



CMA.No.857, 858 and 859 of 2025

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Dated :25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA Nos.857, 858 and 859 of 2025 and
C.M.P.Nos.7057, 7067 and 7073 of 2025

The Additional Director General Of Police
Civil Supplies CID, Nandanam,
Chennai - 600 023. ... Appellant in all CMA's.
Vs

S Ananya (Minor)
Rep. by her Natural Guardian/Father R.Saravanan,
No.92 Thanthai Periyar Nagar,
3rd Cross Street, Ayanavaram,
Chennai - 600 023. ... Respondent in CMA.No. 857 of 2025

Vs.
R.Saravanan ... Respondent in CMA.No. 858 of 2025

S.Akshaya (Minor)
Rep. by her Natural Guardian/Father R.Saravanan,
No.92 Thanthai Periyar Nagar,
3rd Cross Street, Ayanavaram,
Chennai - 600 023. ... Respondent in CMA.No. 859 of 2025

Prayer in CMA.No.857 of 2025 : Civil Miscellaneous Appeal filed
under Section 173 of Motor Vehicle Act, to set aside the Judgment
passed by the Hon'ble Motor Accident Claims Tribunal/VI Small



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WEB COPY Causes Court, Chennai in MCOP.No.7624/2017 vide order dated 12-06-2023.

Prayer in CMA.No.858 of 2025 : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the Judgment passed by the Hon'ble Motor Accident Claims Tribunal/VI Small Causes Court, Chennai in MCOP.No.7619/2017 vide order dated 12-06-2023.

Prayer in CMA.No.859 of 2025 : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the Judgment passed by the Hon'ble Motor Accident Claims Tribunal/VI Small Causes Court, Chennai in MCOP.No.7621/2017 vide order dated 12-06-2023.

For Appellant in all CMA's : Mr.C.Sathish
Special Government Pleader (CS)
For Respondent in all CMA's : Mr.S.Ravikumar

COMMON JUDGMENT

These appeals have been filed challenging the common award passed by the Motor Accident Claims Tribunal in MCOP Nos. 7624, 7619 and 7621 of 2017.



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2. Since all these appeals are arising out of same accident, they are taken up together for hearing. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. It is the case of the respondents/ claimants that on 04.07.2017, the claimant in CMA.No.858 of 2025 along with his children aged about 9 years and 1 year and 9 months/ the claimants in other CMA.Nos 859 and 857 of 2025 traveled in a two-wheeler. When he was driving his two-wheeler near State Bank of India, Anna nagar, Chennai from North to South direction, the Jeep belonged to the appellant was driven by its driver in a rash and negligent manner and dashed against the two-wheeler. As a result of the accident, all the claimants suffered injuries all over the body and was treated in the hospital. Therefore, the claim petitions were filed seeking compensation of Rs.3 lakhs for the injury suffered by the claimants in CMA.Nos.858 and 859 of 2025. As far as CMA.No.857 of 2025 is concerned, the claim was made for Rs.10 lakhs. Since all the claimants traveled in a two-wheeler and sustained injury in a very same accident



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WEB COPY involving the jeep belonged to the appellant, all these claim petitions were taken up together for enquiry by the Motor Accident Claims Tribunal.

4. The appellant filed a counter and opposed the claim petitions on the ground that the accident had occurred only due to the negligence on the part of the driver of the two-wheeler namely the claimant in CMA.No. 858 of 2025.

5. On behalf of the claimants, the driver of the two-wheeler R.Saravanan was examined as PW1. A doctor was examined as PW2 and 18 documents were marked as Exhibit P1 to Exhibit P18 on the side of the claimants. On behalf of the appellant, the driver of the jeep was examined as RW1 and no documents were marked.

6. The Tribunal, based on the evidence of PW1, the contents of FIR marked as Exhibit P1 and the admission of driver of the Jeep who was examined as RW1 that final report was filed against him, came to



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the conclusion that accident had occurred only due to the negligence on the part of the driver of the jeep. The compensation payable to the claimant in CMA.No. 857 of 2025 was quantified at Rs1,00,413/-. The compensation payable to the claimant in CMA.No. 858 of 2025 was quantified at Rs.40,066/-.The compensation payable to the claimant in CMA.No. 859 of 2025 was quantified at Rs.40,000/- Aggrieved by the said common award passed by the Tribunal, the appellant, who was the owner of the Jeep, has come before this court.

