

**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 Friday the 06<sup>th</sup> day of March 2026,**

**M.C.O.P : 367 of 2019**

**CNR No: TNTR1000017562019**

K. Pedda Papamma

.....petitioner

(Versus)

1. P. Yugandhan

2. ICICI Lombard General Insurance Company Limited

.....respondents

This petition is coming up before this tribunal for final hearing on 18.02.2026 in the presence of Mr. K. Haribabu, Learned Counsel appearing for the Petitioner and Mr. B. Murugavel, Learned Counsel appearing for the 2<sup>nd</sup> respondent and 1<sup>st</sup> respondent called absent and set ex parte 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. 10,00,000/- (But restricted to Rs. 1,00,000/-) towards the injury caused in a road traffic accident on 26.11.2016 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 26.11.2016 at about 14.30 hrs when the petitioner was travelling in a Tata Ace bearing Reg No: AP 03 TE 3169 proceeding towards Puttur in front of SN Sugar Factory main gate near Sanakuppam Village of S.R. Puram Mandal, at that time the driver of the Tata Ace drove it at high speed, rash and negligent manner and dashed against the motor cycle bearing Reg No: TN 02 J 9678 proceeding towards Chittoor. As a result, petitioner sustained grievous injuries. The respondent driver of the Tata Ace is responsible for the accident. The accident was occurred due to rash and negligent driving of the Tata ace driver bearing Reg No: AP 03 TE 3169. 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 2<sup>nd</sup> respondent:**

(i). The above petition is not at all maintainable either in law or on facts and the same is liable to be dismissed in limine. The averments made in Para 23 and 23(a) of petition are hereby denied. It is not true that the accident occurred on 26.11.2016 at about 14.30 hrs at S.R.Puram Mandal in front of SN Sugar Factory, due to rash and negligent AP-03-TE-3169. driving of the Tata Ace bearing registration No. AP 03 TE 3169 and the petitioner is put to strict proof of the same. This respondent denies the

allegations contained in paragraphs 3, 4,5,6 & 8 so as the age, occupation and the place, date and time of accident, income of the employee, the damages caused to the articles on account of the accident and put the injured to strict proof of the same. No documents have been filed to prove the age and income by the deceased before this Court. This respondent denies all the allegations contained in paragraphs 21, 21(a) so as amount of compensation claimed under various headings such as loss of earning, Transport to hospital, Extra nourishment, Damage to clothing and articles, medical expenses, Attender charges, Future medical expenses, loss of amenities & future prospectus, pain and suffering, continuing or permanent disability and loss of earning power and the petitioner is put to strict proof. This respondent further denies the compensation of a sum of Rs.50,000/- towards loss of earning, Rs.20,000/- towards transport to hospital, Rs.30,000/- towards extra nourishment, Rs.5,000/- towards loss of Damage clothing and articles, Rs.50,000/- towards Medical Expenses, Rs.45,000/- towards attender charges, Rs.50,000/- towards future Medical Expenses, Rs.50,000/- towards loss of amenities & future prospectus Rs.1,00,000/- towards compensation for pain and suffering, Rs.5,00,000 towards compensation permanent disability and Rs.1,00,000 towards compensation for the loss of earning power are highly unsustainable and strict proof thereof.

(ii). The total compensation of Rs. 10,00,000/- claimed by the petitioners is excessive and arbitrary. It is specifically denied by this respondent that the Tata Ace

was insured with this respondent for the relevant period much less on the date of accident. Further the petitioner in the present case was travelling as an occupant i.e., gratuitous passenger in the insured vehicle. Already OP No.132/2017 and OP No.301/2017 MACT Ponneri were decreed and this is a third claim for the above said accident. Since the seating capacity is two for the which is purely a policy violation and as such this said insured vehicle, the said petitioner has travelled as a gratuitous passenger respondent is not liable to pay any compensation. Further for the insured vehicle the first respondent does not possess valid transport documents such as RC, Permit, Fitness Certificate and also tax thereon and the petitioner is put to strict proof thereof. Any violation of the above will render this respondent not liable to pay for the above claim. The first respondent's driver of the Tata Ace did not possess a valid effective license/ endorsement to drive the vehicle in question on the date of accident and the petitioners are put to strict proof thereof. The said driver did not hold Badge to drive transport vehicles as on the date of accident which is purely a policy violation and as such this respondent is not liable to pay any compensation.

