

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
SPECIAL SUBORDINATE JUDGE, TIRUPATTUR.**

**Present: Tmt.J.Nagalakshmi @ Vijayarani,B.A.,B.L.,
Motor Accident claims Tribunal Authority,
Special Subordinate Judge(FAC), Tirupattur.
Monday, the 27th day of April 2026
M.C.O.P. No.107/2022,
CNR.NO. TNTU04-000246-2022**

Minor.Sanjai, aged 8 years,
S/o.Murali,
Rep.by his mother Selvi W/o Murali,
No.15A Ramar Street,
Kudiankuppam Village,
Natrampalli,
Tirupattur Taluk & District.

..... Petitioner

/vs/

1. Velayutham,
S/o.Mani,
No.19/2, Ashok Nagar, 1st Street
Jolarpettai,
Tirupattur Taluk & District.
2. Praveen kumar , S/o Velayutham,
No.19/2, Ashok Nagar, 1st Street
Jolarpettai,
Tirupattur Taluk & District.

..... Respondents

The petition filed on 01.06.2022 and originally came up for final hearing
in the presence of **Tmt.A.Annaselvi, M.L.**, learned counsel for the petitioner.

Thiru.A.Ali Ahamed, B.Sc., M.L., learned counsel for 1st and 2nd respondent, and after hearing both side arguments, perusing case records and having stood for consideration till this day, this tribunal passed the following:-

ORDER

1. This petition was filed by the natural guardian/mother of the minor injured against the respondent's under section 166 of the Motor Vehicles Act claiming compensation of Rs.3,00,000/- as compensation against the respondent together with interest and cost from the date of accident.

2. The averments of the petition in brief :-

That on 24.10.2021 the minor petitioner drove his bicycle to go to Saravanan Malikai shop for buy some malikai things. He ride his bicycle slowly, consciously and extreme left side of the road. At that time one Yamaha two wheeler bearing No.TN 23-BL-3611, was driven by its driver in a rash and negligent manner, without obseving any traffic rules with high speed, and suddenly dashed to the petitioner. Due to this accident the minor petitioner fell down and sustained grievous blood injury on his face. Immediately the petitioner was taken to the Governmment Hospital, Tirupattur. The duty doctors gave first aid referred to higher treatment. Then he had taken treatment in Mathubala Hospital, Tirupattur. He became permanently disabled. He was hale and healthy before the accident and he is studing in 4th standard and very active in his class. He participated all sports and competition. His face, chin, cheek, teeth, lips are all damaged. His face luster is lost. After the accident he did not concentrate on his studies and could not able to play. Other students are commanding his face. Hence the minor petitioner is mentally affected. The

accident had occurred only due to the rash and negligent driving of the driver of the Yamaha two wheeler bearing no TN23 BL 3611. A case registered by Jolarpettai Police in Cr.No.406/2021 U/S 279, 337 of IPC. The 1st Respondent being the owner and the 2nd respondent is the driver of the Yamaha vehicle are jointly or severally liable to pay compensation to the petitioner.

3. The Counter of the 1st respondent adopted by 2nd respondent has follows:

The 2nd Respondent is the owner of vehicle bearing no.TN-23-BL-3611. It is false to state that the 2nd respondent is the driver of the said vehicle on the alleged date of accident. The said 2nd respondent belongs to very respectable family and has never indulged in any criminal activities and he has antecedents of having no past criminal record and had taken precautionary measures to avoid the accident. That the petitioner is responsible for the accident. In fact, the petitioner did not follow the traffic rules and suddenly crossed the road, in a cycle, in a negligent manner. The 2nd respondent was a bystander and helped the petitioner to be taken to the hospital, some public also gathered at the spot and helped the petitioner. It is true the 2nd respondent was charged by the Jolarpettai police in Cr.No 406/2021 u/s 279&337 of IPC. But it is false to state that the accident had happened purely due to the rash and negligent driving of the vehicle driver. The accident not caused due to the negligence of the respondents and hence the petition is liable to be dismissed with costs.

4. EXAMINATION OF WITNESS : The petitioner filed proof affidavit in consonance with the claim petition and examined as Pw1, the documents Ex.P.1 to P13 were marked. On the respondent side no respondents are examined and

no documents were marked.

