

**IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE, MOTOR
ACCIDENT CLAIMS TRIBUNAL AT PONNERI.**

PRESENT: SELVI. R. JAGATHEESWARI, M.L.,

Presiding Officer Motor Accident Claims Tribunal

Dated this Tuesday the 28th day of July 2026,

M.C.O.P : 323 of 2023

CNR No: TNTR100009712023

Goddeti Usha

.....petitioner

(Versus)

1. Seenamma

2. National Insurance Company Limited

.....respondents

This petition is coming up before this tribunal for final hearing on 01.07.2026 in the presence of Mr. S. Balaji, Learned Counsel appearing for the Petitioner and Mr. K. Mohan, Learned Counsel appearing for the 2nd respondent and 1st respondent called absent and set exparte and upon perusing the records and on hearing both side arguments and having stood over for consideration till this day, this tribunal delivers the following:

ORDER

This petition has been filed under section 166 of Motor Vehicles Act 1988 and Rule 3 of Tamil Nadu Motor Vehicles Claims Tribunal Rules 1989, claiming compensation of Rs. 11,00,000/- towards the injury caused in a road traffic accident on 23.12.2022 along with interest from the date of filing of the petition till the date of realization with costs.

2. Brief Averments of the Petition filed by the petitioner:

(i). The petitioner states that on 23.12.2022 at about 12.30 P.M. when the petitioner was riding a motor cycle from Indukurpet to Chinthopu Link road and was nearing Pamulavaripaalem Village, indukurpet Mandel, at that time a Glamour Two wheeler bearing Reg No: AP 39 CD 1807 driven by its driver at high speed, rash and negligent manner proceeding from Chinthopu to Kothuru Village and dashed the petitioner's vehicle. As a result, petitioner sustained grievous injuries. The respondent driver of the motor cycle is responsible for the accident. The accident was occurred due to rash and negligent driving of the motor cycle driver bearing Reg No: AP 39 CD 1807. The first respondent is the owner of the vehicle and second respondent is the insurer of the vehicle, both are jointly and vicariously liable to pay compensation to the petitioner together with interest and cost.

3. Brief averments of the counter filed by the 2nd respondent:

(i). This respondent denies all the averments that are contained in the claim petition except those that are specifically admitted and puts the petitioner to strict proof of the averments that are not admitted by this respondent. This respondent denies the alleged accident itself and puts the petitioner to strict proof of the same. On the date of accident the insured vehicle involved in the alleged accident not at all Insured with this respondent and hence this claim petition is liable to be dismissed as

against this respondent. The driver of the insured vehicle involved in the alleged accident not having valid any driving license and fitness certificate of the vehicle contemplated in the M.V. Act at the time of accident. Even assuming but not admitting that there was a valid driving license and insurance policy covering the date and time of accident, the 1st respondent, before invoking the contract of indemnity from this respondent, as per the terms and conditions of the motor vehicle policy, shall ensure that the vehicle was driven by the driver involved in the accident had a valid and effective driving license with necessary endorsement to drive the alleged vehicle involved in the accident at the time and date of accident. the vehicle involved in the accident was plied with valid fitness certificate, permit and other conditions as specified in the M.V.Act and Rules. The vehicle involved in the accident was insured with this respondent and had a valid insurance policy covering the date and time of accident.

(ii). Without prejudice to the above this respondent puts the petitioner strict proof of the following that the age, occupation, income the place, date and time of accident as set out in column 3, 4,6 and 8 of the claim petition, she sustained injuries and had taken treatment in the hospital, damage caused to the property and disability of work as set out in column 11, 11[a], 13 & 13(a) of the claim petition by documentary evidence. This respondent does not admit the amount of compensation claimed by the petitioner in column 21 of the petition. While the petitioner riding the

