

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL/ SUBORDINATE
COURT, MANAPPARAI**

**Present: Thiru. Dr. S.Rajasekhar
Presiding Officer of Motor Accident Claims Tribunal Judge/
Subordinate Judge, Manapparai
Friday the 10th day of April' 2026**

**M.C.O.P.No.180/2021
CNR.No.TNTP1A-000425-2021**

Senthil @ V.Chinnasamy (age 35)
S/o. Velu
No.143/1, Akkiyampatti
Palayapalayam Post
Marungapuri Taluk
Trichy District - 621 314
(Amended as per order in I.A.No.4/2023, dated 07.09.2023)

.. Petitioner

Vs.

1. S.Ramkumar
S/o.Subramaniyam
No.17B, Sri Selva Vinayagar Flats
LIC Nagar, 2nd main road
Madipakkam, Chennai
2. HDFC Ergo General Insurance Company Ltd.,
Rep.by its Branch Manager
G3, Achuta Apartments
No.111, Bharathidasan Road
Cantonment, Trichy - 1

.. Respondents

This original petition filed U/s.140 and 166 of Motor Vehicles Act came up before me for final hearing on 02.04.2026 in the presence of Thiru.R.Chandrasekar, learned counsel for the petitioner and Thiru.V.R.Dheenadhayalan, learned counsel for 2nd respondent and 1st respondent called absent and set exparte and upon hearing both side arguments and on perusal of entire materials placed before me, this tribunal passed the following:

ORDER

This petition is filed by the petitioner before this Tribunal claiming Rs.15,00,000/- as compensation against the respondents together with interest and cost from the date of accident.

Facts relating to the claim

1.	Claim for	Grievous Injury.
2.	Name of the Injured Person	Senthil @ V.Chinnasamy, S/o. Velu
3.	Age of the Injured Person	35 yrs.
4.	Occupation stated	Cooly worker
5.	Income pleaded	Rs.500/- per day
6.	Date of accident	01.02.2019 at about 08.10 A.M.,
7.	Compensation Claimed	Rs.15,00,000/-

2. The averments of the petition in brief :

As per the case of the petitioner, the accident took place on 01.02.2019 at about 08.10 A.M., in the Trichy to Madurai main road at the place near Mookanpalam Goundampatti pirivu road, Thuvarangkurichi, Trichy District. At the time of the accident the petitioner was walkin from north to south on his leftern side in the above said road. At that time the Maruthi Baleno Alpha Car bearing Reg.No.TN-22-DM-7503 belonging to the 1st respondent and insured with the 2nd respondent driven by the 1st respondent in a rash and negligent manner with great speed came behind the petitioner in the above said road. Due to the rash and negligent driving of the Car by its driver it has dashed against the petitioner in the above said road. Due to the sudden impact the petitioner was thrownout and fell down and sustained multiple injuries all over the body including fracture in the right leg knee, grievous injuries in the back side of the hip, shoulder, severe head injury. Immediately after the accident the petitioner was taken to Government Hospital, Thuvarangkurichi for first aid and then to Government Hospital, Manapparai and then taking treatment as inpatient in

the Sri Kumaran Hospital, Manapparai and then taking treatment as outpatient till date. During treatment operation done. The petitioner incurred a sum of Rs.1,00,000/- towards the medical expenses. At the time of accident the petitioner aged about 35 years and was working as coolie and was earned sum of Rs.500/- per day. With regard to the accident case U/s.279, 337 and 338 of IPC was registered by Thuvarangkurichi Police in Crime Number.11/2019 against the driver of the Car bearing Reg.No.TN-22-DM-7503. Since the accident took place only by the fault of the owner cum driver of the 1st respondent's Car bearing Reg.No.TN-22-DM-7503, the 1st respondent as owner cum driver and the 2nd respondent as insurer are jointly responsible to pay the compensation to the petitioner for the injuries sustained by him in the above said accident is the contention of the Petitioner.

