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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.NO.3438 OF 2025 &
CMP.No.28415 of 2025

The Manager,
National Insurance Company Ltd.,
Third Party Claims cell,
No.66, I Floor, Murugesu Naicken
Complex, Greaves Road,
Chennai 600 006

.... Appellant

Vs

1. Minor T. Keerthesh
2. B. Saravanan

.... Respondents

Prayer: Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988 against the decree and judgment passed in M.A.C.T.O.P.No.228 of 2022 dated 25.06.2025 on the file of the Motor Accident Claims Tribunal, No.11, Special Sub Court, Tiruvallur.

For Petitioner : Mrs. N.B. Surekha

JUDGMENT

This Civil Miscellaneous Appeal is preferred by the Insurance Company against the award dated 25.06.2025 made in MCOP.No.228 of 2022 on the file of Motor Accident Claims Tribunal No.II, Special Sub Court, Tiruvallur, as regards the negligence issue and on quantum.

2. Heard the learned counsel for the Appellant at the admission stage itself.



3. The Claim petition was filed on behalf of minor-Keerthish, by his mother and natural guardian claiming compensation of Rs.10,00,000/- for the injuries sustained by him in a road traffic accident that occurred on 09.01.2021.

4. The Tribunal upon consideration of evidence, granted compensation of Rs.1,06,000/- with 7.5% interest per annum from the date of filing of claim petition.

5. The amounts granted by the Tribunal under various heads are given as follows:

S.No.	Heads	Amount
1	For disability	Rs. 35,000
2	For pain and sufferings	Rs. 30,000
3	For Extra Nourishment	Rs. 5,000
4	For Medical Expenses	Rs. 15,000
5	For Loss of amenities	Rs. 10,000
6	For transportation	Rs. 10,000
7	For attender Charges	Rs. 1000
	Total	Rs. 1,06,000

6. The learned counsel for the appellant/Insurance Company would state that it is because of the rash and negligent driving of the motor cycle, the accident had occurred and the Tribunal has fastened the liability to pay compensation upon the 2nd respondent/Insurance Company and the same is incorrect. She would also submit that for the disability suffered by the minor, the amounts granted by the Tribunal is on the higher side.



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7. It has come on record through the evidence of PW2 N.Gajendra that on 09.01.2021 at about 7.30 p.m., along the Veppampattu-Chennai High Road, the claimant travelled as a pillion in a motor cycle bearing Regn.No.TN 10 Z 3330 and in front of Boopathi Motors, a lorry bearing Regn.No.TN 88-A-9599 was proceeding towards Thiruvallur came at a high speed and in a rash and negligent manner, hit upon the motor cycle. Due to the accident, the minor claimant sustained serious injuries. During his cross examination, he has reiterated the fact that the lorry came at a high speed and because of the rash and negligent driving of the driver of the said lorry, the accident occurred. On the side of the 2nd respondent, one E.David, Son of Elumalai, Lorry Driver was examined. It is his evidence that he was proceeding towards Tiruttani and at the junction of Sevvapet, a two wheeler came in a negligent manner and when he turned his lorry to the left hand side, suddenly the two wheeler hit upon the lorry. It is pertinent to note that during his cross examination, he would state that he immediately reached the Police Station, but he did not lodge a complaint against the rider of the two wheeler.

8. Based on the testimony of PW2 and RW1, the tribunal has concluded that because of the rash and negligent driving of the lorry driver, the accident had occurred and liability has been fastened upon the 2nd respondent / Insurance Company, as being the insurer of the erred vehicle. In such circumstances, fastening liability on the 2nd respondent/Insurance Company by the Tribunal cannot be found fault with.

9. On account of the accident, the minor claimant suffered displaced mid 3rd fracture



shaft of femur right and he was admitted at Kumaran Hospital, Kolathur, as an inpatient from 08.03.2021 to 10.03.2021, where, open reduction and internal fixation of plate and screw was fixed. The Medical Board assessed the disability of the minor at 5%. In consideration of the above said details, the amounts granted under various heads by the Tribunal appears to be reasonable and acceptable and it does not warrant any interference by this Court. In such circumstances, the Civil Miscellaneous Appeal stands rejected at the admission stage itself. No costs. Consequently, the connected miscellaneous petition is closed.

18.11.2025

msr
Index:yes/no
Internet:yes/no

To

The Motor Accident Claims Tribunal,
No.11, Special Sub Court, Tiruvallur.



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R. KALAIMATHI,J.

msr

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