



C.M.A.Nos.155 & 1584 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.Nos.155 and 1584 of 2022 and

C.M.P. No.1150 of 2022

C.M.A. No. 155 of 2022

Royal Sundaram Alliance General Insurance

Company Limited,

Sundaram Towers,

No.46, Whites Road,

Royapettah, Chennai 600 014.

...Appellant

Vs.

1. Gandhi

2. Krishna Ramasamy

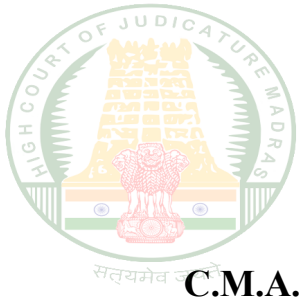
3. Ramasamy Gounder

4. National Insurance Company Limited,

Branch Office at Thanthai Periyar Complex,

Old Bus Stand Near, Salem 1.

...Respondents



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C.M.A. No.1584 of 2022

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Gandhi

... Appellant

vs.

1. Krishna Ramasamy
2. Royal Sundaram Alliance General Insurance
Company Limited,
Sundaram Towers, No.46, Whites Road
Royapettah, Chennai 600 014.
3. Ramasamy Gounder
4. National Insurance Company Limited,
Branch Office at Thanthai Periyar Complex
Near Old Bus Stand, Salem 1.

Prayer in C.M.A. No.155 of 2022 : This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the judgment and decree dated 25.04.2019 passed in M.C.O.P. No. 877/2011 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankagiri.

Prayer in C.M.A. No.1584 of 2022 : This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the judgment and decree dated 25.04.2019 passed in M.C.O.P. No. 877/2011 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankagiri.



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Appearance

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In C.M.A. No.155 of 2022

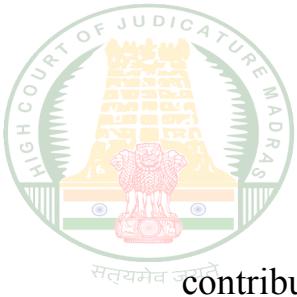
For Appellant : Mr.G. Vasudevan
For Respondents : Mr.R. Navaneetha Krishnan for R1
Ms. N.B. Surekha for R4
R3 - died
R2 - Not ready in notice.

In C.M.A. No.1584 of 2022

For Appellant : Mr.R. Navaneetha Krishnan
For Respondents : Mr.G. Vasudevan for R2
Ms. N.B. Surekha for R4
R1 - No appearance
R3 - died

COMMON JUDGMENT

Appeal in C.M.A. No.155 of 2022 has been preferred by the Insurance Company against the Award dated 25.04.2019 passed in M.C.O.P. No. 877/2011 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankagiri, on the ground that the quantum awarded by the Tribunal is highly excessive and unsustainable in law. The learned counsel appearing for the appellant in the said appeal submits that the accident was caused due to the



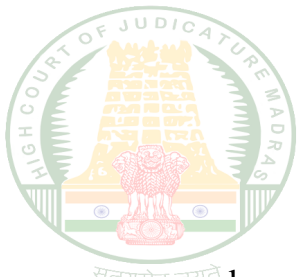
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contributory negligence of the driver of the bus and therefore, the Award ought to be proportionately reduced.

2. Appeal in C.M.A. No.1584 of 2022 has been filed by the claimant against the Award dated 25.04.2019 passed in M.C.O.P. No. 877/2011 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankagiri, on the ground that the Award passed by the Tribunal is very low. The learned counsel appearing for the appellant in the said appeal submits that in the said accident the claimant suffered right temporal fracture in the head and multiple fractures in the ribs and clavicle region and that the claimant has lost his vision, speech and movements and is undergoing physiotherapy for mobility. Due to the said injuries, the claimant lost his avocation. However, the Tribunal had awarded a sum of Rs.16,00,000/- which is very low and requires consideration by this Court.

3. Upon perusing the Award passed by the Tribunal, it is seen that the Tribunal has considered the medical records and the disability certificate of the claimant and assessed the percentage of disability at the rate of 15%



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and applied multiplier method following the guidelines set out by the Hon'ble Apex Court.

4. Considering the facts and circumstances of this case and after perusing the Award passed by the Tribunal, this Court comes to a conclusion that the Tribunal has awarded a just compensation as per law and hence, there is no need to dislodge the observations made by the Tribunal.

5. In the result, both the Civil Miscellaneous Appeals are dismissed.
No costs. Consequently connected miscellaneous petition is closed.

05.06.2025

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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K.GOVINDARAJAN THILAKAVADI, J.

bga

To

1. Motor Accidents Claims Tribunal, Sub Court, Sankagiri.
2. The Section Officer,
VR Section,
High Court, Madras.

C.M.A.Nos.155 and 1584 of 2022 and

C.M.P. No.1150 of 2022

05.06.2025