



C.M.A.No.1053 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 1053 of 2023

Valarmathi

...Appellant

Vs.

1. S. Karunakaran
2. The Divisional Manager,
The New India Insurance Company Limited,
No.1, Bharathi Road, Arcot Wodlens Buildings,
Cuddalore

...Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the order dated 20.01.2023 made in MCOP No.859 of 2019, on the file of the Principal District Court, Motor Accidents Claims Tribunal, Cuddalore.

For Appellant	: Ms. Ramya V Rao
For Respondents	: Mr.C. Ramesh Babu for R2
	R1 – served – no appearance.



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JUDGMENT

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This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellant / claimant challenging the Award made in MCOP No.859 of 2019, on the file of the Principal District Court, Motor Accidents Claims Tribunal, Cuddalore.

2. Shortly stated, on 04.10.2017, at about 8.30 a.m, when the deceased Raju was riding his Star City Motorcycle bearing Registration No.TN-40-W-1147, at Kurinjipadi-Buvanagiri Road, near Aadur Agaram Paravanaru Bridge, proceeding in a direction South to North, a bus bearing Registration No. TN-55-AC-8686, driven by its driver in a rash and negligent manner, came in the opposite direction and hit the motorcycle of the deceased, due to which, the deceased was thrown away and sustained grievous injuries on his head and all over the body. He was taken to Government Hospital, Kurinjipadi, and then was shifted to Kannan Hospital for further treatment. He died on 29.10.2018.

3. The mother of the deceased preferred a claim petition for a compensation of Rs.50,00,000/- for the loss caused to her due to the death of



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deceased Raju. The 2nd respondent / Insurance Company resisted the claim

petition. The learned Tribunal, after analysing the oral and documentary evidence, held that the accident occurred due to rash and negligent driving of the driver of the offending bus. However, since the deceased died nearly after one year after the said accident and claimant has not substantiated that her son died due to the injuries sustained by him in the said accident, the Tribunal has come to the conclusion that the deceased sustained only serious and simple injuries and awarded a total sum of Rs.3,90,000/- and directed the 2nd respondent/Insurance Company to pay the award amount to the claimant. Aggrieved over the same, the appellant / claimant is on appeal.

4. Ms. Ramya V Rao the learned counsel for the appellant / claimant submits that, the deceased was not having any prer-existent illness and hence, it can be safely presumed that he died only due to the injury. Therefore, the Tribunal ought to have treated the claim as arising out of fatal accident and awarded compensation accordingly. She would further submit that, without prejudice to the above contentions, the award is too low, even treated as a case of injury. Since the injuries would warrant complete rest for atleast one year, the loss of income should be considered at the rate of Rs.10,000/- per



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month for a period of 12 months and that attender charges, extra nourishment and transportation can also be awarded. She prays this Court to consider this as a fatal case and not a natural death and grant just and reasonable compensation.

5. On the other hand, the learned counsel appearing for the 2nd respondent / Insurance Company would submit that the learned Tribunal, upon considering the facts and circumstances of the case, has awarded just compensation, which warrants any interference by this Court.

6. Heard on both sides. Records perused.

7. On a perusal of the impugned order, it is seen that since no proof has been adduced by the claimant that the deceased died due to the injuries sustained by him in a road accident that occurred nearly one year before his death, the Tribunal rejected the claim of the claimant, which warrants any interference by this Court. However, taking into consideration the nature of injuries and the amount spent towards medical expenses, this Court deems it fit to grant a sum of Rs.1,20,000/- towards loss of income, and Rs.50,000/- towards attender charges and Rs.50,000/- towards extra nourishment.



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8. The following tabular column would show the compensation awarded by the Tribunal and by this Court.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modification
1.	For conventional heads	1,00,000/-	-	Set aside
2.	Loss of Income	-	1,20,000/-	granted
3.	Medical bills	2,90,000/-	2,90,000/-	Confirmed
4.	Attender charges	-	50,000/-	granted
5.	Extra nourishment	-	50,000/-	granted
	Total	3,90,000/-	5,10,000/-	Enhanced by Rs.1,20,000/-

9. In the result,

i. The Civil Miscellaneous Appeal is partly allowed. No costs.

ii. The quantum of compensation awarded by the Tribunal is enhanced to Rs.5,10,000/- from Rs.3,90,000/-.

iii. The appellant is directed to pay court fee for the enhanced compensation



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amount, if any, and the Registry is directed to draft the decree only after

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- iv. The 2nd respondent/Insurance Company is directed to deposit a sum of Rs. 5,10,000/-(less the amount already deposited) with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this order, to the credit of MCOP No.859 of 2019, on the file of the Principal District Court, Motor Accidents Claims Tribunal, Cuddalore.
- v. On such deposit being made, the appellant is at liberty to withdraw the same with costs and interest, after filing a proper petition for withdrawal.

18.02.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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To

1. The Principal District Judge, Motor Accidents Claims Tribunal, Cuddalore
2. The Divisional Manager,
The New India Insurance Company Limited,
No.1, Bharathi Road, Arcot Wodlens Buildings,
Cuddalore
3. The Section Officer, VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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