



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2112 of 2026

AND

CMP NO. 16209 OF 2026

The United India Insurance Co., Ltd.,
Motor Third Party Hub, 134, Silingi Buildings, 66,
Greasm Road, Chennai 6

..Appellant(s)

Vs

1. Kumarasamy
S/. Mariyappan,
No.2/7, Dhanalakshmi Street,
Rajeswari Nagar,
Selaiyur,
Kancheepuram - 600 073.Motor Third Party
Hub, 134, Silingi Buildings, 66, Greams Road,
Chennai 6

2. Suriyanarayanan
No.357/1, New Colony, Kaniyamoor Post,
Kallkurichi Taluk, Villupuram

..Respondent(s)

Civil Miscellaneous petition filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award and decree dated 15.12.2025 made in M.C.O.P.No.3516 of 2020 on the file of the Motor Accidents Claims Tribunal (V Judge, Court of Small Causes), Chennai.

For Appellant(s): Mr.D Bhaskaran

For Respondent(s): Mr.K.Sivakumar
G.Anitha-MS/1668/2014
V.Prabhakaran-MS/1167/2018
Counsel for Caveator FOR R1



Judgment

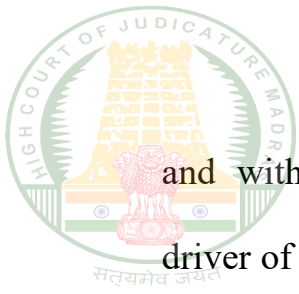
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The Insurance company has filed this Civil Miscellaneous Appeal against the award passed by the Motor Accidents Claims Tribunal (V Judge, Court of Small Causes), Chennai in OP No.3516 of 2020 dated 15.12.2025.

2. The 1st respondent is the claimant. The case of the claimant is that on 21.05.2018, at about 9.30 hours, when the claimant was riding his two wheeler near Kathipara Bridge, the offending vehicle viz., a car was driven in a rash and negligent manner. Without any indication, the driver of the car suddenly applied the brakes and the car came to a grinding halt. Consequently, the two wheeler ridden by the claimant dashed against the rear portion of the car. As a result, the claimant was thrown out of the vehicle and he sustained serious injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Appellant Insurance company took a stand that it was, in fact the claimant, who was the tortfeasor and that the FIR had been registered against him, after the accident and therefore, the claimant was not entitled to any compensation and sought for the dismissal of the claim petition.

4. The Tribunal on considering the facts and circumstances of the case



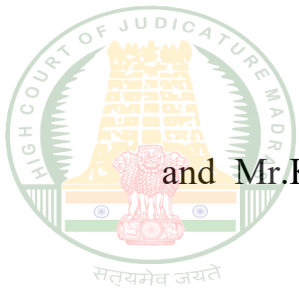
and without there being any issue regarding negligence, gave a finding that the driver of the car was negligent and therefore, held that both the claimant as well as the car driver must be attributed 50% contributory negligence each.

5. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.2,59,000/- under various heads as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Part Disability	Rs.1,05,000/-
2.	Pain and sufferings	Rs. 50,000/-
3.	Loss of income	Rs. 36,000/-
4.	Medical Expenses	Rs. 13,000/-
5.	Attendant charges	Rs. 15,000/-
6.	Transportation	Rs. 10,000/-
7.	Loss of Amenities	Rs. 15,000/-
8.	Extra Nourishment	Rs. 15,000/-
	Total	Rs.2,59,000/-

6. Since the Tribunal had attributed 50% contributory negligence against the claimant, the same was deducted and the compensation was fixed at Rs.1,29,500/-. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the insurance company has filed the present Appeal.

7. Heard Mr.D.Bhaskaran, learned counsel for appellant/claimant



and Mr.K.Sivakumar, learned counsel for 1st respondent/claimant.

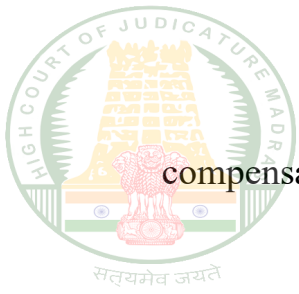
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8. This Court has carefully considered the submissions made on either side and the materials available on record.

9. This Court has also carefully went through the award passed by the Tribunal.

10. The main ground that was urged by the learned counsel for the appellant is that the claim petition itself was filed under Section 163A of the Motor Vehicles Act and therefore, the Tribunal ought not to have gone into the issue of negligence. The learned counsel further submitted that at the best the Tribunal ought to have fixed the compensation only under the structured formula and that the claimant will be entitled only for a total compensation of Rs.48,000/-.

11. Per contra, the learned counsel for 1st respondent/ claimant submitted that the complaint was given by a bystander and that the same cannot be put against the claimant. It was further submitted that the claimant had independently established before the Tribunal the negligence on the part of the driver of the car. The learned counsel further submitted that the Tribunal has attributed 50% negligence on the claimant and has fixed a very meagre



compensation amount which does not require the interference of this Court.

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12. In the considered view of this Court, the claim petition was consciously filed under section 163A of the Motor Vehicles Act. Therefore, the question of negligence will have no role to play while dealing with the claim petition under the said provision and at the best, the Tribunal can only grant compensation under the structured formula. In view of the above, the finding of the Tribunal attributing 50% contributory negligence equally on the driver of the car as well as the claimant is legally unsustainable. Such a finding runs contrary to the object of Section 163 A of the Motor Vehicles Act.

13. In the case in hand, at the best, the compensation can be granted only under the structured formula prescribed under Section 163A of the Motor Vehicles Act. Accordingly, the compensation determined by the Tribunal also requires the interference of this Court.

14. In the light of the above discussion, this Court modifies the compensation in the following manner:-

<i>Sl.No.</i>	<i>Compensation under 163 of the Motor Vehicles Act under Structured formula</i>	<i>Amount awarded by this Court (in Rs.)</i>
	Annual income	Rs.40,000/-
	Age of claimant	69



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	Multiplier	5
	Assessed Disability	15%
1.	Disability = 40000x 5 x15%	Rs.30,000/-
2.	Medical expenses	Rs.13,000/-
3.	Pain and sufferings	Rs. 5,000/-
	Total	Rs.48,000/-

15. Accordingly, the appellant/Insurance Company shall deposit the compensation of Rs.48,000/-, together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the same.

16. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

10-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

The Motor Accidents Claims Tribunal (V Judge, Court of Small Causes),
Chennai.



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CMA No. 2112 of 2



N.ANAND VENKATESH J.

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