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CMA.No.2481 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15/04/2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA.No.2481 of 2021

N.Saravanan

... Appellant

Vs.

1.Nallamani

2.Iffco Tokio General Insurance Company Limited,
No.128, 5th Floor, Habibullah Road,
T.Nagar, Chennai – 600 017.

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to allow the appeal and enhance the compensation in MCOP.No.1187 of 2013, dated 07.01.2020 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Cuddalore.

For Appellant :Mrs.Ramya V.Rao

For Respondents :Mr.B.Siva Kolappan for R2
Notice dispensed with for R1



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J U D G M E N T

Not satisfied with the quantum of compensation amount awarded by the Tribunal in a petition filed under Section 163(A) of Motor Vehicles Act, the claimant has come by way of this appeal.

2. According to the injured claimant, he was travelling in a TVS-XL Super Moped belonged to the first respondent as a pillion rider on 14.01.2013. According to him, when the two wheeler was proceeding in Panruti to Palur MainRoad near Narimedu Bus Stop, the two wheeler in which the claimant was travelling as a pillion rider met with an accident with another motorcycle bearing registration No.TN-10E-3318. As a result of the accident, the claimant suffered grievous injuries and was treated in Panruti Government Hospital and Government Hospital at Cuddalore. Hence, the claim petition was filed seeking compensation of Rs.5,00,000/-

3. The first respondent, the owner of the motorcycle in which the claimant travelled remained ex-parte and the insurer alone contested the claim petition.



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4. The claim petition was filed under Section 163(A) of Motor Vehicles Act and hence, the Tribunal without discussing the question of negligence, straight away quantified compensation payable to the claimant.

5. Based on the second schedule to the Motor Vehicles Act, the Tribunal fixed Rs.25,000/- as compensation to the injury suffered by the claimant and Rs.700/- towards medical expenses. Therefore, the total compensation payable to the claimant was fixed at Rs.25,700/-.

6. The learned counsel appearing for the appellant would submit that as per the disability certificate Ex.C1, the claimant suffered disability at 9% and therefore, Rs.25,000/- awarded by the Tribunal under the head disability is very much on the lower side.

7. The accident had occurred in the year 2013, however, the Tribunal taking into consideration the amendment made in the Motor Vehicles Act in the year 2019, awarded a lump sum of Rs.25,000/- for the injury suffered by the claimant. Though the claimant suffered fracture in his face there is no evidence available on record to suggest that the claimant



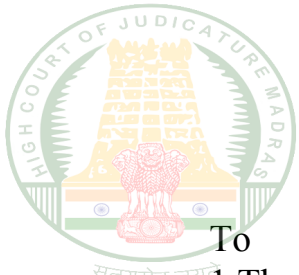
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suffered permanent disability. Therefore, the Tribunal was justified in awarding a sum of Rs.25,000/- as per the second schedule to the Motor Vehicles Act. The Tribunal based on the evidence available on record, namely, Ex.P4-CT scan receipt awarded a sum of Rs.700/- towards medical expenses. Since medical expenses incurred by the claimant is Rs.700/-, the Tribunal was justified in awarding the said sum towards medical expenses. Accordingly, the total compensation of Rs.25,700/- awarded by the Tribunal is in accordance with law and as per amended second schedule to the Motor Vehicles Act, prior to 01.04.2022. Therefore, the claimant has not made out any ground to interfere with the award passed by the Tribunal.

8. In view of discussions made earlier, I do not find any ground to interfere with the findings of the Tribunal. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs.

15.04.2025

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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

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



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S.SOUNTHAR, J.

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