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C.M.A.No.237 of 2026 and C.M.P. No.2916 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 16.02.2026

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

C.M.A.No.237 of 2026 and C.M.P. No.2916 of 2026

The Chief Manager,

M/s. Zurich Kotak General Insurance Co. (India) Ltd.,

6th Floor, A-Wing, Samson Tower,

No.402-L, Pantheon Road,

Chennai 600 008

...Appellant

Vs.

1.T. Ajithkumar

2.A. Velu

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award dated 10.03.2025 made in M.C.O.P No.597 of 2020 on the file of the Motor Accident Claims Tribunal, Special District Court No.I, Cuddalore.

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

For Respondents : Ms. Ramya V.Rao for R1
R2 – Notice dispense with



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JUDGMENT

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This Appeal is directed against the award dated 10.03.2025 made in M.C.O.P No.597 of 2020 on the file of the Motor Accident Claims Tribunal, Special District Court No.I, Cuddalore.

2. Shortly stated, on 25.03.2020 at about 12.30 a.m., when the 1st respondent / claimant was riding his two wheeler bearing Registration No.TN-31-H-7006, in north-south direction, on Kuyilapalayam-Naduveerapattu Main Road, near Sathya Saw Mill, a Hyundai T-20 car bearing Registration No.TN-02-AH-8563, driven by its driver in a rash and negligent manner, came from behind and hit the two wheeler of the claimant, due to which the 1st respondent / claimant fell down and sustained multiple injuries all over his body.

3. The claimant filed the above MCOP claiming compensation of Rs.10,00,000/- for the injuries sustained by him in the said accident.

4. The claim was opposed by the Insurance Company.



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5. The Claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving of the driver of the offending vehicle. The Tribunal has awarded a compensation of Rs.7,99,500/-, to be paid by the appellant/Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization.

6. Aggrieved by this, the Insurance Company is on appeal. According to the learned counsel for the Insurance Company, the Tribunal has grossly erred in ignoring the police report, which conclusively established the innocence of the driver of the insured vehicle and the entire fault on the part of the claimant. He further submitted that the tribunal ought to have atleast imposed substantial contributory negligence on the part of the claimant on the basis of the evidence against him and taking note of the fact that he was riding a two wheeler without driving licence. It is his further contention that the tribunal has awarded a huge compensation of Rs.2,50,000/- towards pain and sufferings, in a case where the claimant had been discharged in 7 days and there was no further substantial treatment and that the amount granted under various heads are also very high. Hence, prayed for setting aside the award



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passed by the tribunal.

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7. On the other hand, the learned counsel for the 1st respondent would submit that, the learned Tribunal, without considering the year of accident, had fixed only Rs.8000/- per percentage of the disability and that only very meagre amounts were awarded under other heads. Hence, prayed to dismiss the present appeal filed by the appellant / Insurance Company.

8. Heard on both sides. Records perused.

9. On a perusal of the impugned order and other records, this Court is of the view that there was some negligence on the part of the 1st respondent/claimant, accordingly 10% contributory negligence is fixed on the part of claimant. Further, the tribunal has awarded an exorbitant amount of Rs.2,50,000/- towards pain and sufferings, which, this Court feels, is disproportionate to the injuries suffered by the claimant and hence, the same is reduced to Rs.75,000/-. Though no appeal has been filed by the claimant, considering the year of accident, a sum of Rs.8,000/- fixed by the tribunal per percentage of disability appears to be on the lower side and hence, the same is



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enhanced by this Court to Rs.10,000/- per percentage of disability and transport charges is enhanced to Rs.15,000/-. The compensation awarded by the Tribunal under the other heads are just and reasonable and the same are confirmed.

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

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed/ enhanced/ granted/ set aside
1.	Disability	2,80,000/- (8000x35)	3,50,000/- (10000x35)	Enhanced
2.	Pain and sufferings	2,50,000/-	75,000/-	reduced
3.	Extra nourishment	30,000/-	30,000/-	confirmed
4.	Transport	10,000/-	15,000/-	Enhanced
5.	Attender charges	30,000/-	30,000/-	confirmed
6.	Amenities	50,000/-	50,000/-	confirmed
7.	Loss of Income (15000x6)	90,000/-	90,000/-	confirmed
8.	Damages to clothes	2,000/-	-	
9.	Medical bills	57,286/-	57,286/-	Confirmed



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10	Total	7,99,286/- Rounded off to Rs.7,99,500/-	6,97,286/-	
11.	Contributory negligence	-	10%	
12.	Total after deduction	7,99,500/-	Rs.6,27,557/- After deducting 10% contributory negligence	Reduced by Rs.1,71,943/-

11. In the result,

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

Consequently connected miscellaneous petition is closed.

ii.The quantum of compensation awarded by the Tribunal is scaled down to Rs.6,27,557/- from Rs.7,99,500/-.

iii.The appellant/Insurance company is directed to deposit a sum of Rs.6,27,557/- (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 M.C.O.P No.597 of 2020 on the file of the Motor Accident Claims Tribunal, Special District Court No.I,



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Cuddalore. The appellant / Insurance Company is at liberty to withdraw

the excess amount, deposited by them, over and above the compensation awarded by this court.

iv. On such deposit being made, the 1st respondent / claimant is at liberty to withdraw the same after filing a proper petition for withdrawal.

16.02.2026

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Special District Judge No.I,
Motor Accident Claims Tribunal, Cuddalore.
2. The Section Officer, VR Section, High Court, Madras.



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