

**Before the Motor Accident Claims Tribunal
(II Court of Small Causes, Chennai)**

Present: Thiru.A.B. Naseer Ali., B.A., B.L.,

Friday, the 31st day of July 2026

Motor Accident Claims Original Petition No.5778 of 2022

CNR No.TNCH09-013915-2022

R. Kumar,
S/o. Raman,
No.23/11, First Street,
Kannan Colony, St. Thomas Mount,
Alandur, Kanchipuram,
Pin – 600 016.

...Petitioner

-Vs-

The Managing Director,
Metropolitan Transport Corporation (Chennai Limited),
No.2, Pallavan House, Anna Salai,
Chennai – 600 002.

...Respondent

Counsels on Record:-

For Petitioner	M/s.M. Murugan and A. Raveendran
For Respondent	Thiru.S. Manivannan

This claim petition came before this tribunal for final hearing on 29.07.2026 in the presence of learned counsel for the respondent and the learned counsel was heard. Petitioner side had been heard already. Upon perusal of records and having stood over for consideration till this date, this tribunal delivers the following:-

ORDER.

1. This petition has been filed under Section 166 of the Motor Vehicles Act (for short MV Act) seeking compensation of Rs.47,80,000/- for the injuries sustained by

the petitioner in a motor accident.

2. Gist of Petition:-

- (a) The petitioner was working as security guard in Casa Grand Apartments and was earning a sum of Rs.25,000/- per month.
- (b) On 26.10.2022 at about 2.30 PM, when the petitioner was crossing GST Road by foot near S3 Meenambakkam Police Station, a bus bearing registration number TN 01 AN 3519 came from Parry's corner towards Guindy which was driven in a rash and negligent manner hit the petitioner, out of which the petitioner sustained grievous injuries.
- (c) The above said accident occurred only due to the rash and negligent driving of the driver of the respondent's bus. The respondent corporation is the owner and it is liable to pay compensation to the petitioner and hence, this petition.

3. Gist of Counter:-

- (a) All the averments in the petition are denied except those which are specifically admitted.
- (b) It is denied that the respondent's driver was rash and negligent at the time of accident.
- (c) The petitioner suddenly came into close contact with the front left corner body of the bus with an intention to commit suicide. The driver applied the break immediately and stopped the bus. However, left front wheel ran over the petitioner's leg. Immediately the petitioner was admitted into hospital by the

respondent's team.

(d) In the FIR itself it has been stated that the petitioner was under mental agony at the time of accident. From the above statement it is clear that the petitioner was not in fit state of mind who failed to notice the vehicular movement and thus, invited the accident. In any event, the petitioner is guilty of contributory negligence.

(e) There is no permanent disability and the injury is simple in nature. The avocation and income are all denied.

(f) The compensation claimed under various heads is high and the interest claimed is exorbitant. Hence, the petition is liable to be dismissed.

4. Points for Consideration:-

1. Whether the claimant is entitled to get compensation from the respondent?
2. What is the quantum?

5. On the side of the petitioner, he was examined as PW1 and Exs.P1 to P9 were marked. On the side of respondent, RW1 was examined and Ex.R1 was marked. Medical Board Report has been marked as Ex.C1.

6. Point No.1:-

(a) Records were perused. Ex.P2, the copy of First Information Report (FIR) reveals that on 26.10.2022 at about 2.30 PM, when the petitioner was crossing GST Road by foot near S3 Meenambakkam Police Station, the bus bearing registration number TN 01 AN 3519 came from Parry's corner towards Guindy

which was driven in a rash and negligent manner, hit the petitioner out of which the petitioner sustained grievous injuries.

- (b) It is the contention of the respondent that the petitioner was under mental agony and as an attempt to commit suicide he voluntarily invited the accident. Though the reference to mental agony could be seen in the FIR, there is no proof that the petitioner voluntarily hit the bus and invited the accident.
- (c) As per the judgment in *TNSTC vs. Nagamalli and others*, reported in 2015 SCC Online MAD 13441 strict proof is not required in petitions like this. Hence, with the available evidence as pointed out above, it is concluded that the accident occurred only due to the rash and negligent driving of the driver of the respondent's bus.
- (d) There is no dispute that the respondent is the owner of the bus involved in the accident, which has not been insured with any insurance company. Therefore, the respondent has to pay the compensation.
- (e) Accordingly, this point is answered in favour of the petitioner.

7. Point No.2 :-

- (a) Medical Board Report marked as Ex.C1 reveals that the petitioner suffers 29% physical disability. It has been also mentioned that he suffers 18% of functional disability. Though such a percentage is shown as functional disability when it is detailed, it is stated that he suffers difficulty in squatting, kneeling and sitting cross leg. This cannot be taken as a disability which will have impact over the

alleged avocation of the petitioner. Therefore, the petitioner is entitled to the compensation only by applying percentage method.

(b) The learned counsel for the petitioner relied upon the judgment in *M.Revanth Kumar vs. M/s., Sun-X- Concrete India Private Limited*, C.M.A.No.13 of 2025 in which our Hon'ble High Court has awarded Rs.10,000/- per percentage of disability for the accident occurred in the year 2022. This accident is also of the same year. Hence, the petitioner is entitled to **Rs.10,000/- X 29 = Rs.2,90,000/- for Disability.**

(c) The petitioner is said to be a security guard and was earning Rs.25,000/- per month. But neither the avocation nor the income has been proved. Hence, the tribunal has no other go except to consider notional income. The learned counsel for the petitioner relied upon the judgment in *Reliance General Insurance Co., Ltd vs Ajith Kumar and others*, reported in 2026 (1) TNMAC 552 (DB) wherein our Hon'ble High Court fixed the monthly income as Rs.20,000/- for the year 2022. This accident being in the year 2022, the notional **monthly income** is fixed as **Rs.20,000/-**.

