

**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.**

Wednesday, the 29th day of April 2026

M.C.O.P. No.173/2024

CNR.NO.TNTU04-000456-2024

Selvakumar, (37),
S/o.Balu,
No.292, Ragupathiur Village,
Udaiyamuthur Post,
Tirupathur Taluk & District – 635 652.

..... Petitioner

/vs/

1. Gnanasundar,
S/o. Kanagaraj,
No.23/22, Mettu Street,
Kadambur,
Sankarapuram,
Villupuram District – 605 802.

2. United India Insurance Co. Ltd.,
Rep. by its Divisional Manager,
Third Party Claim,
HUB, Thiru Vee Kaa Nagar,
2nd Floor, Rangapuram,
Vellore.

..... Respondents

The petition filed on 04.11.2024 and came up for final hearing in the presence of **Thiru.S.Sivakumar, B.A., L.L.B.**, learned counsel for the petitioner. The 1st respondent set expate and **Tmt.Suganya Asaithambi, B.Sc.**,

B.L., learned counsel for 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 petitioner under section 166 of the Motor Vehicles Act claiming Rs.1,00,00,000/- as compensation against the respondent together with interest and cost from the date of accident.

2. The averments of the petition in brief:-

On 05.07.2024 evening, after worship at Valuthalampattu Kaliyamman Temple, the petitioner with helmet was returning to the house in his Motor cycle bearing Regn. No. TN 23 BX 8955, and drove the vehicle, very slowly and cautiously, following the traffic rules in the left side of the road. Further At about 18/00 hrs, near Valuthalampattu school, Maxi cab bearing Regn. No. TN 15 MB 1396 belonging to the 1st respondent was coming in the opposite direction of the petitioner. The driver of the Maxi cab was driving the same in a rash, careless and negligent manner and also without raising the horn, without followed the traffic rules of the road. Due to the rash, careless driving the maxi cab driver had lost his control and dashed against the motor cycle of the petitioner. Due to the impact the petitioner was thrown out from the motor cycle and have sustained grievous injuries. The petitioner was immediately taken to CMC hospital (Ranipet campus) and admitted there as inpatient at 2.15 a.m. on 06.07.2024 and he was given treatment for the injuries. After treatment he was discharged from the hospital on 26.07.2024. Thereafter he had treatment in the above said hospital as outpatient. The accident occurred due to the rash and

careless driving by the maxi cab driver, but for it the petitioner would not sustain injuries and permanent disability. A case registered in Tirupathur Taluk Police station Cr.No.496/2024, U/s.281, 125 of BNS 2023. The petitioner underwent pain, sufferings, mental agony, and loss of earnings during the period of treatment . He spent more money for his treatment. Due to the chest pain, the petitioner is feeling much difficulty to breath easily as before. Due to the Paraplegia with chest injury, the petitioner is not able to walk, sit ,squad stand freely. Further without of the support of the family member, the petitioner is not able to attend any work, such as attending natural calls etc. Due to Paraplegia, the petitioner is not able to move from the house and to attend any work. The petitioner had no income to worth the name. After the accident, the petitioner is having much pain on his hip, and neck. Further the petitioner is feeling much pain while moving the head on either side. Due to the injuries the petitioner is not able to attend the work, and so the. Thus the petitioner had sustained permanent disability and loss of earning power. The petitioner cannot earn as much as he was earning before the accident. The entire future of the petitioner is shattered into pieces. The petitioner is depending upon his physical strength, and that was impaired by the accident. The actual damages sustained by the petitioner cannot be valued in money value. The petitioner is entitled to claim more, but the restricting the claim to Rs.1,00,00,000/- only as compensation.

The notice served to the 1st respondent and not appeared before this court and hence set exparte on 28.04.2025.The 2nd respondent filed petition U/sec 170 of MV Act in order to made defense taken by the 1st respondent and allowed in IA No.3/2026 dated 11.02.2026

3. The counter filed on the side of 2nd respondent as follows:-

On 05.07.2024 at 18.00 hours, near Vazhuthlampattu middle school when he was returning from a temple to his house in his motor cycle bearing Reg. No. TN 23 BX 8955, a maxi cab owned by the 1st respondent insured with the 2nd respondent coming in the opposite direction was driven by its driver rash and negligently hit him and caused grievous injuries is denied by this respondent. This respondent states that the driver of the said maxi cab was driving his vehicle slowly with care and caution observing traffic rules strictly, making horns properly where as it is the petitioner who drove his motor bike with high speed hit against the maxi cab is not insured at the time of accident. Therefore this respondent is not liable to pay compensation to the petitioner.

4. On behalf of the petitioner, the petitioner was examined as Pw1, Ex.P1 to Ex.P15 were marked and the 2nd respondent side witnesses examined as Rw1 and documents Ex.R1 to R3 were marked.

5. Points for consideration:-

1) Whether the accident occurred due to the rash and negligence of the driver of the Maxi cab bearing Regn. No. TN 15 MB 1396 belongs to the 1st respondent?

