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CMA No.1330 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No.1330 of 2025

S.B.I.General Insurance Co. Ltd.,
Excellence 2nd Floor, D.No. 104, Race
Course Road, Coimbatore 641 018.

Appellant(s)

Vs

1.Ramasamy

2.Sadhasivam

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 19th day of January 2023 made in M.C.O.P.No.1861 of 2014 on the file of Motor Accident Claims Tribunal, Tiruppur.

For Appellant(s): Mr.K.Vinod

For Respondent(s): Mr.K.Varadha Kamaraj for R2



ORDER

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The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the appellant.

2.It is brought to the notice of this Court that there is correction in paragraph Nos.5 and 7 of the order dated 03.06.2025 and the same shall be replaced as follows:

5. Considering the facts and circumstances of the case, the insurance company/appellant stated the cheque issued by the owner of the vehicle to pay the insurance premium was dishonoured due to insufficient funds and the same was intimated to the owner of the vehicle and to prove the same they produced Ex.R4, which shows that cheque was dishonoured on 23.09.2014 and notice was issued on 17.10.2014 in the name of the first respondent. But as rightly observed by the tribunal there is no proof was produced on the side of the appellant that the notice was served on the first respondent, without which there are not entitled to take such defence that already they were informed about the cancellation of the policy by the first respondent. Furthermore, though the cheque was dishonoured on 23.09.2014 near about three weeks later notice was issued on 13.10.2014 and acknowledgement card was not produced showing intimation of the notice served to the first respondent. Therefore, the appellant not proved that proper notice was served on the respondent thereby the objection raised to that effect is not sustainable.



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The Tribunal has rightly fixed the liability with pay and recovery needs no interference. Further, the learned counsel for the appellant argued that compensation awarded for pain and sufferings is exorbitant since the injured taken treatment only for five days. The reason assigned by the appellant's counsel is justifiable hence compensation awarded by the tribunal for pain and sufferings and loss of amenities is reduced to Rs.20,000/- from Rs.50,000/-. In respect of other heads, the findings rendered by the tribunal is confirmed.

7. Therefore, the compensation payable to the claimant is reduced to Rs.3,21,650/-. The appellant/Insurance company is directed to deposit the said amount to the credit of MCOP.No.1861/2014 on the file of the Motor Accident Claims Tribunal, Tiruppur, within a period of the eight weeks from the date of receipt of a copy of this judgement. Pay and recovery ordered by the Tribunal is confirmed.

3.All other conditions imposed in the order dated 03.06.2025 shall remain intact except for the above said correction.

4.Registry is directed to carry out necessary correction in the order dated 03.06.2025 and issue a fresh copy of the order to the learned counsel for the parties.

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T.V.THAMILSELVI, J.

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