

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL PONNERI,
THIRUVALLUR DISTRICT.**

**(IN THE COURT OF THE ADDITIONAL SUBORDINATE JUDGE
PONNERI, THIRUVALLUR DISTRICT**

Present : Tmt.P.Ezhilarasi, B.Com., LLM.

Motor Accident Claims Tribunal Judge/ Additional Sub Judge

Friday, 06th day of March- 2026

MCOP.No.266 of 2022

CNR.No.TNTR100013082022

J.Hari

..... Petitioner

// Vs //

1. Varalakshmi

2. ICICI Lombard General Insurance Company Limited,

Third Party Claims Cell,

Arihant Plaza, No.3, Wall Tax Road,

Chennai.

..... Respondents

This petition came up before this tribunal for final hearing on 27.02.2026 in the presence of M/s S.C.Pallavan, K.Bharath Kumar and S.Jagannathan, learned counsels for the petitioner and Mr.T.Kumar, learned counsel for the 2nd respondent, and the 1st respondent remained exparte and upon perusing the records and on hearing both sides and having stood over for consideration till this day, this court passes the following:

ORDER

This petition has been filed under section 166 of Motor Vehicles Act 1988 r/w Rule 3 of Tamil Nadu Motor Vehicles Claims Tribunal Rules 1989, claiming

compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) restricted to Rs.1,00,000/- for the purpose of court fee towards the injury sustained by the petitioner in a road accident held on 01.02.2022 along with interest from the date of filing of the petition till the date of realization with costs.

2. BRIEF AVERMENTS OF THE PETITION:

The petitioner has contended that he was aged about 31 years and he was working as a supervisor and earning Rs.20,000/- per month at the time of accident and he further stated that on 01.02.2022 at about 8.00 p.m., when he was riding a motor cycle bearing Regn.No.TN-18-J-6568, proceeding on Rallakuppam Road, Aroor, near Kolladam Village, the driver of Tata Ace bearing Regn.No.TN-18-AW-8809, proceeding in the opposite direction, drove the said vehicle at high speed, rash and negligent manner and dashed against the petitioner's motor cycle and caused accident, the petitioner fell down from his bike and sustained grievous injuries in the said accident. The petitioner has further contended that the said accident occurred due to rash and negligent driving of driver of the 1st respondent Tata Ace bearing Regn.No.TN-18-AW-8809. The 1st respondent being the owner of the vehicle and the 2nd respondent being the insurer of the vehicle, both are jointly and severally liable to pay the compensation to the petitioner.

3. Notice served to the 1st respondent and he failed to appear before the tribunal either in person or through pleader hence the 1st respondent was called absent and set *exparte* on 15.02.2023.

4. BRIEF AVERMENTS OF COUNTER FILED BY THE 2nd RESPONDENT :

4.1. This respondent denied all the allegations contained in the claim petition and stated that the above petition is not maintainable either in law or on facts and denies that the accident occurred due to the rash and negligent driving of the driver of the Tata Ace bearing Regn.No.TN-18-AW-8809. No documents have been filed to prove the age and income by the petitioner before this court.

4.2. This respondent further submits that the accident was not reported by the first respondent to this respondent and not produced the vehicular particulars policy copy and driving license of the driver for verification and its return. The driver of the TATA ACE Mr.Sugumar, S/o Padmanabhan is the husband of the first respondent Varalakshmi. Hence the petitioner has to prove the validity of the same.

4.3. This respondent specifically denied TATA ACE bearing Regn.No.TN-18-AW-8809 was insured with this respondent for the relevant period much less on the date of accident and also possessed valid transport documents. There is 15 days delay in lodging FIR, it is specifically denied that the driver of the first respondent's TATA ACE bearing Regn.No.TN-18-AW-8809 had valid effective license/endorsement to drive the vehicle in question on the date of accident and hence this respondent is not liable to indemnify the first respondent. There is contributory negligence on the part of the petitioner also,

who did not notice the vehicle coming, since the petitioner alleged in the petition that he drove the Two wheeler bearing Regn.No.TN-18-J-6568. In the above circumstances this respondent is not liable to pay compensation to the petitioner. Hence this petition is liable to be dismissed with costs.

5. POINTS FOR CONSIDERATION :

(1) Who has attributed to the accident which has taken place on 01.02.2022 and whether the said accident took place due to the rash and negligent driving of the driver of the 1st respondent's Tata Ace bearing Regn.No.TN-18-AW-8809?

(2) Whether the respondents are liable to pay compensation to the petitioner?