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

6.POINT NO 1: -

(i) The petitioner's case is that, the accident occurred on 05.07.2024, at about 18/00 hrs, near Valuthalampattu school, situated in Between Valuthalanpattu – PudurNadu Road. It is gathered from the documents that the

petitioner proceeded in the BAJAJ DISCOVER motor Cycle bearing bearing Regn. No. TN 23 BX 8955, who is the owner cum driver of the vehicle and the MAHINDRA MAXI CAB bearing Regn. No. TN 15 MB 1396 belonging to the 1st respondent was coming in the opposite direction of the petitioner at the time of accident. The date, time and place of accident not disputed. The factum of the accident admitted. The dispute arises with regard to the manner of accident alone/ Hence the tribunal inclined to appreciate the oral as well as documentary evidence produced in this regard.

(ii) The petitioner filed proof affidavit in consonance with the claim petition and examined as PW1. He categorically deposed that, when he was returning to home after worship at Valuthalampattu Kaliyamman Temple in his Bajaj Discover two wheeler, on wearing helmet, slowly, cautiously,, raising horn with headlights on the left side of the road. When he proceeding towards pudurnadu nearing Valuthalampattu School, at about 6.00 P.M, Maxi cap bearing Reg No. TN 15 MB 1396 ,coming from the Pudurnadu towards Valuthalampattu, in an opposite direction, driven by its driver, at high speed, recklessly and carelessly, without following the traffic rules, dashed against the two wheeler due to lost of control, the petitioner was thrown away from the vehicle and caused the accident.

(iii) It is clear from the testimony of Pw1 that the accident caused due to the negligence of the driver of the 1st respondent. Though Pw1 elaborately cross examined the manner of accident not shattered by the contesting 2nd respondent. It is also suggested that the petitioner not kept left side of the road and he strongly denied the same. Though it is extracted that the said road was one way the negligence of the petitioner not substantiated with the materials

available on record. On cursory reading of evidence of PW1 reveals that he regularly used to go to temple in the particular way very slowly and cautiously. It is also clarified that the maxi cab honking continuously came in the opposite side in an uncontrollable speed dashed against him. The petitioner who is the victim of the accident is competent witness to depose about the incident. There is no iota of evidence that the accident not occurred due to the negligence of the 1st respondent. Hence, the tribunal holds that the accident occurred as per the manner stated in the petition.

(iv) It is pertinent to note that the criminal case in Cr.No.496/2024, U/s.281, 125 of BNS 2023. on the file of Tirupathur Taluk P.S. registered against the driver of the two wheeler/ 1st respondent marked as Ex.P.1. It revealed from accident register that the petitioner admitted in Tirupathur G.H. immediate to the accident as could revealed from accident register (Ex.P2) . The MV Report (Ex.P 12) contained damages in Front right cowl, Pumber etc reveals the involvement of the maxi cab in the accident. The driver of the 1st respondent side not adduced any rebuttal evidence in order to shake the evidence of the petitioner. At the same time, the evidence of the Pw1 appears cogent, natural, convincing and probable in the view of ordinary prudent man and hence the tribunal wholly relied upon the evidence of PW1.

Note : Though the 2nd respondent side made defense that the petitioner had no valid DL at the time of accident, it could revealed from the evidence of RW1 that he had hold the License to operate Non transporting Vehicle at the time of accident. The driving license of the of the petitioner marked as Ex.R1 through RW1 . Hence the defence taken in view of non holding of driving license amounts to contributory negligence is herewith rejected.

As discussed in detail, The oral testimony of PW1 and the documentary evidence of contemporary nature itself proves that the accident only occurred due to the rash & negligent driving of the driver of the 1st respondent. There is no rebuttal Evidence to substantiate the version in counter. The petitioner proved his case as per the theory of preponderance of probability. Hence, the tribunal concludes that the accident caused only by the negligence of the driver of the Maxi cap bearing Reg No. TN 15 MB 1396 belonged to the 1st respondent and termed as “offending vehicle.” The point No.1 is answered accordingly.

7. POINT NO.2 :

(1) The petitioner deposed that he sustained injuries on his (1)fore head (2) bleeding injuries on the front portion of head (3) Laceration in right forearm (4) and multiple injuries all over the body due to the impact of accident as could be seen from medical records. The petitioner initially taken first aid in Tirupathur GH and then referred to higher institution for further management. The Accident register marked as Ex.P.2. The discharge summary (Ex.P3) issued by CMC Vellore reveals that he had taken treatment as inpatient in SPINE SURGICAL DEPARTMENT from 06.07.2024 to 26.07.2024. The Wound certificate marked as Ex.P5. The Medical Bills for an amount of Rs.7,16,783/- marked as Ex.P6. The Medical Bills for an amount of Rs.2,35,465/- marked as Ex.P7. The Medical Bills for an amount of Rs.6,573/- marked as Ex.P8. The discharge summary of CMC Vellore issued by Rehabilitation center for taken treatment as inpatient from 26.07.2024 to 07.10.2024. The accident occurred due to the negligence of the driver of the 1st respondent as could have decided in

point No.1. Since the petitioner sustained serious injuries due to that accident and hence the petitioner entitled compensation.

