

PYPY040004732025



**BEFORE THE ADDITIONAL MOTOR ACCIDENT TRIBUNAL
AT PUDUCHERRY**

Present: Thiru. K. Arun Kumar

Presiding Officer

Additional Motor Accident Claims Tribunal, Puducherry

On Wednesday, the 17th day of June 2026

MACTOP No.300/2025

K. Kuppammal, W/o. Kuppusamy

Hindu, aged about 60 years, residing at

No:2, Puthu Street, Ariyapalayam, Villianur,

Pondicherry – 605 110

.... Petitioner

- Versus -

1. K. Nalinakumari, W/o. Kandasamy

No.46, Sundara Maistry Street,

Kuyavarpalayam,

Pondicherry – 605 013

2. The Branch Manager,

United India Insurance Co. Ltd.,

No.35, AR Plaza, 45 feet road,

Balaji Nagar, Saram,

Puducherry -11

.... Respondents

This petition came up on 11.06.2026 for final hearing before me in the presence of Tvl. D. Sathish Kumar, V. Bimaraw, Counsels for the petitioner, Tvl. C.P. Thirunavukkarasu, P.M. Gerard Emmanuel, counsel for 2nd respondent and 1st respondent remained exparte, upon hearing both sides and on perusing

available materials on record, evidence and documents and having stood over for consideration till this date, this court delivers the following:

ORDER

The petitioner filed this application under section 166(1)(a) of the Motor Vehicles Act, 1988 claiming compensation for a sum of Rs.15,00,000/- from the respondents for the injuries sustained by her in the road traffic accident.

2. **Substance of the application:**

On 14.10.2024 at about 5.50 p.m the petitioner was crossing the Pandy to Villupuram main road by walk in front of Sri Sadhana Department Store, Vadamangalam from South to North. While so, the 1st respondent's rider rode Yamaha Fascino Two wheeler bearing Registration No.PY 01 CS 0208 from East to West in a rash and negligent manner and dashed on the petitioner. The petitioner sustained grievous injuries. The petitioner was earning Rs.15,000/- per month as a housekeeping worker in Ramakrishna private school. But, due to the accident she could not do any work. Hence the respondents are liable to pay compensation.

3. **Substance of the counter statement filed by 2nd respondent:**

Denied the averments in petition. Denied the age, source of income and occupation of the petitioner. The manner in which the accident happened was denied as well. It is the petitioner who was driving in a reckless manner and speeding without traffic signal and thereby contributed to the accident. Since,

the rider of 1st respondent did not possess any valid driving licence at the time of accident, the 2nd respondent is not liable to pay compensation.

4. To substantiate the claim of the petitioner the petitioner herself examined as PW1 with Ex.P1 to P6. Ex.P7 and Ex.P8 Final Report and Motor Vehicle Inspection Report are marked through consent. The petitioner was forwarded to medical board to assess her disability. After examination, medical board assessed her disability as 14%. The said report was marked as Ex.C1. No oral or documentary evidence adduced on the side of 2nd respondent.

5. Heard both sides.

6. **Following are the points for determination:**

(1) On whose negligence, the accident occurred?

(2) Whether the petitioner is entitled for compensation? If so, what quantum?

(3) Which respondent is liable to pay the compensation?

7. **Point No.1:**

The petitioner had filed photo copy of First Information Report (Ex.P1), and final report (Ex.P7). According to petitioner, on 14.10.2024 at about 5.50 p.m the petitioner was crossing the Pondy to Villupuram main road by walk in front of Sri Sadhana Department Store, Vadamangalam from South to North. While so, the 1st respondent's rider rode Yamaha Fascino Two wheeler bearing Registration No.PY 01 CS 0208 from East to West in a rash and negligent

manner and dashed on the petitioner. The petitioner sustained grievous injuries. Evidence of PW1 is natural and inspires confidence of the court. The Hon'ble Supreme Court in Ranjeet and another Vs Abdul Kayam Neb and another, Special Leave to Appeal (C) No.10351/2019 dated 25.02.2025 held as follows:

“ It is settled in law that once a charge sheet has been filed and the driver has been held negligent, no further evidence is required to prove that the bus was being negligently driven by the bus driver. Even if the eye-witnesses are not examined, that will not be fatal to prove the death of the deceased due to negligence of the bus driver.”

8. Therefore, considering the oral evidence of PW1 coupled with the First Information Report and Final Report, this court is of the considered opinion that the rash and negligent act of the 1st respondent's rider was the cause for accident. The point is answered accordingly.