(3) Whether the petitioner is entitled to the compensation, if so, what is the quantum of compensation he is entitled to?

6. On behalf of the petitioner, the petitioner examined himself as PW.1, Ex.P1 to Ex.P13 were marked. On the side of 2nd respondent, Mr.Prabhu, legal Manager of the Insurance company was examined as RW.1, through him Ex.R1 and Ex.R2 were marked. The 2nd respondent filed an application U/s 170 of Motor Vehicles Act and the same was allowed in I.A.No.1 of 2026 on 04.02.2026. The Disability Certificate issued by the Medical Board was marked as Ex.C1.

7. Heard the arguments advanced by the learned counsel for the petitioner as well as the learned counsel for the 2nd respondent and this tribunal perused the entire records carefully.

8. POINT NO : 1

“Who has attributed to the accident which has taken place on 01.02.2022 and whether the said accident took place due to the rash and negligent driving of the 1st respondent Tata Ace bearing Regn.No.TN-18-AW-8809”?

NEGLIGENCE

8.1. In order to prove the case of the petitioner herein, he examined himself as PW.1 and Ex.P1 to Ex.P13 were marked on his side. On perusal of case records it can be seen that the petitioner has approached this tribunal seeking compensation of Rs.10,00,000/- towards the injuries sustained by him in the accident occurred dated on 01.02.2022 at about 8.00 p.m., when he was riding a motor cycle bearing Regn.No.TN-18-J-6568, proceeding on Rallakuppam Road, Aroor, near Kolladam Village, the driver of Tata Ace bearing Regn.No.TN-18-AW-8809, proceeding in the opposite direction, drove the said vehicle at high speed, rash and negligent manner and dashed against the petitioner’s motor cycle and caused accident, the petitioner fell down from his bike and sustained fracture on his right leg and thigh, immediately he took first aid at Kaveri Hospital, Sri City, thereafter he took further inpatient treatment at Government Stanley Hospital, Chennai, from 01.02.2022 to 22.02.2022.

Surgery was done to the petitioner on 02.02.2022. Plate was fixed to the petitioner. The petitioner has further contended that the said accident occurred due to rash and negligent driving of the 1st respondent Tata Ace bearing Regn.No.TN-18-AW-8809. The 1st respondent being the owner of the vehicle and the 2nd respondent being the insurer of the vehicle, both are jointly and severally liable to pay the compensation to the petitioner.

8.2. The court is of the view that, there is no doubt that to succeed in the claim petition in view of the Sec.166 of Motor Vehicle Act 1988 it is for the claimant to prove that the vehicle which caused the accident was being driven in a rash and negligent manner by its driver. Moreover in action founded on the principle of fault liability, proof of rash or negligent driving is *sin qua non* and the standard of proof is not to be applied stringently in criminal cases and that of proof beyond reasonable doubt in a claim on tort liability evidence is tested on preponderance of probabilities.

8.3. To support the case of the petitioner, the petitioner examined himself as PW.1, Ex.P1 to Ex.P13 were marked. On perusal of ExP1 which is the Attested copy of FIR, it can be seen that a complaint was lodged and FIR was registered on 15.02.2022 in Cr.No.17/2022 against the driver of the Tata Ace bearing Regn.No.TN-18-AW-8809, U/s 337 of IPC. Though there is 14 days delay in filing complaint and registering the FIR, it will not affect the claim of the petitioner. On perusal of Ex.P2 which is the Copy of Registration certificate

of the 1st respondent vehicle, it is evident that the 1st respondent is the owner of the offending vehicle. On perusal of Ex.P3 which is the Copy of Insurance Policy, it is evident that the 1st respondent's vehicle is insured with the 2nd respondent's insurance company. On perusal of Ex.P4 which is the Copy of driving licence of the 1st respondent driver, it is evident the 1st respondent driver had valid driving licence at the time of accident. On perusal of Ex.P5 which is the Discharge summary, it is evident that the petitioner had taken inpatient treatment at Government Stanley Hospital, Chennai, from 19.04.2022 to 25.04.2022. On perusal of Ex.P6 which is the X-ray, it is evident the petitioner has sustained injuries on his right leg. Plate and screw were fixed to the petitioner. On perusal of Ex.P7 which is the Attested copy of Rough sketch, it is evident the accident was occurred on Kollakuppam road. On perusal of Ex.P8 which is the final report filed in Cr.no.17/2022, it is evident that the case has been filed against the 1st respondent driver namely Sugumar, S/o Padmanabhan. On perusal of Ex.P9 Copy of wound certificate, it is evident the petitioner has sustained grievous injuries in the above said accident. On perusal of Ex.P10 which is the copy of Accident register, it is evident that the said accident has taken place on 01.02.2022. On perusal of Ex.P11 Copy of Pay slips, in November 2021 to January 2022, it is evident that the petitioner is working at Colliers International India Property Services Private Limited, Mumbai, Maharashtra, and earning Rs.10,868/- (Net) per month of January 2022. On

