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CMA.No.3650 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 3650 of 2025

V.Mari, W/o Venkatraman,
No.2/79, Nambakkam,
Colony Street, Uthukottai Taluk,
Tiruvallur District

...Appellant

Vs

1. Rajalakshmi Travels, No.10,
1st Floor, Bangalore High Way,
Sriperumbudur, Kancheepuram
District-602 105.
2. The Manager, TATA AIG General Insurance
Co.Ltd., Motor 3rd Party Cell, 1st Floor,
Samson Tower, No.403, Pantheon Road,
Egmore, Chennai 600 008

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act against
the award dated 27.3.2025 made in MCOP.No.286 of 2022 on the
file of the Motor Accidents Claims Tribunal-II/Special Sub-Court to
deal with MCOP Cases, Tiruvallur.



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For Appellant:
For Respondents:

Mr.U.Chithambaram
Ms.C.Harini for
M/S.Gopalan Associates for R2

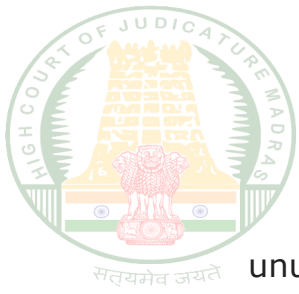
JUDGMENT

This appeal has been filed by the appellant - claimant challenging the award dated 27.3.2025 passed in MCOP.No.286 of 2022 by Motor Accident Claims Tribunal-II (Special Sub Court), Tiruvallur (for short, the Tribunal below).

2. Heard the learned counsel for the appellant – claimant and the learned counsel appearing on behalf of the second respondent – Insurance Company.

3. The case of the appellant – claimant is as follows:

(i) On 07.9.2022, at about 9 PM, the appellant was travelling as a passenger in the bus belonging to the first respondent from Nambakkam to a company at Sriperumbudur. At that point of time, the driver of the bus drove the vehicle in a rash and negligent manner and dashed against the compound wall of the second hand



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unused things collection shop, as a result of which, the appellant - claimant sustained grievous injuries. A first information report came to be registered in Crime No.243 of 2022 on the file of Mappedu Police Station. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(ii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the bus.

(iii) Having rendered the above finding, the Tribunal below proceeded to determine the compensation amount in the following manner:

S.No.	Head	Amount
1	Permanent Disability	Rs. 56,000/-
2	Pain and Sufferings	Rs. 30,000/-
3	Loss of Income during the period of injury	Rs. 20,000/-
4	Extra Nourishment	Rs. 10,000/-
5	Medical Expenses	----



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6	Loss of Amenities	Rs. 10,000/-
7	Transportation	Rs. 10,000/-
8	Attender charges	Rs. 3,500/-
	Total	Rs.1,39,500/-
	Rounded off to	Rs.1,40,000/-

(iv) The above compensation amount of Rs.1,40,000/- was directed to be paid by the first respondent – owner of the bus along with interest at the rate of 7.5% per annum from the date of the petition till the date of deposit. The appellant – claimant has filed the above appeal mainly on the ground that the driver of the first bus did not possess a valid permit and that therefore, the pay and recovery ought to have been ordered.

4. This Court carefully considered the submissions made by the learned counsel on either side and perused the materials available on record and more particularly the impugned award.



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5. The ground that was taken by the learned counsel for the appellant is to the effect that the Tribunal below should have ordered for pay and recovery.

6. It is seen that the accident had happened after the amendment and the policy issued is before the amendment. The said ground is squarely covered by the judgment of the Apex Court in the case of ***National Insurance Co. Ltd V. Swaran Singh and others [reported in (2004) 3 SCC 297]***. This Court is of the view that the Tribunal below ought to have applied the principle of pay and recovery. Consequently, the award passed by directing the first respondent – owner of the bus to pay the compensation amount to the appellant - claimant is liable to be interfered by this Court.

7. In so far as the issue of quantum of compensation is concerned, the learned counsel for the appellant submitted that the age of the appellant – claimant at the time of accident was 29 years and considering the age, the Tribunal below ought to have fixed the notional monthly salary at Rs.11,000/-.



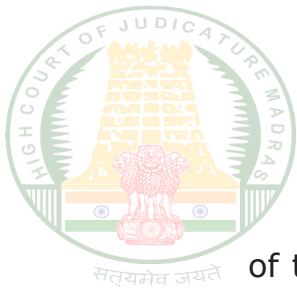
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8. Considering the said submission, the notional monthly salary is fixed at Rs.11,000/- and accordingly, the loss of income is enhanced to Rs.22,000/- [Rs.11,000/- X 2].

9. In the case in hand, the accident had taken place in the year 2022. The Medical Board had assessed the disability at 8% under Ex.C.1. The Tribunal below, while adopting the percentage method, had fixed only a sum of Rs.7,000/- per percentage and in the considered view of this Court, this is certainly on the lower side. Hence, this Court is inclined to increase to a sum of Rs.10,000/- per percentage. Accordingly, the compensation under the head 'disability' is fixed at Rs.80,000/- [Rs.10,000/- per percentage X 8].

10. This Court is inclined to enhance the compensation under the head 'extra nourishment' to Rs.15,000/- and fix a sum of Rs.10,000/- under the head 'medical expenses'. In so far as the compensation fixed under the other heads is concerned, this Court is



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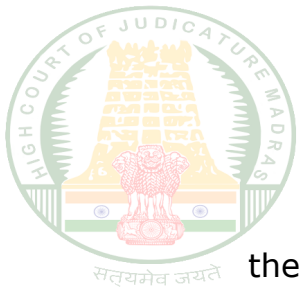
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of the view that the compensation awarded is fair and just and that it does not require the interference of this Court.

11. Accordingly, the above civil miscellaneous appeal is partly allowed and the award passed by the Tribunal below dated 27.3.2025 in MCOP.No.286 of 2022 stands modified as under:

S.No.	Head	Amount awarded by the Tribunal below	Amount awarded by this Court in this appeal
1	Permanent Disability	Rs. 56,000/-	Rs. 80,000/-
2	Pain and Sufferings	Rs. 30,000/-	Rs. 30,000/-
3	Loss of Income during the period of injury	Rs. 20,000/-	Rs. 22,000/-
4	Extra Nourishment	Rs. 10,000/-	Rs. 15,000/-
5	Medical Expenses	----	Rs. 10,000/-
6	Loss of Amenities	Rs. 10,000/-	Rs. 10,000/-
7	Transportation	Rs. 10,000/-	Rs. 10,000/-
8	Attender charges	Rs. 3,500/-	Rs. 3,500/-
	Total	Rs.1,39,500/-	Rs. 1,80,500/-
	Rounded off to	Rs.1,40,000/-	Rs. 1,81,000/-

The second respondent - insurance company is directed to deposit



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the enhanced compensation amount of Rs.1,81,000/- **less the amount already deposited** along with interest at the rate of 7.5% p.a., from the date of claim petition till the date of deposit within a period of four weeks (4) from the date of receipt of a copy of this judgment. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant – claimant. It is made clear that the second respondent – Insurance Company is entitled to recover from the first respondent – owner of the bus the entire compensation amount as awarded in this appeal together with accrued interest. The other directions issued by the Tribunal below with regard to the mode of payment of compensation remain unaltered. No costs.

09-07-2026

To

1. Motor Accidents Claims Tribunal-II/
Special Sub-Court to deal with MCOP
Cases, Tiruvallur.
2. The Manager, TATA AIG General Insurance
Co. Ltd., Motor 3rd Pary Cell, 1st Floor,
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