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MACT Claim Filing CHECKLIST 2026

India · Motor Vehicles Act, 1988 & Amendment 2019

"Know Your Rights. Claim What You Deserve."

A free, practical guide for accident victims, law students,
legal educators, NGOs, and judiciary aspirants.

Complete document checklists · Step-by-step process · Landmark cases · Legal
formulas · Timelines

6

Document

Categories

40+

Checklist

Items

10

Process

Steps

5

Landmark

Cases

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1. Introduction — What is MACT?

What is MACT?

MACT stands for **Motor Accident Claims Tribunal** — a special court created under the **Motor Vehicles Act, 1988** exclusively to handle road accident compensation claims. You do **not** file in a regular civil court. You file before the MACT tribunal in the district where the accident happened, or where the victim or insurance company is located. It is a faster, specialised forum designed to deliver justice to accident victims.

Who Can File a MACT Claim?

Accident Victim	Legal Heirs	Financial Dependents	Guardian	Property Owner
<i>The injured person themselves can file directly.</i>	<i>Spouse, children, parents, siblings of the deceased.</i>	<i>Anyone who depended financially on the deceased.</i>	<i>A guardian may file on behalf of a minor victim.</i>	<i>Any person whose vehicle / property was damaged.</i>

Types of Compensation Claims

Claim Type	Who Files It	Main Focus
Death Claim	Legal heirs / dependants	Dependency loss, conventional heads
Permanent Disability	Victim or guardian	Loss of earning capacity, future care
Temporary Disability	Victim	Income loss during recovery, medical bills
Property Damage	Vehicle owner	Repair or replacement costs
No-Fault Liability	Any victim / heir	Fixed minimum without proving negligence

Why Documents & Speed Matter

Strong Documents = Higher Compensation

MACT tribunals decide purely on evidence. The stronger your documents, the better your award. Keep **all originals** safe and get certified copies of everything.

Critical Evidence Disappears Fast

CCTV footage is overwritten in **24–72 hours**. Witnesses become untraceable. Limitation period is **3 years** but early filing earns more interest on the award.

2. Complete MACT Document Checklist

How to use this checklist: Tick each item as you collect it. For every document — get at least 2 certified / attested copies. Keep originals in a sealed envelope; submit copies to the tribunal.

A. Accident Scene Documents

FIR (First Information Report)	<i>Why:</i> First official record of the accident.	<i>Issuer:</i> Police station.	<i>Mistake:</i> Delayed FIR, missing vehicle details, no certified copy.
Police report / charge sheet	<i>Why:</i> Supports the investigation and negligence narrative.	<i>Issuer:</i> Investigating police officer.	<i>Mistake:</i> Not following up, not collecting copy.
Spot Map / Site Sketch	<i>Why:</i> Shows accident location, road conditions, vehicle positions.	<i>Issuer:</i> Investigating police officer	<i>Mistake:</i> Not requesting it; it may be missing from police file
Photographs of Accident Scene	<i>Why:</i> Visual proof of damage, road conditions, skid marks, visibility.	<i>Issuer:</i> Self-collected at scene; police / CCTV	<i>Mistake:</i> Not taking date/time-stamped photos immediately
Witness Names, Addresses, Contact Numbers	<i>Why:</i> Eyewitness testimony is often the strongest evidence in MACT.	<i>Issuer:</i> Self-collected at scene	<i>Mistake:</i> Not noting witnesses immediately; they become untraceable
Details of Offending Vehicle	<i>Why:</i> Registration number, make, model — needed to trace owner and insurance.	<i>Issuer:</i> Self-noted at scene; police report	<i>Mistake:</i> Noting wrong plate; not photographing vehicle

B. Medical Documents

MLC (Medico-Legal Certificate)	<i>Why:</i> First official medical record linking injuries to the accident. Mandatory.	<i>Issuer:</i> Treating hospital / doctor on duty	<i>Mistake:</i> Not requesting MLC; admitted without MLC noted
Hospital Admission & Discharge Records	<i>Why:</i> Proof of nature, duration, and severity of treatment.	<i>Issuer:</i> Hospital records department	<i>Mistake:</i> Incomplete records; missing dates of admission/discharge

