



Before the Motor Accident Claims Tribunal

(II Court of Small Causes, Chennai)

Present: Thiru.A.B. Naseer Ali., B.A., B.L.,

Wednesday, the 12th day of August 2026

Motor Accident Claims Original Petition No.3038 of 2021

CNR No.TNCH09-004041-2021

S. Jeyaprakash,
S/o. Sankarraj,
No.80/1 Karunanithi Illam,
Batsha Street, Choolaimedu,
Chennai – 600 094.

...Petitioner

-Vs-

1. The Reliance General Insurance Co., Ltd.,
Reliance House, No.6, Haddows Road,
Nungambakkam, Chennai – 600 034.

2. R. Ravichandra,
S/o.R. Raman,
No.59, Third Street,
Mummoorthy Nagar,
Chrompet, Chennai – 600 044.

...Respondents

Counsels on Record:-

For Petitioner	M/s.R. Ramesh and K. Naveenkumar
For 1 st Respondent	M/s. Elveera Ravindran
2 nd Respondent	<i>Ex parte</i>

This claim petition came before this tribunal for final hearing on today. Both sides had been heard already. Upon perusal of records and having stood over for consideration till this date, this tribunal delivers the following:-

ORDER.



1. This petition has been filed under Section 166 of the Motor Vehicles Act (for short MV Act) seeking compensation of Rs.1,50,00,000/- for the injuries sustained by the petitioner in a motor accident.

2. Gist of Amended Petition:-

- (a) The petitioner was working as a Business Analyst in a private company namely, Vectone India Mobile Service Ltd., and was earning a sum of Rs.8,50,000/- per annum.
- (b) On 17.02.2021, when the petitioner was riding the bike after completing his official work, the second respondent's vehicle viz., Bolero mini, van bearing registration number TN 11 AH 3740 came from behind in a rash and negligent manner, hit the petitioner's vehicle, due to which the petitioner sustained injuries.
- (c) The above said accident occurred only due to the rash and negligent driving of the driver of the above said mini van. The second respondent was the owner and the first respondent was the insurer of the above said vehicle at the time of accident and they are liable to pay compensation to the petitioner and hence, this petition.

3. Gist of Counter of 1st Respondent:-

- (a) All the averments in the petition are denied except those which are specifically admitted.



- (b) At the outset it is submitted that there was no policy of insurance covering the vehicle namely Bolero mini van bearing registration number TN 11 AH 3740 at the time of accident, issued by this respondent. There is no policy under the number mentioned in the petition as well and so this respondent has no liability to pay compensation.
- (c) This issue may be taken as a preliminary issue. It is, therefore, prayed to dismiss the petition with exemplary cost.

4. Gist of Additional Counter of 1st Respondent:-

- (a) All the averments in the petition are denied except those which are specifically admitted.
- (b) This respondent denies the age, occupation and monthly income of the injured.
- (c) The second respondent has not submitted vehicular records and the accident particulars to this respondent.
- (d) The second respondent's driver had no driving license at the time of accident. Hence, this respondent is not liable to pay compensation.
- (e) The narration regarding the accident is also denied. It is only because of the petitioner, the accident occurred. Thus, the first respondent is not liable to pay any compensation.
- (f) This respondent is entitled to take all the defences available to the second respondent.



(g) The compensation claimed under various heads is high and the interest claimed is exorbitant. Hence, the petition is liable to be dismissed.

5. Points for Consideration:-

1. Whether the claimant is entitled to get compensation from the first respondent?
2. What is the quantum?

6. On the side of the petitioner, he was examined as PW1 and Exs.P1 to P20 were marked through him. On the side of first respondent, no witness was examined and no document was marked. The Medical Board Report has been marked as Ex.C1. The second respondent remained *ex parte*.

7. Point No.1:-

(a) Records were perused. Ex.P4, the copy of First Information Report (FIR) reveals that on 17.02.2021, when the petitioner was riding the bike after completing his official work, the second respondent's vehicle viz., Bolero mini, van bearing registration number TN 11 AH 3740 came from behind in a rash and negligent manner, hit the petitioner's vehicle, due to which the petitioner sustained injuries.