9. **Point No.2:**

This court while answering the above point, held that the petitioner was injured in the accident caused by rash and negligent act of 1st respondent's rider and therefore the petitioner is entitled for compensation.

(a) Disability of the petitioner

The petitioner was referred to medical board for assessing the disability. Accordingly, the medical board report was submitted to this court which shows that the petitioner's disability is assessed as 14% as evident from Ex.C1.

(b) In C.M.A.No.13/2025 of the Hon'ble High Court of Madras dated

10.01.2025, the Hon'ble Court awarded Rs.10,000/- per percentage. In the light of the above decision, this Court awards Rs.10,000/- per percentage for disability. Accordingly, **Rs.1,40,000/-** (10,000 x 14) is awarded towards disability.

(c) Loss of amenities, pain and sufferings

As evident from the discharge slip Ex.P4 the petitioner was admitted in Indira Gandhi Government General Hospital on 14.10.2024 and discharged on 16.10.2024. Thereafter she again admitted as inpatient on 24.10.2024 and discharged on 12.11.2024. She sustained Mid One Third Right Clavicle Fracture, Inferior Pubic Rami Fracture and Left Parietal Bone Fracture. Considering the nature of injury, she would have been in unbearable pain and therefore **Rs.85,000/-** is ordered towards pain and sufferings. Injury sustained by the petitioner would have affected her physical life which she engaged earlier and found pleasurable or fulfilling and therefore **Rs.20,000/-** is awarded towards loss of amenities.

(d) Loss of income

The petitioner claims that she was earning Rs.15,000/- per month by working as a housekeeper in a private school. But the said source and income was not proved by the petitioner.

In **Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari & Anr., 2025 INSC 1070** the Hon'ble Apex Court had observed as hereunder:

"15. For the purpose of emphasis, it is again clarified here that when a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the matric of minimum wages payable to a skilled worker in the respective State at the relevant point of time. It is our hope that this restatement helps avoiding such errors and thereby obviates the necessity of this Court's interference, applying well- established principles of law.

16. We may also observe that, in general, i.e., accidents involving adults, we are often confronted with situations where the Minimum Wage Data is not readily available and every so often, the question that has been made up to this Court hinges only on the calculation of income. In that view of the matter and in the hope of reducing the claimants need to file appeals to this Court or even the High Court, we deem it appropriate to direct that in cases where the claimant has failed to furnish appropriate details of income or adequate proof thereof, it shall be the responsibility and obligation of the contesting party, more particularly the insurance company to furnish before the Tribunal the applicable minimum wage as duly issued by the concerned government.

*18. In so far as the direction issued regarding the furnishing of the schedule of minimum wages by the insurance company in cases where the income of the claimant/deceased has not been properly established, let a **copy of this order be sent by the Registrar Judicial of this Court to the learned Registrar Generals of the High Courts, who shall ensure that the a copy of this order is sent to all Motor Accident Claims Tribunals, to see that the direction is followed strictly.**"*

In the instant case, as already observed by this court the petitioner failed to prove her occupation and income and therefore, the Insurance company is duty bound to submit the schedule of minimum wages. But, it failed to do so. This court in the official website of Puducherry Government Labour Department was able to find notification dated 14.08.2023 with regard to shops and establishment wherein the highest payment for general category is Rs.10, 658/-. Therefore, this Court fixes notional income as Rs.11,000/- for the year 2024. The injury would have resulted in loss of earnings for atleast three months and therefore, Rs.33,000/- (11,000/-x3) is ordered towards partial loss of income.

(e) Medical Expenses:

No medical bills were submitted for the treatment undergone and therefore no order is passed under this head.

(f) Transport Charges, Attender Charges and Extra Nourishment

The petitioner sustained Mid One Third Right Clavicle Fracture, Inferior Pubic Rami Fracture and Left Parietal Bone Fracture. The petitioner would have taken assistance of an attender and he would have availed private transport for frequent visits to hospital. Therefore, a sum of **Rs.15,000/-** is ordered towards attender charges and **Rs.10,000/-** towards transport charges. The petitioner would have also required additional nutritious food for his recovery. Therefore, a sum of **Rs.15,000/-** for extra nourishment can be awarded

10. Upon calculating the compensation awarded under the various heads mentioned above, the compensation payable to the petitioner arrived as follows:-

Heads of loss	Compensation awarded In Rupees
For Disability	1,40,000
For pain and suffering	85,000
For Loss of Amenities	20,000
Loss of income	33,000
Transport charges	10,000
Attender charges	15,000
Extra nourishment	15,000
Total	3,18,000

