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 17th day of June 2026

MCOP No.7685/2018,7686/2018,7687/2018 and 7688/2018

CNR No.TNCH09-010332-2018
CNR No.TNCH09-010333-2018
CNR No.TNCH09-010334-2018
CNR No.TNCH09-010335-2018

MCOP No.7685/2018

K. Dulasidass,
Aged about 46 years,
S/o. Krishnan,
No.31, Padasalai street,
Anbu Nagar, Sunthar Cholavaram,
Thiruverkadu,Ayapakkam,
Chennai - 600 077. …Petitioner

Vs.

1. S. Vinoth,
   S/o.Sivakumar,
   No.50, MGT street,
   Bhakkiyalakshmi nagar,
   Maduravoyal,
   Chennai - 600 095.

2. The New India Assurance Co. Ltd.,
   Motor Third party Cell,
   Bombay Mutual Building, 6th floor,
   No.232, NSC bose road,
   Chennai - 600 001. …Respondents

<u>MCOP No. 7686/2018</u>

A. Manoharan,
Aged about 56 years,
S/o.Alagarsamy,
No.19, K.P.S.Nagar 3rd street,
Thiruverkadu, Ayapakkam,
Chennai - 600 077. …Petitioner

Vs.

1. S. Vinoth,
   S/o.Sivakumar,
   No.50, MGT street,
   Bhakkiyalakshmi nagar,
   Maduravoyal,
   Chennai - 600 095.

2. The New India Assurance Co. Ltd.,
   Motor Third party Cell,
   Bombay Mutual Building, 6th floor,
   No.232, NSC bose road,
   Chennai - 600 001. …Respondents

<u>MCOP No. 7687/2018</u>

P. Chandran,
Aged about 51 years,
S/o.Palanisamy,
No.149, Pillaiyar Koil street,
Sridevi Nagar, Thiruverkadu,
Ayapakkam,
Chennai- 600 077. …Petitioner

Vs.

1. S. Vinoth,
   S/o.Sivakumar,
   No.50, MGT street,
   Bhakkiyalakshmi nagar,
   Maduravoyal,
   Chennai - 600 095.

2. The New India Assurance Co. Ltd.,
Motor Third party Cell,
Bombay Mutual Building, 6th floor,
No.232, NSC bose road,
Chennai - 600 001. …Respondents

MCOP No. 7688/2018

P. Kannan,
Aged about 36 years,
S/o. Paramasivam,
No.7/83, 6th street, Annai Abirami nagar,
Thiruverkadu,Ayapakkam,
Chennai - 600 077. …Petitioner

Vs.

1. S. Vinoth,
S/o.Sivakumar,
No.50, MGT street,
Bhakkiyalakshmi nagar,
Maduravoyal,
Chennai - 600 095.

2. The New India Assurance Co. Ltd.,
Motor Third party Cell,
Bombay Mutual Building, 6th floor,
No.232, NSC bose road,
Chennai - 600 001. …Respondents

These claim petitions came up on **08.06.2026** for final hearing before me in the presence of **Mr. S.R.Mukesh Aravind** Counsel for the petitioner and **Mr. J. Chandran** Counsel for the 2nd respondent, the **1st respondent called absent set exparte.** Though liberty to argue given, petitioner side not come forward to argue. On hearing Respondent No.2 side arguments and on perusal of written arguments and on perusing the case records and having stood over for consideration till this date, this court delivered the following.

AWARD

1.1 The claim petition in MCOP No. 7685/2018 has been filed under Section 166 of Motor Vehicles Act,1988 claiming a compensation of Rs. 12,00,000/- with interest and costs for the accident.

1.2. The claim petition in MCOP No.7686/2018 has been filed under Section 166 of Motor Vehicles Act,1988 claiming a compensation of Rs.2,50,000/- with interest and costs for the accident.

1.3. The claim petition in MCOP No.7687/2018 has been filed under Section 166 of Motor Vehicles Act,1988 claiming a compensation of Rs.7,00,000/- with interest and costs for the accident.

1.4. The claim petition in MCOP No.7688/2018 has been filed under Section 166 of Motor Vehicles Act,1988 claiming a compensation of Rs.8,00,000/- with interest and costs for the accident.

Since all the claim petitions are arising out of the same accident, so joint trial was ordered and evidence recorded in MCOP No.7685/2018.

