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CMA No. 800 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 800 of 2023

Gokulraj

Appellant

Vs

1. T.M.Sundaramoorthy

2.The Divisional Manager

United India Insurance Co Ltd, AR

Plaza, No 35, 36 and 37, 45 Feet Road

Extension, Balaji Nagar, Pondicherry.

3.Visvanathan

Respondent

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the Award dated 22.06.2022 made in MACTOP No.134 of 2021 on the file of the Presiding officer, Motor Accident Claims Tribunal, Special Officer-cum-Additional Sub Judge, Puducherry and enhance the compensation.



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For Appellant: Mr.T.Ananthasekar

For Respondents: Mr. J. Michael Visuvasam for R2
R1 - No appearance
R3 - Unclaimed

JUDGMENT

The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.800 of 2023, dated 22.06.2022 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 05.12.2020 at about 09.00 a.m., when the petitioner was proceeding as pillion rider in a two wheeler bearing Regn. No. PY-01 AK-1341 ridden by one Pragatheeswaran on the extreme left side of Thavalakuppam to Madukarai main road, from east to west direction, near TVS Lucas company, Nettapakkam, Pondicherry, a lorry bearing Regn. No. TN-02-AX-8109 driven by its driver in a rash and negligent manner, dashed on the petitioner's two wheeler and caused an accident. Due to which, the petitioner sustained injuries, for which he underwent treatment in the hospital. Under



these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.58,00,000/-.

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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 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.3,82,465/- under various heads and the said compensation was directed to be paid with interest at the rate of 7.5% per annum.

4.The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

5. The learned counsel for appellant would submit that the petitioner was a student and doing part time as electrician and the accident was happened in the year 2020. But, the tribunal has fixed only a sum of Rs.9,000/- as notional monthly income and the same is to be enhanced. Furthermore, the tribunal had erroneously fixed a sum of Rs.5000/- per percentage of disability of 9%. Hence,



he prayed to enhance the compensation and to set aside the 10% contributory negligence fixed upon the petitioner.

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6. The learned counsel for 2nd respondent would submit that at the time of accident, he was only a student and aged about 18 years. Hence, the tribunal has rightly fixed the income of the petitioner as well as contributory negligence, which needs no interference of this court.

7. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.

8. Considering both side submissions, the fact reveals that admittedly, the petitioner was aged about 18 years and he was a student at the time of accident, which was happened in the year 2020. Hence, the compensation awarded by the tribunal under the heads are reasonable and does not require the interference of this Court. The second respondent insurance company is directed to deposit the compensation as 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 eight weeks from the date of receipt of copy of this



judgment. On such deposit, the appellant is permitted to withdraw the award

amount. The other directions issued by the Tribunal with regard to the mode of

payment of compensation remains unaltered. Accordingly, this Civil

Miscellaneous Appeal is dismissed and the award passed by the tribunal in

MCOP.No. 134 of 2021 is confirmed. No costs.

07-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Principal Sub-Court, Pondicherry.

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



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T.V.THAMILSELVI J.

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