



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA Nos.1482,1485,1486,1488 & 1490 of 2021
and CMP Nos.7750, 7752, 7753, 7760 and 7767 of 2021

CMA No.1482 of 2021

The Branch Manager
National Insurance Company Ltd.,
Sharadhamma Building
Bye-pass Road, Hosur
C/o.The Divisional Manager
National Insurance Co.Ltd.,
Divisional Office
No.9, Infantry Road
Near Alankar Theater
Vellore-632 002.

..Appellant

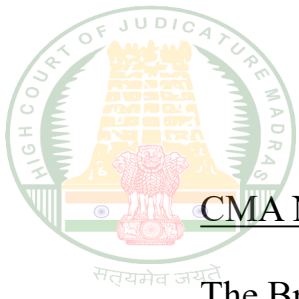
.Vs.

1.Suguna
W/o.Saravanakumar

2.S.Thoddaya
S/o.Sivashankaraiah

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 11.12.2020 in MCOP No.112 of 2019, on the file of the Motor Accident Claims Tribunal (Additional District Judge), Hosur.



CMA No.1485 of 2021

The Branch Manager
National Insurance Company Ltd.,
Sharadhamma Building
Bye-pass Road, Hosur
C/o.The Divisional Manager
National Insurance Co.Ltd.,
Divisional Office
No.9, Infantry Road
Near Alankar Theater
Vellore-632 002.

..Appellant

.Vs.

1.Padma
W/o.Mallesha

2.S.Thoddaya
S/o.Sivashankaraiah

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 11.12.2020 in MCOP No.97 of 2019, on the file of the Motor Accident Claims Tribunal (Additional District Judge), Hosur.

CMA No.1486 of 2021

The Branch Manager
National Insurance Company Ltd.,
Sharadhamma Building
Bye-pass Road, Hosur
C/o.The Divisional Manager
National Insurance Co.Ltd.,
Divisional Office
No.9, Infantry Road
Near Alankar Theater
Vellore-632 002.

..Appellant



.Vs.

1.Madevamma
W/o.Sivashankaraiah

2.S.Thoddaya
S/o.Sivashankaraiah

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 11.12.2020 in MCOP No.85 of 2019, on the file of the Motor Accident Claims Tribunal (Additional District Judge), Hosur.

CMA No.1488 of 2021

The Branch Manager
National Insurance Company Ltd.,
Sharadhamma Building
Bye-pass Road, Hosur
C/o.The Divisional Manager
National Insurance Co.Ltd.,
Divisional Office No.9, Infantry Road
Near Alankar Theater Vellore-632 002.

..Appellant

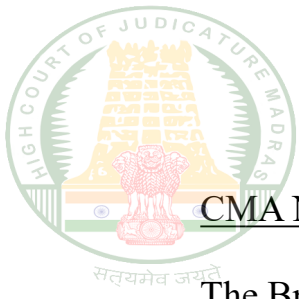
.Vs.

1.Meenakshi

2.S.Thoddaya
S/o.Sivashankaraiah

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 11.12.2020 in MCOP No.268 of 2019, on the file of the Motor Accident Claims Tribunal (Additional District Judge), Hosur.



CMA No.1490 of 2021

The Branch Manager
National Insurance Company Ltd.,
Sharadhamma Building
Bye-pass Road, Hosur
C/o.The Divisional Manager
National Insurance Co.Ltd.,
Divisional Office
No.9, Infantry Road
Near Alankar Theater
Vellore-632 002.

..Appellant

.Vs.

1.Shanthamma
W/o.Muni Swamy

2.S.Thoddaya
S/o.Sivashankaraiah

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 11.12.2020 in MCOP No.80 of 2019, on the file of the Motor Accident Claims Tribunal (Additional District Judge), Hosur.