5. Points for consideration:-

1) Whether the accident occurred due to the rash and negligence of the driver of the Yamaha two wheeler bearing no TN 23 BL 3611 belonged to the 2nd respondent?

2) Whether the Petitioner is entitled to get the compensation from the respondent? If so what is the quantum?

3) who is liable to pay compensation?

6. Heard the arguments put forth on both sides and connected material records were carefully considered.

7. POINT NO 1 & 2: -

(a) The petitioner's case is that, the accident happened on 24.10.2021, 9.45 A.M., near by Saravanan maligai shop, in Natrampalli to Tirupathur Main Road. It is gathered from the documents that, the minor petitioner proceeded in his bicycle and the Yamaha two wheeler bearing Reg.No.TN 23-BL-3611, belonging to the 1st respondent driven by its driver, 2nd respondent at the time of accident. The date, time, place of accident not denied on the side of respondent. The disputed fact is only the manner of accident. Hence the tribunal inclined to appreciate the oral as well as document evidence put forth in this regard.

(b) The claim petition filed on behalf of the minor Sanjay /injured who was 8 years old at the time of accident and represented by his mother/natural guardian/ next friend namely Selvi and proceeded the case in the same capacity as on date. She filed proof affidavit in consonance with the claim petition and examined as PW1. She deposed that her minor Son Sajay gone to maligai shop riding bicycle to buy vegetables, at that time, the two wheeler came from jolarpet- Natrampalli bearing Reg.No. TN-23,BL-3611, driven by its driver namely Pravinkumar, at high speed, in a rash and negligent manner and without blowing horn dashed against the bicycle and her son was thrown away from the bicycle and caused the accident.

(c) It is also extracted from the evidence of Pw1 that the minor Sanjay who fell down from the bicycle, sustained grievous bleeding injuries on his right eye, near mouth, and lip area. The he had taken in to Tirupathur G.H immediate to the accident and taken CT scan on the same day tallied with the accident register marked as Ex.P2. The criminal Case registered against 2nd respondent in Cr.No 406/2021 of Jolarpettai police ststion in Cr.No 406/2021 marked as Ex.P1. The rough Sketch also reveals the accidental spot marked as Ex.P8. The MV report of yamaha vehicle reveals the damages of Front right side sheet scrates marked as Ex.P7, the said documents corroborates the evidence of PW1. Though PW1 elaborately cross examined her evidence not shattered with regard to the factum of accident.

(d) The 1st respondent who is the owner of vehicle remains exparte. The contesting 2nd Respondest side put froth the rebuttal evidence in this regard. It is also useful to metion the defenses at the time of cross of PW1. Though it has suggested that, the complaint before police station given only after 10 days ,

she explains that the 2nd respondent promised to bear the medical expenses and hence not launched the complaint immediately. The said fact remains unrebutted. In that situation the 2nd respondent ought to have come into witness box to deny the same. There is no step taken in this regard and hence the tribunal inclined to give weightage to the Version of PW1. It is also clarified that her son went in small bicycle and not ride the cycle in half pedal. Hence the tribunal holds that the defense taken with regard to size of the bicycle is insignificant to this case.

As discussed supra, the oral testimony of PW1 as well as documentary evidence filed on the side of petitioner itself proves that the accident only occurred due to the rash & negligent driving of the 2nd respondent. The petitioner proved his case with preponderance of probability. Hence, the tribunal finds that the case of petitioner remains unrebutted, hence the tribunal holds that 2nd respondent who is the driver Yamaha two wheeler bearing No.TN 23-BL-3611, is wholly responsible for the accident and hence termed as offending vehicle. Hence, point No.1 answered accordingly.

8. POINT NO.2 :

(A) The petitioner 2 deposed that, her son had sustained grievous injuries in on his right eye, near mouth, and lip area and hence taken into Tirupathur G.H. The accident register marked as Ex.P2. Since it was corona time and there were no facilities there, the doctors advised to take elsewhere for treatment. Then the injured minor admitted in Madhubala Dental hospital and Facial Reconstruction Centre. It also reveals from her evidence the injured minor also lost 2 teeth due to that impact of accident. The Copy of

certificate of treatment provided by Madhubala Dental Clinic marked as Ex.P3. It is apparent on the face of records that the petitioner sustained injuries due to that accident and hence the petitioner entitled for compensation.