two wheeler, without driving license and without wearing helmet in a rash and negligent manner dashed as against on going motor cycle bearing AP 39 CD 1807 and thereby simple injuries. The accident occurred only due to the negligence act of the petitioner and hence, this claim petition is liable to dismissed as against this respondent. The 1st respondent is not co-operating with this respondent in contesting the above claim petition as per the terms and conditions of the policy by not furnishing the vehicular records and other particulars with regard to the alleged accident, it could be inferred that the 1st respondent is colluding with the petitioner in filing the above claim petition. In the above circumstances, this respondent may be permitted to contest the above claim petition on all ground that are available to the 1st respondent herein u/s 170 of M.V. Act. The accident occurred at Andhra Pradesh, the petitioner is residing at Andhra Pradesh and policy issuing office at also at Andhra Pradesh and hence, the petitioner is not having jurisdiction to file the claim petition before this Court and hence this claim petition is liable to be dismissed as against this respondent. This respondent reserves its right to file additional counter statement at a later stage of the proceedings on receipt of any further information with regard to the alleged accident. The above claim petition is misconceived and devoid of any merits and hence the same is liable to be dismissed with cost as against this respondent. Hence he prays to dismiss the petition.

4. Points for consideration:

1. Who has attributed the accident which took place on 23.12.2022 ?
2. Whether the respondents are liable to pay compensation or not?
3. Whether the petitioner is entitled to compensation, if so what is the quantum?

5. On behalf of the petitioner, the petitioner herself examined as PW.1, through her Ex.P-1 to Ex.P-13 were marked. Disability Certificate issued by District Medical Board, Thiruvallur was marked as Ex.C1. No witness examined and no documents were marked on the side of respondent. Notice served. The 1st respondent called absent and set exparte on 18.12.2024.

6. Point No:1

Who has attributed the accident which took place on 23.12.2022 ?

(I). It is the case of the petitioner that on 23.12.2022 at about 12.30 P.M. when the petitioner was riding a motor cycle from Indukurpet to Chinthopu Link road and was nearing Pamulavaripaalem Village, indukurpet Mandel, at that time a Glamour Two wheeler bearing Reg No: AP 39 CD 1807 driven by its driver drove it at high speed, rash and negligent manner proceeding from Chinthopu to Kothuru Village and dashed the petitioner's vehicle. As a result of this, the petitioner sustained fracture in neck of right femur, swelling at right hip and right knee leg and grievous injuries all over the body and she was treated as inpatient at Sai Sri Specialty Hospital, Nellore there after she was taken continuous treatment as outpatient. On behalf of the Petitioner, petitioner has filed proof affidavit and examined as PW.1. She reiterated

the averments contained in the petition. Ex.P1 is the Attested copy of FIR, Ex.P2 is the Xerox Copy of Registration Certificate of 1st respondent's vehicle, Ex.P3 is the Insurance Policy of the 1st respondent vehicle, Ex.P-4 is the Driving License of 1st respondent, Ex.P-5 is the Discharge Summary, Ex.P-6 is the Xerox Copy of Petitioner's Aadhar Card, Ex.P-7 is the Medical bills, Ex.P-8 is the X-Ray, Ex.P-9 is the Xerox Copy of Petitioner's Driving License, Ex.P-10 is the Appointment Letter, Ex.P-11 is the salary receipt, Ex.P-12 is the Recommendation Letter and Ex,P-13 is the Appointment letter. Ex.C1 is the Disability certificate issued by District Medical Board, Tiruvallur. The medical board assessed the petitioner's disability as 30%.

(ii). On perusal of the F.I.R Ex.P-1 it reveals that one Mr. Goddeti Samson has lodged a complaint before Indukurpet Police Station, Nellore based on the above complaint, a case was registered against the driver of the first respondent's vehicle under section 337 of IPC in Crime No.213/2022 on the file of Indukurpet police station. The 1st respondent had not challenged the FIR. Moreover, PW-1 had deposed that when the petitioner was riding a motor cycle from Indukurpet to Chinthopu Link road and was nearing Pamulavaripaalem Village, indukurpet Mandel, at that time a Glamour Two wheeler bearing Reg No: AP 39 CD 1807 driven by its driver drove it at high speed, rash and negligent manner proceeding from Chinthopu to Kothuru Village and dashed the petitioner's vehicle. If the 1st respondent drove the vehicle with due care and caution he could have avoided the accident. Hence it is made out that the accident was happened due to the rash and negligent driving of the 1st

respondent's vehicle.