All Medical Bills & Receipts	Why: Basis for claiming actual medical expenses.	Issuer: Hospital, pharmacy, labs, diagnostic centres	Mistake: Losing small bills; not keeping originals
Prescriptions from All Treating Doctors	Why: Corroborates that treatment was accident-related.	Issuer: Treating doctors	Mistake: Mixing with other medical records; gaps in continuity
Disability Certificate	Why: For permanent disability claims — quantifies % of disability.	Issuer: Government Medical Board or designated hospital	Mistake: Getting private certificate without Medical Board assessment
X-Rays, Scans, Lab Reports	Why: Objective evidence of fractures, internal injuries, organ damage.	Issuer: Diagnostic centres / hospital radiology	Mistake: Not collecting films; keeping only reports
Follow-up Treatment Records	Why: Shows ongoing impact of injuries on victim's life.	Issuer: All treating doctors post-discharge	Mistake: Stopping follow-up once stable; no paper trail

C. Insurance & Vehicle Documents

Insurance Policy of Offending Vehicle	Why: Identifies insurer; mandatory for claiming from insurance company.	Issuer: Owner of vehicle / insurer	Mistake: Not obtaining from police even when in FIR
Claim Intimation Acknowledgement	Why: Proof you notified the insurer on time.	Issuer: Insurance company	Mistake: Delayed intimation; oral intimation without written confirmation
Registration Certificate (RC) of Offending Vehicle	Why: Confirms identity of registered owner — who is the respondent.	Issuer: RTO / police report	Mistake: Naming wrong owner; RC details not verified
Driving Licence of Driver	Why: Proves whether driver was validly licensed — affects insurer liability.	Issuer: Police / driver	Mistake: Not obtaining; DL validity not checked
Fitness Certificate of Offending Vehicle	Why: If vehicle was unfit, it strengthens the negligence claim.	Issuer: RTO / police	Mistake: Overlooked — can significantly affect compensation
Victim's Own Vehicle RC & Insurance (if applicable)	Why: Needed if victim was also driving; affects contributory negligence.	Issuer: RTO / own insurer	Mistake: Not producing when required

D. Income & Employment Proof

Salary Slips (last 6–12 months)	Why: Main evidence of income for salaried persons.	Issuer: Employer's HR/ accounts department	Mistake: Only 1–2 slips; not covering period before accident
Bank Statements (last 12 months)	Why: Corroborates income; shows salary credits and financial position.	Issuer: Bank branch or net banking	Mistake: Incomplete; missing months; only savings account
Income Tax Returns 2–3 (last years)	Why: For self-employed persons; reliable income proof accepted by tribunals.	Issuer: IT department / CA	Mistake: No ITR filed; using unverified income claims
Employment Certificate from Employer	Why: States designation, salary, tenure — accepted as strong evidence.	Issuer: Employer / HR department	Mistake: Not obtaining before employer changes or shuts down
Business Registration / Trade Licence (for self-employed)	Why: Proves existence and nature of business.	Issuer: Municipal body / relevant authority	Mistake: No formal registration; court may not accept income claim
Agricultural Land Records / Kisan Passbook (for farmers)	Why: Income evidence for agricultural workers.	Issuer: Revenue department / bank	Mistake: Tribunals often undervalue farm income — submit all records

E. Death Claim Documents

Death Certificate	Why: Primary proof of death — issued after post-mortem in accident cases.	Issuer: Municipal corporation / Gram Panchayat after PM	Mistake: Delay in obtaining; name mismatch with other documents
Post-Mortem Report	Why: Medical-legal proof that death was due to injuries from the accident.	Issuer: Government hospital where PM was conducted	Mistake: Not collecting certified copy; losing PM case number
Legal Certificate / Heir Succession Certificate	Why: Establishes who the legal heirs are — who can claim.	Issuer: Revenue department (Tehsildar) / Civil Court	Mistake: Only one heir named; family disputes not resolved
Dependency Proof	Why: Shows claimants were financially dependent on deceased.	Issuer: Affidavits, ration card, school records, bank documents	Mistake: Vague affidavit; no supporting documents

Marriage Certificate (for spouse claimant)	Why: Proves marital relationship for consortium and dependency claims.	Issuer: Municipal body / marriage registrar	Mistake: No registered marriage; only customary — need witnesses
Birth Certificates of Dependent Children	Why: Proves age and dependency of minor children.	Issuer: Municipal corporation / school records	Mistake: Using school leaving certificate alone — get official birth certificate

