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CMA Nos.2297 and 1254 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA Nos.2297 and 1254 of 2023

and

CMP No.12273 of 2023

CMA No. 2297 of 2023

Minor Nitesh
S/o. Oma Ram,
(Minor Rep. by their father and next Friend Oma
Ram)

..Appellant

Vs

1. M/s.Rani Good Wood Furnitures
No.1/250, Ponniyamman Koil Street,
Lakshmi Nagar, Nanmangalam,
Sholinganallur, Kanchipuram,
TamilNadu-600 129.

2. Reliance General Insurance Co. Ltd
No.6, Haddows Road, 4th Floor,
Nungambakkam, Chennai-600 034.

..Respondents

CMA No. 1254 of 2023

M/s.Reliance General Insurance Co. Ltd.,
No.6, Haddows Road, 4th floor,
Nungambakkam, Chennai-600034

..Appellant

Vs



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1. Nitesh (Minor)
S/o.Oma Ram,
(Minor Rep. by father and next friend
Oma Ram)

2. M/s.Rani Good Wood Furnitures
No.1/250, Ponniyamman Koil Street,
Lakshmi Nagar, Nanmangalam,
Sholinganallur, Kanchipuram,
Tamil Nadu - 600 129

..Respondents

CMA No. 2297 of 2023

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 seeking to enhance the award dated 15.12.2022 and made in MACTOP.No.856/2020 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

CMA No. 1254 of 2023

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree made in MCOP No.856 of 2020 dated 15.12.2022 on the file of Special Sub Court No.1, MACT, Small Causes Court, Chennai.

For appellant in CMA 2297/2013 &
R1 in CMA 1254/2013

: Mr.F.Terry Chella Raja

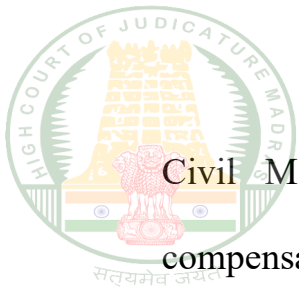
For R2 in CMA 2297/2013 &
appellant in CMA 1254/2013

: Mr.M.B.Raghavan for
M/s.M.B.Gopalan Associates

Common Judgment

(Judgment of the Court was delivered by K.Rajasekar J.)

Challenging the quantum of compensation awarded in MCOP No.856 of 2020, by award dated 15.12.2022 on the file of the Special Sub Court No.1, MACT, Small Causes Court, Chennai, the Insurance Company has come up with Civil Miscellaneous Appeal No.1254 of 2023, while the claimant has filed



Civil Miscellaneous Appeal No.2297 of 2023 seeking enhancement of compensation.

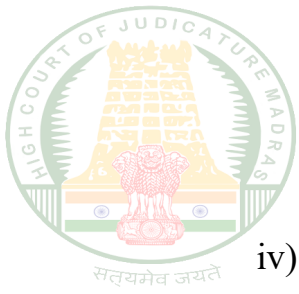
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2. Facts of the case:-

i) On 29.01.2020 at about 17.30 hours, while the minor petitioner was standing at Nanmangalam Balakrishnan Street, Perumal Koil Street Junction, Opposite to No.1/286, Om Sakthi Hardwars, a Tata Ace bearing Engine No.1400D101GPYSA4127, Chassis No.MAT535067KYG18324, driven by its driver in a very rash and negligent manner endangering to the public safety, hit against the minor petitioner and in that accident the minor petitioner had sustained grievous injuries.

ii) For the injuries, the claimant took treatment as inpatient from 30.01.2020 to 27.02.2020 and one surgery was conducted on 30.01.2020 in Rajiv Gandhi Government General Hospital, Chennai and further treatment from 07.07.2020 to 10.07.2020 and again one surgery was conducted on 08.07.2020 in Kailash Hospital and further treatment from 29.01.2020 to 30.01.2020 in Dr.Kamakshi Memorial Hospital, Chennai and further, he was treated from 15.06.2021 to 20.06.2021 and 24.06.2021 to 25.06.2021.

iii) The minor claimant being a resident of Rajasthan, he was taken to his native place and the Government Medical Board at Rajasthan had assessed the permanent disability of the claimant as 90% and accordingly, issued the disability certificate.