(2) The petitioner claimed Rs.1,12,85,000/- under various heads as compensation stating that the accident caused Permanent disability and hence it appropriate to discuss the same head by head:

INJURIES & TREATMENT:

The petitioner initially taken first aid in Tirupathur GH . The Accident register (Ex.P2) contained the following injuries : Laceration in the level of 3x0.5x0.5 c.m in right hand, 1) Laceration in the level of 4x 5cm in frontal region. 2) Laceration in the level of 3 x 2cm in forehead. 3) Tendernesss in Cervical Region. It is apparent that the petitioner referred to Higher Centre for further management and also advised to take CT Brain. Then he had taken treatment as inpatient in CMC Vellore continuously in 2 different department and undergone various surgery in the hospital. The wound certificate reveals that the injury GRIEVOUS IN NATURE

Phase – I (treatment for Spinal Cord)

The discharge summary (Ex.P3) containing the period of in patient from 06.07.2024 – 26.07.2024 reveals that ***TRAUMATIC SPINAL CORD INJURY*** caused on 05.07.2024 . He *diagnosised that* : T3- T4 Type C Fracture dislocation with T4 SENSORY COMPLETE ASIA A Paraplegia with Chest injury , C7 to T4 Spinous process fracture, C1 Jefferson Fracture left 2nd and 4th rib fracture , left moderate hemothorax, right 1,4 b rib fracture, right hemothorax ICD inserted in emergency and Shifted to Trauma ICU for

reduction & he had undergone surgery :

“T3 OPEN REDUCTION, T2 – T6 PSF, STABILIZATION A AND FUSION under GA” on 06.04.2024.

Post operatively got fever spike and injected and then “ FIBREOPTIC BRONCOSCOPY” was done which shows thick secretion in the bronchioles was suctioned Sputum grew NFGNB ACB and Magnex forte was started and the left ICD removed on 16.07.2024 and also the suture removed on 20.07.2024 .Then he slowly weened off from BIPAP requirement and transferred to ward on 22.07.2024. Advised to routine *Tracheostomy care* and *Nasogastric feed* to be given. Then he was transferred to PMR 1 for Physical Rehabilitaion, in CMC Vellore

Phase – II (Physical medicine & Rehabilitation)

In continuation to the earlier treatment, the petitioner undergone the process of rehabilitation taken treatment as inpatient from 26.07.2024 – 07.10.2024 as could revealed from the discharge summary (**Ex.P4**).

The nature and gravity of injuries are as follows:

A. Neurological Devastation:

T4 ASIA-A Paraplegia – This denotes a complete transection of the spinal cord at the T4 vertebral level. The petitioner has suffered total and permanent loss of all motor and sensory functions below the level of the nipples. He is permanently confined to a wheelchair and has no voluntary

control over both lower limbs.

Neurogenic Bowel and Bladder – The petitioner has permanent loss of bowel and bladder control, rendering him permanently incontinent. He is now dependent on diapers, catheters, and manual evacuation for the remainder of his life, with attendant risks of recurrent urinary tract infections and renal failure.”

B. Orthopaedic & Thoracic Trauma:

- *T4 Vertebra Wedge Compression* Fracture with Retropulsion – Fragments of the shattered vertebra were displaced into the spinal canal, causing the irreversible cord injury.
- *T3, T4 Vertebra Compression* Fractures and Displaced Fracture of Spinous Process
- *. C1 Jefferson Fracture* – A highly unstable fracture of the Atlas vertebra, managed conservatively.
- *Bilateral Hemothorax* – Left Moderate requiring ICD Insertion on 05.07.2024.

C. Surgical Interventions & Complications:

- *S/P T3-T4 Open Reduction* + T2 to T6 Pedicle Screw Fixation & Fusion done on 06.07.2024 – The petitioner’s spine is now permanently fused with metal implants from T2 to T6.
- *Tracheostomy* on 06.07.2024, decannulated on 16.08.2024 – Indicative of respiratory compromise in the acute phase.
- Unstageable Pressure Ulcer over Occiput Region – A direct consequence

of prolonged immobilization, indicating the severe morbidity.

- *Transaminitis* – Resolved – Evidence of systemic stress and multi-organ impact.

E. Extent of Trauma – Proves Catastrophic Injury"

- Displaced fractures of C1, C7,
- T1 to T6 vertebra with narrowing of spinal canal at T4...
- T4 vertebra wedge compression fracture with retropulsion of fragments into spinal canal...
- Bilateral hemothorax...
- T3-4 open reduction, T2-T6 PSF, stabilization fusion

The petitioner has sustained polytrauma of the highest degree, involving the cervical, thoracic, and rib cage. The retropulsion of T4 vertebral fragments into the spinal canal has caused a complete and irreversible transection of the spinal cord, resulting in ASIA-A paraplegia. He underwent a major surgery of T2 to T6 Pedicle Screw Fixation & Fusion, meaning his spine is permanently fused with metal rods. **This is not a curable injury. This is a permanent crippling condition for life."**

