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C.M.A No. 163 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 11.02.2026**

**CORAM :**

**THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI**

**C.M.A.No.163 of 2023**

S. Sridhar

... Appellant

Versus

1. Sambooranam
2. Shriram General Insurance Co. Ltd.,  
Plot No – 5, Ramachandran Street,  
Saravanan Nagar, Seevaram,  
Perungudi, Chennai – 600 096.

... Respondents

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, pleaded to enhance the award made in M.C.O.P.No. 3625 of 2016, dated 17.10.2022, on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Cuddalore.

For Appellant : Ms. Ramya V. Rao

For Respondents : Ms. R. Sreevidhya, for R2

R1 – Served, No Appearance

**JUDGMENT**

This Civil Miscellaneous Appeal is directed as against the award dated 17.10.2022 passed in M.C.O.P.No. 3625 of 2016 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Cuddalore.



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2. Briefly stated, on 28.07.2016 at about 14.30 hours the petitioner, while riding his two wheeler Hero Honda Motor Cycle bearing Reg. No. TN-31-H-8870 keeping extreme left in the Panruti-Chennai Salai road near Senthil Fertilizer Shop, Thirumalai Nagar, when a Tourist Taxi Indica Car bearing Reg. No. TN-11-Z-8223 came from the opposite direction at a high speed in a rash and negligent manner hit the Petitioner. As a result of the accident, the petitioner sustained grievous injuries. The 1<sup>st</sup> respondent/ vehicle was responsible for the accident. The 1<sup>st</sup> respondent is the owner of the vehicle and the 2<sup>nd</sup> respondent is the insurer of the vehicle and hence both are jointly and severally liable to pay the compensation to the petitioner with interest and cost. Hence, he filed claim petition for a compensation of Rs.20,00,000/-.

3. The learned counsel for the 2<sup>nd</sup> Respondent/ Insurance Company has submitted that the 1<sup>st</sup> respondent/ vehicle was not insured with the 2<sup>nd</sup> respondent at the time of the accident. Hence, the amount maybe recovered by this respondent from the 1<sup>st</sup> respondent after the discharge of the award by this respondent. Therefore, respondent is not liable for payment of any compensation to the appellant.

4. Heard both sides. Records perused.

5. As per the Policy Schedule-cum-Certificate of Insurance, it was clear that the period of cover was from 12.12.2015 to 11.12.2016, therefore Exs.P7 and P8



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are sufficient to show that the offending vehicle is insured with the 2<sup>nd</sup> respondent.

Considering the facts and circumstances of the case, the year of accident and the plight of the claimants, this court deems it fit to enhance the compensation granted under the head of disability to Rs. 1,80,000/- (30% x 6,000) by taking Rs.6,000/- per percentage. The head of loss of earning is also enhanced to Rs.1,20,000/- (10,000 x 12 months).

6. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:

| S.No. | Description            | Amount awarded by Tribunal (Rs.) | Amount awarded by this Court (Rs.) | Award confirmed or enhanced or granted |
|-------|------------------------|----------------------------------|------------------------------------|----------------------------------------|
| 1.    | Disability             | 1,50,000                         | 1,80,000                           | Enhanced                               |
| 2.    | Pain and Suffering     | 1,00,000                         | 1,00,000                           | Confirmed                              |
| 3.    | Bystander Charges      | 19,500                           | 19,500                             | Confirmed                              |
| 4.    | Transportation Charges | 10,000                           | 10,000                             | Confirmed                              |
| 5.    | Extra Nourishment      | 10,000                           | 10,000                             | Confirmed                              |
| 6.    | Medical Expenses       | 66,204                           | 66,204                             | Confirmed                              |
| 7.    | Loss of Earnings       | 80,000                           | 1,20,000                           | Enhanced                               |
| 8.    | Loss of Amenities      | 10,000                           | 10,000                             | Confirmed                              |
|       | <b>TOTAL</b>           | <b>4,45,704/-</b>                | <b>5,15,704/-</b>                  | <b>Enhanced by 70,000/-</b>            |



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7. As a result of the aforesaid discussion,

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(i) The present appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced to Rs.5,15,704/-

(iii) The appellant/ claimant is directed to pay additional Court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of additional court fee.

(iv) The 2<sup>nd</sup> respondent/ Insurance Company is directed to deposit the enhanced compensation amount of Rs.5,15,704/- (less the amount already deposited) 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.3625 of 2016 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Cuddalore, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

(v) The appellant/claimant is not entitled for any interest for the default period in filing the above appeal.

(vi) On such deposit being made, the appellant/ claimant is at liberty to withdraw the same, after following due process of law.

**11.02.2026**

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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**To:**

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1. The Special Sub Judge,  
Motor Accidents Claims Tribunal, Cuddalore.
2. The Section Officer,  
VR Section, High Court, Madras.



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**K.GOVINDARAJAN THILAKAVADI, J.**

vsn

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