



C.M.A.No.808 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.808 of 2025
and C.M.P.Nos.6372 & 29237 of 2025

P.Sampath

... Appellant

Vs.

G.Sithaiyan

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 18.04.2023 in MCOP No.146 of 2019 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge), Omalur, for Rs.4,54,400/-.

For Appellant : Mr.D.Shivakumaran

For Respondent : Mr.N.Selvaraj

JUDGMENT

This civil miscellaneous appeal has been filed against the award passed by the learned Subordinate Judge, Motor Accidents Claims Tribunal, Omalur, in MCOP No.146 of 2019 dated 18.04.2023.



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2. The respondent is the claimant before the Tribunal. The case of the respondent/claimant is that on 05.10.2014, he was riding a two wheeler on the Mecheri-Nangavalli road and at about 2.30 p.m., when his two wheeler was coming near Nangavalli KRV cotton mills, the offending vehicle belonging to the appellant, which was also a two wheeler, was driven in a rash and negligent manner and dashed on the claimant's two wheeler. As a result, the claimant fell down and sustained facial injury and multiple injuries all over his body. A First Information Report came to be registered in Crime No.479 of 2014 against the appellant. 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 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.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.4,54,400/- under various heads as follows:



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S.No.	Heads	Compensation awarded by the Tribunal (in Rs.)
1.	Disability	1,60,000
2.	Attender Charges	3,300
3.	Loss of Amenities	20,000
4.	Pain and Suffering	20,000
5.	Extra Nourishment & Transportation	15,000
6.	Damages to clothes	1,000
7.	Loss of Income	45,000
8.	Medical Bills	1,90,063
Total		4,54,363
Rounded off		4,54,400

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

5. During the pendency of this appeal, the appellant filed a petition in C.M.P.No.29232 of 2025, seeking to implead the Iffco Tokio General Insurance Company Ltd., as the second respondent in this appeal, on the ground that at the time of the accident, there was a subsisting insurance policy covering the offending vehicle. This Court dealt with the



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said petition and concluded that the offending vehicle was not covered by any insurance policy and dismissed the same.

6. The main ground urged by the learned counsel for the appellant is that the Tribunal did not properly determine the issue of negligence in this case. The Tribunal had merely taken note of the FIR that was marked as Ex.P1, without taking note of the fact that the FIR came to be closed since the claimant did not get into the witness box. The learned counsel for the appellant further submitted that the evidence of PW1 and RW1 shows that both of them had sustained serious injuries and therefore, the entire negligence ought not to have been fastened on the appellant.

7. Apart from the above, the learned counsel for the appellant submitted that the quantum of compensation fixed by the Tribunal is on the higher side and that it requires the interference of this Court.

8. Per contra, the learned counsel for the respondent/claimant submitted that the Tribunal had appreciated the evidence of PW1 and RW1 and came to a conclusion that the negligence was entirely attributable to the rider of the offending vehicle. He further submitted that the quantum of



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compensation fixed by the Tribunal is reasonable and does not require the interference of this Court.

9. Heard Mr.D.Shivakumaran, learned counsel for appellant and Mr.N.Selvaraj, learned counsel for respondent/claimant.

10. This Court has carefully considered the materials available on record and went through the award passed by the Tribunal.

11. Insofar as the negligence is concerned, the respondent/claimant examined himself as PW1 and the appellant examined himself as RW1. In the evidence, the respondent/claimant explained the manner in which the accident had taken place and in the cross-examination, the evidence of PW1 has not been discredited. Similarly, the appellant, in his evidence as RW1, was unable to discredit the evidence of PW1. Hence, the Tribunal, after considering the oral and documentary evidence, had rightly attributed the negligence entirely on the appellant. This finding rendered by the Tribunal does not suffer from any perversity warranting the interference of this Court.



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12. Insofar as the quantum of compensation fixed by the Tribunal is concerned, the award under each head is just and fair and does not require the interference of this Court.

13. In the light of the above discussion, the award passed by the Tribunal is sustained and accordingly, this Civil Miscellaneous Appeal is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

14. The appellant is directed to deposit the compensation awarded by the Tribunal, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit, the respondent/claimant is entitled to withdraw the same, on due application. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

10.07.2026

Neutral Citation: Yes/No
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- To
1. The Subordinate Judge,
Motor Accidents Claims Tribunal,
Omalur.
 2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

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