F. During the course of treatment :

The petitioner rendered a quadriplegic as a direct consequence of the accident dated 05.07.2024. He is permanently bedridden and dependent for all activities of daily living. He cannot move his body below the level of his nipples. He cannot control over my bladder and bowel, and he was forced to

live with a permanent urinary catheter and diapers, which is a matter of extreme indignity and mental torture. The course of hospital under rehabilitation reveals that ,

- At the time of admission the liver enzymes were elevated Ultrasound abdomen showed significant abnormality and hence started anticoagulants for DVT Prophylaxis and regular monitor showed deceasing trend.
- At admission feed given Via NG tube and then started orally semisolid foods and due to improvement Naso gastric Tube was weaned off
- Apart from that earlier complaints he had ***unstageable pressure ulcer over the occipital Ulcer with eschar for which he made in supine position with ring pillow on cervical hard collar*** and regular dressing were made and then eschar were debrided. Then he was made to lie in lateral and the ulcer size reduced.
- At the time of admission there was a *linear healed scar over the Thoracic Spine region* with the small gaping with visible vicryl sutures for 1 cm * 0.5 cm over the mid region . Vicryl suture visible was removed and regular duoderm dressing were done with which the gaping completed closed in 2 weeks duration. One Ethylon suture was buried under the skin was identified and removed.
- ***The tracheostomy inserted 6/7/2024 was decannulation mede on 16.08.2024 & the issue of transaminitis - resolved “***
- then he advised to take regular medication on discharge and also to attend review PMR-1 OPD on Tuesdays and Fridays after 3 months.

As discussed in detail, though his mind is fully conscious and he is suffering and helplessness in every single moment of the remaining life.

(A) DISABILITY :

The petitioner referred to Medical board and doctors of the medical board had assessed the disability of the petitioner and given **Ex.C1**, the disability certificate No. TXTPTLD -11429 : dated 04.02.2025 . It is evident that the petitioner sustained injury and the certificate shows the percentage of disability is **90%** . It also contained that that he had suffered with POST TRAUMATIC PARAPLEGIC lower limb disorder. The certificate of disability issued with the Annexure contained Form No.VII shows that non progressive impairment in the level of 75% which is ***Progressive Impairment*** . It is also apparent that the nature of disability is **PERMANENT TOTAL DISABLEMENT** with respect to all functions in regular Routine and hence the petitioner not to do any physical work as could been earlier to the accident.

The Petitioner Suffered with PARAPLEGIA is a medical condition characterized by partial or complete paralysis of the lower half of the body, including the legs and lower trunk. It typically results from spinal cord injuries or diseases (like tumors or infections) that disrupt nerve signals between the brain and the lower extremities. The claimant appeared before this Tribunal in a wheelchair accompanied by his wife, who was attending to all his needs. It is observed that , due to spinal cord injury in this accident, from chest below to both legs the petitioner had no sensation till today. Both his legs are paralyzed,

he cannot extend the legs, fold the legs, or sit without support of others.

The oral testimony of the petitioner/ Pw1 reveals that he was in good physical condition, strong, agile and healthy before accident. He was employed as PASTING TILES as work contractor at the time of accident. The disability certificate assesses permanent disability at 90%. This tribunal also recorded the demeanor/ Physical condition of the witness observed during course of examination of PW1 in detail as *produced in wheelchair along with assistance of his wife*. It reveals that the claimant has virtually lost independent mobility and day-to-day functional capacity. It also understood the feelings that, the claimant had no control over urine/stool and always wearing diaper which causes frequent infections. It is also observed by this tribunal that he was not able to extend and bend the lower body below the chest portion as discussed in detail supra.

The *Functional Status* also reveals that he is completely wheelchair-bound and is totally dependent on others for all activities of daily living, including feeding, bathing, toileting, and mobility. The Profession of the petitioner much requires standing walking, climbing, carrying loads and which is now impossible due to complete paralysis below the chest level. It is also to be noted that he cannot do the earlier work as Tiles Pasting Contractor or any other work due to non functioning of the lower part of the body. Since the petitioner is Suffered with *FUNCTIONAL DISABILITY* affects even normal day to day routine and hence this tribunal inclined to apply “Multiplier method”.

Personal History – Income & Dependency"

As a general rule, that the dependency of the petitioner is insignificant in case of INJURY CASES In MV Claim Petition. Whereas, the present case is concern is the peculiar in nature that the petitioner who is the kartha of the Neuclear family has suffered with functional disability and 100% loss of earning capacity for his remaining lifetime and also leading his life with the support of his wife.

It is also extracted from the evidence of PW1 that he was the sole breadwinner to the family containing wife and three minor school-going daughters aged 5, 7, and 10 years approximately. The tribunal finds that, the the condition is medically irreversible and his life is under complexity at the age of 37 due to accident. The entire family has been rendered destitute and the three minor daughters have lost the love, affection, guidance, and financial support of their father during their most formative years. Hence the tribunal inclined to taken into account the said circumstances in order to award compensation.