perusal of Ex.P12 which is the Treatment note, it is evident the petitioner had taken continuous treatment after the above said accident. On perusal of Ex.P13 which is the Discharge summary, it is evident that the petitioner had taken inpatient treatment at Government Stanley Hospital, Chennai, from 15.03.2024 to 29.03.2024. Surgery was done to the petitioner on 21.03.2024.

8.4. Further on perusal of Ex.C1 Medical Board Disability Certificate issued by District Medical Board, Thiruvallur, it is evident that the petitioner has sustained 40% disability and the petitioner/PW.1 has reiterated and reaffirmed all the averments made in the petition and though he was cross examined on the respondent's side, the manner of accident was not shattered by the respondent in the cross examination. The evidence of PW.1 and the documents Ex.P1 Copy of FIR clearly establishes that the offending vehicle namely Tata Ace bearing Regn.No.TN-18-AW-8809, has caused the said accident.

8.5. The learned counsel of the 2nd respondent argued that the accident occurred due to negligent act of the petitioner. Hence this respondent is not liable to pay compensation to the petitioner. Though RW.1 was examined, and Ex.R1 and Ex.R2 were marked on his side. Ex.R1 Copy of Accident Register and Ex.R2 Copy of Discharge summary, which would show the petitioner has skid and fell down from the motor cycle but on perusal of ExP1/FIR it is mentioned that the said accident occurred due to the rash and negligent driving

of the driver of Tata Ace bearing Regn.No.TN-18-AW-8809 and the said FIR is not challenged till date. Further on perusal of ExP8/Chargesheet it can be seen that final report has been filed against the driver of Tata Ace bearing Regn.No.TN-18-AW-8809, P.Sugumar for his rash and negligent driving. Hence mere allegation in counter without proof could not be accepted by this court. No doubt that the 1st respondent is fit person to say that the accident has not been taken place as alleged by the petitioner. But she remained exparte. Therefore, adverse inference has been drawn against the driver of the 1st respondent vehicle, that due to rash and negligence driving of the driver of 1st respondent vehicle, the said accident has taken place.

8.6. Further it is pertinent to mention here that Ex.P1/FIR has not been challenged so far. In addition to this, 1st respondent has not taken any steps to quash the FIR registered against him. At this juncture, it is worth to refer the ruling of the Hon'ble Supreme Court in ***Sunitha and others Vs. Rajasthan State Transport Corporation and another, 2019 AIR SCC 994***, wherein, it was held that if the FIR and Final Report is not challenged before the Court of law and are not shown to be indeficient and are corroborated by the other evidence, they can be considered to form an opinion that the accident occurred due to the negligence of driver/accused in the criminal case concerned, irrespective of the out-come of such criminal case. In this case on hand the respondent no:1/driver has not challenged Ex.P1/FIR and Ex.P8 Final Report, though it was registered

against him. Hence this tribunal comes to the conclusion that the accident occurred due to the rash and negligent driving of the 1st respondent driver. If the 1st respondent driver had driven the vehicle with due care, diligent and caution, he could have avoided the accident. Hence, the 2nd respondent counsel's argument in this aspect could not be accepted and hence rejected. Even in Ex.P1/FIR, it is clearly stated that the accident took place due to rash and negligent driving of the 1st respondent driver. Hence, considering the evidence of PW.1 and petitioner side exhibits, this Tribunal comes to the conclusion that the said accident had taken place due to the rash and negligent driving of the driver of the 1st respondent who drove the Tata Ace bearing Regn.No.TN-18-AW-8809. This point is answered accordingly.

9. POINT NO : 2

“Whether the respondents are liable to pay compensation to the petitioner?”

