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CMA No. 1578 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1578 of 2025

AND

CMP NO. 13928 OF 2025

The Divisional Manager
United India Insurance Co.Ltd., DO,
13A, Nethaji Road, Cuddalore 607 001.

Appellant

Vs

1. S. Pugazhendhi

2.K. Vetrivel

Respondents

PRAYER :-Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to set aside the award dated 17.10.2024 made in MCOP No.506 of 2022 on the file of the Motor Accidents Claims Tribunal (Special District Court No.1) Cuddalore.

For Appellant: Mr. D. Bhaskaran

For Respondents: M/s. R. Ramya V. Rao For R1



JUDGMENT

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Challenging the impugned award passed by the Motor Accident Claims Tribunal, Special District Court No.1, Cuddalore in MCOP No.506 of 2022, dated 17.10.2024, the appellant/2nd respondent insurance company preferred this Civil Miscellaneous Appeal.

2.The case of the 1st respondent/petitioner is that on 12.12.2021 at about 12.00 hours. when the petitioner was riding his two wheeler bearing Regn. No. TN-31 AE-0155 with a pillion rider from east to west, on Chidambaram to Bhuvanagiri Main Road, opposite to TNS Kuttimani weigh bridge, Manalur, the driver of a two wheeler bearing Regn. No. TN-91-C-2255 came from behind at a great speed in a rash and negligent manner, dashed the petitioner's two wheeler and caused an accident. Due to which, he sustained grievous 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.



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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.7,76,100/- under various heads and the said compensation was directed to be paid with interest at the rate of 7.5% per annum.

4. The Insurance Company aggrieved by the quantum of compensation fixed by the Tribunal has filed the present appeal before this Court.

5. The learned counsel for appellant argues that the petitioner was aged about 54 years and he suffered with fracture. Therefore, towards pain and sufferings, the tribunal has rightly awarded compensation.

6. Heard both sides.

7. On seeing entire facts, the petitioner was a Tahsildar by profession and he took treatment for five days. Therefore, the awarding of compensation of Rs.2,00,000/- towards pain and sufferings is exorbitant one. Hence, this court is inclined to modify the same as Rs.50,000/-. As the petitioner has availed leave



salary with medical proof, the loss of income would not arise. Furthermore, as

he has taken treatment only for 5 days, the loss of amenities awarded by the

tribunal would not arise. The compensation that has been fixed under the other

heads are reasonable and does not require the interference of this Court.

8. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Disability	3,15,000	3,15,000	confirmed
2.	Pain and sufferings	2,00,000	50,000	reduced
3.	Extra nourishment	30,000	30,000	confirmed
4.	Transportation expenses	10,000	10,000	confirmed
5.	Attender charges	40,000	40,000	confirmed
6.	Loss of amenities	50,000	nil	would not arise
7.	Damages to cloths	2,000	2,000	confirmed
8.	Medical bills	1,29,099	1,29,099	confirmed
	Total	7,76,099	5,76,099	reduced
	Rounded off	7,76,100	5,76,100	

9. The compensation awarded by the tribunal at Rs.7,76,100/- is reduced to Rs.5,76,100/-. The appellant respondent insurance company is directed to



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deposit the compensation, 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. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. Accordingly, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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, Special District Court No.1, Cuddalore.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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