For Appellants : Mr.D.Bhaskaran
(in all CMAs)

For Respondents : Mr.P.A.Suresh Kumar for R1
(in all CMAs)



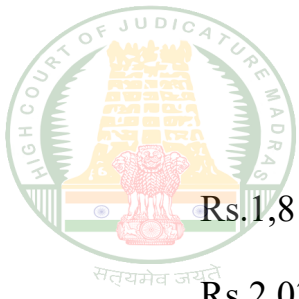
COMMON JUDGMENT

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These appeals have been filed against the common award passed by the Motor Accident Claims Tribunal (Additional District Judge), Hosur in M.C.O.P.Nos.80, 85, 97, 112 and 268 of 2019 dated 11.12.2020.

2.The respondents in all these appeals are the claimants. They filed independent claim petitions on the ground that on 11.09.2018 they were proceeding to their native village in a Tata Sumo Car belonging to the 2nd respondent herein. The driver of the car drove it in a rash and negligent manner, and as a result, at about 9.30 p.m. near Gowthalam Bridge, the car dashed against roadside tree and on its impact the car capsized. Consequently all the claimants sustained serious injuries and were admitted to the hospital for treatment. An FIR came to be registered in Crime No.359 of 2018, against the driver of the vehicle. It is under these circumstances, 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 evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the car belonging to the 2nd respondent herein. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at



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Rs.1,81,364/- in MCOP No.80/2019, Rs.2,33,805 in MCOP No.85/2019, Rs.2,03,189 in MCOP No.97,2019, Rs.1,68,675/- in MCOP No.112/2019 and Rs.97,949/- in MCOP No.268/2019.

4.The compensation amount was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, these five appeals have been filed before this Court by the Insurance Company.

5.Heard the learned counsel for the appellant and the learned counsel for 1st respondent.

6.The main ground that was urged on the side of the appellant is that the nature of policy is “ private or liability only policy” with personal accident cover. The policy covered passengers up to 9 nos. and the liability was limited Rs.1,00,000/- for each passenger. It is therefore contended that the Tribunal went wrong in fixing the compensation beyond the personal cover and beyond the scheduled injuries provided in the table in the schedule.

7.In the considered view of this Court, the Tribunal ought to have confined the total compensation payable in each claim petition to



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Rs.1,00,000/- since the personal accident cover was fixed at this amount. The Tribunal went wrong in finding that, since the policy covered 9 passengers, in such a case, a total compensation of Rs.9,00,000/- can be given and the same can be given on a pro-rata basis to the five claimants within this limit. Accordingly, the Tribunal has fixed compensation beyond Rs.1,00,000/- in four cases.

8.This Court is of the considered view that the above finding of the Tribunal is not sustainable. The Tribunal must consider only the number of passengers who travelled in the car and fix the compensation as per the personal accident cover. In such an event, the compensation can be fixed only at a maximum of Rs.1,00,000/- in each claim. Since the injuries suffered by each claimant are serious, they certainly fall under the scheduled injuries provided in the table in the schedule.

9.In the light of the above discussion, the compensation granted by the Tribunal in MCOP Nos.80, 85, 97 and 112 is modified and a total compensation of Rs.1,00,000/- is fixed in each claim petition payable with interest at the rate of 7.5% p.a. Insofar as the compensation fixed in MCOP No.268 of 2019, it is below Rs.1,00,000/- and therefore it does not warrant the interference of this Court.



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10.It is brought to the notice of this Court that the Insurance Company had already deposited the entire compensation amount. In view of the same, the claimants in CMA Nos.1490, 1486, 1485 and 1482 shall be permitted to withdraw a sum of Rs.1,00,000/- each along with accrued interest. The claimant in MCOP No.268 of 2019 shall be permitted to withdraw the compensation amount fixed by the Tribunal along with accrued interest. The balance amount remaining shall be permitted to be withdrawn by the appellant Insurance Company.

11.In the result, CMA Nos.1482, 1485, 1486 and 1490 of 2021, are partly allowed. CMA No.1488 of 2021, shall stand dismissed. No costs. Consequently, all the connected miscellaneous petitions are closed.

02.07.2026

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

The Motor Accident Claims Tribunal
(Additional District Judge), Hosur.



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N. ANAND VENKATESH., J

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CMA Nos.1482,1485,1486,1488 & 1490 of 2021

02.07.2026