



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2026

CORAM:

THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

CMA No.3798 of 2025
and C.M.P.No.31725 of 2025

SBI General Insurance Company Limited
Represented by its Managing director,
At Natraj, No.101, 201 & 301, Junction of
Western Express Highway & Andheri, Kurla – Road,
Andheri (East) Mumbai – 400 069.

... Appellant

Vs.

1. Vengatesan
2. Malaisamy

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 20.12.2024 passed in M.C.O.P.No.146 of 2021 on the file of the MACT, Subordinate Judge, Karaikal.

For Appellant : Mr. P. Suresh Srinivasam

JUDGMENT

This Appeal has been filed against the decree and judgment passed in M.C.O.P.No. 146 of 2021 on the file of the MACT, Subordinate Judge, Karaikal, dated 20.12.2024.



2. Briefly stated, the alleged accident took place on 02.08.2021, at 7:30 P.M. while the petitioner was riding his Balaji CT 100 motorcycle bearing Reg.No. PY02 P 4485 at Ambagarathur to Thirunallar Main road, from West to East, near Co-operative Nagar, Thennangudy. The 1st respondent was driving Tata Ace load van bearing Reg.No.TN68 H 7896 on the same direction before the petitioner's vehicle, when petitioner was attempting to overtake the Tata Ace van as the 1st respondent had given space to proceed ahead, suddenly the 1st respondent, who was expected to keep left, came to the right side in a very rash and negligent manner and hit the petitioner's vehicle, thereby petitioner sustained grievous injuries. The petitioner had taken treatment at Government Hospital, Karaikal and had taken treatment at Krishna Hospital, Karaikal, as in-patient. A criminal case in Cr.No.74 of 2021, for offenses under Sections 279 and 338 of IPC was registered with the Traffic Police Station (North), Karaikal, against one Sakthi, who had ridden the motorcycle bearing Reg.No.PY02 P 1615 and the same is pending for investigation. The 1st respondent is the driver-cum-owner of the offending Tata Ace bearing Reg.No.TN68 H 7896 and the 2nd Respondent is the insurance company, with whom the said offending Tata Ace bearing Reg.No.TN68 H 7896 had been insured with. The claims Tribunal partly allowed the claim petition and a sum of Rs.7,28,166/- was awarded as compensation.

3. Through this appeal, findings of the claims Tribunal have been



challenged. Substance of evidence clearly points out that the alleged accident was caused due to the rash and negligent act of the driver of the Tata Ace load van as well as Sakthi and fixed contributory negligence as 75% and 25% respectively. The claimant/ 1st Respondent is entitled to the 75% of the claim amount as Sakthi was not impleaded to the claim petition. The Tribunal applied the principles laid down in *National Insurance Co. Ltd. Vs. Chamundeswari and Others* reported in *Civil Appeal No. 6151/2021* and analyzed and appreciated the evidence in correct perspectives.

4. Having come to the aforesaid conclusion, the next question to be answered is about the compensation awarded to the claimant/ 1st Respondent. The claims Tribunal has taken the disability as 40% functional disability. The claimant/ 1st Respondent was 40 years old at the time of the accident and was working as a carpenter. Considering the age and the nature of injuries suffered by the claimant/ 1st Respondent and other facts such as, year of the accident, avocation, etc., the claims Tribunal has awarded a sum of Rs.7,28,166/- as compensation and the same is found to be just and reasonable, which warrants any interference by this Court.

5. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2026



Index : Yes
Speaking Order : Yes
Neutral citation : Yes
vsn

To

1. Subordinate Judge,
Motor Accidents Claim Tribunal,
Karaikal.
2. The Section Officer,
V.R.Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI., J

Vsn

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