



WEB COPY

CMA No. 2016 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2016 of 2026

AND

CMP NO. 15676 OF 2026

The Universal Sompo General Insurance Co. Ltd.,
G-1, No.6, Cathedral Garden Road,
Nungambakkam, Chennai 600 034.

..Appellant(s)

Vs

1. E.Suresh
S/o.Easkkiyapan
No.D-2, Kavarai Street,
Kaladipet, Chennai 600 019.
2. K.Devikala
M/s. Globe Transport Corporation,
No.6, A E Block, 7th Street,
10th Main Road, Anna Nagar,
Chennai - 600 040.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the award dated 06.01.2026 made in MCOP No.805 of 2012, on the file of the Motor Accident Claims Tribunal, V Court of Small Causes at Chennai.

For Appellant(s):

Mrs.RSree Vidhya

For Respondent(s):

Mr.K.Varadha Kamaraj
For R1 & R2



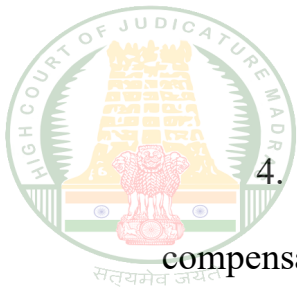
JUDGMENT

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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, V Judge, Court of Small Causes, Chennai made in M.C.O.P.No.805 of 2012, dated 06.01.2026.

2. The first respondent is the claimant. The case of the first respondent is that he was riding the two-wheeler on 18.08.2011 and at about 16.40 hours, when the two-wheeler was near the bus stop, the offending vehicle, which was a heavy goods lorry, was driven in a rash and negligent manner and it dashed on the two-wheeler and as a result of which, the claimant sustained “*Ppx great and 2nd toe with compound grade II medical cuneiform, fracture in right foot*”. 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 oral and documentary evidence, came to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.



4. The Tribunal having rendered the above finding fixed the total compensation at Rs.2,42,000/- under the following heads:

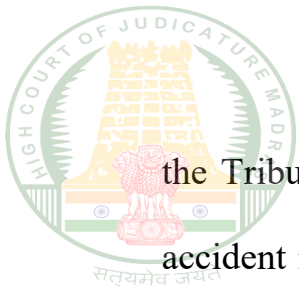
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<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Part disability	Rs.15,000/-
2.	Pain and Suffering	Rs.30,000/-
3.	Loss of Income	Rs.27,000/-
4.	Medical Expenses	Rs.1,35,000/-
5.	Attendant Charges	Rs.10,000/-
6.	Transportation	Rs.5,000/-
7.	Loss of Amenities	Rs.10,000/-
8.	Extra Nourishment	Rs.10,000/-
	Total	Rs.2,42,000/-

The above compensation was directed to be paid along with interest at the rate of 7.5% per annum. Aggrieved by the same, the Insurance Company has filed the present appeal before this Court.

5. Heard the learned counsel for the appellant – Insurance Company and the learned counsel for the respondents.

6. The main ground that was urged by the learned counsel for the appellant is that there was absolutely no proof that the driver of the offending vehicle possessed any valid driving licence or permit, and in spite of the same,



the Tribunal did not order “pay and recovery”. It is further submitted that the accident is of the year 2011 and the claim petition was dismissed for default in the year 2014 and it was restored only in the year 2021 and in spite of the same, the Tribunal had fixed a higher compensation amount under various heads, which requires the interference of this Court.

7. Per contra, the learned counsel for the first respondent - claimant submitted that the Tribunal itself had made it clear that the claimant will not be entitled for any interest for the default period. It is further submitted that the Medical Board had fixed the disability at 5% and the Tribunal had awarded only Rs.3,000/- per percentage. Apart from that, considering the nature of injuries sustained by the claimant and the fact that he was taking treatment as an in-patient from 18.08.2011 to 29.08.2011 and considering the medical expenses incurred, the Tribunal had fixed the compensation amount under various heads, which is fair and reasonable and the same does not require the interference of this Court.

8. This Court carefully considered the submissions made on either side and the materials available on record. This Court also carefully gone through the award passed by the Tribunal.



9. It is true that the accident had taken place in the year 2011 and the claim petition came to be filed in the year 2012 and was dismissed for default in the year 2014 and it was restored back to the file in the year 2021. For the year 2014 to 2021, the claimant will not be entitled to claim any interest and the same has been made clear by the Tribunal stating that there is no interest for the default period.

10. In the case in hand, the Medical Board had assessed the disability at 5% and considering the fact that the Tribunal has fixed Rs.3,000/- per percentage, it is found to be reasonable and it does not require the interference of this Court.

11. Insofar as the compensation that has been fixed under the other heads, it is just and proper and is not exorbitant, warranting no interference of this Court.

12. In the light of the above discussion, the award passed by the Tribunal is confirmed and this appeal is disposed of with direction to the Insurance Company to deposit the compensation amount along with interest at the rate of 7.5% per annum from the date of petition, excluding the period from 07.08.2014 till 14.09.2021, till the date of payment to the credit of M.C.O.P.No.805 of 2012, on the file of the Motor Accident Claims Tribunal, V Judge, Court of



Small Causes, Chennai, within a period of four (4) weeks from the date of receipt of a copy of this Judgment. On such deposit, the claimant is entitled to withdraw the same on due application. No costs. Consequently, the connected miscellaneous petition stands closed.

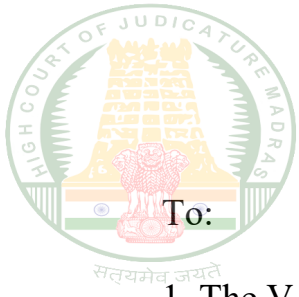
06-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SSI



To:

1. The V Judge, Court of Small Causes,
Motor Accident Claims Tribunal,
Chennai.

2. The Section Officer,
V.R.section,
High Court of Madras.

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N.ANAND VENKATESH J.

SSI

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