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C.M.A.No.2446 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM:

THE HONOURABLE **Mrs. JUSTICE R.KALAIMATHI**

C.M.A.No.2446 of 2025

and

CMP.No.20721 of 2025

The Branch Manager,
Reliance General Insurance Co., Ltd.,
Branch Office, Sakthi Super Market,
3rd Floor, 408, Perundurai Road,
Erode.

... Appellant

vs.

1.M.Arunkumar
2.R.Vinoth(died
3.Raja
(Amended as per I.A.No.2/2020 allowed
on 20.04.2021)

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the Order and Decretal order dated 15.02.2023 passed in M.C.O.P.No.463 of 2019 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri District.

For Appellant	:	Mr.G.Vasudevan
For R1	:	Mr.S.P.Yuvaraj
For R2	:	No Appearance



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JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the Insurance Company against the Award dated 15.02.2023 made in M.C.O.P.No..463 of 2019 by the Special Subordinate Court (to deal with MCOP cases) Krishnagiri as regards negligence and on quantum.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Case of the claimant is given in brief :

While on 01.07.2018 at 4.30 p.m. the claimant was riding as a pillion in a motorcycle bearing Reg.No.TN.24 B 4215 and it was driven by his uncle Ramesh. He was proceeding on the left side of the road on Thirupattur to Singarapettai road. While they were nearing Singarapettai Kurangukal Medu turning, the first respondent drove his motorcycle bearing Reg.No.TN.AL 2288 in a rash and negligent manner, came at a high speed from the opposite direction and hit the above said motorcycle, and thereby the accident occurred. Due to the said impact, the claimant sustained injuries. The first respondent, who is the owner of the two wheeler and the vehicle insurer the second



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respondent are jointly and severally liable to pay compensation to the claimant herein.

4. Counter details of second respondent in brief :

“Age, occupation, income , period of treatment, disability details are to be proved by the claimant herein. The manner of the accident, narrated in the claim petition is not admitted. The rider of the two wheeler, deceased Ramesh, dashed against the first respondent's motorcycle in a curve as he lost control and thereby caused accident. For the negligent act of the rider Ramesh, this petition is liable to be dismissed. Charge sheet was filed against the said Ramesh. The amounts claimed under various heads is excessive. Hence, the second respondent is not liable to pay any compensation”.

5. At trial, to substantiate the petition details, one witness was examined and ten documents have been marked. Wound Certificate and Discharge Summary of the claimants are Ex.P2 & P.3. On the respondent's side, one witness is examined and five documents have been marked. Disability Certificate issued by the District Medical Board is Ex.C1.



6. The Tribunal upon consideration of the oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.3,65,000/- with 7.5% interest The amount awarded by the Tribunal under various heads are tabulated hereunder :

S.N o.	Heads	Amount awarded by the Tribunal(Rs.)
1	For Partial permanent disability (35% x 5,000/-)	1,75,000/-
2	For Medical expenses	85,500/-
3	For pain and suffering	30,000/-
4	For Transport Expenses	10,000/-
5	For extra nourishment	13,000/-
6	For damages to clothes	1,000/-
7	For loss of income	16,500/-
8	For loss of amenities	20,000/-
9	For future medical expenses	10,000/-
10	For attender charges	4,000/-
	Total	3,65,000/-

7. From the evidence of P.W.1, it is deducible that the claimant was aged about 24 years at the relevant point of time, who is stated to be working as a wiring contractor and earning a sum of Rs.13,500/- per month. The treatment records - Ex.P.2 and Ex.P.3, reflect the fact that the claimant was under treatment as an inpatient at London Ortho Speciality Hospital, Salem, for 6 days (01.07.2018 to 06.07.2018). The claimant sustained fracture of shaft of right femur, laceration over



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occipital region and right ankle, right toe and right lower limb. The District Medical Board assessed the disability of claimant at 35% (Ex.C1- Disability certificate).

8. In consideration of the above said details, the Tribunal granted Rs.5,000/- per percentage (35% x Rs.5,000/- = Rs.1,75,000/-). As per the medical bills, amount of Rs.85,500/- was granted for medical expenses. A thorough perusal of the amounts granted under various heads, as mentioned supra, appears to be reasonable and acceptable, and it needs no interference by this Court.

9. This Court is of the considered view that the amounts awarded by the Tribunal, in consideration of the above said details, does not warrant any interference by this Court. This Court also does not find any infirmity or perversity in the findings of the Tribunal.

11. In the result,

- (i) The Civil Miscellaneous Appeal stands dismissed.
- (i) Sequel to this, the Award dated 15.02.2023 passed by the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri District in M.C.O.P.No.463 of 2019 stands confirmed.



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R.KALAIMATHI, J.

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- (ii) The Appellant / Insurance Company is directed to deposit the award amount i.e., **Rs.3,65,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.463 of 2019 on the file of Subordinate Court, to deal with MCOP cases) Krishnagiri, within a period of eight weeks from the date of receipt of a copy of this Judgment.
- (iii) On such deposit being made, the first respondent/claimant may withdraw the same along with interest and costs by filing necessary application before the Tribunal.
- (iv) There is no order as to costs. Consequently, connected miscellaneous petition is closed.

24.09.2025

Index : Yes/No

Speaking / Non-speaking order

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To:

The Motor Accident Claims Tribunal,
Special Subordinate Court, Krishnagiri District.

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