(b) As per the judgment in *TNSTC vs Nagamalli and others*, reported in 2015 SCC Online MAD 13441 strict proof is not required in petitions like this. Hence, with the available evidence as pointed out above, it is concluded that the accident occurred only due to the rash and negligent driving of the driver of the



said Bolero mini van.

- (c) There is no dispute that the second respondent was the owner and the first respondent was the insurer of the offending vehicle at the time of accident, though initially there was a dispute since the policy number was mistakenly mentioned in the petition. Thereafter, the petition was amended to mention the correct policy number and the dispute got settled. Ex.P17, copy of insurance policy proves the same.
- (d) It is the contention of the first respondent that the petitioner was the cause for the accident. But no piece of evidence is available to conclude as such. Therefore, it is decided that the first respondent has to pay compensation to the petitioner.
- (e) Accordingly, this point is answered in favour of the petitioner.

8. Point No.2:-

- (a) Medical Board Report marked as Ex.C1 reveals that the petitioner suffered 70% disability, out of which the functional disability is shown as 15%. Initially the petitioner was admitted into RGGG Hospital, Chennai. Thereafter, on the date itself, he was admitted into VS Hospitals, Chennai as per accident register copy, Ex.P5 and discharge summary, P13 respectively. The discharge summary mentioned above reveals that the petitioner suffers comminuted fracture shaft of right & left femur, segmental fracture tibia and fibula left leg, DSA + left



femur artery injury, blunt injury abdomen with pancreatic injury with ileal tear & mesenteric tear with retroperitoneal hematoma and septicemia and other complications. He was discharged from there on 10.03.2021. It is to be noted that two surgeries were done to him there before discharged.

- (b) Ex.P12 discharge summary proves that he was admitted into SIMS Hospital on 10.03.2021 and was discharged on 05.05.2021. He was again admitted in the same hospital on 01.07.2021 for multiple entero-atmospheric fistula with end ileostomy and was discharged on 15.07.2021 after the surgery procedure was done.
- (c) He was again admitted into the same hospital on 21.10.2021 and was discharged on 28.10.2021 after the surgery procedure.
- (d) He was once again admitted on 05.04.2022 for poly trauma – right femur united fracture with IM nail left femur and left tibia fracture with LRS fixator in SITU. He was discharged on the same day after the completing a surgery procedure. He was again admitted in the same hospital on 10.05.2022 for left femur complex varus, IR deformity with united femur shaft fracture and was discharged on 14.05.2022 after the surgery procedure was done.
- (e) These details are given to show as to how the petitioner suffered out of the injuries caused to him.
- (f) In any event, as pointed out already since the functional disability is shown



upto 15% by the medical board itself the same is taken as the functional disability which will have an impact on his avocation if any and also in leading his life.

(g) The claimant is said to be working as business analyst and was earning a sum of Rs.8.5 Lakhs per annum. But the same has not been proved. Ex.P3, salary slip has been marked to show that the petitioner was working at Vectone India Mobile Services Pvt., Ltd., and was earning a sum of Rs.12,00,000/- per annum. However, as rightly pointed out by the learned counsel for the first respondent, the same has not been proved either by examining the employee or by marking the bank statement copy. There is a difference in the salary structure also when compared to the one mentioned in the petition. Therefore, this tribunal has no other go except to consider notional income for calculation. As per the judgment in *P.Radha and another vs. The Managing Director, MTC* (C.M.A.No.650 of 2025), Rs.18,000/- is to be fixed as monthly income for the year 2021. This is for the ordinary worker. Here, Ex.P1, copy of degree proves that the petitioner completed B.E. Mechanical Engineering Court at Anna University, Chennai. Therefore, this tribunal as a guesswork fixes **Rs.25,000/-** as **monthly income** of the petitioner.

