WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3870 of 2026

CNR: {HCMA010477442019}

A.Sundar
(Declared as major on 20.03.2015),
S/o.Antony,
No.3/146
Anna Thresa Street,
Kolapakkam, Porur,
Chennai 600 122. .. Appellant(s)

Case QR

Vs.

1. D.Joshwa

2. Reliance General Insurance Co.Ltd.,
   6th Floor, 6 Haddows Road,
   Nungambakkam.
   Chennai 600 034. ..Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award amount in MCOP No.843 of 2013 on the file of the Motor Accident Claims Tribunal/II Court of Small Causes, Chennai.

For Appellant(s) : Ms.Ramya V.Rao

For R 2 : Mr.B.Raghavan
for M/s.M.B.Gopalan Assoc.

https://www.mhc.tn.gov.in/judis

WEB COPY

JUDGMENT

Unsuccessful claimant has preferred this civil miscellaneous appeal seeking enhancement of compensation.

2. The claim petition has been filed under Section 166 of the Motor Vehicles Act, and Rule 3 of M.A.C.T.Rules, seeking compensation for the injuries sustained by the claimant, in a road accident.

3. According to the claimant, on 12.03.2012 at about 08.30 hours, while he was standing with his cycle on the left side of the road at Kolapakkam West, a motorcycle bearing Registration No.TN 09 BC 4197, driven by its rider in a rash and negligent manner, hit the claimant's cycle. As a result, the claimant fell on the road and sustained grievous injuries all over his body.

4. The first respondent remained *ex parte* before the Tribunal.

5. The second respondent/Insurance Company has filed a counter statement denying the manner of the accident .

https://www.mhc.tn.gov.in/judis

WEB COPY

6. Before the Tribunal, on behalf of the claimant, the claimant himself was examined as P.W.1, one Dr.Amarnath R.Sowlee was examined as P.W.2 and Exs.P1 to P7 were marked. On behalf of the second respondent, no witness was examined and no document was marked.

7. Upon appreciation of evidence adduced on either side, the Tribunal found that the accident had occurred due to the rash and negligent act of the rider of the offending vehicle. With regard to the quantum of compensation, considering the nature of injuries sustained by the claimant and the disability assessed at 30%, the Tribunal fixed a sum of Rs.3,000/- for each percentage of disability and accordingly awarded a sum of Rs.60,000/- under the head of disability. The Tribunal also awarded compensation under various other heads, as detailed below :-

S.No.	Heads of Compensation	Amount awarded by the Tribunal
1	Disability	Rs. 60,000/-
2	Pain and suffering	Rs. 25,000/-
3	Extra nourishment	Rs. 5,000/-
4	Transport to hospital	Rs. 5,000/-
5	Damages to clothes	Rs. 500/-
6	Damages to clothing and articles	Rs. 1,000/-
7	Attender charges	Rs. 2,000/-
8	Medical expenses	Rs. 94,902/-
9	Future Medical expenses	Rs. 10,000/-
10	Loss of income	Rs. 5,000/-

https://www.mhc.tn.gov.in/judis

WEB COPY

11	Loss of amenities	Rs. 10,000/-
	Total	Rs.2,17,402/- rounded off to Rs.2,17,400/-

8. Aggrieved over the same, the claimant has preferred the present appeal seeking enhancement of compensation.

9. During the course of arguments, the learned counsel appearing for both sides submitted that the parties have amicably settled the issue and the Joint Compromise Memo dated 17.11.2026 signed by both parties, and they have also filed before this Court.

10. The said joint memo of compromise is recorded and the same is extracted as follows :-

> "I. *The above appeal has been filed by the appellant/claimant. The above MCOP has been filed claiming compensation for the injuries sustained by A.Sundar in an accident which took place on 12.03.2012.*
>
> 2. *The Tribunal passed an award dated 26.06.2018 for a sum of Rs.2,17,400/- with interest at 7.5% and cost. The Insurance Company has deposited the amount awarded by the Tribunal with interest and cost.*

https://www.mhc.tn.gov.in/judis

WEB COPY

3. *After negotiation, the 2nd respondent Insurance Company is ready to settle the above claim by accepting to enhance the compensation by Rs.2,00,000/- inclusive of interest as full quit.*

4. *Petitioner has already withdrawn the award amount deposited by the Insurance Company. Now he is ready and willing to accept Rs.2,00,000/- in full quit over and above the Tribunal award amount.*

5. *It is prayed that this Hon'ble High Court may be pleased to record this Memo of Compromise and pass award for Rs.2,00,000/- in favour of the petitioner, payable by the respondent – Insurance Company to the credit of the above MCOP within a period of four weeks, on such deposit the appellant/claimant is permitted to withdraw the award amount".*

11. In the result,

(i) This Civil Miscellaneous Appeal is disposed of in terms of the memo of compromise filed by both parties. No costs.

(ii) The joint memo of compromise shall form part of the decree.

(iii) The second respondent / Insurance Company is directed to deposit the enhanced amount, i.e., Rs.2,00,000/- in full quit over and above the award of the Tribunal in terms of Joint Compromise Memo, to

https://www.mhc.tn.gov.in/judis

WEB COPY

the credit of M.C.O.P.No.843 of 2013, on the file of Motor Accident Claims Tribunal / III Court of Small Causes, (III Judge(FAC)), Chennai, within a period of four weeks from today.

iv) The appellant is entitled to refund Court fee as per law.

17-11-2026

Index : Yes/No
Internet : Yes/No
KKD

To

The Motor Accident Claims Tribunal/
II Court of Small Causes, Chennai.
(III Judge,(FAC).

https://www.mhc.tn.gov.in/judis

WEB COPY

M.JOTHIRAMAN, J.

KKD

CMA No. 3870 of 2026

17-11-2026

https://www.mhc.tn.gov.in/judis