2. Brief averments in the petitions:

The petitioners submitted that on 01.02.2018 at about 04.20 hours, while the petitioners were travelling as passengers in an auto rickshaw bearing Registration No. TN 05 U 4604, proceeding on the left side of the road near Virsiga Enterprises, Vangaram, Chennai, at that time, the car bearing Registration No. TN 22 DE 1847, driven by its driver in a rash and negligent manner, endangering public safety, came from behind and hit the auto rickshaw in which the petitioners were travelling, resulting in the auto rickshaw capsizing. Due to the said accident, the petitioners sustained grievous injuries. The accident occurred solely due to the rash and negligent driving of the driver of the first respondent's car. Hence, the first respondent, being the owner, and the second respondent, being the insurer of the said car, are jointly and severally liable to pay compensation to the petitioners.

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

The second respondent denied all the averments contained in the claim petition except those specifically admitted. The second respondent stated that the alleged insurance policy bearing No. 730401/31/17/01/00083101 said to have been valid from 21.10.2017 to 20.10.2018 for the car bearing Registration No. TN 22 DE 1847 was not issued by the second respondent and the said policy is a fake and fabricated document. Hence, the second respondent is not liable to indemnify the owner of the vehicle. The owner of the vehicle has to prove the existence of a valid insurance policy, premium payment, and other vehicle particulars. The driver of the alleged offending vehicle did not possess a valid driving licence and other statutory documents, and therefore, the second respondent is not liable to pay compensation. The accident occurred only due to the negligence of the driver of the auto rickshaw bearing Registration No. TN 05 U 4604, and the claim is bad for non-joinder of the owner and insurer of the said vehicle. The petitioners are put to strict proof regarding the age, injuries, disability, medical expenses, loss of income and earning capacity. Hence prayed for dismissal with costs.

4. Evidence:

The petitioner in MCOP No.7685/2018 Dulasidass was examined as PW1 and marked Ex.P1 to Ex.P10. The petitioner in MCOP. No.7688/2018

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Kannan was examined as PW2 and marked Ex.P11 to Ex.P15. On the 2nd Respondent side the company official was examined as RW1 and marked Ex.R1 to Ex.R11.

5. <u>Points for determination are:</u>

1)	Whether the accident occurred due to the rash and negligent driving of the 1st respondent car driver?
2)	Whether the 1st respondent car 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?

6. <u>Point No.1:</u>

The petitioners have contended that on 01.02.2018 at about 04.20 hours, while they were travelling as passengers in an auto rickshaw bearing Registration No. TN 05 U 4604 on the left side of the road near Virsiga Enterprises, Vangaram, Chennai, the car bearing Registration No. TN 22 DE 1847, driven by its driver in a rash and negligent manner, came from behind and hit the auto rickshaw, resulting in the auto rickshaw capsizing and causing injuries to the petitioners. In order to prove the manner of accident, the petitioner in MCOP No.7685/2018 was examined as PW1 and the petitioner in MCOP No.7688/2018 was examined as PW2. The petitioners have relied upon Ex.P1 FIR registered in Crime No.124/2018 by the Poonamallee Traffic Investigation Wing under Sections 279 and 337 IPC against the driver of the car bearing Registration No. TN 22 DE 1847. Further, after investigation, the police filed Ex.P8 charge sheet against the

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said driver. The contents of FIR and charge sheet disclose that the accident occurred due to the negligent driving of the car driver. Further, the first respondent, being the owner of the offending vehicle remained exparte and has not entered into the witness box to deny the allegation regarding the manner of accident or to dispute the criminal proceedings initiated against the driver of his vehicle. Though the second respondent/Insurance Company has contested the claim petition, no contra evidence has been adduced to disprove the manner of accident. The evidence of PW1 and PW2 coupled with Ex.P1 FIR and Ex.P8 charge sheet remain unchallenged. Therefore, this Tribunal is of the considered view that the accident occurred only due to the rash and negligent driving of the driver of the first respondent's car bearing Registration No. TN 22 DE 1847. Accordingly, Point No.1 is answered in favour of the petitioners.

7. <u>Point No.2:</u>

7.1 In this point, it is necessary to decide whether the offending vehicle was having a valid insurance policy on the date of accident and whether the second respondent is liable to indemnify the first respondent. The petitioners have marked Ex.P4 the driving licence of the driver of the first respondent's car. The Registration Certificate and Motor Vehicle Inspector Report of the offending vehicle have been marked as Ex.P3 and Ex.P9. The said documents show that the offending vehicle was a registered vehicle and the driver possessed a valid driving licence at the relevant time. However, the second respondent/Insurance Company has specifically disputed the existence of a valid insurance policy.