7. Point No : 2

Whether the respondents are liable to pay compensation or not?

Ex.P-2 is the Copy of Registration Certificate of the Respondent's vehicle. The driving license of 1st respondent vehicle's driver has been marked as Ex.P-4. The respondent driver has possessed valid driving license. Ex.P-3 is the Copy of the Insurance Policy which reveals that at the time of accident, the policy was in force. It is made out that the accident was happened due to the rash and negligent driving of the respondent's vehicle. The 1st respondent is the owner of the vehicle and the 2nd respondent is the insurer of the vehicle, both are jointly and severally liable to pay the compensation to the petitioner. Hence, point No. 2 is answered against the respondents.

8. Point No : 3

Whether the petitioner is entitled to compensation, if so what is the quantum?

(i) Loss of Income:

The petitioner was examined herself as PW-1, she stated that the petitioner was aged about 44 years. She was working as a Health Inspector and was earning a sum of Rs. 33,589/- per month. To prove her occupation and income, the petitioner has filed Ex.P-11 in which it is stated that the petitioner was on medical leave and loss of

pay from 24.12.2022 to 01.03.2023. Ex.P-5 is the Discharge summary, it is seen that the petitioner sustained fracture in neck of right femur, swelling at right hip and right knee leg. Therefore, this court considers that the injury sustained by the petitioner is grievous in nature. She could have been taken nearly 3 months to recover. Hence this tribunal considering the age of the petitioner the monthly income is fixed at Rs. 33,589/- per month. After taking into account various decisions of Hon'ble High Court of Madras and as per minimum Wages Act the loss of income during medical treatment is awarded as Rs. 33,589 x3 = Rs. 1,00,767/-

(ii) Loss due to permanent Disability:

The medical board assessed the petitioner disability as 30%. Hence, applying the ratio in *2018 (1) MWN (civil) 1 (Oriental Insurance Company Ltd., Vs Perumal & others)* the Hon'ble High Court of Madras has fixed Rs.5,000/- per percentage. Applying the same, the loss of the petitioner due to disability compensation is arrived at Rs.5000/- per percentage and for 30% it works out to **Rs. 1,50,000** (Rs.5000X30%).

(iii) Medical Expenses: The petitioner was taken treatment at Sai Sri Specialty Hospital, Nellore and the petitioner has produced medical bills which is marked as Ex.P-7. Hence the petitioner is entitled to claim amount of Rs. 2,16,061/- under this head.

(iv) **Attender charges** : The petitioner has filed a copy of Discharge Summary. It reveals that the petitioner was taken treatment on 23.12.2022 to 26.12.2022 at Sai Sri Specialty Hospital, Nellore. Hence she is entitled for 4 days attender charges, at the rate of Rs.1,600/- (Rs. 400/- per day).

(v) **Transport charges**: Considering the medical treatment taken by the petitioner, she would have incurred transportation expenses. Hence transportation charges is arrived at **Rs.10,000/-**.

(vi) **Extra Nourishment & Damage to clothing & Articles**: Considering the nature of accident, the injuries suffered by the petitioner and the period of treatment, it will be just and necessary to provide a sum of **Rs.10,000/-** towards extra nourishment and **Rs.1,000/-** towards damages to clothing and articles.

(vii) **Loss of amenities**: The petitioner would not act as before the accident due to the injuries suffered by her. Hence considering these facts, it would be just and proper to award a sum of **Rs. 30,000/-** towards loss of amenities.

(viii) **Pain and sufferings** : Considering the nature of injury, disability and the nature of treatment taken by the petitioner, it is just and proper to award **Rs. 30,000/-** towards pain and sufferings of the petitioner.