(iii). Since the accident had occurred due to collision of two vehicles there is contributory negligence on the part of the petitioner driving a Tata ACE. Hence it is prayed that if there be any award against this respondent such award may appropriate assessing the degree of involvement of vehicles concerned. The respondent is entitled to take all pleas available U/s.147 & 149 of M.V. Act and U/s.64 VB of the Insurance

Act and the above petition has got to be dismissed if it held during the proceedings of the case that the aforesaid provisions have been violated. This respondent reserves their right to file additional counter in the above case if any fact is revealed during the investigation of the case, which is contrary to the facts and averments as made in the claim petition or when new facts are brought to the knowledge of this respondent at a later date. Without prejudice to the rights of the parties it is submitted that if for any reason this court comes to the to award any interest, then the petitioner has be entitled for the interest as per provisions of Section 3 of the Indian Interest Act and the petitioner is not entitled to claim any interest on non pecuniary damages as per the Judgment reported in 1995 ACJ(1) Page 366. Without prejudice to the various pleas and contentions raised by the answering respondent and without admitting any liability the petitioner be directed to furnish the details with regard to PAN No of the petitioner which is mandatory as per the provisions of the IT Act. That without prejudice to the rights & contentions and without admitting any liability if any compensation is awarded by this court whether interim or final to any petitioner, such a compensation may be directed to be deposited through the process of NEFT/RTGS directly to the bank accounts of the petitioner. The petitioner may be directed to furnish the details of their bank accounts, along with NEFT/RTGS details along with their Aadhar card details.

(iv). That the amount of compensation claimed by the petitioner is highly exorbitant and without any basis. Without prejudice to the foregoing submission, it is submitted that in case the negligence of the accused driver is proved, and the award is passed in favour of the petitioner and against answering respondent then the petitioner if found entitled for any interest, then it should be payable as per the prevailing interest rate which is payable on deposits and as per the provisions of Interest Act 1978. Notwithstanding the fact that the petitioner is not entitled to any compensation or interest whatsoever, however without prejudice to the foregoing submissions, the petitioner is not entitled to payment of any interest whatsoever for the period of delay caused by petitioner in furnishing the medical documents or disability certificate or any other documents. Further, period of any delay which was not caused by the Respondent or were beyond the control of the respondent must be excluded from payment/levy of interest. This respondent craves leave to contest the claim on all grounds that may be available to the first respondent under section 170 of the 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 26.11.2016 ?
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-8 were marked. Disability Certificate issued by District Medical Board, Thiruvallur was marked as Ex.C1. On the side of respondent, the 2<sup>nd</sup> Respondent Tmt. M.S. Karunya, Legal Manager of respondent's Company has been examined as RW-1 and Ex.R-1 to R-4 were marked. Notice served. The 1<sup>st</sup> respondent called absent and set exparte on 09.06.2022.

**6. Point No:1**

**Who has attributed the accident which took place on 26.11.2016 ?**

(I). It is the case of the petitioner that on 26.11.2016 at about 14.30 hrs when the petitioner was travelling in a Tata Ace bearing Reg No: AP 03 TE 3169 proceeding towards Puttur in front of SN Sugar Factory main gate near Sanakuppam Village of S.R. Puram Mandal, at that time the driver of the Tata Ace drove it at high speed, rash and negligent manner and dashed against the motor cycle bearing Reg No: TN 02 J 9678 proceeding towards Chittoor. As a result of this, the petitioner sustained Post Traumatic Left Elbow Dislocation and she was treated as inpatient at Sai Sudha Hospital, Tirupathi and 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 1<sup>st</sup> respondent's vehicle, Ex.P3 is the Insurance Policy of the 1<sup>st</sup> respondent vehicle, Ex.P4 is the Driving License of 1<sup>st</sup> respondent, Ex.P-5 is the Wound Certificate,

Ex.P-6 is the Medical bills, Ex.P-7 is the Form 54 and Ex.P-8 is the Scan Report. Ex.C1 is the Disability certificate issued by District Medical Board, Tiruvallur. The medical board assessed the petitioner's disability as 20%.

