



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.3789 of 2025

Ramasamy

..Appellant

.vs.

1.Pannari

2.Rahuman

2.National Insurance Company Ltd.,
Scope Minor Core 3, 2nd Floor,
Lakshmi Nagar, Delhi 110 092
Having Local Office:
3928, Sate Bank Road,
Gopalapuram, Coimbatore 641018.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the fair and final order dated 06.01.2025 made in MCOP.No.1469 of 2023, on the file of the Motor Accident Claims Tribunal(Special Subordinate Court), Coimbatore.

For Appellants : Mr.K.Selvakumar

For Respondents : Mr.S.Senthil Kumar for R3



JUDGMENT

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The claimant has filed the present appeal against the Award passed by the Tribunal in MCOP No.1469 of 2023, dated 06.01.2025, on the ground that the Tribunal has exonerated the 3rd respondent/Insurance Company from paying the compensation and has directed the owner of the offending vehicle to pay the entire compensation amount along with interest.

2.The case of the claimant is that on 06.03.2023, the claimant was waiting in a bus stand and at about 4.30 p.m., the offending vehicle which was a two wheeler was driven by the 1st respondent in a rash and negligent manner. As a result of which, it dashed against the claimant and the claimant sustained grievous injuries. An FIR came to be registered in Crime No.89 of 2023 against the rider of the two wheeler. It is under these circumstances, the claim petition came to be filed before this Court.

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 two wheeler.



4.The Tribunal found that the rider of the two wheeler did not posses a valid driving license and hence, the Insurance Company was exonerated from the liability.

5.The Tribunal fixed the total compensation at Rs.2,54,010/- under the following heads:

Compensation awarded under the head	Amount (in Rs.)
For grievous injuries	50,000
Transportation Charges	10,000
Extra Nourishment	25,000
Attender Charges	25,000
Damages to clothes	5,000
Medical Expenses	9,010
Pain and suffering	75,000
Loss of Income	30,000
Loss of Amenities	25,000
Total	2,54,010

6.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

7.Aggrieved by the same, the claimant has filed the present appeal before this Court.



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

9. In the case in hand, the policy was issued before the accident and the accident had taken place after the amendment came into force. In such a scenario, the Tribunal ought to have applied the judgment of the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Swaran Singh & Ors.*, reported in (2004) 3 SCC 297 and ordered for pay and recovery.

10. In view of the above discussion, the finding of the Tribunal exonerating the 3rd respondent/Insurance Company from paying the compensation, is set aside and this Court is inclined to direct the 3rd respondent to pay the compensation and recover the same from the 2nd respondent, who is the owner of the vehicle.

11. Even though, the appeal has been filed by the claimant, on carefully going through the compensation that has been granted by the Tribunal under various heads, it is seen that, the compensation awarded under some of the heads, are excessive. This Court has to ensure that a fair and just compensation has to be paid.



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12. In the case in hand, the claimant undertook treatment as an inpatient for four days. The claimant did not even appear before the Medical Board and disability has not been assessed in this case. In view of the same, this Court is inclined to modify the Award passed by the Tribunal as follows:

Compensation awarded under the head	Amount (in Rs.)
For grievous injuries	50,000
Transportation Charges	10,000
Extra Nourishment	25,000
Attender Charges	10,000
Damages to clothes	5,000
Medical Expenses	9,010
Pain and suffering	50,000
Loss of Income	30,000
Loss of Amenities	25,000
Total	2,14,010

13. The compensation awarded by the Tribunal at Rs.2,54,010/- is reduced to Rs.2,14,010/-. The 3rd respondent/Insurance Company is directed to deposit the modified compensation, less the amount already deposited, together with interest at the rate of 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

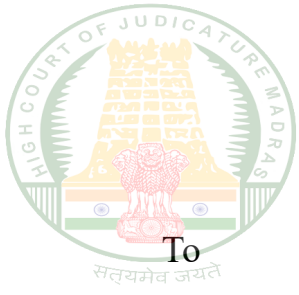


judgment. Upon such deposit of the compensation amount, the 3rd Respondent/Insurance Company shall be entitled to recover the same from the 2nd Respondent, who is the owner of the offending vehicle. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

16.This Civil Miscellaneous Appeal stands partly allowed. No Costs.

09.07.2026

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



To

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The Motor Accident Claims Tribunal(Special Subordinate Court), Coimbatore.



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N. ANAND VENKATESH., J

SSR

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