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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 02.12.2025

PRONOUNCED ON : 09.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CMA No.1208 of 2023

S.Kothandan
S/o. Shanmugam

... Appellant/Petitioner

Vs

1. Mr.L.Sivalingam
2. United India Insurance Co., Ltd.,
Motor III Party Claims Office
Shilling Building, 134, Greams Road,
Chennai – 600 006. ...Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 against the order and decreetal order dated 30.01.2023 passed in MCOP No. 3400 of 2015 on the file of Motor Accident Claims Tribunal Special Sub Court No.I, Court of Small Causes, Chennai.



For Appellant : Ms. Y.Jayanthi Bhaskar
for Mr.J.Mahalingam

For 1st Respondent : set exparte (Lower Court)

For 2nd Respondent : Mr. P.Sankaranarayanan

J U D G M E N T

(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

The petitioner in MACTOP No. 3400 of 2015 on the file of Special Sub Court No.I, Motor Accident Claims Petitions, Small Causes Court, Chennai, aggrieved by the award dated 30.01.2023, is the appellant herein.

2. MACTOP No. 3400 of 2015 had been filed under Section 166 of the Motor Vehicles Act and Rule 3 of the Motor Vehicle Rules seeking compensation of Rs.55,00,000/- for the injuries suffered by the petitioner in a motor accident. It had been stated that on 14.02.2015 at about 07.30 am, while the petitioner was riding his motor cycle bearing registration No. TN-10-A-8807 at Ambattur to Avadi CTH Road, near Murugappa Polytechnic, another motor cycle bearing registration No. TN 20-AQ-4176 driven in a rash and negligent manner endangering the public safety came at dangerous speed from the same direction and dashed against the motor cycle



of the petitioner in the back side. The first respondent, the owner of the motor cycle and the second respondent, the insurer were claimed to be vicariously liable to pay compensation to the petitioner with interest and cost.

3. In the counter affidavit, it had been stated that the petitioner should be put to strict proof of the alleged accident and the involvement of the vehicle in question and the manner of the accident and the injuries suffered due to the accident. It was also stated that the nature of injuries, nature of treatment, period of treatment and the disability suffered should be proved through proper documentary and oral evidence. During the course of trial, three witnesses had been examined as PW-1, PW-2 and PW-3 and 19 documents had been marked as Exs. P-1 to P-19. On the side of the second respondent, no oral evidence was adduced. PW-2 was Dr.Saravanabhavanandham and PW-3 was Dr.Mathiyazhagan. They both spoke about the injuries suffered by the petitioner and the nature of treatment which was given to him.

4. During the trial, it was held that the accident had been caused only due to the rash and negligent riding of the motor cycle bearing registration



No. TN-20-AQ-4176. It was also held that the vehicle was insured with the second respondent and that the insurance was valid on the date of the accident / 14.02.2015.

5. It was also observed that to prove the nature of the injuries, the petitioner had filed the medical prescription as Ex.P-3, the discharge summary issued by Apollo Hospital, Chennai, Ex.P-4, the medical bills as Ex.P-5, the inpatient medical bills and the insurance claim as Ex.P-6, the Physiotherapy bills Ex.P7, the Sanjeevanam Ayurvedic therapy clinic prescriptions and bills as Exs. P-8 and P-9 and other medical bills as Ex.P-10. It was found that the petitioner had suffered with “Traumatic Brain Injury, Diffuse Axonal injury and Multiple Craniofacial Fractures” which was grievous in nature. The actual injuries suffered by the petitioner are as follows:-

- “1. Traumatic Brain injury
2. Diffuse Axonal Injury
3. Fracture Right Maxilla (anterior & Posterior lateral Walls)



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4. Fracture of Nasal Bone
5. Fracture of Right Zygomatic Arch
6. Fracture Orbital Bone (Lateral and medial Walls)”

6. The petitioner had taken treatment as inpatient from 14.02.2015 to 27.02.2015. Surgery was conducted on 19.02.2015 in Apollo Hospital. The evidence of PW-2 had stated that the petitioner had suffered 55% disability. The disability certificate was marked as Ex.P-16 and the Scanned Report was marked as Ex.P-17 and the X-Ray was marked as Ex.P-18. PW-3 stated that the petitioner had suffered 50% disability and his disability certificate was marked as Ex.P-19.

