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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	16.02.2026
Pronounced on:	.04.2026

CORAM

**THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.M.A.No.339 of 2026

Devi, W/o. Nataraj, aged about 50 years,
residing at 22/52, Thannir Thotti Veethi,
Palladam Tk, Samalapuram, Tiruppur District.

...Appellant/Petitioner

Vs.

The Superintendent of Police,
District Police Office, Angeripalayam Road,
(Now at Palladam Road), Tiruppur District.

...Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award passed in M.C.O.P.No.1992 of 2018 dated 03.10.2024 on the file of the Motor Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruppur, seeking enhancement of compensation.

For Appellant : Mr.K.Varadhakamaraj

For Respondent : Mr.P.Gurunathan, Additional



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Government Pleader

JUDGMENT

This Civil Miscellaneous Appeal is preferred by the claimant Devi, seeking enhancement of compensation awarded in M.C.O.P.No.1992 of 2018 dated 03.10.2024 on the file of the Motor Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruppur.

2. For the sake of convenience, the parties are referred to as per their ranking in the claim petition.

3. Shortly stated, on 12.07.2018 at about 2.00 p.m., the claimant Devi was travelling as pillion rider on the two-wheeler bearing Registration No. TN 42 J 2952 driven by her husband Nataraj, near the Iyengar Bakery at Kaniyur Toll Gate. The Eicher Van bearing Registration No. TN 39 G 0284 belonging to the respondent / Superintendent of Police came from the opposite direction in a rash and negligent manner and collided with the two-wheeler. As a result, Devi sustained grievous head injury on the right side of her head, fracture injuries and



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other serious injuries. She underwent multiple surgeries. As per the medical board report (Ex.C1), she has sustained 35% permanent disability. She is unable to walk as before and unable to lift her hand as before. Her husband Nataraj succumbed to the injuries. Devi filed M.C.O.P.No.1992 of 2018 seeking compensation of Rs.20,00,000/-.

4. The Tribunal, after analyzing the evidence including the CCTV footage (Ex.X3), rough sketch (Ex.R1), FIR (Ex.P1) and Final Report (Ex.P3) and the medical board report (Ex.C1), apportioned negligence at 50:50 between the deceased rider Nataraj's side and the respondent's driver, fixed the monthly income of the claimant Devi at Rs.10,000/- per month, and awarded a total compensation of Rs.2,30,000/- (after applying the 50:50 ratio) with interest at the rate of 7.5% per annum from the date of petition till the date of realization. The compensation was awarded under the following heads: disability - Rs.1,75,000/-; loss of earnings during treatment - Rs.60,000/-; attending charges -Rs.10,000/-; transport -Rs.10,000/-; extra nourishment -Rs.25,000/-; loss of amenities - Rs.75,000/-; pain and suffering - Rs.1,00,000/-; totaling Rs.4,55,000/-, reduced to Rs.2,30,000/- after applying the 50:50 negligence



5. Seeking enhancement, the present appeal has been filed. The learned counsel for the appellant/claimant would submit that the Tribunal erred in fixing 50% negligence on the claimant's side. He would contend that the FIR (Ex.P1) and Final Report (Ex.P3) are against the respondent's vehicle driver and the deceased came to the wrong side of the road only due to a traffic violation and not by rash and negligent driving, while it was the respondent's driver who was rash and negligent. He would therefore submit that the entire negligence ought to have been fixed on the respondent's driver. He would further submit that the award of Rs.1,75,000/- towards disability is wholly inadequate given that Devi has sustained 35% permanent disability, has undergone multiple surgeries, suffers a head injury, cannot walk normally and cannot lift her hand. He would also submit that the Tribunal erred in awarding only Rs.60,000/- towards loss of earnings when the claimant had been incapacitated for a substantial period and could not attend to her milk business and agricultural work. He further submitted that the awards under attending charges, transport, extra nourishment, loss of amenities and pain and suffering are all grossly inadequate having regard to the grievous and permanent nature of her injuries, and that future medical



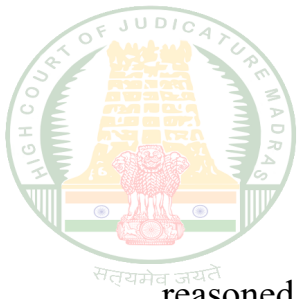
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expenses have not been awarded at all. He prayed for enhancement of compensation to Rs.20,00,000/- as claimed.

6. On the other hand, the learned Additional Government Pleader for the respondent would submit that the Tribunal after due analysis has awarded just compensation and the same does not warrant enhancement.

7. Heard on both sides. Records perused.

8. The first contention of the appellant is that the entire negligence ought to be fixed on the respondent's driver. As noted above, while the FIR and Final Report are against the respondent's driver, those documents do not conclusively establish that the deceased Nataraj bore no responsibility. The CCTV footage (Ex.X3) and rough sketch (Ex.R1) clearly show that the deceased was riding on the wrong side of the road near the toll gate, which was a direct contributing factor to the accident. The Tribunal, on a careful analysis of all the evidence, rightly concluded that while the respondent's driver also contributed by failing to take evasive action despite noticing the two-wheeler from a distance, the deceased was equally at fault. The 50:50 apportionment of negligence is a well-

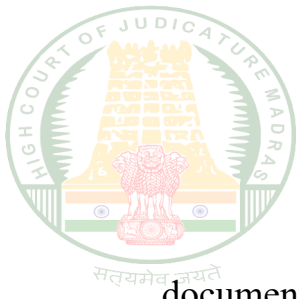


reasoned finding based on evidence and does not warrant interference.

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9. On the question of quantum of compensation, this Court has carefully considered the nature and extent of the injuries sustained by the appellant/claimant. Devi has sustained grievous head injuries, fracture injuries, has undergone multiple surgeries and has 35% permanent disability as per the medical board report (Ex.C1). She is unable to walk normally and unable to lift her hand. These are undeniably serious and life-altering injuries. However, the Tribunal has duly taken note of all these aspects and has awarded compensation under all relevant heads. This Court is of the view that the Tribunal has adequately considered the severity of the injuries, the permanent disability, the multiple surgeries undergone and the continuing nature of the disability while fixing the amounts under each head. The total assessed compensation of Rs.4,55,000/- before applying the negligence ratio reflects a considered assessment. This Court does not find sufficient reason to interfere with the quantum awarded under any of the heads.

10. On the question of income, the claimant Devi admittedly produced no



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documentary evidence to substantiate her claimed income of Rs.10,000/- per month. The Tribunal fixed the notional monthly income at Rs.10,000/- taking note of the prevailing economic conditions and her occupation as an agriculturist and milk business operator. Though the claimant contends that no evidence was led and the fixing was without basis, the Tribunal has taken a reasonable and moderate figure. This Court finds the fixation of Rs.10,000/- per month to be appropriate and does not warrant enhancement.

11. In view of the above discussions, this Court finds no merit in the contentions raised by the appellant/claimant. The award of the Tribunal in M.C.O.P.No.1992 of 2018 dated 03.10.2024 is just, proper and does not warrant any interference.

12. In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

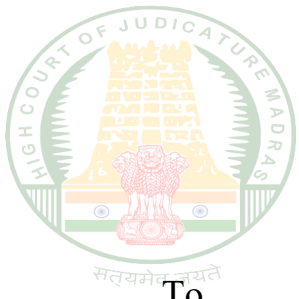
.04.2026

vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



To

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1. The Special District Judge,
Special District Court to deal with Motor Accident Claims Tribunal,
Tiruppur.
2. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

vsn

Pre-delivery Judgment made in

C.M.A.No.339 of 2026

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