



WEB COPY

CMA No. 929 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 929 of 2024

AND

CROS.OBJ NO. 73 OF 2024

1. R. Pandian

S/o. Mr. Rajendiran, No.735, Perumal
Koil St, Mambedu Village,
Gummidipondi Tk, Thiruvallur Dt.

Appellant(s)

Vs

1. M. Thameen Ansari

No.10/7A, Thottakara Street,
Thandalam Village, Uthukottai Tk,
Thiruvallur 601 102.

2.The Manager

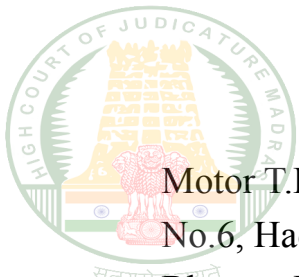
Reliance General Insurance Co.Ltd.,
Motor T.P. Claims, having office at
No.6, Haddows Road, Opp Sasthri
Bhavan, Nungambakkam, Chennai 34.

Respondent(s)

CROS.OBJ No. 73 of 2024

1. The Manager,

Reliance General Insurance Co.Ltd.,



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CMA No. 929 of 2024



Motor T.P. Claims, having office at
No.6, Haddows Road, Opp to Sasthri
Bhavan, Nungambakkam, Chennai 34.

Appellant(s)

Vs

1. PANDIAN
S/o. Rajendiran, No.735, Perumal Koil
St, Mambedu Village, Gummidipondi
Tk, Thiruvallur Dt

2.M.Thameen Ansari
No.10/7A, Thottakara Street,
Thandalam Village, Uthukottai Tk,
Thiruvallur 601 102.

Respondent(s)

CMA No. 929 of 2024

PRAYER

To allow appeal and to enhance the amount awarded in MCOP No.254 of 2019 on the file of motor accident claims tribunal (Special Sub Court Deal with MCOP Cases No.II, Thiruvallur).

CROS.OBJ No. 73 of 2024

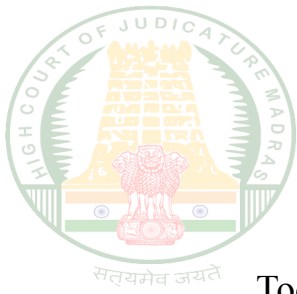
PRAYER

To set aside the Judgment and decree dt. 18.03.2021 passed in MCOP 254 of 2019 on the file of MACT Special Sub Court MACT-II, Thiruvallur and remand the above CMA 929/2024

CMA No. 929 of 2024

For Appellant(s): Mr. U.Chithambaram

For Respondent(s): Mr.P.Suresh Srinivasan For R2
R1 - No Appearance

**ORDER**

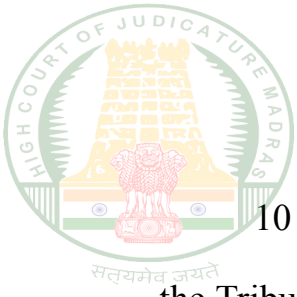
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Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the appellant / petitioner.

2. It is brought to the notice of this Court that some error has been crept in paragraph Nos.9 & 10 of the order dated 10.07.2025. The said paragraph Nos.9 & 10 are to be replaced as follows:

" 9. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.40,000/-	Rs.40,000/-
2.	Loss of Income	Rs.64,000/-	Rs.84,000/-
3.	Medical Expenses	Rs.1,03,361/-	Rs.1,03,361/-
4.	Transportation expenses	Rs.1,000/-	Rs.1,000/-
5.	Extra Nourishment	Rs.15,000/-	Rs.15,000/-
6.	Attender charges	Rs.2,000/-	Rs.2,000/-
7.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
8.	Lost of amenities	Rs.60,000/-	Rs.40,000/-
9.	For permanent disability	Rs.98,000/-	Rs.1,96,000/-
	Total	Rs.3,84,361/-	Rs.4,82,361/-



10 In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 4,82,361/-**. The second respondent in CMA No. 929 of 2024 is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No. 254 of 2019 on the file of the Motor accident claims tribunal (Special Sub Court Deal with MCOP Cases No.II, Thiruvallur), within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any excessive amount has already deposited before the Tribunal.”

3. Registry is directed to incorporate the above paragraph Nos.9 & 10 quoted above and issue fresh order copy to the parties forthwith.

4. In other respects, the order dated 10.07.2025 shall remain unaltered.

10-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rri



CMA No. 929 of 2024



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1. The Motor accident claims Tribunal
(Special Sub Court Deal with MCOP Cases No.II, Thiruvallur).
2. The Section Officer, V.R Section, High Court of Madras.



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CMA No. 929 of 2024



T.V.THAMILSELVI J.
rri

CMA No. 929 of 2024
AND CROS.OBJ NO. 73
OF 2024

26.09.2025



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CMA No. 929 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 929 of 2024

AND

CROS.OBJ NO. 73 OF 2024

1. R. Pandian

S/o. Mr. Rajendiran, No.735, Perumal
Koil St, Mambedu Village,
Gummidipondi Tk, Thiruvallur Dt.

