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CMA No. 2625 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 01-06-2026**

CORAM

**THE HON'BLE MRS. JUSTICE R. KALAIMATHI**

**CMA No. 2625 of 2025**

Arikesavan

..Appellant(s)

Vs.

1.SRM Eswari Tours and Travels,  
No.4, 2<sup>nd</sup> Floor, Ansair Duraiwsamy Nagar,  
Pondicherry – 605 005.

2.ICICI Lombard General Insurance Co. Ltd.,  
Chotabhai Centre,  
No.140, 2<sup>nd</sup> and 3<sup>rd</sup> Floor,  
Nungambakkam High Road,  
Chennai – 600 034.

..Respondent(s)

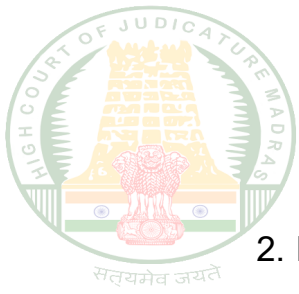
Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988, seeking enhancement of compensation awarded in the Judgment and Decree dated 25.03.2025 passed in M.C.O.P.No.3 of 2025 on the file of Motor Accident Claims Tribunal, Tindivanam.

For Appellant(s): Mr.V.Sivakumar

For Respondent(s): Mr.P.Suresh Srinivasan

### **JUDGMENT**

Not satisfied with the Award dated 25.03.2025 passed in M.C.O.P.No.3 of 2025 on the file of the Motor Accident Claims Tribunal, Tindivanam, the Claimant herein has preferred this Civil Miscellaneous Appeal for enhancement of compensation.

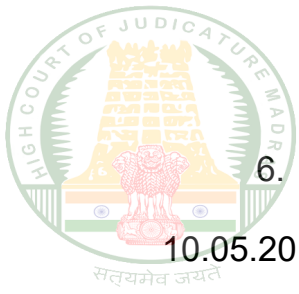


2. Parties are referred to herein as per their litigative status and ranking before the Tribunal.

3. Claim petition was filed under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.5,00,000/- for the injuries/fractures sustained in the road traffic accident that took place on 10.05.2011.

4. At the trial, to substantiate the claim, on the side of the appellant/claimant, two witnesses were examined and seven documents were marked. Ex.P1 is the copy of the FIR. Exs.P2 to P4 are the documents pertaining to the first respondent's vehicle. On the side of the second respondent, neither any witness was examined nor any document was marked.

5. The Tribunal, upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, holding that the claimant had travelled in the bullock cart at the relevant point of time and taking into consideration the pain and suffering, medical expenses and extra nourishment, since the accident took place in the year 2011, granted a sum of Rs.10,000/- as compensation with interest at the rate of 6% per annum from the date of petition.

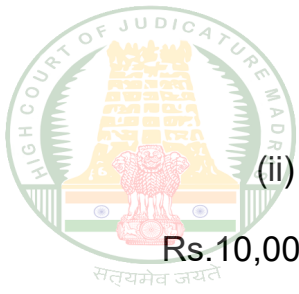


6. It has come on record through the evidence of PW1 that on 10.05.2011 at about 9.45 p.m., the claimant along with four persons were proceeding in the bullock cart carrying 27 bags of groundnut from Thenkaalvai to Tindivanam and when they reached near Jenbazzar Bus Stop, at the turning, the bus bearing Registration No.PY 01 AC 9292, which was proceeding from Chennai to Villupuram, came in a rash and negligent manner and dashed against the bullock cart, thereby caused the accident.

7. PW1 and PW2, in their proof affidavits, have stated that the claimant is the owner of the bullock cart. During the cross-examination of PW2, he has stated that the groundnuts belonging to the claimant were being transported in the said bullock cart for sale. In such circumstances, the claimant is not entitled to any compensation towards damages caused to the groundnuts in the accident. It is evident from the evidence of PW1 and PW2 that during the accident, the bullock cart was damaged and one of the bulls died on account of the accident. It appears that four persons have settled their claims with the Insurance Company. Though no concrete documentary proof has been marked to substantiate the said aspects, in order to advance the cause of justice, a sum of Rs.25,000/- is granted towards damages caused to the bullock cart.

8. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. No costs.



(ii) The compensation awarded by the Tribunal is enhanced from Rs.10,000/- to Rs.25,000/-.

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(iii) The Insurance Company/second respondent is directed to deposit the compensation amount of Rs.25,000/- (less the amount already deposited, if any), together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs (excluding the period of default, if any), to the credit of M.C.O.P.No.3 of 2025 on the file of the Motor Accident Claims Tribunal, Tindivanam, within a period of six weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellant/claimant is permitted to withdraw the award amount with accrued interest, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal.

(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

**01-06-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:

1. The Motor Accident Claims Tribunal, Tindivanam.
2. The Section Officer,  
V.R. Section,  
High Court, Madras.



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**R.KALAIMATHI, J.**

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