7. The Tribunal found that the petitioner was not assessed by a duly constituted Medical Board as required. In view of that particular fact, the Disability Certificates had been rejected by the Tribunal. Further with respect to the medical expenses, it was observed that the original inpatient medical bills had not been filed and that the petitioner had also admitted that he had availed benefit under the Tamil Nadu Medical Insurance Scheme and had also filed that medical insurance card as Ex.P-12 and therefore, the expenses incurred under Ex.P-6 (Apollo inpatient medical bills for



Rs.7,09,135/-) and under Ex.P-7 (Physiotherapy bills for Rs.4,53,000/-)

were rejected. The Tribunal had granted the following compensation:-

1.	Disability	:	Rs. 40,000/-
2.	Pain and Sufferings	:	Rs. 30,000/-
3.	Transportation	:	Rs. 4,000/-
4.	Medical expenses	:	Rs. 61,683/-
5.	Extra Nourishment	:	Rs. 10,000/-
6.	Attender charges	:	Rs. 3,600/-
7.	Loss of amenities	:	Rs. 10,000/-

Total compensation is fixed at : Rs.1,59,283/-

Rounded off to : Rs.1,59,300/-

8. The present Appeal had been filed questioning the rejection of the said claims under Exs. P-6 and P-7. Ex.P-6 was rejected on the ground that they were not originals and Ex.P-7 was rejected on the ground that serial numbers were not mentioned and no witnesses were examined in support of



the said documents.

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9. We have perused the original records.

10. Ex.P-6 is a series of original bills issued by Apollo Hospital, Chennai. It indicates that the amounts therein had been paid by cash. The seal of the Hospital is also found. The signature of the cashier / Manager, who generated the bills is also found. There was no suggestion put that the bills had been created by the appellant herein. There is no suggestion that the bills had been forged and improperly presented before the Tribunal. The name of the petitioner is clearly given. The address of the petitioner is clearly given. The dates on which the bills have been generated had been very clearly given. The reason given by the Tribunal to reject Ex.P-6 series that the originals had not been produced is therefore not sustainable and is therefore set aside by us. We hold that Ex.P-6 should have been accepted by the Tribunal just as Exs. P-5, P-9 and P-10 had also been approved.

11. Ex.P-7 is a series of bills reflecting Physiotherapy charges issued by Vihaan Clinic. It indicates the name of the petitioner and the amount and the signature of the Doctor on the revenue stamp. Judicial notice should be



taken of the fact that post operation recovery of the injuries suffered by the appellant would require physiotherapy exercises. The physiotherapy exercises are done not within the hospital but by a recognised physiotherapist recommended by the Hospital. It is also to be noted that the appellant herein was working in the Police Department and to rejoin duty, it is essential that he undertakes physiotherapy exercises. We find no reason to suspect the genuinity of the said bills. Therefore, we set aside the finding of the Tribunal in this regard and allow the claim under Ex.P-7 also.

12. In view of the above reasons, without any other modification, the order of the Tribunal is partly modified and the claim is granted as follows:-

1.	Disability	:	Rs. 40,000/-
2.	Pain and Sufferings	:	Rs. 30,000/-
3.	Transportation	:	Rs. 4,000/-
4.	Medical expenses	:	Rs.12,23,818/-
5.	Extra Nourishment	:	Rs. 10,000/-
6.	Attender charges	:	Rs. 3,600/-
7.	Loss of amenities	:	Rs. 10,000/-

Total compensation is fixed at :			Rs.13,21,418/-

The petitioner is entitled for a total compensation of Rs.13,21,418/-.



13. In the result, the Appeal is allowed and a sum of Rs.13,21,418/- is awarded as compensation to the petitioner with cost and interest at the rate of 7.5% per annum from the date of filing of the Claim Petition ie., 20.04.2015 till the realization, payable by the second respondent. No costs.

[C.V.K., J.]

[K.B., J.]

09.12.2025

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

C.V.KARTHIKEYAN, J.

AND

K.KUMARESH BABU, J.

vsg

To:

Special Sub Court No.I
Motor Accident Claims Tribunal,
Court of Small Causes, Chennai.



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Pre-Delivery Judgment made in

CMA No.1208 of 2023

09.12.2025