(h) As per Ex.P14, the copy of driving license of the petitioner, his age at the time of accident was 29. As per the *National Insurance Co., Ltd., vs. Pranay Sethi*



and others, reported in 2017 (2) TN MAC 609 (SC) in case of employees, aged below 40 an addition of **50%** of **future prospects** shall be given. Since the petitioner has completed B.E. Mechanical Engineering even as per the FIR he was working in a company, the petitioner is considered as the employee in a private company. As per the judgment in *M/s. Reliance General Insurance Co., Ltd., vs. Mahadevi and others*, CMA.No.171/2018 there is no difference between private and government employees while calculating future prospects. And for the petitioner's age, the appropriate **Multiplier** will be **17**.

(i) Therefore, the disability is calculated as follows:

(j) $\text{Rs.}25,000 \times 12 = \text{Rs.}3,00,000/- + 50\% = \text{Rs.}4,50,000/-$

(k) $\text{Rs.}4,50,000 \times 17 = \text{Rs.}76,50,000/- \times 15\% = \text{Rs.}11,47,500/-$

(l) Hence, for **Disability** a sum of **Rs.11,47,500/-** is awarded.

(m) As the petitioner has been awarded for loss of future income with multiplier method, taking guidance from the judgment in *Kumar vs. Harish* (C.M.A.No.2039/2015 of Hon'ble Madras High Court) compensation towards **Loss of Income** is not awarded.

(n) Considering the nature of injury and period of treatment for **Pain and Sufferings** a sum of **Rs.3,00,000/-** is awarded.

(o) The petitioner was in hospitals as in-patient on 22 + 27 + 15 + 8 + 1 + 5 days as per Ex.P12 and P13 discharge summaries. Hence, for **attender charges** the



petitioner is entitled to **Rs.500/- X 78 days = Rs.39,000/-**.

(p) As pointed out already, the petitioner has visited hospitals for about 6 times.

So, for **Transport Charges** a sum of **Rs.30,000/-** is awarded.

(q) For **Extra Nourishment** a sum of **Rs.25,000/-** is awarded.

(r) For **Loss of Clothes** a sum of **Rs.5,000/-** is awarded.

(s) For **Loss of Amenities**, considering the functional disability a sum of **Rs.3,00,000/-** is awarded.

(t) The petitioner has produced medical bills to the tune of Rs.69,50,755/- only.

On the side of first respondent it was argued that the petitioner is entitled only to Rs.53,82,293/-. As per the calculation memo filed, he is entitled to **Rs.64,57,935/-** under the head of **Medical Expenses**.

(u) CALCULATION:

1. Disability	:	Rs.	11,47,500/-
2. Pain and Sufferings	:	Rs.	3,00,000/-
3. Attender Charges	:	Rs.	39,000/-
4. Transport Charges	:	Rs.	30,000/-
5. Extra Nourishment	:	Rs.	25,000/-
6. Loss of clothes	:	Rs.	5,000/-
7. Loss of Amenities	:	Rs.	3,00,000/-
8. Medical Expenses	:	Rs.	64,57,935/-
Total Compensation is fixed at	:	Rs.	<u>83,04,435/-</u>

(v) Accordingly, this point is answered partly in favour of the petitioner.



9. In the result,

- 1) the petition is partly allowed to award a sum of **Rs.83,04,435/- (Rupees Eighty Three Lakhs Four Thousand Four Hundred and Thirty Five)** only with interest at the rate of 7.5 percent from the date of petition i.e., 23-07-2021 till the date of realization and costs, excluding the period of default if any.
- 2) The said award amount shall be paid to the bank account of the claimant, the details of which are given below directly by the 1st respondent within thirty days, by Direct Bank Transfer (NEFT/RTGS).
- 3) The 1st respondent shall pay the deficit court fees if any and costs before this tribunal within thirty days, which are distinct and separate from the net compensation amount.
- 4) The 1st respondent shall furnish the UTR number(s) and particulars of deposit(s) to the tribunal (with MCOP number) to the e-mail IDs of this tribunal viz., chnccc.sccrc-tn@indiancourts.nic.in and Chnccc.scc2-tn@indiancourts.nic.in, within 48 hours after compliance, followed by physical proof of deposit on proper acknowledgment, in terms of the format.
- 5) In case, if the bank account of the claimant is inoperative, the same shall be intimated by the 1st respondent to the claimant under intimation to this tribunal with proof, in which event the claimant shall furnish the correct account details within two weeks since then. The 1st respondent need not pay interest from the



date of initial transaction till the date of furnishing of correct bank particulars by the claimant.

