



C.M.A.No.3059 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM:

THE HONOURABLE **Mrs. JUSTICE R.KALAIMATHI**

C.M.A.No.3059 of 2025

and

CMP.No.25717 of 2025

Shriram General Insurance Co., Ltd.,
I Floor, Plot No.5, Ramachandran Street,
Saravana Nagar, Seevaram, Perungudi,
Chennai 600 096.

... Appellant

vs.

1.Kasinathan
2.Edith Gilles

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the Order and Decretal order dated 06.01.2025 passed in M.C.O.P.No.67 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Court No.1, Cuddalore.

For Appellant : Mr.Siva Kolappan.B

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the Insurance Company against the Award dated 06.01.2025 made in M.C.O.P.No.67 of 2021 on the file of Special Subordinate Court No.1(to deal with MCOP cases) Cuddalore as regards quantum.



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2. The only ground put forth by the learned counsel for the appellant/Insurance Company is that the claimant would suffer fracture over right leg, fracture of left clavicle 2 to 5 and the District Medical Board assessed his disability as 55%. For pain and suffering, a sum of Rs.3,00,000/- is granted by the Tribunal is on the higher side.

3. As per Ex.P.2 – Accident Register issued by the Government Head Quarters Hospital, Cuddalore soon after the accident, the claimant had been admitted at the Government Hospital, Cuddalore. Thereafter the claimant was admitted on 01.12.2020 as an inpatient and discharge summary issued by Kannan Hospital, Cuddalore and he was discharged on 07.12.2020. Due to road traffic accident, he has suffered subarachnoid hemorrhage over right frontal and right temporal and suffered fracture of 2 to 5 rib bones on the left side.

4. As per Ex.P4 – Discharge summary issued by Lakshmi Hospital, Cuddalore, the claimant also suffered fracture of tibial condylar fracture of right knee. It appears that external fixator was done and on 20.01.2021 the same was removed through surgery. For all the injuries and rib fractures on the left side, the District Medical Board assessed the disability as 55%. The Tribunal has taken the above said disability as functional disability and granted a sum of Rs.5,000/- per percentage



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since the claimant had undergone surgery is twice in respect of fracture of leg and the relevant point of time, the claimant was aged about 75 years.

5. In consideration of the above said injuries, the Tribunal has granted a sum of Rs.3,00,000/- for pain and suffering, which is reasonable and acceptable, and it needs no interference by this Court.

6. This Court is of the considered view that the amounts awarded by the Tribunal, in consideration of the above said details, does not warrant any interference by this Court. This Court also does not find any infirmity or perversity in the findings of the Tribunal.

7. In the result,

- (i) The Civil Miscellaneous Appeal stands dismissed.
- (i) Sequel to this, the Award dated 06.01.2025 passed by the Motor Accident Claims Tribunal, Special Subordinate Court No.1, Cuddalore in M.C.O.P.No.67 of 2021 stands confirmed.
- (ii) The Appellant / Insurance Company is directed to deposit the award amount i.e., **Rs.9,07,000/-** (less the amount already deposited if any)



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R.KALAIMATHI, J.

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together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.67 of 2021 on the file of Special District Court No.1, (to deal with MCOP cases) Cuddalore, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iii)On such deposit being made, the first respondent/claimant may withdraw the same along with interest and costs by filing necessary application before the Tribunal.

(iv)There is no order as to costs. Consequently, connected miscellaneous petition if any, stands closed.

27.10.2025

Index : Yes/No
Speaking / Non-speaking order
kkd

To:
The Motor Accident Claims Tribunal,
Special District Court No.1, Cuddalore.

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