



CMA.No.1068 and 1070 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :15.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.1068 and 1070 of 2025 and
C.M.P.Nos.8861 and 8869 of 2025

1.Y.Thomas

2.R.Amala

... Appellants in both the CMA's.

Vs.

1.J.S.Murali Babu

.....1st respondent in C.M.A.No.1068 of 2025

1. K.Venkatesh

....1st respondent in C.M.A.No.1070 of 2025

2.N.A.Suguna

3. Branch Manager

United India Insurance Co. Ltd,

1st Floor, RV reddy Complex,

Bangarpet-563 114,

Karnataka State.

..... 2nd and 3rd Respondents in both the CMA.'s

Prayer in C.M.A.No.1068 of 2025:Civil Miscellaneous Appeal filed under 173 of Motor Vehicles Act, 1988, to set aside the Judgment and decree passed in MCOP No.30 of 2019 dated 28.04.2023 by the Hon'ble Motor Accident Claims Tribunal, Special Subordinate Court at Krishnagiri and allow this CMA.



CMA.No.1068 and 1070 of 2025

WEB COPY

Prayer in C.M.A.No.1070 of 2025: Civil Miscellaneous Appeal filed under 173 of Motor Vehicles Act, 1988, to set aside the Judgment and decree passed in MCOP No.32 of 2019 dated 28.04.2023 by the Hon'ble Motor Accident Claims Tribunal, Special Subordinate Court at Krishnagiri and allow this CMA.

In both CMA's.

For Appellants : Mr. R.Dinesh Kumar
for Dineshkumar Associates
For respondents : M/s.P.Sankaranarayanan for R3
R1 and R2-Notice dispensed with

COMMON JUDGMENT

Aggrieved by the common award passed by the Motor Accident Claims Tribunal in MCOP No.30 of 2019 and MCOP No. 32 of 2019, the appellants have come before this Court by way of these appeals.

2. It is the case that 1st respondent in MCOP No. 32 of 2019 (CMA.No.1070 of 2025) and 1st respondent in MCOP.No.30 of 2019 (CMA.No.1068 of 2025) were travelling in a car bearing Registration No.KA 51 MB 2502 as driver and passenger on 05.09.2017. According to them, the 1st respondent/claimant in MCOP No.32 of 2019 was driving



CMA.No.1068 and 1070 of 2025

WEB COPY

the car in a moderate speed cautiously in the middle of the road by following the traffic rules. At that point of time, the Mahindra pickup van bearing Registration No.TN 31 AA 9139 belonged to the 2nd appellant was driven by the 1st appellant in a rash and negligent manner and dashed against the car. As a result of the accident, both the claimants suffered grievous injuries and hence, the claim petitions were filed seeking compensation.

3. The claim petitions were resisted by the appellants herein by filing counter denying the manner of accident as described in the claim petitions. It was the specific case of the appellants that the accident had taken place only due to the negligence on the part of the claimant in MCOP.No.32 of 2019, who had driven the car at that point of time.

4. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the Mahindra pickup van and hence, held that appellants herein were jointly and severally liable to pay the compensation as driver and owner of the offending vehicle. The compensation payable to the claimant in MCOP.No.30 of 2019 was



CMA.No.1068 and 1070 of 2025

WEB COPY

quantified at Rs.4,45,000/-. The compensation payable to the claimant in MCOP.No.32 of 2019 was quantified at Rs 2,90,000/- Aggrieved by the award, the driver and owner of the Mahindra pickup van have filed these appeals.

5. The learned counsel for the appellants vehemently contended that 1st appellant, driver of the Mahindra pickup van is a professional driver having knowledge and experience in driving the vehicle on road. However, the 1st respondent in MCOP.No.32 of 2019, who had driven the car, failed to produce any driving license to establish that he was holding a proper driving license to drive light motor vehicle. Therefore, according to them, the Tribunal committed an error in fixing negligence on the part of the driver of the Mahindra pickup van.

6. In order to prove the negligence aspect, both the claimants examined themselves as PW-1 and PW-2. The FIR filed against the driver of the Mahindra pickup van/1st appellant herein was marked as Exhibit P1. The PW-1 and PW-2, in their evidence, clearly deposed that the accident had occurred only due to the negligence on the part of the driver of the Mahindra pickup van. Their evidence is very well corroborated by



CMA.No.1068 and 1070 of 2025

WEB COPY

the contents of FIR, Ex.P1. The copy of the same was also produced before this court.

7. Based on the oral evidence of PW-1 and PW-2 and also the contents of Exhibit P1, FIR, the Tribunal rightly came to the conclusion that the accident had occurred only due to the negligent driving of the Mahindra pickup van by the 1st appellant.

8. The appellants herein, who filed a counter denying the negligence on their part, failed to participate in the inquiry and cross examine PW-1 and PW-2. They also failed to examine any witness on their side. In these circumstances, the Tribunal was justified in fixing negligence on the part of the 1st appellant and the said finding is in accordance with the evidence available on record. Therefore, the contentions raised by the learned counsel for the appellants with regard to the negligence aspect is repelled.

9. Both the victims were subjected to medical examination by the competent medical board. The disability certificates issued by the medical board were marked as Exhibit C1 and Exhibit C2. The medical board assessed the disability suffered by the claimant in MCOP.No. 30 of 2019



CMA.No.1068 and 1070 of 2025

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P6.

“1.Laceration left forehead 5x2x1cm

2.Abrasion left cheek

*3.Pain right hip dislocation with pipkin type IV fracture
of femoral head”*

10. Taking into consideration the nature of injury and the disability assessed by the competent medical board, the Tribunal granted Rs.5,000/- per percentage of the disability and quantified the compensation payable under the head disability at Rs.2,25,000/- and the same appears to be reasonable. The Tribunal also awarded Rs.1,14,000/- under the head medical expenses and the same is based on the medical bills produced before the Tribunal. The amount awarded by the Tribunal under various other heads are reasonable in the facts and circumstances of the case. Therefore, the appellants have not made out any case to interfere with the quantum of compensation arrived at Rs.4,45,000/-



CMA.No.1068 and 1070 of 2025

WEB COPY

11. The claimant in MCOP.No.32 of 2019 suffered a disability at 40% as per the disability certificate issued by the competent medical board. As per Exhibit P7, accident register, the claimant in MCOP.No. 32 of 2019 suffered following injuries:-

“1.Centre chest pain.

2.Pain left knee.

4.Fracture of 4th and 5th rib”

12. Taking into consideration the nature of injury and the disability assessed by the competent medical board, the Tribunal granted Rs.5000/- per percentage of the disability and quantified the compensation payable under the head disability at Rs.2,00,000/-. The amount awarded by the Tribunal under various other heads like pain and suffering, loss of income, transportation expenses, extra nourishment, attendant charges, loss of amenities, damage to clothes, etc., are reasonable in the facts and circumstances of the case. Therefore, the total compensation fixed by the Tribunal at Rs.2,90,000/- to the claimant in MCOP.No. 32 of 2019 requires no interference by this court.



CMA.No.1068 and 1070 of 2025

WEB COPY

13. In view of the discussions made earlier, both the civil miscellaneous appeals stand dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

15.04.2025

Index:Yes/No
Internet:Yes/No
nr

To

1. Motor Accident Claims Tribunal,
Special Subordinate Court, Krishnagiri

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



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CMA.No.1068 and 1070 of 2025

S.SOUNTHAR, J.

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CMA No.1068 and 1070 of 2025 and
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