- 6) The registry shall appropriate the court fee component to the credit of the State Government, if the value of court fees is transferred in monetary form to the bank account of Registrar of the tribunal.
- 7) The learned counsel for the claimant is permitted to withdraw the advocate's fee and expenses as quantified in this award, after the said amount is deposited with this tribunal by the 1st respondent.
- 8) Bank Account Details of the Claimant for payment of compensation with interest is as follows:

Petitioner's name	Bank name and Branch	Account No. and IFSC code	Aadhar card details	Pan card details
Mr.S. Jeyaprakash	Indian Overseas Bank, Keelkattalai	167701000021417 IOBA0001677	964092887774	Not Clear

- 9) Bank Account Details of Tribunal for payment of Court fee and Costs are as follows:-

Registrar (MACT), Court of Small Causes, Chennai

Account No. 7103261207

IFSC No. IDIB000M157

Indian Bank, Madras High Court Branch, Chennai.

- 10) The petitioner is hereby directed to furnish the self attested copy of PAN card to this tribunal and also to the 1st respondent within a period of fifteen days



from today without fail.

11) The court fee paid along with the petition is Rs.10,376/-.

12) The court fee for the award amount is Rs.82,417/-. The deficit court fee of Rs.72,041/-.

13) Advocate fee is Rs.90,044/-.

14) The 1st respondent shall pay to the petitioner a sum of Rs.1,72,531/- towards the costs of this petition.

Other necessary particulars:

Date of presentation of petition	-	01-07-2021
Date of taken up on file	-	23-07-2021
Compensation claimed in the M.C.O.P.	-	Rs.1,50,00,000/-
Compensation awarded in this petition	-	Rs.83,04,435/-
Court fee paid along with the petition	-	Rs.10,376/-
Court fee payable on the award amount	-	Rs.82,417/-
Additional court fee to be paid	-	Rs.72,041/-
Additional court fee paid, MP SR.No.....; dated		

Cost List for the petitioner

STATEMENT OF COSTS

For the petitioners

For the Respondents

Rs.

P.

Rs.

P.



STATEMENT OF COSTS

Stamp on petition	-	82,417 . 00	
Stamp on Vakalat	-	10 . 00	
Stamp for process	-	60 . 00	-- not filed --
Advocate fees		90,044 . 00	
Costs allowed	-	<u>1,72,531 . 00</u>	

As per the direction of the Honourable High Court, decree is not drafted separately.

This order was dictated by me to the steno typist, typed by her, corrected and pronounced by me in the open Court, on this the 12th day of August 2026.

II Judge, MACT
(Court of Small Causes, Chennai)

Petitioner Side Witnesses:-

P.W.1 : Mr.S. Jeyaprakash

Petitioner Side Documents:-

Ex.P1	Degree certificate	Copy
Ex.P2	PAN card	Copy
Ex.P3	Salary slip	Copy
Ex.P4	FIR	Copy
Ex.P5	Accident Register	Copy
Ex.P6	VS hospital Medical bills	Original
Ex.P7	VS hospital pharmacy bills	Original
Ex.P8	SIMS hospital medical bills	Original



Ex.P9	PERS pharmacy bills	Original
Ex.P10	SIMS hospital OP bills	Original
Ex.P11	Other medical bills	Original
Ex.P12	Discharge summary issued by SIMS hospital	Original
Ex.P13	Discharge summary issued by VS hospital	Original
Ex.P14	Driving licence of petitioner	Copy
Ex.P15	Driving licence of 2 nd respondent's vehicle driver	Copy
Ex.P16	RC of 2 nd respondent vehicle	Copy
Ex.P17	Insurance policy	Copy
Ex.P18	X-ray films	Original
Ex.P19	Scan report	Original
Ex.P20	Aadhar card of petitioner	Copy

1st Respondent Side Witness and Document:- Nil

Court Side Document:

Ex.C1 : Disability Certificate issued by the Medical Board.

**II Judge, MACT
(Court of Small Causes, Chennai)**