(B) The petitioner claimed Rs.3,00,000/- under various heads as compensation stating that the accident caused Permanent disability and hence it appropriate to discuss the same head by head:

(i) TOWARDS DISABILITY: The petitioner also referred to Medical board and doctors of the medical board had assessed the disability of the petitioner and given Ex.C1, the disability certificate. It shows the percentage of disability is 0%. Though the petitioner sustained injury it is failed to prove the disability. Hence the tribunal not inclined to award compensation under this head.

(ii) MEDICAL EXPENSES: The petitioner claimed Rs.50,000/- towards medical expenses. The Accident occurred on 24.10.2021. The petitioner initially taken treatment in Tirupathur GH. The AR Entry contains that he had taken treatment as outpatient on the crucial date. Being the treatment taken in Govt hospital on free of cost no medical records expected to be produced. At the same time, the petitioner also taken treatment in Madhubala Dental hospital & Facial reconstruction centre, Tirupathur on the following dates on 25.10.2021, 28.10.2021. There is no medical bills produced in order to prove the medical expenses incurred on private treatment. Hence, the tribunal not inclined to award compensation under the head of Medical Expenses.

(iii) PAIN AND SUFFERINGS & OTHERS :

(a) The petitioner claim compensation of Rs.2,00,000/- towards pain & Suffering, Rs.1,00,000 for mental Agony and Rs.1,00,000/- for loss of enjoyment & happiness. It is settled law that the tribunal has conscious to award compensation for the injuries sustained in the accident as could have put into the same position at the time of accident. It reveals from the evidence of PW1 coupled with the medical records clearly establishes that the minor sustained Simple injury in the accident as could revealed from Wound certificate marked as Ex.P4. Though there is no disability proved, the nature of injuries suffered by the child, particularly in the facial and mouth region, cannot be treated as simple or insignificant.

(b) This Tribunal had the opportunity to personally observe the demeanour and physical condition of the injured minor at the time of recording evidence of PW1. The visible condition of the child, her discomfort while speaking, and the apparent facial variation noticed by the Tribunal, clearly demonstrated that the effects of the accident are not merely temporary in nature. The demeanour of the minor before tribunal revealed that the continuing physical discomfort and emotional trauma suffered by her on account of the accident injuries. Such factors, though incapable of exact mathematical assessment, are nevertheless relevant considerations while determining just compensation

(c) The materials on record also reveals that the minor underwent considerable pain and suffering during the course of treatment. The evidence further discloses that even for normal activities such as eating, speaking and

facial movements, the child experienced substantial discomfort and hardship. The evidence also probabalises that due to the injuries sustained in the mouth and facial region, lost of two teeth, *the normal shape and appearance of the mouth had undergone variation to some extent.*

(d) The Tribunal is also mindful of the fact that the injured is a minor boy child. Facial injuries and disfigurement suffered by a young boy carry serious emotional and psychological consequences. The impact of such injuries cannot be measured solely in terms of medical disability percentage. Loss of confidence, mental agony, social embarrassment, inferiority complex and emotional insecurity are natural consequences flowing from visible facial injuries. Even if the injuries may not amount to measurable orthopedic disability, the suffering undergone by the child and its effect upon his future life and social well-being cannot be ignored by the tribunal

(e) Further, the evidence on record indicates that the injuries sustained by the child have affected her normal enjoyment of life during the relevant period. The child was compelled to undergo pain, treatment, mental stress and physical inconvenience at a tender age. The possibility of future discomfort and emotional distress arising from the facial variation and injury marks also cannot be ruled out. ***In the case of a growing minor child, facial appearance assumes importance not merely physically, but also socially and psychologically.*** Therefore, the future impact of such injuries, including possible adverse effect on matrimonial prospects and self-confidence, deserves due consideration while awarding compensation.