LIABILITY

The Court is of the view that on perusal of copy of Registration Certificate of the Tata Ace bearing Regn.No.TN-18-AW-8809, which is marked as Ex.P2 it is evident that the said vehicle stands in the name of the 1st respondent and on further perusal of copy of Insurance Policy which is marked as Ex.P3 it is evident that the said van is insured with the 2nd respondent Insurance company and there is also a valid insurance for the period from

18.11.2021 to 17.11.2022 and the date of accident is 01.02.2022 and the period of insurance covers the date of accident and the said policy is in force at the time of accident. Further on perusal of copy of the driving license of 1st respondent driver, which was marked as Ex.P4, it would show the 1st respondent driver had valid driving licence to Non Transport vehicle up to 17.04.2022 and Transport vehicle up to 23.08.2022. Therefore, the 2nd respondent being the insurer of the offending Tata Ace bearing Regn.No.TN-18-AW-8809 is liable to pay compensation to the injured petitioner/claimant. This point is answered accordingly.

10. POINT NO : 3

“Whether the petitioner is entitled to the compensation, if so, what is the quantum of compensation he is entitled to?”

10.1. AGE AND INCOME OF THE PETITIONER:

The petitioner examined himself as PW.1, he deposed that at the time of accident the petitioner was working at Colliers International India Property services Private Limited, Mumbai, and his age was 31 years and earning Rs.20,000/- per month. On perusal of Ex.P11 Copy of Pay slips for the month of November 2021 to January 2022, it would show that at the time of accident the petitioner was working at Colliers International India Property services Private Limited, Mumbai, and his Net salary was Rs.10,868/- per month. And his gross salary for the month of January 2022 was Rs.11,788/-.

The petitioner has appeared before the District Medical Board Thiruvallur and on perusal of the Disability certificate/Ex.C1 issued by the Medical Board it is evident that the petitioner has been assessed with 40% disability. Therefore, this court is inclined to fix the percentage of disablement of the petitioner as 40%.

10.2. QUANTUM

For the reason stated in point no:1 this tribunal has come to the conclusion that due to the rash and negligent driving of the respondent driver only the accident has happened therefore the petitioner's claim of compensation is acceptable. As the petitioner claims compensation under various heads this Tribunal for its convenience has proceeded to decide each head separately as under:

(i) LOSS OF INCOME:

On perusal of Ex.P5 Discharge summary, it would show that the petitioner has sustained " Uniting # Right Both bone leg on Exfix and United # Right Hoffas fracture C implant insitu. and Ex.P13 Discharge summary, it would show that the enfix exit to the petitioner. he has taken treatment as inpatient at Government Stanley Hospital, Chennai, from 19.04.2022 to 25.04.2022 and 15.03.2024 to 29.03.2024. Surgery was done on 21.04.2022 and 21.03.2024.

On perusal of Ex.P11 Copy of Pay slips in the month from November 2021 to January 2022, would show at the time of accident the petitioner was working at Colliers International India Property services Private Limited, Mumbai, his gross salary was Rs.11,788/- per month.

According to the petitioner he was working at Colliers International India Property services Private Limited, Mumbai, and his gross salary was Rs.11,788/- and net salary is Rs.10,868/- at the time of accident and he has also produced Ex.P11 Pay slips in the month from November 2021 to January 2022, regarding his income, therefore the monthly income of the petitioner is fixed at Rs.11,788/- per month. Due to the said injury sustained by the petitioner in the accident he would have been prevented from attending his work to a maximum of 6 months. Hence a sum of **Rs.70,728/-** (Rs.11,788 x 6) is awarded under this head.

(ii) LOSS DUE TO PERMANENT DISABILITY : As per medical records and disability certificate Ex.C1, the petitioner has sustained " Compound Right patella # Right Haffair # Right leg # " and his disability is 40% permanant. Considering the above as well as Ex.C1, this tribunal fixed at 40% permanant disability. The accident was occured in the year 2022, the loss of the petitioner due to disability compensation is arrived at Rs.5,000/- per percentage and for 40% it works out to **Rs.2,00,000/-** (Rs.5000 x 40%).

(iii) **MEDICAL EXPENSES:** On perusal of Ex.P5 and Ex.P13 Discharge summaries and Ex.C1 Disability Certificate it is evident that the petitioner has sustained fracture on his both bone of right leg and he taken treatment at Government Stanley Hospital, Chennai. There is no proof to believe that he has taken treatment at private hospital and incurred medical expenses. Hence the petitioner is not entitled for this claim.

(iv) **ATTENDER CHARGES:** The petitioner has filed Ex.P5 and Ex.P13 Discharge summaries, it is evident that the petitioner had taken treatment at Government Stanely Hospital, Chennai, from 19.04.2022 to 25.04.2022 (7 days) and 15.03.2024 to 29.03.2024 (15 days). Hence, he is entitled 22 days attender charges at the rate of Rs.500/- per day (500x22)= **Rs.11,000/-**.