F. Legal & Court Documents

Claim Petition (Form as per Tribunal)	Why: The formal application to MACT — without this, case cannot be registered.	Issuer: Prepared by your advocate	Mistake: Filing without advocate; filing in wrong jurisdiction
Vakalatnama	Why: Authority letter giving your lawyer the right to represent you.	Issuer: Signed by claimant; accepted by advocate	Mistake: Not signing properly; not updating when advocate changes
Affidavit Verifying Facts in Petition	Why: Sworn statement confirming all facts in your petition are true.	Issuer: Prepared by advocate; sworn before notary/court	Mistake: Unsigned; not sworn before proper authority
Copies of All Supporting Documents (2 sets)	Why: Tribunal requires copies for records and for opposite party.	Issuer: Self-prepared	Mistake: Photocopies without self-attestation; illegible copies
Proof of Service on Respondents	Why: Shows all parties (driver, owner, insurer) were notified.	Issuer: Court bailiff / registered post acknowledgement	Mistake: Skipping this — case delayed if service not proved

3. Step-by-Step MACT Claim Process

1

File the FIR Immediately

Go to the nearest police station as soon as possible — ideally within 24 hours. The FIR must correctly record: date, time, location, vehicle details, and nature of injuries. Insist on your free certified copy on the same day.

Timing: Evidence window: 24 to 48 hours

2

Get Medical Treatment & Preserve Records

Treatment first — never delay going to hospital because of document concerns. Always request the MLC when admitted. Keep ALL bills, prescriptions, reports, and discharge summaries in one dedicated file.

Timing: Keep records from Day 1 onwards

3

Inform the Insurance Company in Writing

Inform the insurer of the offending vehicle by registered post within a reasonable time. Keep the acknowledgement safely. This protects your right against the insurer.

Timing: Within 2 weeks of accident recommended

4

Collect All Documents (Checklist A–F)

Using the checklist in Section 2, systematically gather all required documents. Get certified copies of police documents. Collect income proof, medical records, and legal heir certificates if applicable.

Timing: Ongoing — start immediately

5

Engage a Qualified MACT Advocate

Find an advocate who specialises in motor accident claims. A good MACT advocate will draft your petition correctly, identify all heads of compensation, and ensure proper valuation of your claim. Many work on contingency for MACT cases.

Timing: Within 1 month of accident

6

File the Claim Petition Before MACT

Your advocate files a formal petition before the tribunal. The petition must name all respondents: driver, owner, and insurance company. The tribunal registers the case and assigns a number.

Timing: Within 6 months recommended; Courts have some discretion to condone delay in genuine cases, but do not wait — file early.

7

Tribunal Proceedings Begin

The tribunal issues notice to all respondents. They file their replies. The tribunal may direct interim payment for medical expenses. Preliminary hearings establish issues in dispute.

Timing: 3 to 9 months after filing

8

Evidence Stage

You file your affidavit evidence. All documents are formally exhibited. The other side cross-examines you. Doctors and employers may be examined. The quality of evidence determines the award.

Timing: 6 to 18 months into proceedings

9

Arguments and Award

Both sides argue on liability and quantum. The tribunal passes its final award specifying total compensation and who pays. Interest is generally awarded from the date of claim filing.

Timing: Award within 4 months of arguments

10

Execution if Award Not Paid

If the insurer or respondent does not pay, file an execution petition before the same tribunal. The tribunal can attach assets or direct the insurer to pay immediately. Do not sit idle after an award.

Timing: Immediately if default occurs

4. Important Timelines

Action	Recommended Timing	Why It Matters
File FIR	Within 24 hours	Evidence disappears; delays create suspicion
Seek medical treatment	Immediately	MLC becomes harder to obtain later
Photograph accident scene	Within hours	Skid marks, damage disappear quickly
Note witness details	At the scene	Witnesses become untraceable within days
Inform insurer in writing	Within 2 weeks	Timely notice protects right to claim
Apply for post-mortem report	Within 1 week (death)	Government records can be misplaced
Apply for legal heir certificate	Within 1 month (death)	Revenue process takes 30–60 days
Engage MACT advocate	Within 1 month	Early legal advice shapes the entire case
File claim petition	Within 6 months	<i>Courts have some discretion to condone delay in genuine cases, but early filing = more interest</i>
Collect income documents	Ongoing — Day 1	Employer records get harder to obtain over time
Apply for disability certificate	After medical stabilisation	Medical Board takes time; apply early
Preserve CCTV footage	Within 24–72 hours	Most CCTV systems overwrite after 72 hours

5. Common Mistakes to Avoid

Missing Documents

- Not obtaining certified copy of FIR
- Not collecting Post-Mortem report in death cases
- Missing Medical Board Disability Certificate
- No income proof — relying on verbal claims only
- Not collecting all hospital bills and receipts