Therefore the just compensation is assessed as follows :

CALCULATION:

1. Loss of income	Rs. 1,00,767/-
2. Loss of permanent disability	Rs. 1,50,000/-
3. Medical Expenses	Rs. 2,16,061/-
4. Attender charges	Rs. 1,600/-
5. Towards Transport charges	Rs. 10,000/-
6. Towards Extra Nourishment	Rs. 10,000/-
7. Damage to cloth and articles	Rs. 1,000/-
8. Loss of amenities	Rs. 30,000/-
9. Pain and sufferings	Rs. 30,000/-

Total	Rs. 5,49,428/-

In view of the findings given in points the petitioner is entitled for compensation a sum of Rs. 5,49,428/- together with interest at 7.5% from the date of presentation of petition till the date of realization, together with cost. Point No: 3 for consideration is answered accordingly.

Result:

In the result, this petition is allowed.

1. That the petitioner is entitled to get a sum of Rs. 5,49,428/- from the respondents as compensation along with subsequent interest at the rate of 7.5% p.a from the date of this petition to till its realization.
2. That the 1st and 2nd respondents are hereby directed to deposit the award amount of Rs. 5,49,428/- (*Rupees Five Lakhs Forty Nine Thousand Four Hundred and Twenty Eight only (including interim award passed if any)*) together with an interest at the rate of 7.5% per annum from the date of presentation of petition (i.e) 25.04.2023 to till the date of realization, excluding the default period of his own if any.
3. The above said award amount is directed to be deposited by the second respondent in the court MACT account through the URL Link/QR Code



<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?saralID=912678056>

hosted in the Thiruvallur District Court website <https://tiruvalur.dcourts.gov.in/mact-award-deposits/> within two months from the date of order under due intimation to this tribunal Email ID: trlpon.sc-tn@indiancourts.nic.in with MCOP numbers.

4. After deposit, the respondent is hereby directed to send bank deposit copies and inform to this tribunal and the petitioner or his counsel.
5. That the petitioner is permitted to withdraw their entire award amount along with interest and award amount will be directly transferred into petitioner's Account mentioned in the bank details column through NEFT or RTGS on filing necessary and appropriate application.
6. The petitioner has paid the Court Fee of Rs. 375/-. The petitioner is directed to pay the balance court fee within 2 weeks from the date of this order.

Dictated to the Steno - Typist, typed by him, corrected and pronounced by me in the open court on this the 28th day of July 2026.

Presiding Officer,
Motor Accident Claims Tribunal,
Ponneri.

List of Witnesses on the side of Petitioner:-

- | | | |
|----------------------|---|------|
| 1. Tmt. Goddeti Usha | - | PW-1 |
|----------------------|---|------|

List of Exhibits marked on the side of the petitioner:-

- | | | | |
|----|---|--------------------------------------|----------|
| 1. | - | - True copy of the FIR and complaint | - Ex.P-1 |
| 2. | - | Registration Certificate | - Ex.P-2 |
| 3. | - | Insurance Policy | - Ex.P-3 |
| 4. | - | Driving License of the respondent | - Ex.P-4 |
| 5. | - | Discharge Summary | - Ex.P-5 |

6.	-	Xerox Copy of Aadhar Card of the petitioner	- Ex.P-6
7.	-	Medical Bills	- Ex.P-7
8.	-	X-Ray	-Ex.P-8
9.	-	Xerox Copy of petitioner's Driving License	-Ex.P-9
10.	-	Appointment Letter	-Ex.P-10
11.	-	Salary Receipt	-Ex.P-11
12.	-	Recommendation Letter	-Ex.P-12
13.	-	Joining Letter	-Ex.P-13

List of Witness and Exhibits on the side of Respondents: NIL

List of court exhibits:-

1.	-	- Disability certificate	- Ex.C-1
----	---	--------------------------	----------

Presiding Officer,
Motor Accident Claims Tribunal,
Ponneri.