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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.532 of 2023
and CMP No.4652 of 2023

Shriram General Insurance Company Limited,
1st Floor, Front Portion, No.5-F, Sachin Plaza,
Reddiyar Block No.1, Salem 636 016.

..Appellant

.vs.

1.Suresh

2.Suganesh

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgement and decree dated 08.11.2022 made in MCOP No.1203 of 2020, on the file of the Motor Accident Claims Tribunal, Special Sub Court No.II, at Salem.

For Appellant : Ms.R.Sree Vidhya

JUDGMENT

This appeal has been filed by the Insurance Company against the Award passed by the MACT, Special Sub Court II, Salem in MCOP No.1203 of 2020 dated 08.11.2022.



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2.The 1st respondent is the claimant in this case. The case of the claimant is that on 26.11.2019, the claimant was travelling in a two wheeler from Kondangattur-Manickampalayam, and at about 9.15 a.m., the offending vehicle, which was also a two wheeler, was driven in a rash and negligent manner, and it dashed on the two wheeler. As a result of which, the claimant sustained fracture in the left leg knee and also injuries all over the body. It is under these circumstances that the claim petition came to be filed before the Tribunal.

3.The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the offending vehicle. However, the Tribunal also took into consideration the fact that there were three persons travelling in the two wheeler, and there was an element of contributory negligence, and the rider of the two wheeler also did not possess a valid driving license. Hence, 10% was fixed as contributory negligence. The Tribunal fixed total compensation of Rs.3,00,923/- under the following heads:



Compensation awarded under the head	Amount (in Rs.)
Permanent Disability	1,25,000
Pain and Sufferings	25,000
Loss of Amenities	25,000
Medical Bills	64,923
Transportation Charges	20,000
Extra Nourishment	20,000
Attender Charges	20,000
Damages to clothes	1,000
Total	3,00,923

4.10% was deducted, and a sum of Rs.2,70,831/- was directed to be paid by the Insurance Company along with interest at the rate of 7.5% per annum, and the Insurance Company was also permitted to recover the amount from the owner of the offending vehicle.

5. Aggrieved by the same, the present appeal has been filed before this Court.

6. Heard the learned counsel for the appellant and carefully considered the submissions made on either side, and also the materials



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available on record, and this Court also went through the Award passed by the Tribunal.

7. In the considered view of this Court, with respect to the issue of negligence, the Tribunal has appreciated the evidence and has rendered a finding. The said finding rendered by the Tribunal does not suffer from illegality or perversity warranting the interference of this Court.

8. Even insofar as the compensation that has been granted under various heads is concerned, this Court finds that it is just and fair and does not warrant the interference of this Court.

9. In the light of the above discussion, there is no ground to interfere with the Award passed by the Tribunal, and accordingly, the Award passed by the Tribunal is confirmed. It is brought to the notice of this Court that 50% of the compensation amount has already been deposited. Hence, the balance 50% shall be deposited within a period of four weeks from the date of receipt of this judgment. On such deposit, the appellant is entitled to withdraw the same.



WEB COPY 10. In the result, this Civil Miscellaneous Appeal stands dismissed.

No Costs. Consequently, connected miscellaneous petition is closed.

20.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



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N. ANAND VENKATESH., J

SSR

To

The Motor Accident Claims Tribunal, Special Sub Court No.II, at Salem.

CMA No.532 of 2023

20.07.2026