(B) AGE & INCOME OF THE PETITIONER:

(i) The age of the petitioner stated in the petition that he had 37 years old at the time of accident. It could be seen from medical record that the age of the petitioner mentioned as 37 years. It is extracted from Aadhaar card that the DOB mentioned as 08.09.1986 and hence it is clear that he had completed 40 yrs in his age. At the time of running the age of 41 the accident happened. The tribunal holds that the petitioner comes under the age category of 35 -40 and *hence appropriate multiplier is 15 applicable to the petitioner.*

(ii) The petitioner contended that he was earned Rs.50,000/- per month from the employment of Tiles pasting Work Contractor. Hewas doing self employment and hence the income proof cannot be expected to be produced At the same time time the the 2nd respondent side not made any defense denying her earning capacity. It is also stated that he was tile worker and contractor operating in Tiruppathur District for over 10 years. The nature of work involves ***SPECIALIZED SKILL*** in laying vitrified, ceramic, and granite tiles for residential and commercial buildings .

Assessment of Income of Deceased/Injured as Tile Work Contractor in the year 2024 :

As per the Tamil Nadu PWD Schedule of Rates 2023-24, the notified wage for a skilled mason is Rs. 866/- per day. In the open market in Tiruppathur District, the prevailing wage for a tile mason in 2023 was Rs. 900/- to Rs. 1,200/- per day, depending on skill.

The petitioner was not a mere daily wager but a contractor who was undertaking works on a per square foot basis, engaging his own labourers, and supplying tools. The prevailing contract rate for tile laying labour in Tiruppathur/Vaniyambadi area in 2023 was Rs. 45/- to Rs. 65/- per sq.ft. A contractor typically completes 800 to 1200 sq.ft per month, yielding a gross income of Rs. 36,000/- to Rs. 60,000/-. After deducting labour charges and incidental expenses, the net income is Rs. 25,000/- to Rs. 40,000/- per month.

Even assuming that, he is not a contractor as there is no income proof filed ; but only employed as a Mason of Tile Pasting work definitely he could

have earned Rs.900/- per day and if he works 26 day means the income would be Rs.900/- * 26 = Rs.23,400/- per month. Therefore, the cost of living prevails in the society during the time of accident, cost inflation index, the income would be rounded off as 24,000/- per month. ***Hence, this tribunal considers that it is just and appropriate to fix Rs.24,000 /- as notional income of for computing loss of income of the petitioner.***

Admittedly, the accident occurred on 06.07.2024. For fixing the multiplier, this tribunal rely on the judgment of Sarla Verma's Case. As per the dictum laid down in the said judgment, the multiplier is fixed as **15**. since the age of the petitioner's age was 38 years at the time of accident. Based on the income, deduction and multiplier, the loss of income it is calculated as follows:-

Age	37 years
Multiplier	15
Monthly income	Rs.24,000/- p.m + 40% <i>FP</i>
Future Prospects (40%)	Rs.9600/-
Total Annual income	(24,000 + 9,600) x 12months
percentage of disability	90%

The certificate issued by medical board is of TOTAL PERMANENT PHYSICAL DISABLEMENT. It is apparent that the lower part of the body completely paralyzed. . The employment of the petitioner tiles pasting contract work to be done only on usage of all parts of the body Even he could not able to usage of holding small things & doing petty work, day to day routine work etc. Due to the Physical impairment caused to the petitioner definitely he could

not continue his avocation /SKILLED WORK. It is only to be considered as complete loss of income in the earlier work /functional disability. Upon considering the nature of injury, Age, Work. Hence the tribunal holds the loss of earning capacity is 100% of FUNCTIONAL DISABLEMENT.

Age	Multiplier	Monthly Income + Future prospects	Annual Contribution	Percentage of functional disability	Loss of Income (Annual Income x multiplier x functional disability)
37	15	Rs.33,600/-	Rs.33,600/- x 12 = Rs.4,03,200/-	100/100	Rs.4,03,200/-x 15x 100/100 = Rs.60,48,000/-

Considering the functional disability fixed to the petitioner as 100%, it can be calculated as stated supra on applying multiplier Rs.60,48,000/- is awarded towards permanent disability

(C) .PAIN AND SUFFERINGS :

The Petitioner claimed Rs.15,00,000/- towards Pain & Sufferings. The petitioner initially taken first aid in Tirupathur GH. Considering the seriousness of the injuries, he referred to Dharmapuri Government Medical College Hospital. But he constrained to admitted in CMC Hospital, Ranipet and admitted as an inpatient taken treatment from 05-07-2024 to 26-07-2024. He had subjected to examination such as X-Ray, CT Scan and MRI Scan. The Scan report of Spinal Cord reveals, “ **DISPLACED FRACTURES of C1, C7, T1 to T6 vertebrae & T4 vertebra had a COMPRESSION FRACTURE.**

