



C.M.A.No.2521 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2521 of 2024

Arunsaravanan,
S/o.Eswaran,
Residing at D.No.34,
Avaniyur Vadakku Theru,
Avaniperur West Village,
Idappadi Taluk,
Salem District.

...Appellant

Vs.

1.Marimuthu,
S/o.Mathan,
Residing at D.No.5/23,
Karuveppampatti,
Tiruchengode Taluk,
Namakkal District.

2.Sri Ram General Insurance Co., Ltd.,
Coimbatore.

...Respondents

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 21.12.2018 passed in M.C.O.P.No.434 of 2013 on the file of the Motor Accident Claims Tribunal/Subordinate Court, Sankari.

For Appellant : Mr.T.S.Arthanareeswaran



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For Respondents : Mr.S.Dakshanamoorthy - R2

R1 - NDW

J U D G M E N T

The above Civil Miscellaneous Appeal arises against the award and decree dated 21.12.2018 passed in M.C.O.P.No.434 of 2013 on the file of the Motor Accident Claims Tribunal/Subordinate Court, Sankari.

2. The claimant is the appellant seeking enhancement of compensation granted by the Tribunal. It is the case of the claimant that on 31.05.2013 at about 2.00p.m., while he was riding his two wheeler bearing Registration No.TN-52-C-0402 from Avaniyur Vadakku Theru to Thiruchengode on Sankari, when he was nearing Parvathibai Thirumana Mandapam in front of the water service station, at that time, the 1st respondent drove the TATA ACE bearing Registration No.TN-34-H-9828 from opposite direction and hit against the petitioner. Due to which, the petitioner sustained grievous injuries all over the body.



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3. The accident occurred only due to the rash and negligent driving of the driver of the TATA ACE and he is solely responsible for the same. The petitioner was aged 28 years and was earning Rs.40,000/- per month, as he is the owner of Arun Water Service Station and R.S.Tipper Service and an agriculturist and also a milk producer. The 1st respondent as the owner of the vehicle and the 2nd respondent as the insurer of the vehicle are liable to pay a sum of Rs.41,00,000/- as compensation for the petitioner. He would contend that the compensation granted by the Tribunal under various heads is very low and therefore, the award has to be enhanced.

4. The 2nd respondent / Insurance Company filed their counter disputing the manner of the accident. The 2nd respondent admitted that the 1st respondent is the owner of the vehicle and the offending vehicle was insured with them. The 2nd respondent disputed the accident, stating that the driver of the offending vehicle with precautionary measures drove the vehicle, but the petitioner drove the vehicle in a rash and negligent manner. The compensation amount claimed under various heads is excessive.



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5. Heard the learned counsel appearing on either side and perused the papers.

6. On a perusal of records, it is seen that the petitioner neither sustained an amputation nor sustained any permanent disability and therefore, on considering the nature of the injury and the disability of 15%, the Tribunal has rightly awarded the compensation, which needs no interference. Hence, the award is confirmed.

7. Accordingly, this Civil Miscellaneous Appeal is dismissed and the findings rendered by the Tribunal are confirmed. The 2nd respondent / Insurance Company is directed to deposit the entire amount, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.434 of 2013 on the file of the Motor Accident Claims Tribunal/Subordinate Court, Sankari, within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier.



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8. On such deposit, the appellant is permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

9. The appellant/petitioner is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the them. No costs.

19.08.2025

Speaking order / Non-Speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The Motor Accident Claims Tribunal/Subordinate Court,
Sankari.

2.Sri Ram General Insurance Co., Ltd.,
Coimbatore.

3.The Section Officer,
VR Section,
High Court of Madras.

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T.V.THAMILSELVI, J.,

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