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C.M.A.No.3776 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.01.2026

Coram:

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No.3776 of 2025

Cholamandalam MS General Insurance Co. Ltd.,
2nd Floor “Dare House”,
2 N.S.C. Bose Road,
Chennai – 600 001.

.... Appellant

Vs

1.A.Periyasamy @ A.P.Swamy
2.D.Perumal

.... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the order dated 06.05.2025 made in M.C.O.P.No.53 of 2023 on the file of the Motor Accidents Claim Tribunal, Chief Judicial Magistrate Court, Perambalur.

For Petitioner : Mr.Siva Kollapan B.

JUDGMENT

This Civil Miscellaneous Appeal has been filed challenging the order dated 06.05.2025 made in M.C.O.P.No.53 of 2023 on the file of the Motor Accidents Claim Tribunal, Chief Judicial Magistrate Court, Perambalur.



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2.The brief facts of the case are as follows :

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On 16.04.2022, at about 2.30 p.m., when the claimant was proceeding towards his house, the driver of the offending vehicle bearing Registration No.TN-37-CP-3620 drove the vehicle in a rash and negligent manner and dashed against the claimant. As a result of the said accident, the claimant sustained grievous injuries. FIR was registered against the driver of the offending vehicle.

3. At the time of accident, the claimant was aged about 60 years and was a practicing advocate, earning a sum of Rs.80,000/- per month. Due to the injuries sustained in the said accident, he was unable to attend his profession for some time. Therefore, he was constrained to file the above claim petition claiming compensation of Rs.50,00,000/- for the injuries suffered by him in the said accident.

4. On the other hand, the respondent/Insurance Company objected the claim petition on the ground that it is the case of hit and run and the first respondent is not responsible for the alleged accident. Therefore, the second respondent Insurance Company is not liable to pay any compensation to the claimants.



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5. The Tribunal, after framing necessary issues and examining the witnesses, came to the conclusion that the driver of the offending vehicle was responsible for the accident and accordingly awarded a sum of Rs.5,18,000/-. Aggrieved by the said award passed by the Tribunal, the Insurance Company has preferred the present appeal.

6. In this appeal, the challenge is mainly with regard to the quantum of compensation. The learned counsel appearing for the appellant/Insurance Company submitted that the quantum of compensation awarded by the Tribunal is not in consonance with the facts and circumstances of the case and provisions as laid down in the statute. He would submit that the Tribunal has erroneously relied upon the disability certificate issued by the Medical Board and awarded a sum of Rs.2,90,000/- under the head of partial permanent disability by fixing Rs.10,000/- per percentage of disability, by taking into account the year of accident found to be excessive. He also submitted that the compensation awarded under the head of loss of income is also incorrect and the same requires reconsideration by this Court.



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7. Heard the learned counsel appearing for the appellant and perused the materials available on record.

8. On a careful consideration of the impugned award, this Court finds that the Tribunal, after taking into consideration the age of the claimant, the nature of injuries sustained by him, his avocation and the year of accident, has rightly awarded a sum of Rs.5,18,000/-, which seems to be just and reasonable compensation. This Court does not find any perversity or infirmity in the award passed by the Tribunal. The award is passed in accordance with the provisions of the Motor Vehicles Act and therefore, it does not warrant any interference by this Court.

9. Accordingly, this Civil Miscellaneous Appeal stands dismissed.

No costs.

07.01.2026

Speaking/Non-speaking Judgment

Internet: Yes/No

Index: Yes/No

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To

1.The Chief Judicial Magistrate
Motor Accidents Claim Tribunal,
Perambalur.

2.The Section Officer,
Vernacular Section,
High Court, Madras.



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K. GOVINDARAJAN THILAKAVADI, J.

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