(d) The petitioner was admitted into hospital and he took treatment for nearly about 56 days as in-patient. However, he might not have been in a position to do his work at least for 6 months. Hence, a sum of **Rs.20,000/- X 6 months = Rs.1,20,000/-** is awarded for **Loss of Income.**

(e) Considering the nature of injury for **Pain and Sufferings** a sum of **Rs.50,000/-**

is awarded.

(f) As pointed out already, since the petitioner was admitted into hospital for 56 days, he is entitled to **Rs.500/- X 56 days = Rs.28,000/- for Attender's Charges.**

(g) For **Transport Charges** a sum of **Rs.5,000/-** is awarded.

(h) For **Extra Nourishment** a sum of **Rs.5,000/-** is awarded.

(i) For **Loss of Clothes** a sum of **Rs.3,000/-** is awarded.

(j) Considering the disfigured skin which will give sustained mental agony for **Loss of Amenities**, a sum of **Rs.50,000/-** is awarded.

(k) The petitioner has not produced any medical bills. Hence, he is not entitled to any sum under the head of **Medical Expenses.**

(l) Final Calculation:

1. Disability	:	Rs.	2,90,000/-
2. Loss of Income	:	Rs.	1,20,000/-
3. Pain and Sufferings	:	Rs.	50,000/-
4. Attender's Charges	:	Rs.	28,000/-
5. Transport Charges	:	Rs.	5,000/-
6. Extra Nourishment	:	Rs.	5,000/-
7. Loss of clothes	:	Rs.	3,000/-
8. Loss of Amenities	:	Rs.	50,000/-
Total Compensation is fixed at	:	Rs.	<u>5,51,000/-</u>

(m) Accordingly, this point is answered partly in favour of the petitioner.

8. In the result,

- 1) the petition is partly allowed to award a sum of **Rs.5,51,000/- (Rupees Five Lakhs Fifty One Thousand)** only with interest at the rate of 7.5 percent from the date of petition i.e., 16-12-2022 till the date of realization and costs, excluding the period of default if any.
- 2) The said award amount including interest and costs shall be paid directly to the bank account of the claimant, the details of which are given below by the respondent within thirty days through net banking after deducting the deficit court fees if any which shall be paid/deposited before this tribunal by the respondent within thirty days.
- 3) The insurance company shall intimate this tribunal about the payment of court fees as well as the payment of compensation to the claimant with a copy of proof of the transaction details immediately through Email ID - chncce.sccrc-tn@indiancourts.nic.in after the compliance.
- 4) In case if the bank account of the claimant is inoperative, the same shall be intimated by the insurance company to the claimant under intimation to this tribunal with proof in which event the claimant shall furnish the correct account details within two weeks since then. The insurance company need not pay interest from the date of initial transaction till the date of furnishing of correct bank particulars by the claimant.
- 5) Bank Account Details of the Claimant is as follows:

Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Mr.R. Kumar	Indian Bank, Madras High Court	8055810140 IDIB000M157	934978499021	NIPPK1794F

6) The court fee paid along with the petition is Rs.375/-.

7) The court fee for the award amount is Rs.4,883/-. The deficit court fee is Rs.4,508/-.

8) Advocate fee is Rs.12,510/-.

9) The respondent shall pay to the petitioner a sum of Rs.17,413/- towards the costs of this petition.

Other necessary particulars:

Date of presentation of petition	-	02-12-2022
Date of taken up on file	-	16-12-2022
Compensation claimed in the M.C.O.P.	-	Rs.47,80,000/-
Compensation awarded in this petition	-	Rs.5,51,000/-
Court fee paid along with the petition	-	Rs.375/-
Court fee payable on the award amount	-	Rs.4,883/-
Additional court fee to be paid	-	Rs.4,508/-
Additional court fee paid, MP SR.No.....; dated		

Cost List for the petitioner

STATEMENT OF COSTS

For the petitioners

For the Respondents

STATEMENT OF COSTS

		<u>Rs.</u>	<u>P.</u>	<u>Rs.</u>	<u>P.</u>
Stamp on petition	-	4,883	. 00		
Stamp on Vakalat	-	10	. 00		
Stamp for process	-	10	. 00	-- not filed --	
Advocate fees		12,510	. 00		
Costs allowed	-	17,413	. 00		

As per the direction of the Honourable High Court, decree is not drafted separately.

This order was dictated by me to the steno typist, directly typed by her, corrected and pronounced by me in the open Court, on this 31st day of July 2026.

II Judge, MACT
(Court of Small Causes, Chennai)

Petitioner Side Witness:

P.W.1 : Mr.R. Kumar

Petitioner Side Documents:

Ex.P1	Accident Register	Copy
Ex.P2	FIR	Copy
Ex.P3	Discharge summary issued by RGGG, Hospital	Original
Ex.P4	Driving licence of petitioner	Copy
Ex.P5	Registration certificate of 1 st respondent's vehicle	Copy
Ex.P6	Aadhar card	Copy
Ex.P7	PAN card	Copy
Ex.P8	Bank pass book	Copy

Ex.P9	Photos	Original
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Respondent Side Witness:-

RW1 - Mr.K. Kumar

Respondent Side Document:-

Ex.R1	Aadhar card and employee ID card	Copy
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Court Side Document:

Ex.C1 : Disability Certificate issued by the Medical Board.

II Judge, MACT
(Court of Small Causes, Chennai)