Due to fractures of ribs on right and left side of chest, there was heavy internal bleeding. The Surgery was made on 6.7.2024 and joined the broken spinal bones with use of rods and screws. In the Course of treatment he suffered for breath and hence again kept into Intensive Care Unit with ventilator support. Despite the severe breathing difficulty the surgery of **TRACHEOSTOEMY** done and a small tube was inserted in his throat to pass the food . Further, inorder to remove blood clots inside of his left chest, surgery was done and a tube was inserted. After the said treatment he had also undergone the process of REHABILITATION in the same hospital for the period from 26.07.2024 - 07.10.2024 as could revealed from the Discharge summary marked as Ex.P4. Due to that kind of injuries and the number of Surgery undergone he would have got more pain and sufferings. Even then, the petitioner suffered a lot to do his regular & usual personal routine such as natural calls. Upon Considering the nature of injuries, percentage of disability, duration of treatment , a sum of **Rs.2,90,000/-** awarded under the head of PAIN & SUFFERINGS

(D) MEDICAL EXPENSES :

The petitioner side further claimed Rs.20,00,000/- towards medical expenses. It is also reveal from the records that the petitioner had initially taken treatment in Tirupathur GH for taking first aid and the treatment taken on free of costs there is no medical nills expected to be produced. At the same time the treatment taken in CMC Vellore is the private hospital cannot be overlooked. For that purpose, the petitioner side produced the medical Bills for the expenses incurred in the said hospital in the department of spinal Cord as well as the CCentre and hence the tribunal inclined to taken in to consideration. In order to prove the medical Expenses the medical Bills Ex.P6, 7, 8 were

produced.

(A) The consolidated Receipt (**Ex.P6**) shows the payment of an amount of **Rs. 7,16,783/-** for the period taken treatment from 05.07.2024 - 30.08.2024 also tallied with the particulars of treatment contained in the medical records . Hence the tribunal inclined to award the said amount of **Rs. 7,16,783/-** towards expenses.

(B) The petitioner side also produced the consolidated medical Bill (**Ex.P7**) contained an amount of Rs.2,35,465/- for the period of treatment taken as in patient from 26.07.2024 - 07.10.2024 issued by CMC, Vellore along with proof of payment marked as Ex.P7. It is apparent that the said amount is the part and parcel of the consolidated receipt for the total period covering from the date of accident till discharge (05.07.2024 - 30.08.2024) as stated supra . Therefore the petitioner cannot be permitted claim double benefit on the basis of separate bill and receipt for the same treatment taken. Hence the tribunal not inclined to award the amount contained in Ex.P7 towards Medical expenses.

(C) The Petitioner side also produced a set of medical bills (10 Nos) for the treatment taken as out patient marked as **Ex.P8**. The Bill No.1,4,5 dated 04.04.2025, 31.03.2025, 28.03.2025 relates to consultation of doctor PMR (physical medicine & rehabilitation) shows the payment of Rs.160/- + Rs.160/- + Rs.160/-. The Bill No.2 dated 4.4.2025 Containing the payment of Rs.875/- + Rs.1228/-. The Bill No.3 dated 20.02.2026 pertaining to Pharmacy Bill containing payment of Rs 2609/- towards medicine. The Bill No.6 dated 28.03.2025 is nothing but op receipt of amount of Rs.40/-. The Bill No.8 dated

28.03.2025 relates to X ray taken containing payment of Rs.815/-.The Bill No. 7, 9, 10 dated 28.03.2025, 31.03.2025, 09.12.2025 relates to purchase of medicine, tablets from pharmacy shows the payment of amount of Rs. Pharmacy Bill containing payment of Rs.1228/- + Rs.949/- + Rs.483/- towards medicine. Hence the tribunal inclined to award the said amount of Rs.8,227/- towards medical expenses incurred as out patient in CMC, Vellore.

As discussed in detail, the tribunal inclined to award the amount contained in A+ B+ C = Rs. 7,25,010/- towards medical Expenses for the treatment taken as in patient in CMC, Vellore from the date of accident as inpatient as well as out patient.

(F).TRANSPORTING EXPENSES

The petitioner initially getting first aid in Tirupathur GH and then he undergone treatment in CMC Vellore. Though the Trip sheet not produced it is apparent that he incurred some expenses towards Transportation. The distance between the residence of the petitioner and Vellore CMC hospital nearly about 45 k.m. (TO AND FRO 90 Km approximately). Apart from taking treatment as in patient for the longer period and he had also treated as out patient and consulted the doctor on the following dates 04.04.2025, 31.03.2025, 28.03.2025, 28.03.2025, 31.03.2025, 09.12.2025, 20.02.2026 with that of wheel chair along with the assistance of his wife. Upon considering the distance, nature of injury sustained, prolonged treatment and the process of rehabilitation the tribunal inclined to award Rs.50,000/- towards transport expenses

With regard to the other non monetary Compensation the tribunal Inclined to taken into account the following factors:

The tracheostomy, tube feeding, prolonged rehabilitation treatment and neurological deficits establish that lifelong attendant care is inevitable. Hence, this Tribunal is inclined to award substantial compensation towards attendant charges , extra nourishment and future care expenses.”

(G)EXTRA NOURISHMENT:-

As the petitioner would have given nutritious food for speedy recovery for the prolonged treatment nearly for 4 months hence towards extra nourishment Rs.50,000/- is awarded.

