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CMA No. 1663 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1663 of 2025

1. Dhanasekar

S/o. Balasundaram, No.110,
Kanniyamman Kovil Street, Kasimedu,
Chennai 013.

Appellant(s)

Vs

1. Pradeeban

S/o. Manivasagam, No.270, 1st Block,
VOC Nagar, Tondiarpet, Chennai 081.
(Since R1 remained exparte before the
Tribunal his presence may be dispensed
with)

2.IFFCO-TOKIO General Insurance
Co.Ltd.,
IFFCO Bhavan, 4th Floor, No.128,
Abibulla Road, T. Nagar, Chennai 017.

Respondent(s)

CMA No. 1663 of 2025

PRAYER

To set aside the Judgement dated 12.07.2023 and made in MACT OP No.5804 of 2016 on the file of the Motor Accidents Claims Tribunal IV Court of Small Causes, Chennai.

CMA No. 1663 of 2025

For Appellant(s): Mr.G. Dinesh

For Respondent(s): Mr.B.Siva Kollapan For M/s. S
and S Legal For R2 R1 - No
Such Door Number



ORDER

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The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2.It is brought to the notice of this Court that some typographical error has been crept in para No.8 of the judgement dated 26.08.2025 and the same shall be replaced as follows:

*8. In view of the discussions made earlier, this Court is inclined to award compensation of Rs. 2,83,000/- to the appellant. At the time of the accident, the first respondent's vehicle was insured with the second respondent Insurance Company. Hence, the 2nd **respondent** 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 MACT OP No.5804 of 2016 on the file of the Motor Accidents Claims Tribunal IV Court of Small Causes, Chennai, 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.*

4. Registry is directed to carry out the necessary correction in the judgement dated 26.08.2025 and issue a fresh copy to the learned counsel for the parties.

29-01-2026

Pbl

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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For Respondent(s): Mr.B.Siva Kollapan For M/s. S



and S Legal For R2
R1 - No Such Door Number

JUDGEMENT

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This Civil Miscellaneous Appeal has been filed to set aside the Judgement dated 12.07.2023 and made in MACT OP No.5804 of 2016 on the file of the Motor Accidents Claims Tribunal IV Court of Small Causes, Chennai.

2. The brief facts of the case:

On 16.08.2016 at about 11.30 p.m., while the petitioner was pedestrian at a place in S.N.Chetty Street, opposite of SSS Varukadalai, Kasimedu, a car bearing registration No. TN 22 AT 8253 driven by its driver in a very rash and negligent manner dashed against the claimant/appellant herein, due to which the appellant sustained grievous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation and the second respondent contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation, the claimant/appellant filed this appeal.

3. The learned counsel for the appellant submits that at time of the accident the appellant was pedestrain due to the rash and negligent driving of the said car, the accident was happened but the tribunal erroneously concluded that the appellant attempted to cross the centre median thereby he invented the accident. Accordingly, dismissed the petition. Challenging the same, the appellant/claimant filed this appeal.



4. The learned counsel for the respondent submits that tribunal passed the award which needs no interference.

5. Heard, the submission of the learned counsel for the appellant and the respondent.

6. On perusal of the records and on seeing the manner of the accident, it reveals that at the time of the accident the appellant/claimant was pedestrian, and the road divided by centre median when he attempted to cross the road the car bearing registration No. TN 22 AT 8253 was hit against him. Therefore, this Court is of the view that the accident was happened due to the rash and negligent driving of the car and also there is negligence on the side of the appellant also. Hence, this Court is inclined to fix 80% negligence upon the driver of the car and 20% upon the appellant. As per the records, the appellant sustained two fractures. The appellant was taken to medical college hospital where he had taken treatment from 17.08.2016 to 20.08.2016. According to Discharge summary/Ex.P2, he sustained two fractures and the medical board certified that the claimant/appellant has sustained 28% disability. Hence, this Court is inclined to adopt per percentage method. Accordingly, the appellant is entitled to Rs.1,68,000/- under the head of disability.

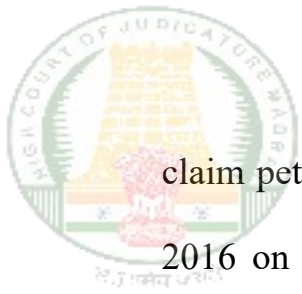
7. Considering the nature of injuries suffered by the petitioner and also claimant had taken treatment for three days. Hence, this Court is inclined to fix Rs.25,000/- under the head of pain and sufferings and Rs. 5000/- for transportation. Extra nourishment is require for his recovery. Accordingly, the



appellant is entitled to Rs.10,000/- under the head of extra nourishment. This Court is inclined to award Rs.10,000/- under the head of loss of amenities. Further, this Court is inclined to fix Rs.5,000/- for transportation. Further, due to the injury, the claimant would have lost his income for 8 months. Considering the cost of living at the time of the accident, this Court is inclined to award Rs. 12,000/- as notional income. Accordingly, the claimant is entitled to Rs.96,000/- under the head of loss of income for 8 months.

S.No.	Head	Compensation awarded by this Court
1.	Pain and sufferings	Rs. 25,000/-
2.	Loss of Income	Rs.96,000/-
3.	Medical Expenses	Nil
4.	Transportation expenses	Rs.5,000/-
5.	Extra Nourishment	Rs.10,000/-
6.	Attender charges	Nil
7.	Damages to cloths and article	Nil
8.	Lost of amenities	Rs.10,000/-
9.	For permanent disability	Rs.1,68,000/-
10	Total	Rs.3,14,000/- (After deducting 20% towards contributory negligence, the appellant/claimant is entitled to Rs. 2,82,600/-)

8. In view of the discussions made earlier, this Court is inclined to award compensation In view of the discussions made earlier, this Court is inclined to award compensation of Rs. 2,83,000/- to the appellant. At the time of the accident, the first respondent's vehicle was insured with the second respondent Insurance Company. Hence, the 2nd **respondent** 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 MACT OP No.5804 of 2016 on the file of the Motor Accidents Claims Tribunal IV Court of Small Causes, Chennai, 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 been deposited before the tribunal.

9. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

26-08-2025

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To

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



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