



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal Nos.3549 of 2025 & 639 of 2026

and

C.M.P.No.7186 of 2026 in C.M.A.No.639 of 2026

C.M.A.No.3549 of 2025

Balasubramanian,
S/o. Venkatachalam

..Appellant

Vs

1. Mohanraj
S/o. Duraisamy
2. United India Insurance Company Limited
No.280, 1st Floor, Ooty Main Road,
Mettupalayam.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment passed in MCOP No.192 of 2023 dated 07.07.2025 on the file of Motor Accident Claims Tribunal (Subordinate Judge), Mettupalayam.

For Appellant : Mr.M.Sivakumar
For Respondents : Mr.J.Chandran [R2]

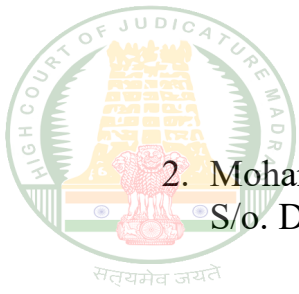
C.M.A.No.639 of 2026

United India Insurance Company Limited,
No.280, 1st Floor, Ooty Main Road,
Mettupalayam.

..Appellant

Vs

1. Balasubramanian,
S/o.Venkatachalam



2. Mohanraj
S/o. Duraisamy

..Respondents

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Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment passed in MCOP No.192 of 2023 dated 07.07.2025 on the file of Motor Accident Claims Tribunal (Subordinate Judge), Mettupalayam.

For Appellant : Mr.J.Chandran
For Respondents : Mr.M.Sivakumar [R1]

COMMON JUDGMENT

These appeals have been filed both by the insurance company as well as the claimant against the award passed by Motor Accident Claims Tribunal, Subordinate Judge, Mettupalayam, in M.C.O.P.No.192 of 2023 dated 07.07.2025.

2. The appellant in C.M.A.No.3549 of 2025 is the claimant. The case of the claimant is that on 19.11.2023, he was a riding pillion on a two wheeler and at about 9.15 AM, when the vehicle was going at Pethikuttai-Irumporai Road, the offending vehicle was driven in a rash and negligent manner and dashed against the two wheeler, as a result of which, the claimant suffered multiple grievous injuries. The claimant underwent treatment as an inpatient for 113 days in three spells. It is under these circumstances, the claim petition came to be filed before the Tribunal.

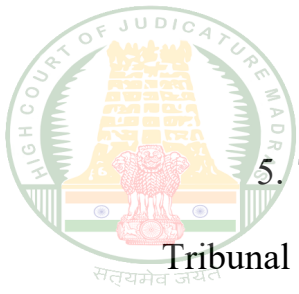


3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of materials before it, came to a conclusion that the accident had occurred only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal fixed total compensation of Rs.18,59,300/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Permanent disability	7,56,000/-
2.	Pain and suffering	80,000/-
3.	Extra nourishment	50,000/-
4.	Attender charges	50,000/-
5.	Transportation expenses	20,000/-
6.	Medical expenses	8,03,300/-
7.	Loss of life expectancy	1,00,000/-
	Total	18,59,300/-

The above compensation was directed to be paid with interest at 5.5% p.a. from the date of petition. Aggrieved by the same, the insurance company has filed C.M.A.No.639 of 2026 questioning the quantum of compensation and the claimant has filed C.M.A.No.3549 of 2025 questioning the quantum of compensation and seeking enhancement of compensation.

4. Heard learned counsel for insurance company and learned counsel for claimant.



5. The main ground urged on the side of insurance company is that the Tribunal acted upon the disability certificate issued by the Medical Board and fixed entire 90% towards functional disability, which requires the interference of this Court. It is further submitted that the compensation granted under the other heads is also on the higher side and it requires interference of this Court.

6. *Per contra*, learned counsel for claimant submitted that the quantum of compensation determined by the Tribunal under the head 'disability' is on the lower side and it requires enhancement by increasing the notional income which was fixed only at Rs.10,000/- p.m. It was further submitted that the compensation granted under the other heads also requires enhancement.