7. The learned counsel for the Appellant submitted that in order to prove the negligence on the part of the driver of the Jeep, the claimants have not examined any eyewitness. Hence, the Tribunal committed an error in fixing negligence on the part of the driver of the Jeep. The learned counsel further submitted that the injury suffered by the claimants are simple in nature and therefore, the amount awarded by the Tribunal are on higher side which requires interference by this court.



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8.Mr.S.Ravikumar, learned counsel for the respondents/claimants submitted that the Tribunal, based on proper appreciation of evidence available on record, fixed the negligence on the part of the driver of the Jeep and arrived at the quantum of compensation and the same requires no interference.

9. The claimant in CMA.No. 858 of 2025, who had driven the two-wheeler at the time of accident, examined himself as PW1 and deposed that the accident had occurred only due to the rash and negligent driving of the driver of the jeep belongs to the appellant. His evidence is very well corroborated by the contents of FIR marked as Exhibit P1, which was filed against the driver of the jeep. It is also seen that the driver of the jeep was examined as RW1 and he clearly admitted in his cross-examination that FIR and the final report had been filed against him and he had not taken any steps to cancel the same.

10. Taking into consideration the evidence of PW1, Exhibit P1



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11. As far as CMA.No. 857 of 2025 is concerned, Exhibit P12 CT scan report would reveal that minor claimant suffered fracture involving right occipital and parietal bones. The findings of the CT scan report reads as follows:-

“ Linear fissure fracture involving the right occipital and parietal bones extending across the lambdoid suture with associated soft tissue scalp hematoma”

12. Exhibit P-18, disability certificate would indicate that the claimant suffered brain injury and suffering from poor memory, difficulty in concentration etc., The doctor, who examined the claimant issued disability certificate fixing permanent disability at 10%. However, the Tribunal taking into consideration the PW-2 who issued



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disability certificate is not a doctor who treated the victim, reduced the disability from 10% to 5%. It is also pertinent to mention that the victim has not subjected herself for examination by medical board. In these circumstances, this Court feels that the Tribunal was justified in fixing disability at 5% and awarded a sum of Rs. 20,000/- under the head disability. In fact, tribunal granted Rs.4000/- per percentage. The same is very conservative amount having regard to the date of accident. Since the claimants have not questioned the same, this Court is inclined to confirm it. Having regard to the nature of the injury, this court feels that an amount of Rs. 25,000/- awarded under the head pain and suffering is reasonable. Though the claimant was treated in the hospital only for one day, having regard to the nature of the injury suffered by the victim, she would have continued the treatment for some time. Therefore, the Tribunal was justified in awarding Rs.10,000/- each under the head transportation charges, extra nourishment, attendant charges, etc. An amount of Rs.25,413/- awarded under the head medical expenses is based on the evidence as per the records. Therefore, the total compensation amount of Rs. 1,00,413/- awarded to the victim is



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just and reasonable and accordingly, the CMA.No. 857 of 2025 is dismissed.

13. As far as the victim in CMA.No. 858 of 2025 is concerned, he suffered only simple injury. Taking into consideration the Ex.P2, the accident register, Ex.P3, treatment documents, Ex. P4, medical bills, etc., the Tribunal awarded a lump sum amount of Rs.40,066/- as compensation and the same appears to be reasonable. Hence, CMA.No. 858 of 2025 is dismissed.

14. The claimant in CMA.No.859 of 2025 also suffered a simple injury. Taking into consideration Ex.P7, accident register, Ex.P8, treatment documents and Ex.P9, medical bills, etc., the Tribunal granted a compensation of Rs.40,000/- and the same appears to be just and reasonable. Therefore, it requires no interference. Hence, CMA.No. 859 of 2025 is also dismissed.

15. In view of the discussions made earlier, all the civil miscellaneous appeals are dismissed by confirming the common award



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passed by the Tribunal. The appellant is directed to deposit the award amount, along with interests and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the respondents/claimants are permitted to withdraw the same along with interest and costs, less the amount if any, already withdrawn by filing a formal application before the Tribunal subject to satisfying the Tribunal about attainment of majority by minor respondents. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index:Yes/No
Internet:Yes/No
Speaking order:Yes/No
Neutral Citation:Yes/No
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1. Motor Accident Claims Tribunal
VI Small Causes Court, Chennai
2. The Section Officer,
VR Section,
High Court, Madras.



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S.SOUNTHAR, J.

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**CMA Nos.857, 858 and 859 of 2025 and
C.M.P.Nos.7057, 7067 and 7073 of 2025**

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