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CMA.No.2507 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 11.09.2024**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE R. HEMALATHA**

C.M.A.No.2507 of 2024 and  
C.M.P.No.19882 of 2024

M/s. United India Insurance Co. Ltd.,  
Represented by its Regional Manager,  
Regional office, White's Road,  
Chennai

... Appellant

vs.

K.Ganesan (died)

1. Parameshwari

2. Silambarasan

3. M/s.Ashok Leyland Ltd.,  
Plan II, No.77, SIPCOT Electronic Complex,  
Perandapalli, Hosur.

4. The Managing Director,  
Tamilnadu State Transport Corporation,  
Dharmapuri.

... Respondents

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award, dated 13.02.2023 in M.C.O.P.1115/2014 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Dharmapuri.

For Appellant : Mr.S.Arun Kumar

**J U D G M E N T**



CMA.No.2507 of 2024

Questioning the quantum of compensation awarded by the Motor Accident Claims Tribunal, Dharmapuri in M.C.O.P.1115/2014, the present appeal is filed by the appellant, the United India Insurance Company Limited, Chennai.

2. The claimant, K.Ganesan (deceased) filed a claim petition under Section 166 of Motor Vehicles Act in M.C.O.P.1115/2014 before the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Dharmapuri, seeking compensation of Rs.10,00,000/- for the injuries sustained by him in a road accident which happened on 05.11.2004. During the pendency of the claim petition, Ganesan died and his legal heirs were impleaded as claimants 2 and 3.

3. The brief case of the claimant is as follows :

On 05.11.2004, Ganesan (deceased) was driving a bus bearing Registration number TN-29-N-1227 belonging to the fourth respondent, Tamilnadu State Transport Corporation, on Krishnagiri-Hosur National highways. When he was nearing Hosur at about 6.00 p.m., a chassis bearing temporary Registration number TN-24-ZT-3420, hit the bus, as a



CMA.No.2507 of 2024

result of which, Ganesan (deceased) sustained injuries all over his body.

He was immediately rushed to Government hospital, Hosur. Subsequently, he was admitted in St. John's Medical College Hospital in Bangalore as an inpatient from 05.11.2004 to 27.11.2004.

4. According to Ganesan (deceased), the rash and negligent driving of the driver of the Chassis bearing temporary Registration number TN-24-ZT-3420 was the cause of the accident and that since the owner of the vehicle had insured his vehicle with the appellant, the United India Insurance Company Limited, the owner and the insurer are jointly and severally liable to pay compensation to him.

5. The Tribunal, after analysing the evidence on record, fastened negligence on the part of the driver of the Chassis and awarded compensation of Rs.79,675/- together with interest at the rate of 7.5% per annum from the date of petition till the date of realisation vide, its orders dated 13.02.2023.

6. Aggrieved over the quantum of compensation awarded by the



CMA.No.2507 of 2024

Tribunal, the appellant / Insurance Company has filed the present appeal under Section 173 of the Motor Vehicles Act.

7. Heard Mr.S.Arun Kumar, learned counsel for the appellant, Insurance Company.

8. Mr.S.Arun Kumar, learned counsel for the appellant, Insurance Company contended that the Tribunal has awarded a sum of Rs.25,000/- towards Transportation charges which is on the higher side and therefore prayed for scaling down the compensation.

9. It is seen from the records that the claimants are all residing in Dharmapuri District and Ganesan (deceased) took treatment in St. John's Medical College Hospital, Bangalore. He was hospitalised from 05.11.2004 to 27.11.2004. In the circumstances, awarding a sum of Rs.25,000/- towards Transportation charges by the Tribunal cannot be found fault with. The Tribunal has also considered all aspects of the case and awarded just compensation and therefore I do not see any reason to interfere with the same. Accordingly, the appeal is dismissed at the admission stage itself.



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CMA.No.2507 of 2024

**10.** In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(ii) The Award passed in M.C.O.P.1115/2014, dated 13.02.2023

by the Motor Accident Claims Tribunal, Chief Judicial Magistrate,

Dharmapuri, is upheld.

**11.09.2024**

Index : Yes/No

Speaking/Non-speaking order

vum

To

1.The Motor Accident Claims Tribunal,  
Chief Judicial Magistrate,  
Dharmapuri.

2. The Section Officer, VR Section,  
Madras High Court, Chennai.

**R.HEMALATHA, J.**

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