



C.M.A.No.1676 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1676 of 2025

H.Jagannathan

...Appellant(s)

Vs.

1.S.Anbu

2.MAGMA HDI General Insurance Co. Ltd.,

Navin's presidium, A-Block, 3rd Floor,

New No.17-19, Old No.103-A,

Nelson Manickam Road, Chennai – 600 029.

...Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the order made in M.C.O.P.No.4826 of 2022, dated 03.04.2025, on the file of the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai).

For Appellant(s) : Mr.K.Balaji

For Respondent(s) : R1 – NDW

Mr.N.Vijaya Raghavan

J U D G M E N T



C.M.A.No.1676 of 2025

WEB COPY

This appeal is filed by the appellant challenging the judgment and decree dated 03.04.2025 passed in M.C.O.P.No.4826 of 2022 on the file of Motor Accidents Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioner is the claimant, the first respondent is the owner of the vehicle and the second respondent is the Insurance Company before the Tribunal.

4.The brief facts of the case are as follows:

On 30.07.2022 at about 19.30 hours, when the petitioner was riding his two wheeler bearing Registration No.TN-22-CT-4934 from Eratham to Kancheepuram Road, near Pillathanal Junction, at that time, a two wheeler bearing Registration No.TN-97-Y-8903 drove in a rash and negligent manner and hit against the petitioner. Due to the accident, the



C.M.A.No.1676 of 2025

WEB COPY

petitioner sustained grievous injuries. Immediately, after the accident, the petitioner was taken to SRM Medical College Hospital & Research Centre, Kattankulathur and took treatment as inpatient from 31.07.2022 to 11.08.2022, 20.08.2022 to 27.08.2022 and 02.01.2023 to 07.01.2023. Further, he was taken to Richardsons Dental and Craniofacial Hospital, Kanyakumari and took treatment as inpatient from 14.07.2023 to 19.07.2023 and 18.03.2024 to 19.03.2024. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.4826 of 2022, the Tribunal awarded a sum of Rs.2,96,100/- as compensation after deducting 25% contributory negligence. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that due to the accident, the appellant sustained grievous injuries and he is not able to continue his regular work as before, but the Tribunal awarded loss of income only for 2 months is very meagre. He further submitted that the Tribunal fixed 25% contributory negligence on the part of the



C.M.A.No.1676 of 2025

WEB COPY

appellant is very excessive and hence, he filed the present appeal for negligence and enhancement.

6.Learned counsel appearing for the second respondent submitted that the appellant did not possess valid driving license and was under the influence of alcohol at the time of the accident. Therefore, the Tribunal rightly fixed 25% contributory negligence on the part of the appellant which is reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.

7.Heard learned counsel appearing for the appellant, learned counsel for the second respondent and perused the materials available on record.

8.Before the Tribunal, the first petitioner was examined as PW1, and on the side of the petitioner, 22 documents were marked as Exs.P1 to P22. On the side of the respondent, Mrs.K.Abirami was examined as RW1 and 3 documents were marked as Exs.R1 to R3 and Disability Certificate issued by the Medical Board was marked as Ex.C1.



C.M.A.No.1676 of 2025

WEB COPY

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.1,30,000/- for disability, Rs.40,000/- for pain and suffering, Rs.4,000/- for transportation, Rs.1,49,289/- for medical expenses, Rs.10,000/- for extra nourishment, Rs.10,200/- for attender charges, Rs.41,214/- for loss of earning, Rs.10,000/- for loss of amenities and arrived at a total compensation of Rs.3,94,703/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.On perusal of the records, it is seen that the petitioner was aged 22 years and was working as analyst at Audit Department at the time of the accident.

11.The findings of the Tribunal with regard to fixation of 25% contributory negligence on the part of the petitioner is extracted hereunder:

Hence, it is proved that rider of the motorcycle bearing Reg.No.TN-22-CT-4934 namely petitioner herein did not possess valid driving license at the time of accident and



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C.M.A.No.1676 of 2025

further the petitioner was under the influence of alcohol at the time of the accident.