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iv) Contending that the accident had occurred only due to the rash and negligent driving of the Tata Ace vehicle, the claim petition invoking Section 166 of the Motor Vehicles Act came to be filed by the minor petitioner against the owner of the said vehicle and the Insurance Company seeking a compensation of Rs.30,00,000/-.

v) The owner of the Tata Ace vehicle remained ex parte. The Insurance Company had contested the claim disputing the manner in which the accident took place and also contended that there is violation of policy conditions by way of non-possessing valid driving licence by the lorry driver. It was further disputed with regard to the nature of injuries particularly with regard to the assessment of permanent disability claimed by the petitioners.

vi) The Tribunal, after considering the materials and placing reliance on the same, accepted the case of the claimants and awarded compensation of Rs.42,61,100/-.

vii) Challenging the said quantum of compensation and also questioning the disability assessed, the Insurance Company has filed C.M.A.No.1254 of 2023. The claimants had filed separate appeal in C.M.A.No.2297 of 2023 seeking enhancement of compensation.

3. Learned counsel for the claimant submitted that the Tribunal has not awarded a just compensation and the compensation awarded under various



heads is on the lower side and hence prayed for enhancement of the same.

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4. We have considered the submissions of both sides and perused the materials available on record.

5. Before the Tribunal, the question of non-possession of valid driving licence by the driver of the lorry was raised, the evidence was adduced and the Tribunal, relying on the dictum laid down by a Full Bench of the Hon'ble Apex Court in *M/s.Bajaj Alliance General Insurance Co. Ltd., Rambha Devi (2024 INSC 840)* and *Mukund Dewangan vs Oriental Insurance Co. Ltd. (2017) 14 SCC 663* has found that though the driver of the lorry was in possession of an LMV licence alone, he was competent to drive the transport vehicle which does not exceed 7,500 Kg and therefore, the driver of the TATA ACE was competent to drive the said vehicle. Hence, there is no question of any violation of policy conditions.

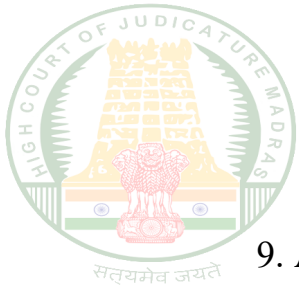
6. Before the Tribunal, the guardian father of the minor petitioner had been examined as PW1 and through him, various documents, more particularly, the discharge summaries to prove that the petitioner had sustained injuries, undergone treatment in various hospitals, such as Rajiv Gandhi Government General Hospital, Chennai, Kailash Hospital and Dr.Kamakshi Memorial Hospital, Chennai from the date of accident namely 29.01.2020 to 25.06.2021.



The discharge summaries were marked as Exs.P4, P9 and P10. It is further seen that after taking such treatments, the minor claimant was taken to his native place at Rajasthan and further treated as evidenced by the the disability certificate issued by the Medical Board Certificate at Rajasthan assessing the disability at 90%.

7. Though doubts were raised regarding the validity of the above certificate, we have gone through the same and we find that the it has been produced in original. Further, the disability so assessed is also corroborated by the discharge summaries issued by various Hospital under Exs.P4, P9 and P10. Hence, we are of the view that the Tribunal has rightly placed reliance on Ex.P3 and discharge summaries Exs.P4, P9 and P10 to arrive at the just compensation for the permanent disability and we find no infirmity in the finding arrived at by the Tribunal with regard to the compensation towards disability of the minor. Accordingly, we confirm the same.

8. Apart from the above, we have gone through the compensation awarded under various heads. We are of the view that the Tribunal has properly appreciated the materials available on record to arrive at a just compensation and entitlement of the claimant petitioner. We are of the view that the same is just, fair and reasonable compensation. We are not inclined to interfere with the same.



9. Accordingly, both the Civil Miscellaneous Appeals are dismissed. The award passed by the Tribunal is confirmed. No costs. The connected miscellaneous petition is closed.

(C.V.K.,J.) (K.R.S.,J.)
03-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssk

To

1. Motor Accident Claims Tribunal,(Special sub court No.1, Motor Accidents Claims Petitions)
Small Causes Court, Chennai
2. M/s.Rani Good Wood Furnitures
No.1/250, Ponniyamman Koil Street, Lakshmi Nagar, Nanmangalam, Sholinganallur, Kanchipuram, TamilNadu-600 129.
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**C.V.KARTHIKEYAN J.
AND
K.RAJASEKAR J.**

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