(f) At the same time, the Medical Board has assessed the permanent disability of the injured minor as “Nil/0%” cannot be overlooked. However, this tribunal is conscious of the settled principle that absence of certified permanent disability cannot be equated with absence of suffering, pain, trauma or loss caused to the victim. The concept of “**just compensation**” under the Motor Vehicles Act cannot be determined merely on the basis of percentage of disability alone. The Court is duty bound to consider the entire impact of the injuries upon the physical condition, mental state, appearance, comfort and future life of the injured victim.

(g) It is well settled that compensation under the Motor Vehicles Act is not confined only to pecuniary loss or quantified disability. Non-pecuniary damages such as pain and suffering, mental agony, loss of amenities, discomfort, disfigurement and loss of normal enjoyment of life are equally important components of just compensation. Therefore, merely because the Medical Board assessed “0% disability”, this Tribunal cannot mechanically deny adequate compensation when the oral and documentary evidence clearly disclose substantial suffering and continuing adverse effects caused to the minor victim.

(h) Therefore, Considering the age of the injured minor boy, the grievous nature of the injuries sustained in the facial and mouth region, the prolonged pain and suffering undergone by her, the difficulty experienced in eating and carrying out normal day-to-day activities, the visible variation caused to the shape and appearance of the mouth, the emotional trauma and mental agony suffered by the child, the loss of comfort and amenities during the period of treatment and recovery, and the possible continuing impact upon his

confidence, social life and future prospects, this Tribunal is of the considered view that the claimant is entitled to substantial and just compensation under the non-pecuniary heads, notwithstanding the fact that the Medical Board assessed the permanent disability as Nil/0%.

(i) This Tribunal is unable to accept the contention that in the absence of quantified permanent disability, the claimant is entitled only to a nominal amount. The evidence on record, the medical documents and the physical condition and demeanour of the child observed by this Tribunal during the course of examination unmistakably establish that the injuries suffered by the minor were grave in nature and had caused considerable physical pain, mental agony and continuing discomfort. Therefore, the compensation requires to be assessed not merely on the basis of disability percentage, but on the basis of the actual impact of the injuries upon the life, comfort and well-being of the child.

As discussed in detail, the tribunal deems it appropriate to award compensation under the following heads: Pain and suffering – Rs.30,000/-, Mental agony and emotional trauma – Rs.10,000/-, Facial disfigurement and loss of variation of appearance – Rs.15,000/-, Future discomfort and hardship – Rs.15,000/-.

(iv) TRANSPORTING EXPENSES: The petitioner undergone treatment in Government Hospital in Tirupathur and Madhubala Clinic Tirupathur. It is It is apparent that the petitioner also taken treatment as out patient in CMC, Vellore on dates:21.03.2022, 02.03.2022, 26.02.2022, 05.03.2022, 22.03.2022, 09.04.2022 Upon Considering the distance between her residence to the said hospitals the tribunal inclined to award **Rs. 2,000/-** towards transport expenses.

(v) EXTRA NOURISHMENT: For the injury sustained the petitioner would have given extra nutritious food for speedy recovery and incurred some expenses in this regard and hence the tribunal inclined to award **Rs.15,000/-** towards extra nourishment.

(vi) LOSS OF AMENITIES: It is clear from record that the petitioner was 8 years old at the time accident. Considering the nature of injuring which he has to endure through out life, and hence tribunal inclined to award **Rs.10,000/-** for loss of Amenities and happiness.

9. **Finally**, this tribunal award the following amount towards the claim of the petitioner under the given heads.

1	Towards disability	NIL
2	Towards Medical Expenses	NIL
3	Towards Loss of Amenities	Rs.10,000/-
4	Towards Pain & Suffering	Rs. 30,000/-
5	Mental agony and emotional trauma	Rs.10,000
6	Facial disfigurement and loss of variation of appearance	Rs.15,000
7	Future discomfort and hardship	Rs.15,000
8	Extra Nourishment	Rs. 15,000/-
9	Transportation expenses	Rs.2,000/-
	Total	Rs. 97,000/-

10. POINT NO:3

The 1nd respondent is the owner of the said offending vehicle as could be seen from a copy of Registration Certificate (Ex.P5). This Tribunal for the reason stated in Point No.1 has come to the conclusion that the 2nd respondent the driver of the Yamaha two wheeler bearing No.TN 23-BL-3611 responsible for the accident. The driving license of the 2nd respondent marked as Ex.P6. Being the owner of the said vehicle, the 1st respondent is vicariously liable to pay the compensation for the negligence on his part of his driver. It is also extracted from the fact that, the offending vehicle not having valid Insurance at the time of accident. Hence, the **tribunal comes to a conclusion as the 1st respondent being the owner of the offending vehicle and the 2nd respondent being the driver of the said vehicle both respondents are jointly severally liable to pay the compensation amount to the petitioner herein.** This point is answered accordingly.

