



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2442 of 2026

and

C.M.P.No.18743 of 2026

Royal Sundaram General Insurance Co. Ltd.,
represented by its Branch Manager,
Door No.51 (Old No.5B),
2nd Floor, 1st Main Road,
Gandhi Nagar,
Adyar, Chennai – 600 020.

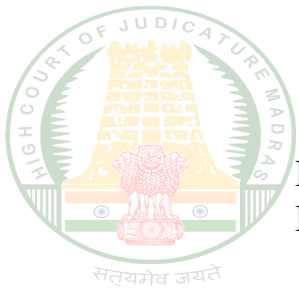
..Appellant

Vs

1. Renukadevi
W/o.P.Balakrishnan
2. Arumugam
S/o.Kasinathan
3. Jamaldheen
S/o.Jainnulaavudden
4. The New India Insurance Co. Ltd.,
represented by its Branch Manager,
No.99/C-3, 1st Floor,
Opp. to New Bus Stand,
Perambalur.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 17.03.2023 passed in MCOP No.177 of 2018 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Perambalur.



For Appellant : Mr.G.Vasudevan
For Respondents : Mr.K.Elango [R4]

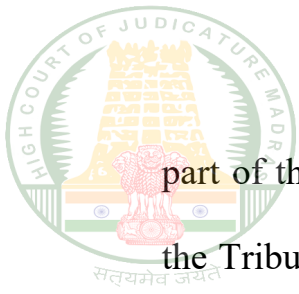
WEB COPY

JUDGMENT

This appeal has been filed by the appellant insurance company challenging the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Perambalur, in MCOP No.177 of 2018 dated 17.03.2023.

2. The first respondent is the claimant. The case of the claimant is that on 27.01.2017, the claimant was travelling in the bus belonging to the third respondent from Chennai to Palani and at about 03.45 a.m., on 28.01.2017 when the bus was near Siruganur bus stop, the offending vehicle, a Ashok Leyland Goods Vehicle, belonging to the second respondent was driven in a rash and negligent manner and it was loaded with iron rod protruding on the rear side of the lorry, as a result of which, the bus dashed on the lorry and the claimant sustained undisplaced left lateral condyle fracture periorbital ecchymosis left eye. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.

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 due to the rash and negligent driving on the

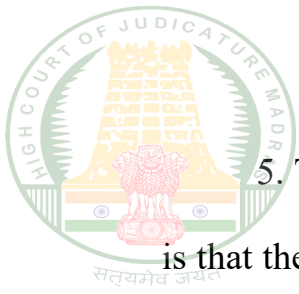


part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Partial Permanent Disability	50,000/-
2.	Transport to hospital	17,200/-
3.	Attender charges	3,000/-
4.	Pain and suffering, mental agony	50,000/-
5.	Medical bills	15,794/-
6.	Temporary loss of income	24,000/-
7.	Loss of amenities	10,000/-
8.	Damage to cloth	1,000/-
	Total	1,70,994/-
	Rounded off to	1,71,000/-

The above compensation was directed to be paid along with interest at 7.5% p.a. Aggrieved by the same, the appellant insurance company has filed the present appeal before this Court.

4. Heard learned counsel appearing for appellant and learned counsel appearing for fourth respondent. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.



5. The main ground urged on the side of the appellant insurance company is that the driver of the bus did not maintain proper distance and therefore, there is an element of contributory negligence on the part of the driver of the bus. It is further submitted that the compensation awarded by the Tribunal is on the higher side.

6. In the considered view of this Court, the Tribunal while dealing with the issue of negligence, has appreciated the evidence and has come to a categorical conclusion that the negligence was entirely on the part of the driver of the offending vehicle. This finding does not suffer from any perversity warranting interference of this Court. Insofar as the quantum of compensation is concerned, this Court finds that the compensation awarded under various heads is just and reasonable.

7. The appellant insurance company 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 four (4) weeks from the date of receipt of this judgment. On such deposit, the first respondent/claimant is entitled to withdraw the same on due application. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

WEB COPY

24-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

gm

To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate,
Perambalur.



WEB COPY

CMA No.2442 of 2



N.ANAND VENKATESH, J.

gm

Civil Miscellaneous Appeal No.2442 of 2026

24-07-2026