12.On perusal of the records, it is seen that the Tribunal fixed 25% contributory negligence on the part of the appellant, which is excessive. Considering the age, year and nature of the injuries sustained by the appellant and the submission made by the learned counsel for the appellant, this Court is inclined to fix contributory negligence on the part of the appellant at 10%.

13.The amount awarded under the various heads, in the opinion of this Court is just and reasonable and the same is confirmed except the amount awarded under the head loss of earning, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said head. Accordingly, the amount awarded under the head loss of earning is enhanced to Rs.1,23,642/- from Rs.41,214/- (for Rs.20,607/- x 6 months).



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14. In view of the above, this Court is inclined to modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Disability	1,30,000/-	1,30,000/-
2	Pain and suffering	40,000/-	40,000/-
3	Transportation	4,000/-	4,000/-
4	Medical expenses	1,49,289/-	1,49,289/-
5	Extra Nurishment	10,000/-	10,000/-
6	Attender charges	10,200/-	10,200/-
7	Loss of earning	41,214/-	1,23,642/-
8	Loss of amenities	10,000/-	10,000/-
	Total	3,94,703/-	4,77,131/-
	(*90% of compensation after deducting 10% of contributory negligence)	2,96,027.25	4,29,417.90*
	Rounded off	2,96,100.00	4,29,500.00



C.M.A.No.1676 of 2025

WEB COPY

15.The appellant/claimant is entitled to total compensation of Rs.4,29,500/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

16.The judgment and decree passed by the Motor Accident Claims Tribunal, (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai in M.C.O.P.No.4826 of 2022 dated 03.04.2025 is modified to the above extent.

17.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount, if not deposited earlier, before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant/claimant is permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.



C.M.A.No.1676 of 2025

WEB COPY

18.The appellant/claimant shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellant/claimant is directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellant/claimant.

19.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.

11.08.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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C.M.A.No.1676 of 2025

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To

- 1.The Motor Accidents Claims Tribunal,
(Special Sub Court No.1, Motor Accidents Claims Petitions)
Small Causes Court, Chennai.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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C.M.A.No.1676 of 2025

T.V.THAMILSELVI, J.

pam

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For Appellant(s) : Mr.K.Balaji

For Respondent(s) : R1 – NDW

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C.M.A.No.1676 of 2025

ORDER

Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the appellant.

2.It is brought to the notice of this Court that some typographical error has been crept in Paragraph Nos.13, 14 and 15 of the Order dated 30.07.2025. The said Paragraph No.13, 14 and 15 are to be replaced as follows:

13.The amount awarded under the various heads, in the opinion of this Court is just and reasonable and the same is confirmed except the amount awarded under the head loss of earning, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said head. Accordingly, the amount awarded under the head loss of earning is enhanced to Rs.1,30,200/- from Rs.41,214/- (for Rs.21,700/- x 6 months). :

14. In view of the above, this Court is inclined to modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:



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S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Disability	1,30,000/-	1,30,000/-
2	Pain and suffering	40,000/-	50,000/-
3	Transportation	4,000/-	10,000/-
4	Medical expenses	1,49,289/-	1,79,664/-
5	Extra Nurishment	10,000/-	15,000/-
6	Attender charges	10,200/-	15,000/-
7	Loss of earning	41,214/-	1,30,200/-
8	Loss of amenities	10,000/-	20,000/-
	Total	3,94,703/-	5,49,864/-
	(*90% of compensation after deducting 10% of contributory negligence)	2,96,027.25	4,94,877.6/-
	Rounded off	2,96,100.00	4,94,878/-

15.The appellant/claimant is entitled to total compensation of Rs.4,94,878/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

3. Registry is directed to make out the necessary correction in the order copy and issue fresh order copy to the parties forthwith.



C.M.A.No.1676 of 2025

WEB COPY

4. In other respects, the order dated 11.08.2025 shall remain unaltered.

29.08.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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C.M.A.No.1676 of 2025



WEB COPY



C.M.A.No.1676 of 2025

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smn

C.M.A.No.1676 of 2025

29.08.2025