Delayed Actions

- Waiting weeks to file FIR — creates suspicion at tribunal
- Not intimating insurer in time — gives grounds to reject
- Delaying legal heir certificate — slows entire case
- Late engagement of advocate — petition filed incorrectly

Weak Income Proof

- Claiming income without ITR or salary slips
- Not proving income for self-employed / informal sector workers
- Understating income to avoid tax — tribunal uses the lower figure
- Using income of a relative instead of deceased / victim

Settlement Traps

- Accepting quick cash from insurer without calculating fair compensation
- Signing full and final settlement at the accident spot
- Not consulting advocate before signing any settlement
- Settling for only medical expenses — ignoring dependency loss

Documentation Errors

- Name mismatch across documents — creates identity disputes
- Photocopies without attestation — not accepted by tribunal
- Missing dates or signatures on medical certificates
- Affidavits not properly sworn before a notary or magistrate

Fake Documentation Risk

- Fabricating income documents — criminal offence under IPC
- Inflating disability percentage — Medical Board will re-examine
- False witness statements — perjury provisions apply
- Forged employer certificates — easily verified; ruins entire case

6. Key Legal Principles & Formula Tables

Multiplier Method

The multiplier method is the standard formula for calculating future income loss in both death and disability claims. The court takes the yearly income loss and multiplies it by a number based on the victim's age — the "multiplier". Younger victims get a higher multiplier (more earning years lost). **Authority: Sarla Verma v. DTC (2009).**

Death Claim Formula

$$\text{Compensation} = (\text{Annual Income} \times \text{Future Prospects}) \times (1 - \text{Personal Expense \%}) \times \text{Multiplier}$$

Then add: Conventional Heads (Consortium + Loss of Estate + Funeral Expenses)

Age-to-Multiplier Reference Table (Sarla Verma v. DTC)

Age of Deceased / Victim	Multiplier	Age of Deceased / Victim	Multiplier
Up to 15 years	16	41–45 years	13
16–20 years	17	46–50 years	11
21–25 years	18	51–55 years	9
26–30 years	17	56–60 years	7
31–35 years	16	61–65 years	5
36–40 years	15	66–70 years	4

Future Prospects (Pranay Sethi — Constitution Bench, 2017)

Courts recognise that incomes grow over time. Pranay Sethi fixes **percentage additions based on age AND employment type BEFORE** applying multiplier:

Employment Type	Age Below 40	Age 40–50	Age Above 50
Salaried / Government employee	+50%	+30%	+15%
Self-employed / Fixed income	+40%	+25%	Nil
No proved income (minimum wages used)	Nil	Nil	Nil

Personal Expense Deduction — Dependency Calculation (Sarla Verma)

A portion of the deceased's income is deducted as their personal expenses (the share they would have spent on themselves). The remainder is the "dependency" the family has actually lost:

Situation	Personal Expense Deduction	Dependency (Amount Used for Multiplier)
Deceased had 2 or more dependants	1/3rd of income	2/3rd of income

Deceased had only 1 dependant	1/2 of income	1/2 of income
Deceased had no dependants	2/3rd of income	1/3rd of income

Fixed Conventional Heads (Pranay Sethi — updated periodically)

Head of Compensation	Amount (as per Pranay Sethi)	Notes
Loss of Consortium	Rs. 40,000 per claimant	Spouse, children, and parents each
Loss of Estate	Rs. 15,000	Fixed — no need to prove specific loss
Funeral / Transportation Expenses	Rs. 15,000	Fixed — no bills required

Disability Claim Formula (Raj Kumar v. Ajay Kumar)

Permanent Disability / Loss of Earning Capacity

$$\text{Loss of Earning Capacity} = \text{Annual Income} \times \text{Functional Disability \%} \times \text{Multiplier}$$

Note: Functional Disability % (impact on earning) may differ from Medical Disability % (doctor's certificate)

Contributory Negligence

If the victim was partly at fault, compensation is reduced proportionately. If 25% at fault — award is reduced by 25%. In composite negligence cases (multiple vehicles), the claimant can recover the full amount from any one wrongdoer.

Loss of Consortium

Beyond the financial loss, the law recognises loss of love, care, companionship, and guidance. Extended by Magma General Insurance (2018) to include parents and children — not just the spouse.

