



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2780 of 2022

Sarasamma

..Appellant

.VS.

1.T.Venkatesan

2.United India Insurance Company Limited,
Motor Third Party Hub,
Silingi Building, 4th Floor,
No.134, Greams Road,
Chennai 600 006.

..Respondent

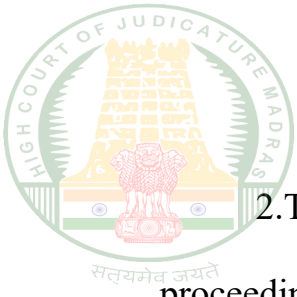
Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Judgment and decree dated 23.09.2022 in MCOP No.6278/2016 on the file of the Motor Accidents Claims Tribunal (IV Court of Small Causes) Chennai.

For Appellants : Mr.R.Nalliyappan

For Respondent : Mr.J.Michael Visuvasam for R2

JUDGMENT

This appeal has been filed challenging the Award passed by the MACT, IV Court of Small Causes, Chennai in MCOP No.6278 of 2016 dated 23.09.2022, by the appellant.



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2.The case of the claimant is that on 15.09.2016, the claimant was proceeding in a cycle along with her husband as a pillion rider and at about 04.35 hours, the offending vehicle which was an auto was driven in a rash and negligent manner and it hit the cycle. As a result of which, the husband and wife fell down and sustained serious injuries. Under such circumstances, the wife filed MCOP No.6278 of 2016 and the husband filed MCOP No.6279 of 2016. Both the petitions were taken up together, heard and disposed of through a common order dated 23.09.2022.

3.The Tribunal found that the accident had taken place only due to the rash and negligent driving on the part of the driver of the auto rickshaw. Having rendered the said finding, the Tribunal fixed a total compensation of Rs.20,000/- payable to the appellant. Aggrieved by the same, the present appeal has been filed before this Court seeking for enhancement of compensation.

4.This Court has carefully considered the submissions made on either side and also the materials available on record and this Court has gone through the Award passed by the Tribunal.

5.In the case in hand, the appellant admittedly did not appear before the Medical Board for assessing the disability. What was relied upon by the



appellant was only EX.P2, which is the out patient record issued by the Royapettah Government Hospital.

6.The Tribunal found that the appellant had sustained simple injuries and there was no material to show that the appellant suffered from any disability. In view of the same, the Tribunal gave a consolidated compensation of Rs.20,000/- to the appellant.

7.The learned counsel for the appellant by relying upon by EX.P2 submitted that the said document clearly explains the nature of injuries suffered by the appellant and the consequences faced by the appellant because of the injuries. Hence, the Tribunal ought to have considered the same and granted separate compensation for pain and suffering, extra nourishment, etc.

8.As stated *supra*, it is quite curious that the husband had appeared before the Medical Board and the disability was assessed and whereas, the appellant for reasons best known to her did not appear before the Medical Board. In such a scenario, the Court has to necessarily take an adverse inference on the conduct of the appellant. If really, the appellant had suffered serious injuries, nothing prevented the appellant to appear before the Medical Board. If the same has not been done, this Court cannot assess the disability on presumptions. That is the

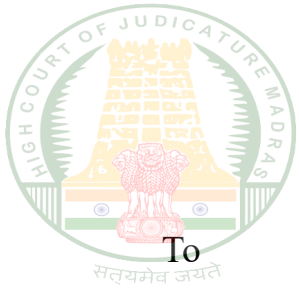


reason why the Tribunal had taken note of the documents relied upon by the appellant and fixed the compensation at Rs.20,000/-. This finding of the Tribunal does not suffer from any illegality warranting the interference of this Court.

9. In the result, this Civil Miscellaneous Appeal stands dismissed. The order of the Tribunal allowing pay and recovery is sustained. No Costs.

02.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



To

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The Motor Accidents Claims Tribunal (IV Court of Small Causes) Chennai.



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N. ANAND VENKATESH., J

SSR

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