

**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 07th day of July 2026,

M.C.O.P : 169 of 2010

CNR No: TNTR100002732010

Arputharaj

.....Petitioner

(Versus)

1. Alayasamy

2. The United India Insurance Company Limited

.....Respondents

This petition is coming up before this tribunal for final hearing on 24.06.2026 in the presence of Mr. J.S.V.S Sarveswara Rao, Learned Counsel appearing for the Petitioner and Mr. E. Rajaram, 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. 4,00,000/- (But restricted to Rs. 2,00,000/-) towards the injury caused in a road traffic accident on 27.08.2009 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 27.08.2009 at about 09.00 A.M. when the petitioner was a pillion rider in the Hero Honda Splendour bearing Reg No: TN 18 7054 along with his friend Tamilselvan as rider proceeding from Alamathi to Redhills, Near Aalamaram, Thiruvallur High Road, Redhills, Chennai – 52, at that time in the same direction a Tata Open Type Lorry bearing Reg No: TN 02 2358, the driver of the lorry drove it at high speed, rash and negligent manner and dashed behind the petitioner's vehicle. As a result, petitioner sustained grievous injuries. The respondent driver of the lorry is responsible for the accident. The accident was occurred due to rash and negligent driving of the lorry driver bearing Reg No: TN 02 2358. 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 allegations contained in the petition except those that are specifically admitted herein and strict proof of the same. The above petition is not maintainable either in law or on facts. The allegation that the petitioner claimed are all hereby denied and the petitioner is put to strict proof of the same. The respondent denies the allegations contained in paragraphs 3, 4, 5, 6, 8, 9, 10, 11,

11(a), 12, 13 and 13(a) so as the age, occupation, Name and Address of the employer, Monthly Income, Place, Date and Time of accident, Starting of journey and destination, Name and address of the police station, Name of the injuries sustained, Details of Damage caused, Name and address of medical office, Period of treatment and expenditure incurred and Disability for work if any caused are all false and puts the petitioner to strict proof of the same. This respondent denies all the allegations contained in paragraphs 21, 21 (a), Part I (a), (d), (e), (f) & (g (i), (ii)). Part II (h), (i) & (j). Loss of earning, Transport to Hospital, Extra nourishment, Damage to clothing & articles, Future loss of income, Medical Expense and Future Medical Expenses. Compensation for pain and suffering, Compensation for continuing or permanent disability if any, Compensation for the loss of earning power and puts the petitioner to strict proof of the same by this respondent. The total compensation of Rs. 2,50,000/- as claimed by the petitioner is highly accessible, arbitrary and claimed only to boost up the claim.

(ii). The said accident is not reported by the 1st respondent to this respondent and not produced the vehicular particulars, policy copy and driving license of the driver for verification and its return. Hence, the petitioner has to prove the validity of the same. Second respondent understands that the other side vehicle Motor Cycle also contributed for the accident and as such the owner of the vehicle and its driver are necessary parties for proper adjudication of claim. Equally the driver of the above

said vehicle has no effective license and the vehicle has no valid insurance coverage at the time of accident. This respondent specifically denies that the 1st respondent's driver of the vehicle has effective license/endorsement to drive the vehicle in question on the date of the accident and hence this respondent is not liable to indemnify the 1st respondent. The 1st respondent's has no valid insurance coverage at the time of accident. It should be at the lowest minimum rate of interest as per the banking guideline for the compensation awarded to the petitioner. As per the Supreme Court orders the petitioners are entitled to claim the interest only at 7.5% p.a. This respondent craves leave to file additional counter if necessary at a later date. This respondent craves leave to contest the claim on all grounds that may be available to the 1st respondent under Sec. 170 of M.V. Act 1988. In view of the facts and circumstances stated above this respondent is not at all liable to pay compensation to the petitioner. Hence he prays to dismiss the petition.

4. Points for consideration:

1. Who has attributed the accident which took place on 27.08.2009 ?
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 himself examined as PW.1, through him Ex.P-1 to Ex.P-8 were marked. Disability Certificate issued by District Medical Board, Thiruvallur was marked as Ex.C1. No witness or documents were

marked on the side of respondent. Notice served. The 1st respondent called absent and set exparte on 03.11.2010.

6. Point No:1

Who has attributed the accident which took place on 27.08.2009 ?

