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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2026

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.3510 of 2025

Muthu ..Appellant

.vs.

1.A.Srivatsan

2.United India Insurance Co., Ltd.,
Motor Third Party Claims,
Sillingi Buildings, 4th Floor,
No.134, Greams Road,
Chennai 600 006. ..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, praying for enhancement of the compensation awarded in the judgment dated 14.11.2024 made in MCOP No.7432 of 2017, on the file of the Motor Accident Claims Tribunal, (IV Judge Court of Small Causes), Chennai.

For Appellants : Mr.L.Mohan Rao

For Respondents : Ms.C.Harini
for M/s.M.B.Gopalan Associates

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JUDGMENT

This appeal has been filed against the Award passed by the MACT, (IV Judge Court of Small Causes), Chennai in MCOP No.7432 of 2017 dated 14.11.2024, wherein the claimant has sought for enhancement of compensation.

2.The case of the claimant is that on 18.10.2017, he was riding a two wheeler and at about 07.30 a.m., the offending vehicle, which was also a two wheeler was driven in a rash and negligent manner and it came in the wrong direction and dashed on the two wheeler in which the claimant was travelling. The claimant was thrown out of the vehicle and he sustained grievous injuries and more particularly, traumatic brain injury. An FIR came to be registered in Crime No.693 of 2017. 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 there was contributory negligence on the part of the claimant and accordingly, fixed 50% contributory negligence on the claimant.

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4.The Tribunal thereafter proceeded to fix the total compensation at Rs.6,86,000/- under the following heads as follows:

Compensation awarded under the head	**Amount (in Rs.)**
Disability	6,30,000
Loss of Earning	21,000
Pain and Sufferings	30,000
Transportation	1,000
Extra Nourishment	2,000
Attender Charges	2,000
Total	**6,86,000**

5.Out of the total compensation, a sum of Rs.3,43,000/- was directed to be paid by the Insurance Company along with the interest at the rate of 7.5% per annum.

6.Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.

7.Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the respondents.

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8.The main ground that was urged by the learned counsel for the appellant is that the Tribunal went wrong in attributing 50% contributory negligence against the appellant. The learned counsel submitted that the offending vehicle had come in the wrong direction which resulted in the accident. Therefore, the entire negligence must have been put against the offending vehicle.

9.The next ground urged is regarding the quantum of compensation fixed by the Tribunal under various heads. The learned counsel submitted that 90% permanent disability was assessed by the Medical Board and the Tribunal has not taken that into consideration and has fixed a lesser compensation under various heads.

10.In the case in hand, the Tribunal had taken in to consideration EX.P1, which is the Accident Register. In this document, it is stated that the breath of the claimant smelt alcohol. The claimant was not aware of the offending vehicle, since he became unconscious. The brother-in-law of the claimant gave a complaint and even he was not aware about the offending vehicle. While so, the offending vehicle has been traced by the police based on the statement of an eye witness.

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11.In the case in hand, there is not a scrap of evidence available to establish as to who actually identified the offending vehicle. If there is no clarity on this issue, there is no use in going into the other issue namely the offending vehicle coming in a wrong direction. In any case, the Tribunal has assumed that the offending vehicle has been identified and has fixed 50% contributory negligence against the claimant.

12.The appeal has been filed by the claimant and therefore, this Court cannot render an adverse finding insofar as the identification of the offending vehicle is concerned and set aside the entire Award.

13.The learned counsel for the appellant submitted that the final report is the basis on which the offending vehicle has been identified and it was found that it came in the wrong direction.

14.The final report has been submitted by the Investigating Officer. On going through the final report, it is not known as to how the Investigation Officer in the first place identified the offending vehicle. This is in view of the fact that the only eyewitness shown in the final report is the claimant who was not aware about the offending vehicle. Hence, much reliance cannot be placed on the final report to develop this case.

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15.In the light of the above discussion, this Court is not inclined to interfere with the Award passed by the Tribunal and it is sustained as it is and this Civil Miscellaneous Appeal stand dismissed. No Costs.

24.07.2026

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

The Motor Accident Claims Tribunal, (IV Judge Court of Small Causes),
Chennai.

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N. ANAND VENKATESH., J

ssr

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