



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA Nos.300 and 301 of 2023

AND

CMP Nos.2382 and 2385 of 2023

The Divisional Office
The Oriental Insurance Company Ltd.,
Arunagiri Complex, Bypass road, Hosur.

..Appellant(s)

Vs

1. J. Mahalakshmi
W/o. Ashwinraj, D.No.32, Samadhanam Nagar,
Alamelu Rangapuram, Sathavacheri,
Vellore, Vellore Dt.
2. James Peter Kirubakaran
S/o. Yesupatham, D.No.1599/1, 9 th Street,
Phase II, Sathuvacheri, Vellore.
3. The Branch Office
M/s. United India Insurance Co.Ltd., No.35-J,
M.B.T. Road, Ranipet 632 401.
4. K. Thamban
S/o. Kanniyappan, No.4, 431, Koppakarai
Road, Thippireddyhaolli Post, Dharmapuri Dt.
5. J. Prabhakaran
S/o. Janagiraman, No.3/191-A, Jeeva Nagar,
Belathur Post, Hosur Taluk, Krishnagiri Dt.8

..Respondent(s)

CMA No. 301 of 2023

The Divisional Office
The Oriental Insurance co.Ltd., Arunagiri
Complex, Bypass road, Hosur.

..Appellant(s)



Vs

1. Ashwinraj, S/o. Chandrasekar,
D.No.32, Samadhanam Nagar,
Alamelu Rangapuram, Sathavacheri,
Vellore, Vellore District.
2. James Peter Kirubakaran
S/o. Yesupatham, D.No.1599/1, 9 th Street,
Phase II, Sathuvacheri, Vellore.
3. The Branch Office
M/s. United India Insurance Co.Ltd., No.35-J,
M.B.T. Road, Ranipet 632 401.
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S/o. Kanniyappan, No.4, 431, Koppakarai
Road, Thippireddyhaolli Post,
Dharmapuri District.
5. J. Prabhakaran
S/o. Janagiraman, No.3/191-A, Jeeva Nagar,
Belathur Post, Hosur Taluk, Krishnagiri Dt.

..Respondent(s)

CMA No. 300 of 2023

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and Decree made in MCOP No.683 of 2014 dated 12.12.2018 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, Krishnagiri.

CMA No. 301 of 2023

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and Decree made in MCOP No.684 of 2014 dated 12.12.2018 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, Krishnagiri.



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For Appellant(s): Mr.Vijayaraghavan N
For Respondent(s): Mr.J.PRADEEP For R1
M/s.R.Sreevidhya For R3
Mr.M.Balasailleshwar
For Mr.R.Jayaprakash For R5

JUDGMENT

These appeals have been filed by the Oriental Insurance Company against the common award passed by the Motor Accident Claims Tribunal, Special District Judge, Krishnagiri in M.C.O.P.Nos.683 and 684 of 2014, dated 12.12.2018.

2. The first respondent in both the appeals were the claimants before the Tribunal. The case of the claimants is that, on 09.06.2014, they were travelling in a Scoda car, belonging to the first respondent in the Claim Petitions. At about 7.30 a.m., while the car was coming down the Housing Board Flyover at Kaveripattinam, all of a sudden, the offending vehicle, which was a lorry loaded with sand, abruptly stopped without any signal and as a result, the driver of the car dashed against the rear side of the lorry. The claimants sustained serious injuries, and it is under these circumstances the claim petitions came to be filed before the Tribunal.



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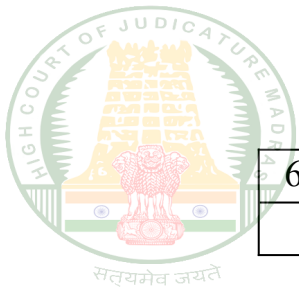
3. The Tribunal on considering the facts and circumstances of the case, and on appreciation of oral and documentary evidence came to a conclusion that there was negligence both on the car driver as well as the lorry driver and therefore, attributed 50% negligence on each of them.