In the result, the petition is partially allowed against 1st and 3rd respondent as follows:-

(a) The Petitioner is awarded Rs.97,000 **(Rupees Ninety Thousand Only)** together with interest at 7.5% per annum from the date of petition till the date of deposit (Excluding the period for the dismissal for default if any).

(b) The 1st and 2nd Respondent are Jointly or severally directed to deposit the award amount within **one month** from the date of order by NEFT / RTGS mode directly into the account standing in the name of Special Subordinate Judge(MACT), Tirupattur at State Bank of India, Tirupattur Main

Branch, Current Account No. **42888609189** under intimation to this Tribunal by way of sending pay advice slip.

(c) There is no remaining court fee to be paid by the petitioner.

(d) The disbursement of the amount shall be made by direct transfer to credit of his account by NEFT/RTGS mode given below.

(e) Advocate fee is fixed as **Rs. 4,813/-** shall be paid by NEFT/RTGS mode.

(f) The 1st & 2nd respondents are jointly or severally directed to pay a sum of **Rs.5,415/-** being the cost to the petitioner tabulated there in.

11. Following the Judgment of the Hon'ble High Court of the Madras in M/s Cholamandal MS General Insurance Co.Ltd. /Vs/ Ayyanar and others reported in 2020(4) CTC 272, no decree is prepared. All the parties are entitled to free copies of award as per section 168(2) of Motor Vehicles Act

Other necessary Particulars

Date of petition	:	Respondent's side
Date of Award	:	27.04.2026
Amount of compensation claimed is	:	Rs.3,00,000/-
Amount of compensation awarded by this tribunal is	:	Rs.97,000/-
Court fee payable for the said amount is	:	Rs.373/-
Court fee already paid is	:	Rs.373/-
Balance court fee to be paid is	:	NIL

Cost List for the Petitioner

Particulars	Petitioner side	Respondent's side
Court fees	Rs.373.00	
Vakalath Nama Stamp	Rs. 50.00	
Process fee	Rs. 14.00	
Advocate fee	Rs. 4,813.00	----
Stamp of documents	Rs. 65.00	
Typing charges	Rs. 100.00	
Total	Rs. 5,415.00	

Dictated to Steno Typist and directly typed by him in my laptop, corrected, pronounced by me in the open Tribunal on 27th day of April 2026.

Special Subordinate Judge (FAC),
Motor Accident Claims Tribunal,
Tirupattur District.

Petitioner Side Witness:-

PW1 Selvi

Respondent side witness:-

NIL

Petitioner side Exhibits:

Ex.P1 Copy of FIR

Ex.P2 Copy of Accident Register

Ex.P 3 Copy of certificate of treatment provided by Madhubala Dental Clinic

- Ex.P 4 Copy of the Wound certificate
- Ex.P 5 Copy of the RC Book
- Ex.P 6 Copy of the driving license of the 2nd respondent
- Ex.P 7 Copy of the MVI Report
- Ex.P 8 Copy of the Rough Sketch
- Ex.P 9 Copy of the Observation Mahazar
- Ex.P 10 Copy of Final Report
- Ex.P 11 Copy of Aadhar Card of the injured minor
- Ex.P 12 Copy of Aadhar card of minor Petitioner's mother
- Ex.P 13 Copy of Bank passbook of the petitioner

Court side Exhibits :

- Ex.C1 Medical Board report of the petitioner regarding disability.

Respondent side Exhibits:

NIL

Special Subordinate Judge(FAC),
Motor Accident Claims Tribunal,
Tirupattur, Tirupattur District.