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CMA.Nos.562 to 564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-07-2026**

CORAM

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH**

**Civil Miscellaneous Appeal Nos.562 to 564 of 2023**

Kavitha (mentally Insane & Depressed)  
W/o.Padmanabhan, Rep.by her Daughter  
Rohini, D/o.Padmanabhan), No.4/179, Anna  
Nagar, Shoolagiri, Krihsnagiri District

...Appellant in  
CMA.No.562 of  
2023

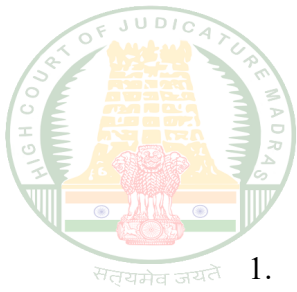
Rohini, D/o.Padmanabhan,  
No.2/179-2, Down Street,  
Shoolagiri, Krishnagiri District

...Appellant in  
CMA.No.563 of  
2023

Minor.Varalakshmi  
D/o.Ravikumar, (Minor Rep.by her  
father & natural guardian Ravikumar)  
Natar Colony, Kuppam, Chitoor,  
Andhrapradesh.  
Temporarily residing at Plot No.9,  
Kadavul Nagar, Chennathur Village  
& Post, Hosur Taluk, Krishnagiri District.

...Appellant in  
CMA.No.564 of  
2023

Vs



CMA.Nos.562 to 564 of 2023

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1. Srinivasan  
S/o.Venkatesan, No.3/12,  
Attibele Village & Post,  
Anekal Taluk, Bangalore District
2. The Manager, United India Insurance  
Co.Ltd., Durga Bhavani Square, Nehru  
Nagar, Opp Railway Station, Denkanikottai  
Road, Hosur Taluk, Krishnagiri District

...Respondents in  
all the CMAs

APPEALS under Section 173 of the Motor Vehicles Act, 1988  
against the common award dated 26.7.2022 made respectively in  
MCOP.Nos.142, 140 and 141 of 2019 on the file of the Motor  
Accident Claims Tribunal (Additional Sub Judge) (FAC), Hosur,  
Krishnagiri District.

For Appellant in  
all the CMAs:

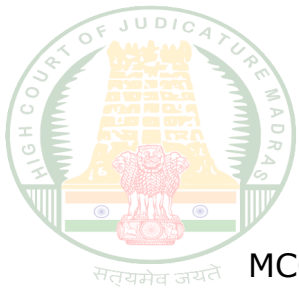
Mr.M.Sivakumar

For Respondents in  
all the CMAs:

Mr.C.Paranthaman for R2  
R1 - Insufficient Address

### **COMMON JUDGMENT**

These appeals have been filed by the appellants - claimants  
against the common award dated 26.7.2022 made respectively in



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MCOP.Nos.142, 140 and 141 of 2019 on the file of the Motor Accidents Claims Tribunal (Additional Sub-Court) (FAC), Hosur, Krishnagiri District (for short, the Tribunal below) wherein they claim for enhancement of compensation and have also questioned the award passed by the Tribunal below, which has limited the liability of the second respondent – Insurance Company to a total of Rs.2 lakhs in all the three cases put together and the balance amount was directed to be paid by the first respondent - owner of the offending vehicle.

2. Heard the learned counsel for the respective appellant – respective claimant in all the appeals and the learned counsel appearing for the second respondent – Insurance Company in all the appeals.

3. The case of the appellants – claimants is as follows:

(i) On 16.12.2017, the appellants – claimants were travelling in a Mahindra Xylo car on the way to a temple and at about 10 AM, when the car was going near Udumalpet CVG College, the left tyre got punctured and the car lost its control and fell into a pit, as a



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result of which, the appellant in CMA.No.563 of 2023 – claimant in MCOP.No.140 of 2019 sustained the following injuries :

*"Post traumatic friction burns over left forearm and lower arm on medical aspect with degloving in proximal forearm and distal arm with high ulnar nerve injury."*

(ii) The appellant in CMA.No.564 of 2023 – claimant in MCOP.

No.141 of 2019 sustained the following injuries:

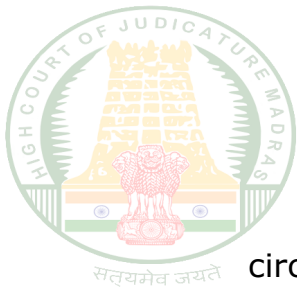
*"Right distal thigh, + tenderness, + swelling, + abnormal mobility, + deformity, + PP, abrasion, wound 15 X 6 cm over anterior aspect left knee joint, extending from distal to proximal tibia, right foot abrasion over dorsum of foot 6 X 4 cm."*

(iii) The appellant in CMA.No.562 of 2023 – claimant in MCOP.