4. The Tribunal, thereafter fixed the total compensation in M.C.O.P.No.684 of 2014 at Rs.1,12,500/- under the following heads:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	100% permanent disability (10 x 3000 = 30,000/-)	Rs.30,000/-
2.	Medical Expenses	Rs.7,000/-
3.	Transport Bills, Nutrition and Attender Charges	Rs.15,000/-
4.	Pain and Sufferings	Rs.20,000/-
5.	Loss of Amenities and enjoyment of life	Rs.20,000/-
6.	Damages to clothing and articles	Rs.1,000/-
7.	Partial loss of income	Rs.19,500/-
	Total	Rs.1,12,500/-

5. The Tribunal fixed the total compensation in M.C.O.P.No.682 of 2014 at Rs.29,91,000/- under the following heads:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of earning power	Rs.27,00,000/-
2.	Medical Expenses	Rs.1,70,000/-
3.	Transport Bills, Nutrition and Attender Charges	Rs.20,000/-
4.	Pain and Sufferings	Rs.50,000/-
5.	Loss of Amenities and enjoyment of life	Rs.50,000/-



6.	Damages to clothing and articles	Rs.1,000/-
	Total	Rs.29,91,000/-

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6. The above compensation amount was directed to be paid with interest at the rate of 9% per annum. Aggrieved by the same, the present appeals have been filed before this Court.

7. This Court heard Mr.Vijayaraghavan N, learned counsel appearing on behalf of the appellant – Insurance Company and Mr.J.Pradeep, learned counsel for the first respondent; M/s.R.Sreevidhya, learned counsel for the third respondent R3 and Mr.M.Balasailleshwar, learned counsel for Mr.R.Jayaprakash, learned counsel appearing for the fifth respondent.

8. This Court carefully considered the submissions made by the learned counsel for the appellant and the materials available on record. This Court also carefully went through the award passed by the Tribunal.

7. The main ground that was urged on the side of the appellant - Insurance Company is that the entire fault was on the part of the driver of the Scoda car, whereas the Tribunal fixed only 50% negligence on the driver of the Scoda car and the remaining 50% was fixed on the lorry driver, by misconstruing the evidence of PW1, P.W.2, R.W.1, R.W.2 and without properly



appreciating Ex.P1 and Ex.R3. It is contended that at least 75% negligence has to be fixed on the car driver and 25% may be fixed on the lorry driver.

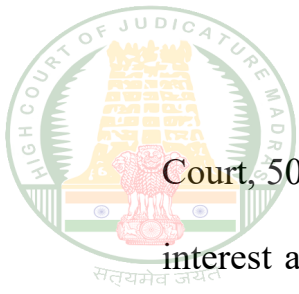
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8. This Court carefully went through the findings of the Tribunal. The Tribunal analyzed the evidence and, by applying the principle of preponderance of probabilities to the manner in which the accident took place with both vehicles coming down the flyover, the Tribunal fixed the negligence at 50% each on the car driver and the lorry driver. This finding does not certainly suffer from any perversity warranting interference by this Court. Just because this Court could come to a different conclusion on the same set of evidence it is not a ground for interference in an appeal. Hence, the finding of the Tribunal attributing 50% negligence to both the vehicles is sustained.

9. Insofar as the compensation amount fixed by the Tribunal is concerned, the same is found to be just and fair and does not warrant interference by this Court.

10. The Tribunal has fixed the interest at the rate of 9% per annum, and this Court is inclined to reduce the same to 7.5% per annum.

11. In the light of the above discussion, these Civil Miscellaneous Appeals stand partly allowed. Pursuant to the interim order passed by this



Court, 50% of the award amount has already been deposited along with accrued interest and the balance 50% of the award amount along with accrued interest shall be deposited within a period of six (6) weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant in both the appeals are entitled to withdraw the compensation amount along with accrued interest. No costs. Consequently, the connected miscellaneous petitions are closed.

14-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SSI

To:

1. The Special Sub Judge,
Motor Accident Claims Tribunal,
Krishnagiri.

2. The Section Officer,
High Court,
Madras.



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CMA Nos. 300 & 301 of 2



N.ANAND VENKATESH J.

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