(ii). On perusal of the F.I.R Ex.P-1 it reveals that one Mrs. Lavanya has lodged a complaint before S.R. Puram Police Station, Chittoor based on the above complaint, a case was registered against the driver of the first respondent's vehicle under sections 337, 304(A) of IPC in Crime No.70/2016 on the file of Chittoor police station. The 1<sup>st</sup> respondent had not challenged the FIR. Moreover, PW-1 had deposed that when the petitioner was travelling in a Tata Ace bearing Reg No: AP 03 TE 3169 proceeding towards Puttur in front of SN Sugar Factory main gate near Sanakuppam Village of S.R. Puram Mandal, at that time the driver of the Tata Ace drove it at high speed, rash and negligent manner and dashed against the motor cycle bearing Reg No: TN 02 J 9678 proceeding towards Chittoor. If the 1<sup>st</sup> respondent drove the vehicle with due care and caution he could have avoided the accident. RW-1 has deposed that the 1<sup>st</sup> respondent's driver has not possessed badge to drive Tata Ace. On perusal of Ex.P-5 it revealed that the 1<sup>st</sup> respondent's driver has not possessed valid driving license to drive Tata Ace. Hence it is made out that the accident was happened due to the rash and negligent driving of the 1<sup>st</sup> 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 1<sup>st</sup> respondent vehicle's driver has been marked as Ex.P-5. The respondent driver has not possessed valid driving license. He has no badge to drive the Tata Ace. RW-1 has deposed that already 2 claims awarded and this is the 3<sup>rd</sup> petitioner who is the unauthorized passenger. Ex.P-3 is the Copy of the Insurance Policy which reveals that at the time of accident, the policy was in force. Hence it is fit case to apply pay and recovery method. Therefore, the 2<sup>nd</sup> respondent is liable to pay the compensation and recover from the 1<sup>st</sup> respondent. Hence, point No. 2 for consideration is answered accordingly.

**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 64 years. She was a self employee and was earning a sum of Rs. 15,000/- per month for which she has not filed any document to prove his income. Similarly, she has not filed any documents. It is seen that the petitioner sustained Post Traumatic Left Elbow Dislocation. Therefore, this court considers that the injury sustained by the petitioner is grievous in nature. She could have been taken nearly 6 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. 10,000x6 = Rs. 60,000/-.

**(ii) Loss due to permanent Disability:**

The medical board assessed the petitioner disability as 20%. 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 20% it works out to **Rs. 1,00,000** (Rs.5000X20%).

**(iii) Medical Expenses:** The petitioner was taken treatment at Sai Sudha Hospitla, Tirupathi and the petitioner has produced medical bills which is marked as Ex.P-6. Hence the petitioner is entitled to claim amount of Rs. 14,531/- under this head.

**(iv) Attender charges :** The petitioner has not filed any Discharge Summary. Hence she is not entitled to claim any amount under this head.

(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. 60,000/-
2.Loss of permanent disability	Rs. 1,00,000/-
3.Medical Expenses	Rs. 14,531/-
4.Attender charges	-
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/-
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Total	Rs. 2,55,531/-
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In view of the findings given in points the petitioner is entitled for compensation a sum of Rs. 2,55,531/- 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. 2,55,531/- 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 1<sup>st</sup> and 2<sup>nd</sup> respondents are hereby directed to deposit the award amount of Rs. 2,55,531/- ( *Rupees Two Lakhs Fifty Five Thousand Five Hundred and Thirty one 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) 04.04.2019 to till the date of realization, excluding the default period of his own if any. The 2<sup>nd</sup> respondent is entitled recover the total amount of award from the 1<sup>st</sup> respondent as per Pay and Recovery principle.
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](mailto: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. 372/-. The petitioner is directed to pay the balance court fee.

Dictated to the Steno - Typist, typed by him, corrected and pronounced by me in the open court on this the 06<sup>th</sup> day of March 2026.

Presiding Officer,  
Motor Accident Claims Tribunal,  
Ponneri.

**List of Witnesses on the side of Petitioner:-**

1. Tmt. Pedda Papamma - 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. | - | Wound Certificate                    | - Ex.P-5 |
| 6. | - | Medical Bills                        | - Ex.P-6 |
| 7. | - | Form 54                              | - Ex.P-7 |
| 8. | - | Scan Photo                           | -Ex.P-8  |

**List of Witness on the side of Respondent:**

1. Tmt. Karunya Lakshmi RW-1

**List of Exhibits on the side of Respondent:**

- |    |   |                                   |        |
|----|---|-----------------------------------|--------|
| 1. | - | Authorization Letter              | Ex.R-1 |
| 2. | - | Policy Copy                       | Ex.R-2 |
| 3. | - | Copy of RC Book                   | Ex.R-3 |
| 4. | - | Driving License of the Respondent | Ex.R-4 |

**List of court exhibits:-**

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

Presiding Officer,  
Motor Accident Claims Tribunal,  
Ponneri.