7. Landmark Case Law Snapshot

Sarla Verma & Ors. v. Delhi Transport Corporation (2009)

Supreme Court of India

Standardised the multiplier table based on victim's age, ending inconsistency across MACT awards. Also set guidelines for personal expense deductions based on number of dependants.

Practical impact: Use it for: All death claims — to map victim's age to the correct multiplier. Tribunals must follow this table.

National Insurance Co. Ltd. v. Pranay Sethi & Ors. (2017)

Supreme Court (Constitution Bench)

Updated and expanded Sarla Verma. Fixed future prospects percentages and standardised conventional heads: loss of estate (Rs. 15,000), consortium (Rs. 40,000 each), funeral expenses (Rs. 15,000). Indexed to inflation.

Practical impact: Use it for: All death claims filed after 2017. Ensures courts add future prospects and conventional heads consistently.

Raj Kumar v. Ajay Kumar & Anr. (2011)

Supreme Court of India

Clarified that medical disability % is NOT automatically equal to functional / earning disability. Courts must assess how the injury actually affects the victim's specific occupation and earning capacity.

Practical impact: Use it for: All permanent disability claims. Especially important when the victim's occupation is heavily dependent on physical capability.

Khenyei v. New India Assurance Co. Ltd. (2015)

Supreme Court of India

Dealt with composite negligence — multiple vehicles sharing fault. Held that a claimant can recover full compensation from any one wrongdoer, who then settles with the others.

Practical impact: Use it for: Multi-vehicle accidents where different vehicles share fault. Prevents victims from being denied compensation due to inter-party disputes.

Magma General Insurance Co. Ltd. v. Nanu Ram & Ors. (2018)

Supreme Court of India

Expanded consortium beyond just the spouse. Held that parents and children also have a right to "filial consortium" when a family member is killed or severely injured.

Practical impact: Use it for: Death and serious injury claims — to claim consortium on behalf of parents and children, not just the spouse.

8. Frequently Asked Questions

Q. Who can file a MACT claim?

A. Any person injured in a motor accident, or the legal heirs and dependants of a person who died in a motor accident. This includes spouse, children, parents, and siblings. Even a pedestrian or bystander who was injured can file a claim.

Q. Is FIR compulsory to file a MACT claim?

A. No — the Motor Vehicles Act does not make FIR a mandatory requirement. However, the FIR is the most important supporting document. Without it, proving the accident and the other party's negligence becomes very difficult. Always file an FIR.

Q. Can I claim compensation if the offending vehicle has no insurance?

A. Yes. If the vehicle has no insurance, you can claim from the owner or driver directly. The Motor Vehicles Amendment 2019 strengthened provisions for uninsured vehicle claims. The tribunal can still award full compensation.

Q. How long does a MACT case take?

A. Simple, uncontested cases can be resolved in 1–2 years. Contested cases — where liability and income are disputed — typically take 3–5 years. Filing early, having complete documents, and cooperating with the tribunal all help reduce timelines.

Q. What if the victim was partially at fault?

A. Compensation is reduced proportionately. If the victim was 30% responsible, the award is reduced by 30%. This is contributory negligence. Even if the victim was partly negligent, they are still entitled to compensation for the other party's share of fault.

Q. Can I claim for mental trauma and suffering?

A. Yes. Pain, suffering, and loss of amenities of life are recognised heads of compensation under MACT law. Courts award amounts based on severity and duration of suffering, supported by medical evidence and personal testimony.

Q. What is the minimum compensation without proving negligence?

A. Under Section 163-A of the Motor Vehicles Act (structured formula scheme), fixed compensation can be claimed without proving negligence. However, this gives only limited amounts and is separate from the full MACT claim.

Q. Do I need an advocate or can I file myself?

A. You can technically file yourself (in person) before the tribunal. However, MACT proceedings involve complex legal principles, evidence rules, and cross-examination. An experienced MACT advocate significantly improves both success rate and compensation amount.

9. Legal Disclaimer

This document has been prepared by **AspirixWriters** (aspirixwriters.com) purely for educational and informational purposes. It is intended to help general readers, accident victims, law students, and legal educators understand the broad framework of MACT claims in India.

This document does **NOT** constitute legal advice. It is **NOT** a substitute for consulting a qualified advocate who is familiar with the specific facts of your case. Laws and judicial interpretations may change after publication of this document.

Compensation amounts, procedural timelines, and legal principles mentioned here are based on Supreme Court guidelines and general practice as of 2026. For specific legal matters, please consult a licensed advocate practising in your jurisdiction.

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