

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

Monday, this the 03rd day of August 2026

MCOP No.4007/2024

CNR No.TNCH09-013589-2023

Pirathiksha,
aged about 9 years,
D/o. Poornima,
No.25-B, Nesavalur Colony,
19th east cross street, MKB nagar,
Vyasarpadi, Chennai - 600 039.

...Petitioner

(Minor rep. by her Natural Guardian and mother Mrs. Poornima)

Vs.

1. Surender Singh,
S/o. Ramchander,
No.214, 8th cross road,
MKB nagar,
Vyasarpadi,
Chennai - 600 039.

2. The Cholamandalam MS General Insurance Co.Ltd.,
No.163, Harinivas Tower, Thambu Chetty Street,
Chennai - 01.

...Respondents

This petition came up on **24.07.2026** for final hearing before me in the presence of **M/s. S.K.M. Ramesh, J. Vimala Ramesh and B. Dinesh Babu** Counsels for the petitioner and **M/s. S. Stanley John and J.B.Hepshibah Jeyanthi and K.Kumar** Counsels for the 2nd Respondent and 1st Respondent called absent and set exparte and upon hearing second respondent side and on perusal of

petitioner side written arguments 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 25.10.2023, at about 04.00 pm at GNT road, near No.26, EBM papst India Pvt Company, Erukkancherry, while the minor petitioner was travelling in an auto bearing Reg. No. TN 05 BT 9741, at that time the respondent driver of the motorcycle bearing Reg. No. TN 05 CK 1078 drove in a rash and negligent manner and dashed against the minor petitioner, as a result of this accident the minor petitioner sustained grievous injury. The accident occurred solely due to the rash and negligent driving of the driver of the first respondent's vehicle. The first respondent, being the owner of the offending vehicle, and the second respondent, being its insurer, are jointly and severally liable to pay compensation to the petitioner.

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

The 2nd respondent denied all the allegations contained in the petition except those that are specifically admitted in the counter and put the petitioner to strict proof of the same. The petitioner has to prove the valid insurance policy, RC book, driving license, badge of the first respondent vehicle at the time of accident. The manner of accident is denied. The petitioner has to prove the age, nature of injuries, period of hospitalization. The amount claimed is excessive. Hence prayed for dismissal.

3. Evidence:

The petitioner examined himself as PW1 and marked Ex.P1 to Ex.P10. On the 2nd Respondent side, the insurance company official was examined and marked Ex.R1 to Ex.R3. The 2nd respondent filed petition u/s. 170 MV Act and allowed.

4. Points for determination:

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

It is pertinent to note that with regard to the accident, the police complaint was lodged by the auto driver namely Balaji to Pulianthope Traffic Investigation Wing and Ex.P1 FIR was registered in Crime No.146/2023 u/s 279, 337 and 338 IPC, against the 1st Respondent motorcycle rider. The Ex.P1 FIR and Ex.P2 Accident Register establish that the petitioner sustained injuries in the said accident. The first respondent remained exparte. The evidence of RW1 insurance company official relates only to the driving license aspect and does not disprove the manner of accident. Considering the oral and documentary evidence, this Tribunal holds that the accident occurred only due to the rash and negligent riding of the motorcycle by the rider of first

respondent. The point No.1 is decided accordingly.

6. Point No.2:

In this point it has to be ascertained whether the 1st respondent motorcycle rider had valid driving license and the vehicle had valid insurance at the time of accident. The second respondent insurance company has disputed the driving license of the rider of motorcycle. The petitioners have not produced the driving license of the rider. The petitioner marked Ex.P6 RC book and Ex.P7 Insurance policy. Though the 2nd respondent has contented that the first respondent motorcycle rider had no driving license, no proof is filed for the same. The 2nd respondent has not examined the RTO officials to prove the absence of driving license. Further the charge sheet or MV report not filed to prove the contention of the 2nd respondent. The 2nd respondent has only sent Ex.R3 notice to the 1st respondent to produce the driving license, which is also returned. Therefore the 2nd respondent has not established through proper documents that the 1st respondent did not possess valid driving license. The Ex.R2 insurance policy establishes that the vehicle was insured with the second respondent on the date of accident. Therefore this Tribunal holds that since the vehicle was covered under valid insurance policy and the 2nd respondent failed to establish through proper evidence that there was breach of policy condition due to the absence of valid driving license, second respondent insurance company is liable to pay the compensation amount to the petitioner. The point No.2 is decided accordingly.

7. Point No.3:

The Minor petitioner is said to have sustained abrasions over the right forearm, right wrist, right hand, elbow, head injuries and she has taken

outpatient treatment at KVT health centre hospital as per Ex.P2 and Ex.P9 accident register and Prescriptions. The minor petitioner 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. Considering the nature of injuries and available medical records, this Tribunal is inclined to award compensation of **Rs. 50,000/-** for the simple injury inclusive of medical bills of Rs.2,837/-.

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

(i)	An award of Rs.50,000/- (Rupees Fifty thousand only) is passed in favour of the petitioner with interest at 7.5% p.a. from the date of petition i.e 11.12.2023 to till the date of payment 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)	The award amount shall be deposited till the minor attains majority.
(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 through RTGS (or) NEFT. The petitioner is directed to furnish the Bank pass book and PAN card details within a month.
(vi)	The petitioner has paid a sum of Rs.375/- towards Court fee. As per

	this award, the Court fee is Rs.110/- The Advocate fee is fixed at Rs.5,000/-. The Excess Court fee of a sum of Rs.265/- shall be refunded to the petitioner after the 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 03rd day of August 2026.

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

Petitioner side witness: -

Sl.No.	Date	Name of the witnesses	Remarks
PW1	02.02.2026	Poornima (minor petitioner's mother)	Ex.P1-Ex.P10

Petitioner side exhibits: -

Sl No.	Date	Document Particulars	Document Type
Ex.P1	25.10.2023	First information report	Photocopy
Ex.P2	--	Accident register	Photocopy
Ex.P3	--	Minor petitioner aadhar card	Photocopy
Ex.P4	--	PW1 aadhar card	Photocopy
Ex.P5	--	PW1 Bank pass book	Photocopy
Ex.P6	--	RC book of the first respondent vehicle	Photocopy
Ex.P7	--	Insurance policy of the first respondent vehicle	Photocopy
Ex.P8	--	Injured photo	Original

Ex.P9	--	Medical records	Original
Ex.P10	--	Medical bills	Original

Respondent side witness:

Sl.No.	Date	Name of the witnesses	Remarks
RW1	17.07.2026	Kamalakannan (insurance company official)	Ex.R1 to Ex.R3

Sl No.	Date	Document Particulars	Document Type
Ex.R1	--	Authorization letter	Photocopy
Ex.R2	--	Insurance policy	Photocopy
Ex.R3	--	Notice copy with returned intimation	Photocopy

Court Document: Nil

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

Other Particulars

Date of filing of the petition	11.12.2023
Date of Award	03.08.2026
Amount Claimed under Compensation	Rs.10,00,000/-
Amount Awarded as Compensation	Rs.50,000/-
Total Court Fees	Rs.110/-
The Court Fee already paid	Rs.375/-
Excess Court Fee to be refunded	Rs.265/-

Costs List

<u>Cost Particulars</u>	<u>Amount</u>
Stamp duty for Award Amount	Rs.110/-
Vakalath	Rs.10.00/-
Preparation of Summon Batta Charges	Rs.40.00/-
Advocate Fees	Rs.5,000/-
TOTAL	Rs.5,160/-

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