3. The 2nd respondent has filed petition U/s 170 of M.V. Act and the same was allowed by this tribunal on 27.01.2026.

4. The Brief contention of the counter filed by the 2nd respondent runs as follows:-

The 2nd respondent denied averments in the petition. The 2nd respondent submit that on 01.02.2019 at about 08.10 A.M., the Trichy Madurai main road at the place near Mookanpalam Goundampatti pirivu road, Thuvrankurichi, Trichy District, the petitioner was walking from north to south on his left side of the above said road, at that time the Maruthi Baleno car bearing Reg.No.TN-22-DM-7503 belonging to the 1st respondent and insured with the 2nd respondent driven by the 1st respondent in a rash and negligent manner with great speed came behind the petitioner in the above said road and dashed against the petitioner is denied as false. The allegation that the accident occurred purely due to the rash and negligent driving of the Maruthi Baleno Alpha Car by its driver is denied as false. Actually the accident happened only due to the sudden cross (i.e) contributory negligence of the petitioner and prayed to dismiss the petition.

5. The points for consideration:-

1. Whether the accident took place due to the rash and negligent driving of the owner cum driver of the Car bearing Reg.No.TN-22-DM-7503 ?
2. Whether the petitioner is entitled for compensation? If so, what is the quantum?
3. Who is liable to pay compensation?

6. On the side of the petitioner, he examined himself as P.W.1 and one Maduraiveeran examined as P.W.2. Ex.P-1 to Ex.P-11, Ex.X-1 and Ex.X-2 were marked. On the side of 2nd respondent, no oral and document evidence were marked. The Disability Certificate was marked as Ex.C-1.

7. POINT NO 1:
NEGLIGENCE:

Heard the learned counsel for the Petitioner and 2nd respondent. Records perused. In order to prove the case, the petitioner has examined himself as P.W.1. P.W.1 has categorically stated in his evidence that on 01.02.2019 at about 08.10 A.M., in the Trichy to Madurai main road at the place near Mookanpalam Goundampatti pirivu road, Thuvarangkurichi, Trichy District. At the time of the accident the petitioner was walking from north to south on his left hand side in the above said road. At that time the Maruthi Baleno Alpha Car bearing Reg.No.TN-22-DM-7503 belonging to the 1st respondent and insured with the 2nd respondent driven by the 1st respondent in a rash and negligent manner with great speed came behind the petitioner in the above said road. Due to the rash and negligent driving of the Car by its driver it has dashed against the petitioner in the above said road. Due to the sudden impact the petitioner was thrown out and fell down and sustained multiple injuries all over the body including fracture in the right leg knee, grievous injuries in the back side of the hip, shoulder, severe head injury. Immediately after the accident the petitioner was taken to Government Hospital, Thuvarangkurichi for first aid and

then to Government Hospital, Manapparai and then taking treatment as inpatient in the Sri Kumaran Hospital, Manapparai and then taking treatment as outpatient till date. During treatment operation done. The petitioner incurred a sum of Rs.1,00,000/- towards the medical expenses. At the time of accident the petitioner aged about 35 years and was working as coolie and was earned sum of Rs.500/- per day. With regard to the accident case U/s.279, 337 and 338 of IPC was registered by Thuvarangkurichi Police in Crime Number.11/2019 against the driver of the Car bearing Reg.No.TN-22-DM-7503. Since the accident took place only by the fault of the owner cum driver of the 1st respondent's Car bearing Reg.No.TN-22-DM-7503, the 1st respondent as owner cum driver and the 2nd respondent as insurer are jointly responsible to pay the compensation to the petitioner for the injuries sustained by him in the above said accident is evidence of P.W.1. Though the petitioner was cross examined by the 2nd respondent, the evidence of P.W.1 was not shattered by the 2nd respondent in the cross examination.

8. In order to prove the fact that the accident was happened due to the rash and negligent driving of the owner cum driver of the Car bearing Reg.No.TN-22-DM-7503, the petitioner has filed Ex.P-1, F.I.R and and after investigation police filed Charge Sheet as Ex.P-4. On perusal of Ex.P-1, it is found that a F.I.R has been registered based on the complaint given by Chenthamarai, who is the mother of the petitioner. Thus the said documents are quite evidence that the accident was happened due to the rash and negligent driving of the owner cum driver of the Car bearing Reg.No.TN-22-DM-7503. It is well settled that the proceedings before the claims tribunal are summary in nature and it is suffice to consider whether there is any preponderance of probability, as to the manner of accident, as detailed in the claim petition. Strict proof of evidence is not required to decide the same.