7. In the case in hand, the Medical Board had assessed permanent disability at 90%. It is seen that due to the accident, the neck and also the spinal cord have been severely affected, as a result of which, the claimant had to undergo treatment as an inpatient for nearly 102 days in three spells. The claimant was aged about 63 years at the time of accident and he was an agriculturist. Therefore, the Tribunal was right in fixing the functional disability at 90% and adopting the multiplier method.

8. Insofar as the notional monthly income fixed by the Tribunal is concerned, it is on the lower side. Considering the age of the claimant and also



considering the fact that the accident had taken place in the year 2023 and taking note of the fact that the claimant is an agriculturist, this Court is inclined to fix the notional monthly income at Rs.12,500/- p.m. Accordingly, the compensation payable under the head 'disability' is calculated as follows:

Monthly Income	:	Rs. 12,500/-
		x 12

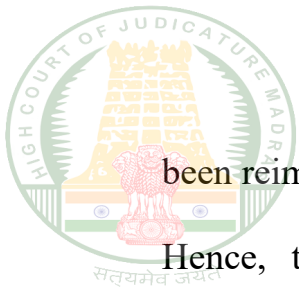
Annual income	:	Rs. 1,50,000/-
Multiplier	:	x 7

		Rs.10,50,000/-

90% disability	:	Rs. 9,45,000/-

9. In the case in hand, the Tribunal had fixed compensation under the head 'pain and suffering' at Rs.80,000/- and this Court is inclined to enhance the same to Rs.2,00,000/-. This Court is also inclined to enhance the compensation under the heads 'extra nourishment' and 'attender charges' to Rs.1,00,000/- each.

10. Insofar as the medical expenses are concerned, the Tribunal had granted a sum of Rs.8,03,300/- under this head after deducting a sum of Rs.34,832/- which was reimbursed to the claimant under the Star Health Insurance. At the time of hearing, learned counsel appearing for the insurance company was able to produce relevant documents to show that the claimant has



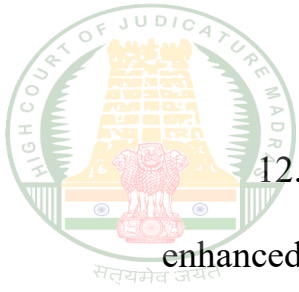
been reimbursed a further sum of Rs.2,95,600/- under the Star Health Insurance.

Hence, this amount must also be deducted from the medical expenses.

Accordingly, this Court is inclined to fix compensation under the head medical expenses at Rs.5,07,700/- [8,03,300 – 2,95,600]. The Tribunal has wrongly granted compensation under the head ‘loss of life expectancy’. No compensation should have been granted under this head since compensation has already been fixed under the head ‘disability’ by applying multiplier method. Hence, compensation fixed by the Tribunal under this head is set aside. Finally, the Tribunal has granted interest only at 5.5% p.a. and this has to be enhanced to 7.5% p.a.

11. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Permanent disability	7,56,000/-	9,45,000/-
2.	Pain and suffering	80,000/-	2,00,000/-
3.	Extra nourishment	50,000/-	1,00,000/-
4.	Attender charges	50,000/-	1,00,000/-
5.	Transportation expenses	20,000/-	20,000/-
6.	Medical expenses	8,03,300/-	5,07,700/-
7.	Loss of life expectancy	1,00,000/-	-
	Total	18,59,300/-	18,72,700/-



12. The compensation awarded by the Tribunal at Rs.18,59,300/- is enhanced to Rs.18,72,700/-. The insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit, the claimant is entitled to withdraw the same on due application. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, C.M.A.No.3549 of 2025 is partly allowed and C.M.A.No.639 of 2026 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

To

The Motor Accident Claims Tribunal,
Subordinate Judge, Mettupalayam.



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CMA Nos.3549 of 2025 & 639 of 2



N.ANAND VENKATESH, J.

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