



C.M.A.Nos. 3562, 3563 and 3564 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.12.2025

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.Nos. 3562, 3563 and 3564 of 2025

C.M.A. No. 3562 of 2025

Priyadharshini (Minor)

(represented by her father Jayachandran as NG and NF)

D/o. Jayachandran,

No.249, Kalavani Street,

Mathur, Kancheepuram District 602 105.

...Appellant

Vs.

1. R. Selvaraju

2. United India Insurance Co. Ltd.

T.P. Cell: No.134, Greams Road,

Chennai 600 006.

... Respondents

C.M.A. No. 3563 of 2025

Jayachandran

...Appellant



C.M.A.Nos. 3562, 3563 and 3564 of 2025

Vs.

1. R. Selvaraju

2. United India Insurance Co. Ltd.

T.P. Cell: No.134, Greams Road,
Chennai 600 006.

... Respondents

C.M.A. No. 3564 of 2025

Indumathi

...Appellant

Vs.

1. R. Selvaraju

2. United India Insurance Co. Ltd.

T.P. Cell: No.134, Greams Road,
Chennai 600 006.

... Respondents

Common Prayer: These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act,1988, praying to set aside the decree and judgment passed in MCOP.Nos.2948, 2945 and 2947 of 2017 dated 12.07.2023 on the file of the Motor Accident Claim Tribunal, III Court of Small Causes, Chennai.

Appearance in all the CMAs

For Appellant : Mr. D. Poovannan

For Respondents : Ms. R. Sreevidhya for R2.



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COMMON JUDGMENT

These appeals are directed against the award of the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai, in MCOP.Nos.2948, 2945 and 2947 of 2017 dated 12.07.2023.

2. The appellants are the claimants in MCOP.Nos.2948, 2945 and 2947 of 2017 on the file of the of the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai, and they filed claim petitions under Section 166(1) of the Motor Vehicles Act, 1988 seeking compensation of Rs.18,00,000/-, Rs.15,00,000/- and Rs.18,00,000/- respectively for the injuries sustained by them in a road accident that took place on 11.10.2016.

3. Shortly stated, on 11.10.2016, the petitioners were travelling in a



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Motor Cycle bearing Registration No. TN-19-L-1977 from Potheri to Chengalpattu direction, and at about 16.30 hours, at GST Road, near Amma Hotel, Maraimalai Nagar, Kancheepuram District, a car bearing Registration No.TN-19-A-7417, driven by its driver with a high speed in a rash and negligent manner, came in the same direction and dashed against the motor cycle. The petitioners sustained multiple grievous injuries all over the body and were taken to the hospital for treatment. FIR was registered against the driver of the offending vehicle.

3.1. According to the claimants, the rash and negligent driving of the driver of the car bearing Registration TN-19-L-1977 was the cause of the accident and that since the said vehicle was insured with the second respondent, the United India Insurance Company Limited, the owner and the insurer are jointly and severally liable to pay compensation to them.



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4. The respondents alleged that the compensation claimed by the petitioners is on the higher side and that the petitioners are responsible for accident. It is submitted that as per Motor Vehicle Rules, only two persons can travel in a two wheeler. But, in the present case, three persons have travelled thereby violating the Motor Vehicle Rules, therefore, the driver of the 1st respondent vehicle is not responsible for the accident.

5. The Claims Tribunal, after analysing the evidence on record, came to the conclusion that the accident took place as alleged and claimants are entitled to claim compensation from the respondents. Compensation of Rs.2,18,400/- has been awarded carrying interest at the rate of 7.5% per annum to the petitioner in MCOP No.2947/2017. Compensation of Rs.1,66,900/- has been awarded carrying interest at the rate of 7.5% per annum to the petitioner in MCOP No.2948/2017. Compensation of



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Rs.1,05,900/- has been awarded carrying interest at the rate of 7.5% per annum to the petitioner in MCOP No.2945/2017.

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6. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimants have filed the present appeals under Section 173 of the Motor Vehicles Act, 1988.

7. Through these appeals, award has been challenged by the claimants stating that just compensation has not been awarded. It is submitted that the Tribunal failed to consider the nature of injuries suffered by the claimants and that the Tribunal ought to have considered the evidence and documents filed to support the claim. However, the Tribunal awarded a very meagre compensation without any valid reasons.

8. On the side of the respondent, Insurance Company it is submitted



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that, the learned Tribunal, considering the facts and circumstances of the case has awarded just compensation, which warrants any interference by this Court.

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9. Heard Mr. D. Poovannan, learned counsel for the appellant and Mrs. R. Sreevidhya, learned counsel for the second respondent / Insurance Company.

10. There is no dispute with regard to taking place of accident, as alleged by the claimants, but for rash and negligent driving of the offending vehicle, it would not have taken place. Findings recorded by the learned Claims Tribunal is, therefore, sustained.