(H)ATTENDER CHARGES:

As the petitioner was hospitalized for period for several days naturally attender would have been there and for the attender also some expenses would have been occurred. Considering the nature of injuries described, the claimant is practically in a state of permanent functional dependency notwithstanding the medical disability assessed at 90%. The functional Disability fixed as 100 % for the employment remaining part of his life. The present case is of peculiar in nature this tribunal is inclined to award compensation must be of realistic and humane rather than to adopt pedantic approach.

Past Attender Charges

(hospital + rehabilitation period about 4 months)

The medical records reveals that the petitioner sustained Spinal Cord Injury due to that accident on 05.07.2024. He had immediately taken first aid in

Titupathur GH and then admitted in CMC Vellore and treated as inpatient for longer time. The discharge summary (Ex.P3) reveals that he had taken treatment as inpatient in SPINE SURGICAL DEPARTMENT from 06.07.2024 to 26.07.2024 and then he had advised for rehabilitation at the stage of feeding food through Nasogastric tube. Then he had taken treatment as inpatient from 26.07.2024 to 07.10.2024 in *Physical medicine & Rehabilitation centre at CMC Vellore*. Though there is no proof for payment of Attender charges, the service rendered by his wife due to love and affection cannot be overlooked. It is pertinent to note the decision of the Honble Delhi high court that,

Delhi transport corporation & Another – Vs- Kumari Lalith
CDJ 1982 DHC -147

The fact that a family member (such as the wife) is the one nursing the injured party does not reduce the compensable amount. The prevailing legal rationale is that the wrongdoer/liable party cannot profit from the gratuitous care provided by the victim's family.

If the accident would not be happened his wife will not constrained to do the work of the attender. Upon considering the period of treatment near by 94 days. The attender charges would be of Rs.400/- per day taken into account at the rate prevailing in the society at the time of accident. Hence the tribunal inclined to award an amount of **Rs. 37,600 /-** (Rs.400/- * 94 = Rs.37,600/-) towards attender charges during the period of tretament in CMC, Vellore.

Future/Lifelong Attender Charges

It is apparent on the face of the record that the petitioner affected with paraplegia which means to complete paralysis below the chest level. The evidence on record reveals that he is completely wheelchair-bound and is totally dependent on others for all activities of daily living, including feeding, bathing, toileting, and mobility. It is apparent that the petitioner dependent upon his wife for even to do day to day activities and the same is incurable as discussed with the medical records supra. The service of his wife as attender to *be expected to the remaining life of the of the petitioner.*

Though the petitioner expected to live more than further 30 years, the tribunal inclined to take in to consideration of the applicable multiplier rendered as per Sarla verma case. The age of the petitioner is of 37 years old at the time of accident. Hence the tribunal inclined to take multiplier **15**. As already discussed the prevailing rate of attender charges at the time of accident Rs.400/- per day and it could be calculated as Rs.12,000/- per month. Due to te inflation, increase of cost of living day by day there is an possibility to increase the said amount and definitely not to be reduced. The formula for Lifetime Attender Cost . = ***Monthly Rate x 12month x Multiplier***

The tribunal Considering the same, it is just and reasonable to fix the attender charges Rs.12,000/- per month . Hence, the Attender charges fixed as Rs.12,000/- per moth .

Age	Multi plier	Attender charges per day	Increase rate of Attender charges (%)	Attender charge for permonth (400 x 30 days)	Attender charge per year (12,000/- x 12 month)	Total attender charges on applying multiplier Rs.1,44,000/- x 15
37	15	Rs.400/-	--	Rs.12,000/-	1,44,000/-	Rs.21,60,000/-

As discussed in detail, the tribunal inclined to award an amount of Rs.21,60,000/- towards attender charges for the remaining life of the petitioner .

(I)FUTURE CARE EXPENSES.”

Under the Indian Motor Vehicles (MV) Act, "Future Care Expenses" cover anticipated medical treatments, surgeries, physical therapies, and nursing care resulting from an accident. Courts award these sums as "just compensation" based on certified medical evidence, life expectancy, and estimated inflation etc.. Though the petitioner appeared along with the support of his wife in wheel chair, there is no bills produced. There is no Quotation or Medical bills not produced in order to prove the future medical Expenses. Upon considering the same the tribunal not inclined to award future medical expenses.

(J) LOSS OF AMENITIES :

It is clear from record that the petitioner was 37 years old at the time accident. Though the disability assessed by doctor is of 90 % and the same affected his regular routine as decided as functional disability of 100% of whole body, which he has to endure through out his life with this permanent

total disablement. The petitioner also lost to spent time with his family i.e with his wife and three minor daughters who have aged 5,7,9 years and hence tribunal inclined to award Rs.1,75,000/- for loss of Amenities and happiness & Marital Comfort.

(K) DAMAGES TO CLOTHS & THINGS:

Upon considering the nature of injury sustained, the tribunal inclined to award consolidated sum of Rs. 5,000/- towards the loss of torn clothes, damaged glasses, articles and basic personal valuables.

CONCLUSION : (vi) In the result , this tribunal award the following amount towards the claim of the petitioner under the given heads.