(I). It is the case of the petitioner that on 27.08.2009 at about 09.00 A.M. when the petitioner was a pillion rider in the Hero Honda Splendour bearing Reg No: TN 18 7054 along with his friend Tamilselvan as rider proceeding from Alamathi to Redhills, Near Aalamaram, Thiruvallur High Road, Redhills, Chennai – 52, at that time in the same direction a Tata Open Type Lorry bearing Reg No: TN 02 2358, the driver of the lorry drove it at high speed, rash and negligent manner and dashed behind the petitioner's vehicle. As a result of this, the petitioner sustained Fracture in right Mandible, Fracture in right Condyle and he was treated as inpatient at Government General Hospital, Chennai and Sri Kumaran Health Center, Chennai there after he was taken continuous treatment as outpatient. On behalf of the Petitioner, petitioner has filed proof affidavit and examined as PW.1. He reiterated the averments contained in the petition. Ex.P1 is the Attested copy of FIR, Ex.P2 is the Accident Register Copy of petitioner, Ex.P3 is the Xerox Copy of Registration Certificate of 1st respondent's vehicle, Ex.P4 is the Insurance Policy of the 1st respondent vehicle, Ex.P-5 is the Driving License of 1st respondent, Ex.P-6 is the Discharge Summary, Ex.P-7 is the Discharge Summary and Ex.P-8 is the Medical bills. Ex.C1 is the Disability certificate issued by District Medical Board, Tiruvallur.

The medical board assessed the petitioner's disability as 23%.

(ii). On perusal of the F.I.R Ex.P-1 it reveals that one Mr. Tamilselvan has lodged a complaint before GNT Road Police Station, Madhavaram based on the above complaint, a case was registered against the driver of the first respondent's vehicle under sections 279, 337 of IPC in Crime No.593/GNT/2009 on the file of Madhavaram police station. The 1st respondent had not challenged the FIR. Moreover, PW-1 had deposed that when the petitioner was a pillion rider in the Hero Honda Splendour bearing Reg No: TN 18 7054 along with his friend Tamilselvan as rider proceeding from Alamathi to Redhills, Near Aalamaram, Thiruvallur High Road, Redhills, Chennai – 52, at that time in the same direction a Tata Open Type Lorry bearing Reg No: TN 02 2358, the driver of the lorry drove it at high speed, rash and negligent manner and dashed behind 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-3 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-5. The respondent driver has possessed valid driving license. Ex.P-4 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 himself as PW-1, he stated that the petitioner was aged about 26 years. He was a lorry driver and was earning a sum of Rs. 400/- per day for which he has not filed any document to prove his income. Similarly, he has not filed any documents to prove his income. Ex.P-7 is the Discharge summary, it is seen that the petitioner was admitted in Sri Kumaran Health Center, Chennai on 03.07.2014. It is seen that the petitioner sustained Fracture in right Mandible, Fracture in right Condyle. Therefore, this court considers that the injury sustained by the petitioner is grievous in nature. He could have been taken nearly 9 months to recover. Hence this tribunal considering the age of the petitioner the monthly income is fixed at Rs. 10,000/- 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. 10,000x9 = Rs. 90,000/-.

(ii) Loss due to permanent Disability:

The medical board assessed the petitioner disability as 23%. 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 23% it works out to **Rs. 1,15,000** (Rs.5000X23%).

(iii) Medical Expenses: The petitioner was taken treatment at Government General Hospital, Chennai and Sri Kumaran Health Center, Chennai and the petitioner has produced medical bills which is marked as Ex.P-8. Hence the petitioner is entitled to claim amount of Rs. 67,310/- under this head.

(iv) Attender charges : The petitioner has filed a copy of Discharge Summary. It reveals that the petitioner was taken treatment on 27.08.2009 to 28.08.2009 at Government General Hospital, Chennai and on 29.08.2009 to 17.09.2009 at Sri Kumaran Health Center, Chennai. Hence he is entitled for 22 days attender charges, at the rate of Rs.8,800/- (Rs. 400/- per day).

(v) **Transport charges:** Considering the medical treatment taken by the petitioner, he 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 him. 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. 90,000/-
2. Loss of permanent disability	Rs. 1,15,000/-
3. Medical Expenses	Rs. 67,310/-
4. Attender charges	Rs. 8,800/-
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. 3,62,110/-

In view of the findings given in points the petitioner is entitled for compensation a sum of Rs. 3,62,110/- 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. 3,62,110/- 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. 3,62,110/- (*Rupees Three Lakhs Sixty Two Thousand One Hundred and Ten 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) 10.03.2010 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?saraID=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. 1,375/-. The petitioner is directed to pay the balance court fee. 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 07th day of July of 2026.

Presiding Officer,
Motor Accident Claims Tribunal,
Ponneri.

List of Witnesses on the side of Petitioner:-

- | | | |
|----------------------|---|------|
| 1. Thiru. Arputharaj | - | PW-1 |
|----------------------|---|------|

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

- | | | | |
|----|---|--------------------------------------|----------|
| 1. | - | - True copy of the FIR and complaint | - Ex.P-1 |
| 2. | - | Accident Register | - Ex.P-2 |
| 3. | - | Registration Certificate | - Ex.P-3 |
| 4. | - | Insurance Policy | - Ex.P-4 |
| 5. | - | Driving License of the respondent | - Ex.P-5 |
| 6. | - | Discharge Summary | - Ex.P-6 |
| 7. | - | Discharge Summary | - Ex.P-7 |
| 8. | - | Medical Bills | -Ex.P-8 |

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.