7.2 The Insurance Company examined its official as RW1 and marked documents as Ex.R1 to Ex.R11. The specific case of the second respondent is that the alleged policy bearing No. 730401/31/17/01/00083101, said to be valid from 21.10.2017 to 20.10.2018, was not issued by the second respondent and no premium was received from the owner of the vehicle. The second respondent contended that the alleged policy produced by the petitioners is a fake and fabricated document and that the Insurance Company is not liable to indemnify the owner of the vehicle. The second respondent insurance company has issued Ex.R2 legal notice to the first respondent and Ex.R4 notice to the counsel for the petitioner regarding the fake insurance policy and calling upon to produce the original policy. Further from Ex.R6 it could be seen that the insurance company sent a criminal complaint to the Inspector of Police, Poonamallee Police Station for fabricating the insurance policy. Ex.R9 shows that the complaint has been forwarded to the Economic offences wing for further action. The Insurance Company also contended that the owner of the vehicle failed to enter into the witness box and failed to produce the original policy, premium receipt and other connected documents despite notice. On perusal of the evidence of RW1 and the documents filed on the side of the second respondent, it is seen that the issuance of the alleged policy has been specifically denied by the Insurance Company. The petitioners have not produced any acceptable evidence to prove payment of premium or to establish that the alleged policy was actually issued by the second respondent.

7.3 It is the duty of the owner of the vehicle to establish the existence of a valid insurance policy covering the risk on the date of accident. In **C.K. Senthil vs Ranjithkumar,** reported in **2022 SCC OnLine Mad 2248** the Hon’ble Madras High Court has held that when the genuineness of the insurance policy is disputed and the claimant fails to establish the existence of a valid policy, the Insurance Company cannot be made liable. The liability of the insurer arises only when there is a valid contract of insurance. A disputed policy must be proved by acceptable evidence. Under Section 147 MV Act the liability of an Insurance Company is contractual in nature and arises only when the existence of a valid policy issued by the insurer is established. In the present case, the second respondent has specifically denied the issuance of the alleged policy and has produced evidence through RW1. The petitioners have failed to prove the payment of premium or genuineness of the policy. Hence, the second respondent cannot be fastened with liability.

7.4 In the absence of proof regarding issuance of the policy by the second respondent, this Tribunal cannot fasten the liability upon the Insurance Company merely based on the particulars mentioned in the claim petition. At the same time, the negligence of the driver of the offending vehicle and the occurrence of accident have been proved. Hence, the first respondent, being the owner of the offending vehicle, is liable to compensate the petitioners. Therefore, this Tribunal holds that though the driver of the first respondent's vehicle possessed a valid driving licence, the petitioners have failed to prove the existence of a valid insurance policy issued by the second respondent. Hence, the second respondent is not liable to indemnify the first respondent. The first respondent, being the owner of the offending vehicle, is solely liable to pay the compensation awarded to the petitioners. Point No.2 is answered accordingly.

8. <u>Point No.3</u>

(1) <u>MCOP No.7685/2018 :-</u>

As already decided in Point No.1, the accident occurred due to the rash and negligent driving of the driver of the first respondent's car bearing Registration No. TN 22 DE 1847. Due to the said accident, the petitioner Dulasidass sustained injuries. The petitioner examined himself as PW1 and produced medical records. As per Ex.P2 Accident Register and Ex.P5 OP Chit, the petitioner sustained abrasions over the right and left knee, tenderness over the left knee and abrasion over the forehead and took treatment at KMC Government Hospital. Though the petitioner alleged that he sustained permanent disability, he was not referred to the Medical Board and no disability certificate has been produced. Therefore, no amount can be awarded under the head of permanent disability. Further, the petitioner has not produced any acceptable evidence to prove functional disability or loss of earning capacity. It could be further seen in Ex.P9 final report that the petitioner Dulasidass is said to have sustained simple injury. Considering the nature of injuries and available medical records, this Tribunal is inclined to award compensation under the following heads:

Pain and suffering	Rs.30,000/-
Medical expenses	Rs.10,000/-
Transportation expenses	Rs.5,000/-
Extra nourishment	Rs.5,000/-
Loss of income during treatment period	Rs.10,000/-
Total	**Rs.60,000/-**

Thus, the petitioner in MCOP No.7685/2018 is entitled to a sum of **Rs.60,000/-** as compensation.

