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CMA No. 3444 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3444 of 2021

S.Arivazhagan

Appellant(s)

Vs

K.Arularasan

Respondent(s)

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the award of Rs.1,61,150/- passed in MCOP No.1724/2012 dated 28.02.2020 by the Motor Accident Claims Tribunal of Cuddalore (I Addl. District and Sessions Judge)

For Appellant(s): Mr.T.Sivagnanasambandan

For Respondent(s): No Appearance



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JUDGMENT

The respondent has filed the present appeal challenging the Award passed by the Motor Accident Claims Tribunal, I Addl. District and Sessions Judge, Cuddalore in MCOP No.1724 of 2012, dated 28.02.2020.

2.The case of petitioner is that on 14.03.2012 at about 04.00 p.m., when the petitioner riding his motorcycle bearing Regn. No.TN-31-A-2203 near Manickavasakar Road and Bharathidasan Road Junction at Neyveli Township from north to south direction, a two wheeler bearing Regn. No. TN-02-S-9406 came from west to east direction of Manickavasakar road in a rash and negligent manner dashed on the petitioner's vehicle. Due to which, the claimant sustained 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 of Rs.10,00,000/-.

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 negligence on the part of the appellant/owner of car. Having rendered such a finding, the Tribunal fixed the total compensation payable at Rs.1,61,150/- under various heads and the same was directed to be paid with interest at the rate of 7.5% per annum.

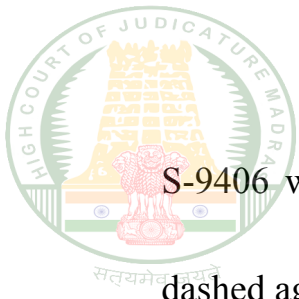
5.The appellant/respondent aggrieved by the quantum of compensation fixed by the Tribunal has filed the present appeal before this Court.

6.Heard and considered rival submissions made by learned counsel appearing for appellant and perused the materials available on record.

7.The learned counsel for the appellant argues that the tribunal had erroneously fixed the age of injured without considering the evidence on record as well as compensation awarded is also exorbitant one. Hence, he prayed to set aside the findings of tribunal.

8. Despite service of notice, there is no representation on the side of respondent.

9. On perusal of records, it reveals that on 14.03.2012 at about 04.00 p.m., when the respondent/petitioner driving a two wheeler from north to south direction, at that time, a car belongs to the appellant bearing Regn. No.TN-02-



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S-9406 was driven in a rash and negligent manner without giving any horn, dashed against the respondent/petitioner. Therefore, he sustained injury and immediately he was admitted in the Government Hospital and thereafter, he has taken treatment in the private hospital. Thereafter, he filed the claim petition.

10. Before the tribunal, the respondent/petitioner adduced both oral and documentary evidence as well as examined eye-witnesses P.W.1 and P.W.2 and marked Ex.C1 Disability certificate. As per Ex.C1, the disability was assessed as 11% of partial permanent disability. Considering the records, his age was fixed as 45 years and considering the pain and sufferings, a sum of Rs.3000/- per percentage as well as medical expenses was awarded. Since the car was not insured, the Tribunal fixed the liability upon the appellant/owner of a car and awarded totally a sum of Rs.1,61,150/- against him. The learned counsel for appellant challenged the said award stating that age of injured was erroneously fixed by the tribunal, but as per the disability certificate, his age was mentioned as 42 years in the year 2014 at the time of accident. By relying the said aspect, his age was fixed, which needs no interference. By relying Ex.C1, the Tribunal had fixed the 11% disability, for which awarded a sum of Rs.33,000/-and



towards pain and suffering fixed a sum of Rs.30,000/- as well as the award passed by the tribunal under other heads was rightly fixed by the tribunal, which

needs no interference. Accordingly, this Civil Miscellaneous Appeal is dismissed as no merit and the findings rendered by the Tribunal in MCOP No. 1724 of 2012 is confirmed. The appellant is directed to deposit the amount awarded by the tribunal within a period of three months from the date of receipt of copy of this judgment. No costs.

12-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, I Addl. District and Sessions Judge, Cuddalore.

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



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T.V.THAMILSELVI J.

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