11. At the time of the accident the petitioner in MCOP No.2948/2017 was three years old. The petitioner in MCOP No.2945 of 2017 was 38 years



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old and the petitioner in MCOP No.2947 of 2017 was 26 years old. According to the petitioner in MCOP No.2947/2017 she was a tailor at the time of accident and was earning a sum of Rs.10,000/- per month and claimed a sum of Rs.18,00,000/- as compensation for the injuries suffered by her at the time of accident. The percentage of permanent disability is assessed as 35% by the Regional Medical Board, Government Royapettah Hospital, Chennai. The percentage of permanent disability is assessed as 15% by the Regional Medical Board, Government Royapettah Hospital, Chennai, for the petitioner in MCOP No.2945 of 2017. The percentage of permanent disability is assessed as 25% by the Regional Medical Board, Government Royapettah Hospital, Chennai, for the minor petitioner in MCOP No.2948 of 2017.

12. The Tribunal has adopted per percentage method for determination of compensation and fixed Rs.5,000/- per percentage and awarded a sum of Rs.75,000/- (15 x 5000) towards permanent disability to the petitioner in



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MCOP No.2945 of 2017, Rs.1,75,000/- (35 x 5000) to the petitioner in MCOP

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No.2947 of 2017 and Rs.1,25,000/- (25 x 5000) in MCOP No.2948 of 2017.

The percentage method applied by the Tribunal is sustained. However, considering the year of the accident, this Court finds it appropriate to fix a sum of Rs.6,000/- for each percentage.

13.The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court.

C.M.A. No.3562 OF 2025 (MCOP No.2948 of 2017)

S.No.	Description	Amount awarded by	Amount awarded by	Award confirmed / enhanced/granted
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		Tribunal (Rs.)	this Court (Rs.)	
1.	Disability	1,25,000/- (25x5000)	1,50,000/- (25x6000)	Enhanced
2.	Pain and sufferings	20,000/-	30,000/-	Enhanced
3.	Transportation	3,000/-	5,000/-	Enhanced
4.	Medical Expenses	6,362/-	6,362/-	confirmed
5.	Extra nourishment and damages	10,000/-	10,000/-	confirmed
6.	Attender charges	1,500/-	1,500/-	confirmed
7.	Damage to clothes	1,000/-	1,000/-	confirmed
	Total	1,66,862/- Rounded off to Rs.1,66,900/-	2,03,862/-	Enhanced by Rs.36,962/-



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C.M.A. No.3563 OF 2025 (MCOP No.2945 of 2017)

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/granted
1.	Disability	75,000/- (15x5000)	90,000/- (15x6000)	Enhanced
2.	Pain and sufferings	10,000/-	15,000/-	Enhanced
3.	Transportation	2,000/-	2,000/-	confirmed
4.	Medical Expenses	1,564/-	1,564/-	confirmed
5.	Extra nourishment and damages	1,000/-	1,000/-	confirmed
6.	Attender charges	300/-	300/-	confirmed
7.	Damage to clothes	1,000/-	1,000/-	confirmed
8.	Loss of Amenities	Rs.3,000/-	Rs.3,000/-	confirmed
9.	Loss of earnings	Rs.12,000/-	Rs.12,000/-	confirmed
	Total	Rs.1,05,864/- rounded off to	Rs.1,25,864/-	Enhanced by Rs.19,964/-



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Rs.1,05,900/-

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C.M.A. No.3564 OF 2025 (MCOP No.2947 of 2017)

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/granted
1.	Disability	1,75,000/- (35x5000)	2,10,000/- (35x6000)	Enhanced
2.	Pain and sufferings	10,000/-	25,000/-	Enhanced
3.	Transportation	4,000/-	4,000/-	confirmed
4.	Medical Expenses	4,340/-	4,340/-	confirmed
5.	Extra nourishment and damages	5,000/-	5,000/-	confirmed
6.	Attender charges	2,100/-	2,100/-	confirmed
7.	Damage to clothes	1,000/-	1,000/-	confirmed
8.	Loss of Amenities	Rs.7,000/-	Rs.7,000/-	confirmed
9.	Loss of earnings	Rs.10,000/-	Rs.10,000/-	confirmed
	Total	Rs.2,18,440/- rounded off to	Rs.2,68,440/-	Enhanced by Rs.50,040/-



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Rs.2,18,400/-

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14. In the result,

- i. The Civil Miscellaneous Appeals are partly allowed. No costs.
- ii. The compensation awarded by the Tribunal in MCOP No.2948 of 2017 (CMA No.3562 of 2025) is enhanced to 2,03,862/-, in MCOP No.2945 of 2017 (CMA 3563 of 2025) is enhanced to Rs.1,25,864/- and in M.C.O.P. No.2947 of 2017 (CMA No.3564 of 2025) is enhanced to Rs.2,68,440/-.
- iii. The appellant / claimant in the above appeals are directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- iv. The second respondent, the United India Insurance Co. Ltd., is directed to deposit the enhanced compensation amount as stated above (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the



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credit of respective M.C.O.Ps within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

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v.The appellant/claimant in the above appeals are not entitled to claim any interest for the period of delay of 265 days in filing these appeals, as per the orders of this Court dated 03.11.2025 in C.M.P. Nos.19055, 19060 and 19056 of 2024.

vi.On such deposit being made, the appellant/claimant in the above appeals are at liberty to withdraw the same, after following due process of law.

03.12.2025

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

16/19



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To

1. Motor Accident Claim Tribunal,
III Court of Small Causes, Chennai.

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



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K.GOVINDARAJAN THILAKAVADI, J.

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