(2) <u>MCOP No. 7686/2018 :</u>

As already decided in Point No.1, the accident occurred due to the rash and negligent driving of the first respondent's car driver. However, though the petitioner claimed compensation alleging that he sustained injuries in the accident, the petitioner has not entered into the witness box to substantiate his claim. No oral evidence has been adduced and no medical records or other documentary evidence have been produced to prove the injuries, treatment or disability. It is settled principle that mere pleadings cannot be the basis for awarding compensation without supporting evidence. Therefore, this Tribunal is not inclined to grant any compensation and the claim petition is liable to be dismissed for want of proof.

(3) <u>MCOP No. 7687/2018 :</u>

As already decided in Point No.1, the accident occurred due to the rash and negligent driving of the first respondent's car driver. However, the petitioner has not entered into the witness box and failed to adduce any evidence to prove the injuries alleged to have been sustained in the accident. No medical records have been produced to establish the nature of injuries, treatment undergone or disability. Hence, the petitioner has failed to prove the claim by acceptable evidence. Therefore, this Tribunal is inclined to dismiss the claim petition.

(4) <u>MCOP No. 7688/2018 :</u>

As already decided in Point Nos.1 and 2, the accident occurred due to the rash and negligent driving of the driver of the first respondent's car. The petitioner Kannan sustained injuries in the said accident. The petitioner was examined as PW2. As per Ex.P11 Accident Register and Ex.P12 OP Chit, the petitioner sustained abrasions, lacerations and tenderness over the right shoulder and had taken treatment at KMC Government Hospital. The petitioner was not referred to the Medical Board and no disability certificate has been produced. Hence, no amount can be awarded towards permanent disability. Further, there is no evidence to prove functional disability or loss of income. It could be further seen in Ex.P9 final report that the petitioner Kannan is said to have sustained simple injury. Considering the nature of injuries and available medical records, this Tribunal is inclined to award compensation under the following heads:

Pain and suffering	Rs.30,000/-
Medical expenses	Rs.10,000/-
Transportation expenses	Rs.5,000/-
Extra nourishment	Rs.5,000/-
Loss of income during treatment period	Rs.10,000/-
Total	**Rs.60,000/-**

Thus, the petitioner in MCOP No.7688/2018 is entitled to a sum of **Rs.60,000/-** as compensation.

9. In the result,

9.1. In the result, this petition in MCOP No.7685/2018 is partly allowed that,

(i)	An award of **Rs.60,000/-**(Rupees Sixty thousand only) is passed in favour of the petitioner with interest at 7.5% p.a. from the date of petition, i.e, 04.12.2018 to till the date of payment payable by the 1st 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. 7355612679, Indian Bank, Vanagaram branch,Chennai, IFSC IDIB000V095 through RTGS (or) NEFT.
(vi)	The petitioner has paid a sum of Rs. 375/- towards Court fee. As per this award, the Court fee is Rs.172.5/-. The Advocate fee is fixed at Rs.5,000/-. The Excess Court fee of a sum of Rs.202.5/- shall be refunded to the petitioner after appeal period.

9.2. In the result, this petition in MCOP No.7686/2018 is dismissed. There shall be no order as to costs.

9.3. In the result, this petition in MCOP No.7687/2018 is dismissed. There shall be no order as to costs.

9.4. In the result, this petition in MCOP No.7688/2018 is partly allowed that,

(i)	An award of **Rs. 60,000/-** (Rupees Sixty Thousand only) is passed in favour of the petitioners with interest at 7.5% p.a. from the date of petition, viz. 04.12.2018 to till the date of payment payable by the 1st 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

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	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. 39926202419, State Bank of India, Tiruverkadu branch, Chennai, IFSC SBIN0015492 through RTGS (or) NEFT.
(vi)	The petitioner has paid a sum of Rs. 375/- towards Court fee. As per this award, the Court fee is Rs.172.5/- The Advocate fee is fixed at Rs.5,000/-.The Excess Court fee of a sum of Rs.202.5/- shall be refunded to the petitioner after appeal period.

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 17th day of June 2026.