Appellant(s)

Vs

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2.The Manager

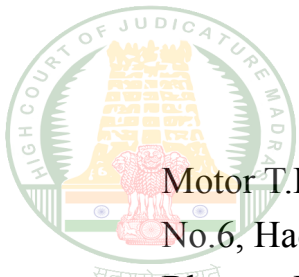
Reliance General Insurance Co.Ltd.,
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Respondent(s)

CROS.OBJ No. 73 of 2024

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CMA No. 929 of 2024



Motor T.P. Claims, having office at
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CMA No. 929 of 2024

PRAYER

To allow appeal and to enhance the amount awarded in MCOP No.254 of 2019 on the file of motor accident claims tribunal (Special Sub Court Deal with MCOP Cases No.II, Thiruvallur).

CROS.OBJ No. 73 of 2024

PRAYER

To set aside the Judgment and decree dt. 18.03.2021 passed in MCOP 254 of 2019 on the file of MACT Special Sub Court MACT-II, Thiruvallur and remand the above CMA 929/2024

CMA No. 929 of 2024

For Appellant(s): Mr. U.Chithambaram

For Respondent(s): Mr.P.Suresh Srinivasan For R2
R1 - No Appearance



COMMON JUDGEMENT

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CMA No. 929 of 2024 has been filed to to enhance the amount awarded in MCOP No.254 of 2019 on the file of motor accident claims tribunal (Special Sub Court Deal with MCOP Cases No.II, Thiruvallur).

2. Cross Objection No. 73 of 2024 has been filed to set aside the Judgment and decree dated 18.03.2021 passed in MCOP 254 of 2019 on the file of MACT Special Sub Court MACT-II, Thiruvallur and remand the above CMA 929/2024.

3. For the sake of convenience the parties are denoted as per CMA No. 929 of 2024.

4. On 03.08.2017 at about 11.00 p.m., while the claimant/appellant was travelling as a pillion rider in the first respondent's vehicle which is unregistered, ridden by one Kaviyarasan, proceeding from Thandalam to Mappedu, when they were nearing Dr.Kuppam Kuzham & Cemetery, the above said two wheeler was ridden by its driver in a rash and negligent manner in an uncontrolled speed and due to sudden crossing of dog the claimant was thrown away from the two wheeler and sustained grievous injuries. Thereafter, the



claimant filed the petition before the tribunal claiming compensation. After considering the available records the tribunal awarded compensation of Rs.3,84,360/- as compensation. Challenging the quantum of compensation, the claimant filed this appeal.

5. The learned counsel for the appellant submits that the claimant was working in the Packaging department in the private company but the tribunal has fixed only Rs.8,000/- as income of the claimant and also awarded very less amount in other heads. Hence, he prays to allow this appeal.

6. The learned counsel for the second respondent submits that the tribunal has wrongly come to the conclusion that the driver of the insured vehicle was at negligence based on the FIR alone and there is no eye witness for the accident. Further, the tribunal has awarded very high compensation which is unsustainable and liable to be interfere. Hence, he prays to set aside the award passed by the tribunal.

7. Considering the facts of the case, the claimant has proved his case based on the material evidence. Hence, the tribunal has rightly fixed liability on the second respondent. Accordingly, Cross objection filed by the second



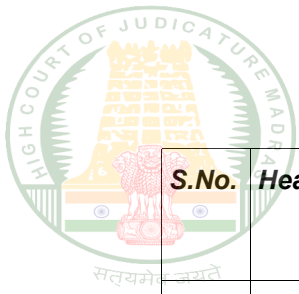
respondent/Insurance Company is dismissed.

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8. Further, the claimant was working in the packaging department and also considering the cost of living at the time of the accident, this Court is inclined to fix Rs.14,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.84,000/- under the head of loss of income for six months. Further, the tribunal has awarded very excessive amount under the head of loss of happiness and amenities. Accordingly, the award passed under the head of loss of happiness and amenities is reduced to Rs.40,000/- from Rs.60,000/-. Except above modification, the award passed by the tribunal in other heads remain unchanged.

9. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

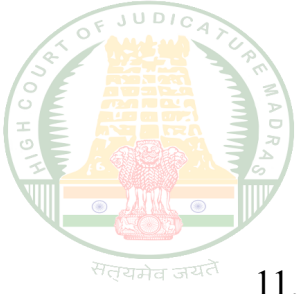
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7.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
8.	Lost of amenities	Rs.60,000/-	Rs.40,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
9	For permanent disability	Rs.98,000/-	Rs.98,000/-
10	Total	Rs.3,84,361/-	Rs.3,84,361/-

Rounded off to Rs.3,84,361/-

10 In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 3,84,361/-**. The second respondent in CMA No. 929 of 2024 is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No. 254 of 2019 on the file of the Motor accident claims tribunal (Special Sub Court Deal with MCOP Cases No.II, Thiruvallur), within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any excessive amount has already deposited before the tribunal.



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11. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs. Pending petition(s), if any, is/are closed.

10-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

1. The Motor accident claims tribunal (Special Sub Court Deal with MCOP Cases No.II, Thiruvallur).

2. The Section Officer, V.R Section, High Court, Madras.



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CMA No. 929 of 2024



T.V.THAMILSELVI J.

**CMA No. 929 of 2024
AND CROS.OBJ NO. 73
OF 2024**

10.07.2025



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