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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

**CMA No. 2117 of 2022 & Cross Obj.No.107 of 2022
and**

CMP No.16420 of 2022 in CMA.No.2117 of 2022

CMA No.2117 of 2022

M/s.Reliance General Ins Co Ltd
Third Party Motor Accident Claim Cell,
Rai's Towers, Plot No.2054, 2nd Avenue,
2nd Floor, Anna Nagar West,
Chennai 40.

..Appellant(s)

Vs

1. Saraswathy, W/o.Srinivasan,
2. Srinivasan, S/o.Sundararaj,
3. Krishna Moorthy, S/o.Perumal,

..Respondent(s)

This Civil Miscellaneous Petition filed under Section 173 of Motor Vehicles Act against the Judgment and Decree made in MCOP No.44 of 2011 dated 31-08-2018 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Tambaram.

For Appellant(s): Mr. N.Vijayaraghavan
for
M/s.M.B.Gopalan Associates

For Respondent(s): Ms. S.Varsha
for R1 & R2



Cross Obj. No.107 of 2022

1. Saraswathy , W/o. Srinivasan
2. Srinivasan, S/o. Sundaraj

..Appellant(s)

Vs

1. M/s.Reliance General Ins Co Ltd
Third Party Motor Accident Claim Cell,
Rai's Towers, Plot No.2054, 2nd Avenue,
2nd Floor, Anna Nagar West, Chennai 40.

2. Krishna Moorthy, S/o.Perumal,

..Respondent(s)

This Cross Objection filed under Order 41 Rule 22 of CPC to enhance the award from Rs.30,03,000/- to Rs.34,03,000/- in the decree and judgment in MCOP No.44 of 2011 dated 31-08-2018 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Tambaram.

For Cross Objectors: Ms. S.Varsha

For respondents: Mr. N.Vijayaraghavan
for
M/s.M.B.Gopalan Associates, for R1

COMMON JUDGMENT

(Judgment of the Court was delivered by N.Sathish Kumar J.)

The Civil Miscellaneous Appeal has been filed by the Insurance Company challenging the award dated 31.08.2018 passed in M.C.O.P.No.44 of 2011 on the file of Motor Accident Claims Tribunal, Subordinate Court, Tambaram.

The Cross Objection No. 107 of 2022 has been filed by the claimants seeking enhancement of the compensation awarded by the Tribunal under the very same award.



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2. Both the appeal and the Cross Objection arise out of the same accident and the same award. Hence, they are disposed of by this common judgment.

3. For the sake of convenience, the parties are referred to as per their respective ranks before the Tribunal.

4. The claimants, who are the parents of the deceased, filed the M.C.O.P.No.44 of 2011 claiming a sum of Rs.30,03,000/- as compensation for the death of their son, Vignesh.

5. According to the claimants, on the date of accident, i.e., on 17.05.2011 at about 4.15 p.m., while their son was walking along with his bicycle near House No.4/1, Ambal Nagar at Kiskintha-Tambaram Road, the driver of the lorry bearing Registration No.TN 21-H-1766 drove the vehicle in a rash and negligent manner, hit the deceased, and ran over his legs. The deceased sustained severe degloving injury on both limbs, scrotal injury, and bilateral lung contusion. He was admitted in the hospital and skin grafting was



performed. However, he succumbed to the injuries on 08.07.2011. Therefore, the claim petition was filed seeking compensation.

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6. For non payment of batta, the petition was dismissed as against the first respondent, the owner of the offending lorry.

7. The second respondent/Insurance Company filed a counter statement denying the averments made in the claim petition and contended that the accident had occurred only due to the carelessness and negligence of the deceased.

8. Before the Tribunal, P.W.1 to P.W.3 were examined and Exs.P.1 to P.18 were marked. On the side of the respondents, no oral and documentary evidence has been adduced.

9. The Tribunal, considering the pleadings, and the oral and documentary evidence, awarded a sum of Rs.30,03,000/- as compensation and directed the second respondent/Insurance Company to pay the said amount to the claimants.



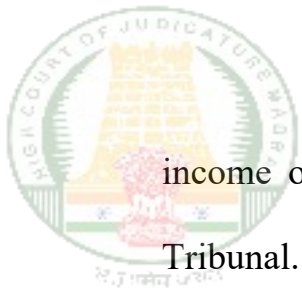
10. Challenging the said award passed by the Tribunal, the second respondent/Insurance Company has filed the present appeal and the claimants have filed the Cross Objection seeking enhancement of compensation.

11. After hearing the matter elaborately, the learned counsel appearing for the appellant/Insurance Company would submit that Exs.P.16, P.17 and P.18, namely, the medical bills, are only true copies and originals have not been filed. Hence, the medical expenses have not been duly proved. Further, he would submit that, considering the age of the deceased boy, the Insurance Company is agreeable to settle the matter for a lump sum of Rs.22 lakhs.

12. On instructions, the learned counsel appearing for the respondents/claimants would submit that the matter may be settled for Rs.25 lakhs and that such settlement would meet the ends of justice.

13. This Court has considered the submissions made on either side.

13. Even if the medical bills under Exs.P.16 to P.18, alone are taken into account, the amount comes to around Rs.10,43,072/-. However, the notional



income ought to have been calculated, which was not properly done by the Tribunal. Taking the entire circumstances into consideration, this Court is of the view that as the Insurance Company expressed its willingness to pay Rs.22 lakhs, fixing the total compensation at Rs.25 lakhs would be just and reasonable.

14. Accordingly, the total compensation is fixed at Rs.25,00,000/-(Rupees twenty Five Lakhs) with interest at the rate of 7.5% per annum from the date of accident till the date of realisation.

15. In the result,

(i) the Civil Miscellaneous Appeal filed by the Insurance Company in CMA.No.2117 of 2022 is partly allowed.

(ii) the Cross Objection filed by the claimants in Cross Objection No.107 of 2022 is dismissed.

(iii) the award of the Tribunal is modified and the Insurance Company is directed to deposit a sum of Rs.25,00,000/-(Rupees Twenty Five Lakhs only) as compensation, along with interest at the rate of 7.5% per annum from the date of accident till the date of realisation, after deducting the amount, if any, already



deposited, within a period of four weeks from the date of receipt of a copy of this judgment.

(iv) On such deposit, the claimant is permitted to withdraw the award amount now determined by this Court, along with interest and costs, less the amount if any, already withdrawn.

(v) No costs. Consequently, connected Miscellaneous Petition is closed.

(N.S.K.,J.) (R.S.V.,J.)

23-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MRP

To

The Motor Accident Claims Tribunal,

Subordinate Court, Tambaram.



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CMA No. 2117 of 2022 & Cros.Obj.107 of 2



N.SATHISH KUMAR, J.

AND

R.SAKTHIVEL, J.

MRP

CMA No. 2117 of 2022

and

Cross Obj. No.107 of 2022

23-02-2026