11. Answer to Point No. 3:

The motor cycle bearing Reg.No. PY 01 CS 0208 stands in the name of the 1st respondent and Ex.P2 is the copy of its Registration Certificate. Ex.P3 is the Insurance policy of the said motorcycle issued by the 2nd respondent, covering the period from 13.03.2024 to 12.03.2025 which includes the date of accident. As evident from Motor Vehicle Inspection Report Ex.P7 the vehicle was rode by one Mr. Suriya without driving licence. The 1st respondent permitted her vehicle to be operated by a person who does not hold valid driving licence and thereby violated conditions of insurance policy. Therefore, this court orders that the 2nd respondent as an insurer of the 1st respondent's vehicle shall pay the compensation amount to the petitioner and recover the same from 1st respondent. This point is answered accordingly.

12. In result, this petition is partly allowed with proportionate costs and interest as follows:-

- (1) That the 2nd respondent shall pay a sum of Rs.**3,18,000/-** (three lakh eighteen thousand only) as compensation to the petitioner with costs and interest at the rate of 7.5% per annum from the date of filing of the Claim Petition, namely from 18.11.2024 till realization. The interest during the default period if any, shall be waived by the petitioner.
- (2) The said compensation amount together with interest, costs shall be deposited by the 2nd respondent into the bank account of this tribunal mentioned below directly by NEFT or RTGS mode within a period of two months from the date of this order and intimate the same to this tribunal with particulars deposit so made and the 2nd respondent shall recover the said amount from the 1st respondent;
- (3) On such deposit, the petitioner is permitted to withdraw the entire

amount on application excluding the advocate fees and bank charges. Such amount shall be transferred to petitioner's bank account through RTGS or NEFT;

(4) The Court Fee payable is Rs.2552.50/- rounded to Rs.2552/- and as the petitioner paid court fee of Rs.10/- alone, he shall pay the deficit court fee of Rs.2542/- within a period of 15 days from today. The Advocate fee is fixed as Rs.5730/-.

(5) The copy of this award shall be sent to the Regional Transport Officer is required in Rule 237 (3) of the Pondicherry Motor Vehicles Rules, 1989 and it is ordered to furnish copies to the parties to the claim at free of cost under Rule 237(6).

Dictated to the Stenographer, transcribed by her, corrected and pronounced by me in the open court on this the 17th day of June 2026.

The Presiding Officer
Additional Motor Vehicles Claims
Tribunal, Puducherry

The Bank Account particulars of this Tribunal:
Additional Motor Accidents Claims Tribunal, Puducherry
Virtual A/c. No.AMACT1-AMC-0300Y2025
IFSC No. IDIB000M054
Indian Bank, Mudaliarpur Branch, Puducherry
Email ID: pdymact-py@indiancourts.nic.in

Petitioner's side Witnesses:

PW1 K. Kuppammal

Petitioner's side Exhibits:

Exhibits	Date	Particulars of Documents	Nature
Ex.P1	17.10.2024	F.I.R in crime No.278/2024	Photocopy
Ex.P2	14.03.2018	R.C Book of the 1 st respondent's vehicle	Photocopy
Ex.P3	01.02.2024	Insurance policy of 1 st respondent's vehicle	Photocopy
Ex.P4	16.10.2024	Discharge summary of the petitioner issued by G.H, Puducherry.	Photocopy

Ex.P5	18.12.2011	Aadhaar card of petitioner	Photocopy
Ex.P6	12.11.2024	Discharge summary of petitioner issued by G.H, Puducherry.	Photocopy
Ex.P7	07.01.2025	Final form report (marked through consent)	Photocopy
Ex.P8	02.01.2025	Accident Inspection Report (marked through consent)	Photocopy

Respondents' side Witness : NIL

Respondents' side Exhibits: NIL

Court Witness : Nil

Court Exhibits: Nil

Ex.C1	17.03.2025	Medical board report - original
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OTHER IMPORTANT PARTICULARS

Date of filing of the petition	18.11.2024
Date of Award	17.06.2026
Amount Claimed under Compensation	Rs. 15,00,000/-
Amount Awarded as Compensation	Rs.3,18,000/-
Total Court Fees	Rs.2552/-
The Court Fee already paid	Rs.2542/-
Balance Court Fee to be paid	Rs.5730/-

Costs List

Cost Particulars	Amount	
Stamp duty for Award Amount	Rs.	2552

Vakalath	Rs.	1.50
Preparation of petition	Rs.	200.00
Preparation of Summon Batta Charges	Rs.	4.50
Advocate Fees	Rs.	5730
TOTAL	Rs.	8488

The Presiding Officer
Additional Motor Vehicles Claims
Tribunal, Puducherry