9. The evidence of P.W.1 is cogent, clear and convincing. It is believable and acceptable. There is nothing to reject the evidence of P.W.1. Hence this tribunal accepts the evidence of P.W.1 with regard to the manner of the accident as well as the negligence of the driving of the owner cum driver of the Car bearing Reg.No.TN-22-DM-7503

10. Hence, considering the evidence of P.W.1 and Ex.P-1 F.I.R., Ex.P-4 Charge Sheet in the absence of contra evidences, this Tribunal has come to the conclusion that due to the rash and negligent driving of the owner cum driver of the Car bearing Reg.No.TN-22-DM-7503 only the accident has happened.

11. For the reason stated above this Tribunal has come to the conclusion that due to the rash and negligent driving of the owner cum driver of the Car bearing Reg.No.TN-22-DM-7503 alone this accident has happened. Accordingly, this point is answered.

12. POINT NO.2:

QUANTUM :-

As the petitioner claims compensation under various heads, this Tribunal for its convenience has proceeded to decide each head separately.

13. PERMANENT DISABILITY :

The petitioner in his claim contend that due to the accident he has sustained multiple injuries all over the body including fracture in the right leg knee, grievous injuries in the back side of the hip, shoulder, severe head injury and that due to the said fact he was permanently disabled. In order to prove the said fact the petitioner has filed petition to refer him to medical board for assessment of permanent disability. The petitioner was referred to medical board and doctors of the medical

board has assessed the disability of the petitioner and had given Ex.C-1, the disability certificate. On perusal of Ex.C-1, it is evident that the petitioner has sustained pain over back and head and that the permanent disability of the petitioner was assessed at 5%. By applying the principle laid down in the judgment of our **Hon'ble High Court reported in Branch Manager Vs. Venkatesh on 9 January 2020**, has decided for each percentage of disability Rs.5,000/- has to be awarded. Hence, for 5% disability, **Rs.25,000/-** (5 x Rs.5,000/-) is awarded.

14. PAIN AND SUFFERING:

On perusal of Ex.C-1 the Medical Board Report, it seems that the petitioner sustained pain over back and head and that he took treatment in Government Hospital, Thuvankurichi and then to Government Hospital, Manapparai and then to Sri Kumaran Hospital, Manapparai as inpatient from 28.05.2019 to 31.05.2019. Considering the said fact for **pain and sufferings this tribunal is inclined to grant a sum of Rs.20,000/-**.

15. EXTRA NOURISHMENT:-

As the petitioner would have given nutritious food for his speedy recovery towards extra nourishment **Rs.5,000/-** is awarded.

16. ATTENDER CHARGES:

As the petitioner was hospitalized for several days, naturally attender would have been there and for the attender also some expenses would have been occurred. Hence towards Attender Charges **Rs.2,000/-** is awarded.

17. MEDICAL EXPENSES

The petitioner claimed that he has incurred **medical expenses for Rs.67,509.44/-** and for the same the petitioner has filed Ex.P-8, receipts and the same was awarded under this head.

18. TRANSPORTATION:

Considering the fact that the petitioner would have incurred Transportation expenses, a sum of **Rs.2,000/-** is awarded under this head.

19. LOSS OF INCOME DURING THE PERIOD OF INJURY :-

The petitioner deposed that he was aged about 35 years and was working as coolie and earned a sum of Rs.500/- per day. However, no proof is filed to prove the income. A labour, involved in unorganized sector doing own business, cannot expected to produce documents to prove his monthly income. It is very difficult to determine the income of the person without any documents. Hence this Tribunal decides to fix the notional income of the petitioner to arrive just compensation. Hence the notional income of the petitioner is hereby arrived as per the Judgment of the Hon'ble Supreme Court in *Syed Sadia Vs. United India Insurance Company (2014 (1) TNMAC 459)*, in which even a vegetable vendor income was fixed as Rs.6,500/- who sustained injuries in the accident in the year 2008. In the present case accident took place on 01.02.2019. Considering the above facts, this Tribunal has fixed the monthly income of the petitioner at the time of accident is at Rs.15,000/- per month. Ex.P-7 Medical report issued by Sri Kumaran Hospital, Manapparai. On perusal of Ex.P-7 clearly shows that the petitioner has sustained pain over back and head. Due to the injuries suffered by the petitioner it seems that the petitioner would have not attended his regular work for a period of three months. Hence this Tribunal inclined to award a sum of **Rs.45,000/- (15,000X3) towards loss of income during the period of injury.**

20. LOSS OF AMENITIES

Considering the injuries sustained by the petitioner, the petitioner will have to forgo certain amenities at present and in future hence a sum of **Rs.10,000/-** has been awarded towards loss of amenities.