1	Towards Permanent disability	Rs.60,48,000/-
2	Towards Medical Expenses	Rs. 7,25,010/-
3	Towards Future Expenses	Nil
4	Towards Pain & Suffering	Rs.2,90,000/-
5	Towards loss of Amenities	Rs.1,75,000/-
6	Towards Transport Expenses	Rs.50,000/-
7	Towards Extra nourishment	Rs.50,000/-
8	Towards Attender Charges	Rs.21,60,000/-
9	Damages To Cloths & Things:	Rs.5,000/-
	Total	Rs.95,03,010/-

LIABILITY :

The driving license of the petitioner who drove the two wheeler at the time of accident marked as Ex.P13. Admittedly, the 1st respondent is the owner of the Mahindra maxi cab bearing Reg. No.TN 15 MB 1396AJ 075 as could be revealed from Ex.P10. Being the accident happened due to the negligence of the driver of the 1st respondent and the petitioner is entitled to the compensation as decided in Point No. 1. The policy of Insurance of the offending vehicle marked as Ex.P 9 . The said policy was valid from the midnight of 24.11.2023 till the midnight of 23.11.2024. The insurance was in force at the time of accident. MV report (Ex.P12) reveals the driver name of the name of maxicab as Baskar. The driving license of the driver of the 1st respondent namely Baskar marked as Ex.P11. There is no violation of policy of insurance . Hence the 2st respondent is liable to indemnify on behalf of the 1st respondent and hence the 2nd respondent is directed to pay compensation to the petitioner for the injuries sustained in the accident. This point No.2 is answered accordingly.

In the result, the petition is partly allowed as follows:-

- (1) The Petitioner is awarded **Rs.95,03,010/- (Rupees Ninety Five Lakhs Three Thousand and Ten 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).
- (2)The 2nd Respondent is directed to deposit the award amount within two **months** 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.

(3) It is also clarified that the interest to be arrived would not the inclusion of Attender charges hitherto from the date of petition. If the Attender charges would not be along with the compensation amount within the stipulated time (2months) the petitioner entitled to claim interest at the rate of 7.5% per annum from the date of default.

(4) The petitioner is permitted to withdraw the deposit amount on condition that to pay the remaining Court Fee of Rs.94,031/- within 15 days from the date of receipt of copy of order. If not paid within the stipulated time, the petitioner is not entitled to claim interest for the aforesaid period. The disbursement of the amount shall be made by direct transfer to credit of his account by NEFT/RTGS mode.

(5 Advocate fee fixed as Rs.1,02,031/- shall be paid by NEFT/RTGS mode.

(6) The 2nd respondent is directed to pay a sum of Rs.**1,96,662.50** /- being the cost of petitioner tabulated there in.

8. Following the Judgment of the Hon'ble High Court of the Madras in M/s Cholamandalam 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	:	29.04.2026
Amount of compensation claimed is	:	Rs.1,00,00,000/-
Amount of compensation awarded by this tribunal is	:	Rs.95,03,010/-
Court fee payable for the said amount is	:	Rs.94402.50/-
Court fee already paid is	:	Rs.372.50/-
Balance court fee to be paid is	:	Rs.94,031/-

Cost List for the Petitioner

Particulars	Petitioner side	Respondent's side
Court fees	Rs.94,402.50	
Vakalath Nama Stamp	Rs. 50.00	
Process fee	Rs. 14.00	
Advocate fee	Rs.1,02,031.00	----
Stamp of documents	Rs. 65.00	
Typing charges	Rs. 100.00	
Total	Rs.1,96,662.50	

Dictated to Typist and directly typed by him in my laptop, corrected, pronounced by me in the open Tribunal on 29th day of April 2026.

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

Petitioner Side Witness:-

Pw1	Selvakumar
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Petitioner side Exhibits:

Ex.P1	Copy of FIR
Ex.P2	Copy of Accident Register
Ex.P 3	Copy of discharge summary (Spine Surgery Department, Vellore CMC, hospital)
Ex.P 4	Copy of discharge summary (Physical Medicine and Rehabilitation Division, Vellore CMC, hospital)
Ex.P 5	Copy of wound certificate
Ex.P 6	Original medical bills (Rs.7,16,783/-)
Ex.P 7	Original medical bills (Rs.2,35,465/-)
Ex.P 8	Original medical bills (Rs.6,573/-)
Ex.P 9	Copy of the Insurance police (Maxi cab vehicle)
Ex.P 10	Copy of the RC book (Maxi cab vehicle)
Ex.P 11	DL copy of the driver of the Maxi cab vehicle
Ex.P 12	Copy of MVI report of the Maxi cab vehicle

Ex.P13	Copy of Petitioner's Driving License
Ex.P 14	Copy of the Aadhaar card of the Petitioner
Ex.P 15	Copy of the petitioner's bank pass book

Court side Exhibits :

Ex. C1	Medical Board report of the petitioner regarding disability.
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Respondent Side Witness:-

RW1	Maruthachalam
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Respondent side Exhibits:

Ex.R1	Authorization letter
Ex.R2	Copy of MVI report of vehicle Reg. No. TN 23 BX 8955
Ex.R3	Copy of Petitioner's Driving License

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