the petitioner had been in treatment as in-patient from 26.04.2017 to 06.06.2017 (11 days), 26.07.2017 to 07.08.2017(13 days), and 31.03.2021 to 07.04.2021 (8 days) (in total 32 days), she would have been in bed rest and lost her



income at least for a period of six months. Hence, towards, the **Loss of income**, this Court awards **Rs. 36,000/-**. (6,000 x 6).

Disability:

(g) The Petitioner sustained a permanent disability for 34% as per Ex.C1. There are no materials to show that the said disability caused functional disability to the Petitioner. Hence, it is not necessary to adopt the percentage method for calculating the compensation arisen out of the injuries sustained by the petitioner at the time of the accident. In the present case, the accident took place on 26.04.2017. According to the ratio laid down by the Hon'ble High Court in ***M.Chinnathambi v. S.Deepa and another***, CMA. No.4645 of 2019 dated **10.01.2020** wherein it has been held that for the accident happened from the year 2016, a sum of Rs.5,000/- per Percentage of Disability was awarded. Applying the said ratio, Rs.5,000/- per percentage is awarded and accordingly, for the **Disability**, this court awards **Rs.1,70,000/-** (5,000 x 34).

Transportation and other Expenses:

(h) Regarding the **Transportation and Extra-nourishment expenses, and attendance charges** considering the nature of the injuries and treatment period as seen from the Ex.P3 to Ex.P5, the petitioner had been in treatment as in-patient from 26.04.2017 to 06.06.2017 (11 days), 26.07.2017 to 07.08.2017(13 days), and 31.03.2021 to 07.04.2021 (8 days) (in total 32 days), this tribunal awards **Rs. 30,000/-**. It is also held that the petitioner is entitled to **Rs. 3,000/-** towards damages of clothes and articles.

(i) There are no materials produced by the Petitioner to show that the above injuries caused any impact on the earning ability and warranting future medical expenses to be awarded under the above heads.

(j) To sum up, under all the Headings, the Petitioner is entitled to the following compensation:



1.	Pain and Sufferings	Rs.	60,000/-
2.	Loss of Amenities	Rs.	1,00,000/-
3.	Disability	Rs.	1,70,000/-
4.	Loss of income	Rs.	36,000/-
5.	Transportation, Extra-nourishment and Attender's charges	Rs.	30,000/-
6	Damages to Clothes and Articles	Rs.	3,000/-
	Total	Rs.	3,99,000/-

(k) Thus, the Petitioner is awarded a compensation of **Rs. 3,99,000/- (Rupees Three Lakhs and Ninety Nine Thousand only)** with interest at the rate of 7.5% p.a. from the date of filing of the petition till the date of deposit.

8. Answer to Point No. 3:

(a) Now, it is necessary to decide as to who is liable to pay the compensation. The 1st Respondent remained *exparte* in the matter. The 2nd Respondent contested the matter disputing the liability of the insurer company on various grounds. However, no contra evidence is adduced by the 2nd Respondent disputing the liability. Hence, the 2nd Respondent being the insurer is liable to pay the compensation to the Petitioner. Accordingly, the point is answered.

9. Result:

In fine,

(a) The Petition is partly allowed;

(b) The Petitioner is awarded a compensation of **Rs. 3,99,000/- (Rupees Three Lakhs and Ninety Nine Thousand only)** with interest at a rate of 7.5 % 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 to deposit the said compensation amount in the Tribunal's Account "**Registrar (MACT), Court of Small Causes, Chennai Account No. 7103261207 IFSC No. IDIB000M157 Indian Bank, Madras High**



Court Branch, Chennai” within two months;

(d) Upon such deposit, the 2nd Respondent is directed to send a copy of **Bank Advice** to this Tribunal and a copy of the same to be sent to the Petitioner;

(e) On petition for withdrawal of the amount, excluding the Costs, Advocate Fees, etc., the rest of the amount shall be transferred to the Petitioner/claimant's bank account details of which are furnished below through RTGS/NEFT.

(f) The petitioner is directed to deposit the **deficit court fees** for the award amount **within two weeks** from the date of this order, if not already paid and only on such deposit, the Petitioner is entitled for disbursement;

(g) The Advocate fees is fixed as **Rs. 10,980/-**.

REQUIRED PARTICULARS

1.	Date of Presentation	11-06-2018
2.	Date of filing	03-12-2018
3.	Compensation Claimed	Rs. 25,00,000/-
4.	Court fees paid	Rs. 372.50/-
5.	Compensation Awarded	Rs. 3,99,000/-
6.	Court Fees payable on the Award	Rs. 3,362.50/-
7.	Deficit Court fees Payable (6-4)	Rs. 2,990/-
8.	Petitioner's Bank Name and Branch	Tamilnadu Grama Bank, Porur.
9.	Petitioner's Account number and IFSC code	1023697627, IDIB0PLB001
10.	Petitioner's Aadhar	6717 6570 9221
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	-	3,362	. 50			
Stamp on Vakalat	-	20	. 00			
Stamp for process	-	40	. 00		-- not filed --	
Advocate fees	-	10,980	. 00			
Costs allowed	-	14,402	. 50			

//Dictated to the Steno typist, typed by him in the computer directly, corrected and pronounced by me in the open Court, on this Wednesday, the 10th day of June 2026.//

III Judge
Court of Small Causes, Chennai.

Petitioner's side Witness:

P.W.1 : Mrs.Devi, Petitioner

Petitioner's side Exhibits:

Ex.P1 : First Information Report

Ex.P2 : Accident Register

Ex.P3 : Discharge Summary (26.04.2017 to 06.06.2017)

Ex.P4 : Discharge Summary (26.07.2017 to 07.08.2017)

Ex.P5 : Discharge Summary (31.03.2021 to 07.04.2021)

Ex.P6 : Disability Card

Ex.P7 : Petitioner's Aadhar Card

Ex.P8 : Petitioner's Bank Pass Book

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.