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

Petitioner side witnesses: -

S.No.	Date	Name of the witnesses	Remarks
PW1	02.09.2025	Dulasidass (petitioner in MCOP 7685/2018)	Ex.P1-Ex.P10

PW2	17.12.2025	Kannan (petitioner in MCOP 7688/2018)	Ex.P11– Ex.P15

Petitioner side exhibits:-

Sl No.	Date	Document Particulars	Document Type
Ex.P1	01.02.2018	First information Report	Photocopy
Ex.P2	--	Accident register in MCOP 7685/2018	Photocopy
Ex.P3	--	RC book of the first respondent vehicle	Photocopy
Ex.P4	--	Driving license of the first respondent vehicle driver	Photocopy
Ex.P5	--	Hospital treatments records	Original
Ex.P6	--	Aadhar card of the petitioner in MCOP 7685/2018	Photocopy
Ex.P7	--	Bank pass book of the petitioner in MCOP 76852018	Photocopy
Ex.P8	02.07.2018	Charge sheet	Photocopy
Ex.P9	--	MV report of the first respondent vehicle	Photocopy
Ex.P10	--	Petitioner driving license in MCOP 7685/2018	Photocopy
Ex.P11	--	Accident register in MCOP 7688/2018	Photocopy
Ex.P12	--	Hospital treatment records in MOCP 7688/2018	Photocopy
Ex.P13	--	Aadhar card of the petitioner in MOCP 7688/2018	Photocopy
Ex.P14	--	Bank pass book of the petitioner in MOCP 7688/2018	Photocopy
Ex.P15	--	Scan report	Photocopy

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Respondent side witness:-:

S.No.	DATE	NAME OF THE WITNESSES	REMARKS
RW1	24.03.2026	Arumugarajan (company staff)	Ex.R1 -R11

Petitioner side exhibits:-

Sl No.	Date	Document Particulars	Document Type
Ex.R1	--	Authorization letter	Photocopy
Ex.R2	--	Copy of notice to owner	Photocopy
Ex.R3	--	Acknowledgment card to owner	Photocopy
Ex.R4	--	Copy of notice to Advocate	Photocopy
Ex.R5	--	Acknowledgment card for Advocate	Photocopy
Ex.R6	--	Inspector of police compliant against the owner	Photocopy
Ex.R7	--	Copy of order in Crl. No. 4174 and 2302/2021	Photocopy
Ex.R8	--	Fake policy list to commission Vepery	Photocopy
Ex.R9	--	Copy of criminal complaint to Director General of police, Chennai	Photocopy
Ex.R10	--	Intimation by inspector of police forgery investigation wing team V central crime branch, Veppery, Chennai	Photocopy
Ex.R11	--	Acknowledgment card for Maduravoyal Inspector	Photocopy

Court Document: Nil

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(M.SHAKKIRA BANU)
V JUDGE
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CHENNAI

Other Particulars in MCOP No. 7685/2018

Date of filing of the petition	04.12.2018
Date of Award	17.06.2026
Amount Claimed under Compensation	Rs.12,00,000/-
Amount Awarded as Compensation	Rs.60,000/-
Total Court Fees	Rs.172.5/-
The Court Fee already paid	Rs.375/-
Excess Court Fee to be refunded	Rs.202.5/-

Costs List in MCOP No.7685/2018

Cost Particulars	**Amount**
Stamp duty for Award Amount	Rs.172.5/-
Vakalath	Rs.5.00/-
Preparation of Summon Batta Charges	Rs.40.00/-
Advocate Fees	Rs. 5,000/-
TOTAL	Rs. 5217.5/- (rounded off to Rs.5218)

Other Particulars in MCOP No.7688/2018

Date of filing of the petition	04.12.2018
Date of Award	17.06.2026
Amount Claimed under Compensation	Rs.8,00,000/-
Amount Awarded as Compensation	Rs.60,000/-
Total Court Fees	Rs.172.5/-
The Court Fee already paid	Rs.375/-
Excess Court Fee to be refunded	Rs.202.5/-

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Costs List in MCOP No.7688/2018

Cost Particulars	**Amount**
Stamp duty for Award Amount	Rs.172.5/-
Vakalath	Rs.5.00/-
Preparation of Summon Batta Charges	Rs.40.00/-
Advocate Fees	Rs. 5,000/-
TOTAL	Rs. 5217.5/- (rounded off to Rs.5218)

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