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CMA No. 2045 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2045 of 2025

1. S.Vinodhkumar
S/o. Soundarrajan, No. 21B/32, Indira
Gandhi Street, Kannappan Nagar,
Arumbakkam, Chennai-106.

Appellant(s)

Vs

1. R.Murugesan (Exparte)
No. 74, Thatha Muthaippan Street,
Chennai-001.

2.The Oriental Insurance Co., Ltd
No. 115, Broadway, Chennai-108.

Respondent(s)

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PRAYER

To allow the appeal and enhance the compensation in MCOP No. 6479 of 2013, dated 06.01.2025 on the file of the Motor Accidents Claims Tribunal in the Special Sub Court-1, Small Causes Court, Chennai and thus render justice.

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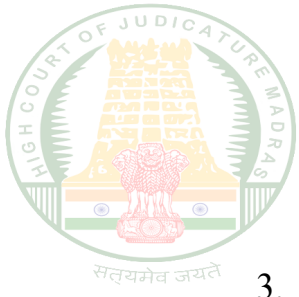
For Appellant(s): Mr.R.Mohan Babu

For Respondent(s): Mr.M.Varun Kumar For R2
R1 - No Such Person

ORDER

This Civil Miscellaneous Appeal has been filed to low the appeal and enhance the compensation in MCOP No. 6479 of 2013, dated 06.01.2025 on the file of the Motor Accidents Claims Tribunal in the Special Sub Court-1, Small Causes Court, Chennai.

2. On 01.01.2013 at about 04.15 hours the claimant was driving car bearing registration No. TN 02 AT 2549 on GST Road. While the car the was nearing Pallavaram Sandhai Signar the lorry bearing registration No. TN 27 3789 came from the opposite direction and dashed against the car due to which the petitioner sustained grievous injuries. The car was totally damaged and become unusable. The car has become scrap value due to heavy damage caused in the accident. The accident occurred due to the negligence of the driver of the Lorry. Hence, the first respondent is the owner of the lorry bearing registration No. TN 27 3789 and second petitioner is the insurer of the same and both are liable to pay compensation to the petitioner with interest.



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3. The petitioner 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 of Rs.87,500/-. Challenging the quantum of compensation, the petitioner filed this appeal.

4. The learned counsel for the appellant submits that after the accident the said appellant's vehicle sustained severe damages and the accident was happened due to the rash and negligence driving of the driver of the lorry bearing registration No. TN 27 3789 belongs to the first respondent, which was insured with the second respondent and to prove the damages of the vehicle the appellant produced the FIR copy/Ex.P1 and in order to prove the damages he examined individual witnesses P.W2 to P.W.5 and other documents were marked as Ex.P1 to Ex.P19.

5. On the side of the respondent, R.W.1/official of the Insurance company was examined, who admits that at the time of the accident lorry possessed valid insurance and also as per the policy, third party damages also covered upto



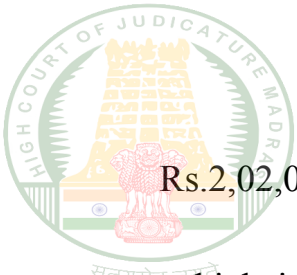
Rs.7,50,000/- hence they bound to pay.

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6. Considering the both side submissions the tribunal has awarded only Rs.13,000/- towards damages to car. Challenging the award passed under the head of damages, the appellant filed this appeal.

7. The learned counsel for the appellant submits that the damaged vehicle was repaired to prove the same the appellant marked the copy of the repair assessment cum processing sheet/work order issued by Pokma Automobile Service Private Limited for Rs.3,55,374/- and same was marked as Ex.P15 and authorized person was examined as P.W.4 but the tribunal awarded only Rs.13,000/- as damages. Hence, he filed this appeal claiming damages for the vehicle Rs.3,55,374/-. On the other side, the counsel appearing the second respondent raised objection stating that the appellant has not produced any proof that they have paid said amount for repairing works in private auto mobile.

8. But during the Trial, one Devaraj/Manager of the TATA Insurance Company was examined as P.W.3, who admits that car insured TATA Insurance Company and as per the company's surveyor report the car was damaged to



Rs.2,02,000/- . But admittedly that amount was not paid and the driver of the vehicle is having valid driving licence.

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9. On perusal of records it reveal that the accident was happened due to the rash and negligence driving of the driver of the vehicle bearing registration No. TN 27 3789 which was owned by the first respondent and insured with second respondent. Hence, the second respondent is liable to pay damages for the both the petitioner as well as damages to the vehicles upto Rs.7,50,000/- and policy was valid at the time of the accident. Now the appellant claiming Rs.3,55,000/- for the damage caused to the car and appellant prove the same through Ex.P.16/repair assessment cum processing sheet/work order issued by Pokma Automobile Service Private Limited for Rs.3,55,374/-. Hence, the second respondent is liable to pay a sum of Rs. Rs.3,55,374/- as damages to the vehicle but the tribunal has failed to consider the same. Therefore, the second respondent is directed to pay a sum of Rs.3,55,000/- as damages to the appellant. Except above modification the award passed by the tribunal remain unchanged.



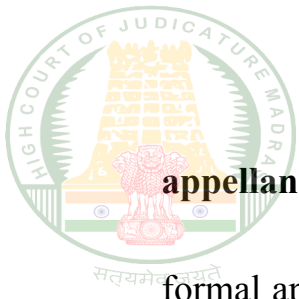
10. In view of the discussions made earlier, the award passed by the

Tribunal is modified as follows:-

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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.25,000/-	Rs.25,000/-
2.	Loss of Income	Rs.8,500/-	Rs.8,500/-
3.	Medical Expenses	Rs.28,783/-	Rs.28,783/-
4.	Transportation expenses	Rs.3,000/-	Rs.3,000/-
5.	Extra Nourishment	Rs.8,000/-	Rs.8,000/-
6.	Attender charges	Rs.1,200/-	Rs.1,200/-
7.	Damages to cloths and article	Rs. 13,000/-	Rs. 3,55,000/-
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Nil	Nil
10	Total	Rs.87,483/-	Rs.4,26,483/-

11. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 4,26,483/-**. 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 MCOP No. 6479 of 2013, on the file of the Motor Accidents Claims Tribunal in the Special Sub Court-1, Small Causes Court, 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.

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

29-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accidents Claims Tribunal in the Special Sub Court-1, Small Causes Court, Chennai.

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



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T.V.THAMILSELVI J.
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