(v) **TRANSPORT CHARGES:** Considering the medical treatment taken by the petitioner, he would have incurred transporation expenses. Considering those facts and the accident was happened in 2022, transporation charges is arrived at **Rs.10,000/-**.

(vi) **EXTRA NOURISHMENT & DAMAGE TO CLOTHING & ARTICLES:** Considering the nature of accident and 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 AMENTIES:** The petitioner definitely 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 grant a sum of **Rs.1,00,000/-** towards loss of amenities.

(viii) **PAIN AND SUFFERING :** Considering the nature of injury suffered, disability and the nature of treatment taken by the petitioner for sustained injuries, hence, it is just and proper to award **Rs.50,000/-** towards pain and sufferings.

Therefore the compensation is assessed as follows :

CALCULATION:

1.	Loss of income	Rs. 70,728.00
2.	Loss of permanent disability	Rs. 2,00,000.00
3.	Medical Bills	Nil
4.	Attender charges	Rs. 11,000.00
5.	Transport charges	Rs. 10,000.00
6.	Extra Nourishment & Damage to cloth and articles	Rs. 11,000.00
7.	Loss of amenities	Rs. 1,00,000.00
8.	Pain and suffering	Rs. 50,000.00

		Rs.4,52,728.00

In the light of the above discussions and assessment, the petitioner claimant is entitled to a just compensation of Rs.4,52,728/- (Rupees Four Lakhs Fifty two thousand Seven hundred and Twenty Eight only). This point no.3 is answered accordingly.

In view of the findings given in the above points the petitioner is entitled for compensation a sum of Rs.4,52,728/- together with interest at 7.5% from the date of presentation of petition till the date of realisation, together with cost. The interest for the period of dismissed for default (if any) stands excluded.

11. RESULT:-

In the result, this petition is allowed with costs.

(1) That the petitioner is entitled to get a sum of to Rs.4,52,728/- 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 2nd respondent is hereby directed to deposit the award amount of Rs.4,52,728/- (Rupees Four Lakhs Fifty two thousand Seven hundred and Twenty Eight only) (including interim award passed if any) with interest at 7.5% per annum from the date of filing the petition i.e. 08.07.2022, till the date of realization and with costs, within two months from the date of passing order.

(3) The above said award amount is directed to be deposited by the 2nd 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 2nd 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) There is no default period in the case, hence, no deduction from the interest.

(7) The petitioner has paid Rs.350/- as court fees for the claim of a sum of Rs.1,00,000/- as court fees and the petitioner is directed to deposit the deficit court fee for the award amount of Rs.4,52,728/- (Rupees Four Lakhs Fifty two thousand Seven hundred and Twenty Eight only) within 15 days and the petitioner is hereby directed to pay the advocate fee as fixed by rules.

Dictated by me to steno-typist, typed by her, corrected and pronounced by me in the open court on this 06th day of March -2026.

**MACT Judge/Additional Sub Judge,
Ponneri.**

PETITIONER'S SIDE WITNESSES:-

PW.1 – Mr.Hari

PETITIONER'S SIDE EXHIBITS:-

S.No	Exhibits	Description of documents
1.	Ex.P1.	Copy of First Information Report
2.	Ex.P2.	Copy of Registration certificate of the 1 st respondent vehicle
3.	Ex.P3.	Copy of Insurance policy of the 1 st respondent vehicle
4.	Ex.P4.	Copy of driving licence of the 1 st respondent driver
5.	Ex.P5.	Discharge summary
6.	Ex.P6.	X-ray
7.	Ex.P7.	Attested copy of Rough sketch
8.	Ex.P8.	Copy of Charge sheet
9.	Ex.P9.	Attested copy of wound certificate
10.	Ex.P10.	Copy of Accident Register
11.	Ex.P11.	Copy of Pay slip in the month of November 2021 to January 2022.
12.	Ex.P12.	Treatment summary

13.	Ex.P13.	Discharge summary
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RESPONDENT SIDE WITNESS :-

RW.1 – Mr.Prabhu

RESPONDENT SIDE EXHIBITS :-

S.No	Exhibits	Description of documents
1.	Ex.R1.	Copy of Accident Register
2.	Ex.R2.	Copy of Discharge summary of the petitioner

COURT SIDE EXHIBITS:-

Ex.C1 - Disability Certificate issued by District Medical Board,
Thiruvallur.

**MACT Judge /Additional Sub Judge,
Ponneri.**