21. In fine, and in the light of discussion made above this Tribunal finds that the claimant is entitled for the following amount under the heads given below.

1. Toward Permanent Disability	Rs.	25,000 /-
2. Towards Pain and Sufferings	Rs.	20,000/-
3. Towards Extra nourishment	Rs.	5,000/-
4. Towards Attender Charges	Rs.	2,000/-
5. Towards Medical Expenses	Rs.	67,509.44
6. Towards Transportation Expenses	Rs.	2,000/-
7. Towards Loss of Income	Rs.	45,000/-
8. Towards Loss of Amenities	Rs.	10,000/-
Total	Rs.	1,76,509.44/-

22. POINT -3

LIABILITY:

This tribunal for the reason stated in point No.1 has come to a conclusion that due to the rash and negligent driving of owner cum driver of the Car bearing Reg.No.TN-22-DM-7503 only the accident has happened. The Car bearing Reg.No.TN-22-DM-7503 involved in this accident belonged to 1st respondent and it has been insured with the 2nd respondent. When that being the situation, the 2nd respondent being insurer shall indemnify the 1st respondent as such the 2nd respondent shall pay the amount to compensation to the petitioner. Thus this point is answered accordingly.

23. RESULT:

In the result, the petition is partly allowed with proportionate costs as follows:

i) The petitioner is awarded **Rs.1,76,509.44/- (Rupees One Lakh Seventy Six Thousand Five Hundred Nine and Forty Four paise only)**. The 2nd respondent shall deposit the compensation amount within two months from this date in the account of Subordinate Judge, Manapparai-

MACT Account No :39153659947,

IFSC Code No: SBIN0000995,

State Bank of India,

Manapparai Branch through NEFT/RTGS.

ii) The award amount shall carry the interest at the rate of 7.5% p.a from the date of petition till the date of realization, excluding the default period if any.

iii) After deposit of the amount the petitioner is permitted to withdraw the amount with interest and costs.

iv) The petitioner is directed to pay balance court fee Rs.764.59/- within 10 days.

v) Advocate fee is calculated as Rs.12,325/-

Dictated to Steno-Typist and directly typed by her in the computer and corrected and pronounced by me in the open Tribunal on the 10th day April' 2026.

**Motor Accidents claims Tribunal Judge,
Subordinate Judge,
Manapparai**

Petitioner's Side Witness:-

P.W.1 ... Senthil @ V. Chinnasamy (Petitioner)

P.W.2 ... Maduraiveeran (Medical Record Technician, Trichy Medical College Hospital)

Petitioner's side Exhibits:

1.	Ex.P-1	Certified copy of First Information Report
2.	Ex.P-2	Certified copy of Accident Register issued by Thuvankurichy Government Hospital
3.	Ex.P-3	Certified copy of Accident Register issued by Trichy Government Hospital
4.	Ex.P-4	Charge Sheet
5.	Ex.P-5	Scan Report - 3
6.	Ex.P-6	Certified copy of Rough Sketch
7.	Ex.P-7	Medical Report issued by Sri Kumaran Hospital, Manapparai
8.	Ex.P-8	Medical Bills
9.	Ex.P-9	Compared copy of Petitioner's Aadhar card
10.	Ex.P-10	Scan Report
11.	Ex.P-11	Prescription Sheet

2nd Respondent's Side witness and Exhibits: NIL

Third Party Exhibits :

1.	Ex.X-1	Permission Letter
2.	Ex.X-2	True copy of Accident Register issued by Government College Hospital, Trichy

Court Side Exhibit:

Ex.C-1... Disability Certificate.

**Motor Accidents claims Tribunal Judge,
Subordinate Judge,
Manapparai**