No.142 of 2019 sustained the following injuries:

*"Injury haziness in the left lung field – pleural effusion, inhomogenous radiodens opacity in the left upper and midzone – lung contusion and minimally displaced fractures in the left 3, 4, 5, 6, 7 ribs and minimally displaced comminuted fractures in the mid 1/3rd of left clavicle."*

(iv) The appellants – claimants took treatment as inpatients for the period ranging from 20 to 23 days. It was under those



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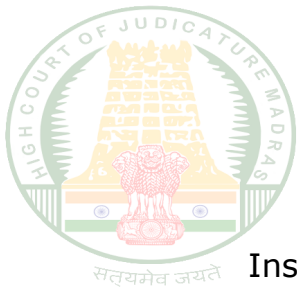
circumstances, the claim petitions came to be filed before the Tribunal below.

(v) On considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, the Tribunal below came to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the Xylo car.

(vi) Having rendered the above finding, the Tribunal below fixed the total compensation in MCOP.No.140 of 2019 (CMA.No.563 of 2023) under the following heads :

| S.No. | Head                                                                   | Amount         |
|-------|------------------------------------------------------------------------|----------------|
| 1     | Partial loss of income for 3 months (Rs.9,000/- X 3 = Rs.27,000/-)     | Rs. 27,000/-   |
| 2     | Pain & suffering                                                       | Rs. 40,000/-   |
| 3     | Loss of amenities & enjoyment of life                                  | Rs. 40,000/-   |
| 4     | Transport to hospital                                                  | Rs. 5,000/-    |
| 5     | Extra nourishment                                                      | Rs. 5,000/-    |
| 6     | Attender charges                                                       | Rs. 2,000/-    |
| 7     | Damages to clothing                                                    | Rs. 2,000/-    |
| 8     | Medical expenses                                                       | Rs. 28,980/-   |
| 9     | Compensation for continuing as permanent disability (40% X Rs.3,000/-) | Rs. 1,20,000/- |
|       | Total                                                                  | Rs. 2,69,980/- |

Out of the total compensation awarded, the second respondent –



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Insurance Company was directed to pay a sum of Rs.50,000/- and the first respondent – owner of the vehicle was directed to pay Rs.2,19,980/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization.

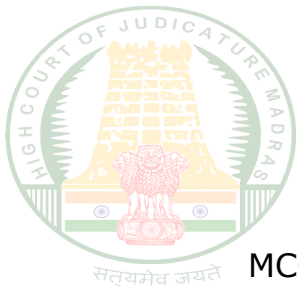
(vii) The Tribunal below fixed the total compensation in MCOP.

No.141 of 2019 (CMA.No.564 of 2023) under the following heads :

| <i>S.No.</i> | <i>Head</i>                                                                   | <i>Amount</i>         |
|--------------|-------------------------------------------------------------------------------|-----------------------|
| 1            | <i>Pain &amp; suffering</i>                                                   | <i>Rs. 46,000/-</i>   |
| 2            | <i>Loss of amenities &amp; enjoyment of life</i>                              | <i>Rs. 46,000/-</i>   |
| 3            | <i>Transport to hospital</i>                                                  | <i>Rs. 5,000/-</i>    |
| 4            | <i>Extra nourishment</i>                                                      | <i>Rs. 5,000/-</i>    |
| 5            | <i>Attender charges</i>                                                       | <i>Rs. 2,000/-</i>    |
| 6            | <i>Damages to clothing</i>                                                    | <i>Rs. 2,000/-</i>    |
| 7            | <i>Medical expenses</i>                                                       | <i>Rs. 6,240/-</i>    |
| 8            | <i>Compensation for continuing as permanent disability (46% X Rs.3,000/-)</i> | <i>Rs. 1,38,000/-</i> |
|              | <i>Total</i>                                                                  | <i>Rs. 2,50,240/-</i> |

Out of the total compensation awarded, the second respondent – Insurance Company was directed to pay a sum of Rs.60,000/- and the first respondent – owner of the vehicle was directed to pay Rs.1,90,240/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization.

(viii) The Tribunal below fixed the total compensation in



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MCOP.No.142 of 2019 (CMA.No.562 of 2023) under the following

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| S.No. | Head                                                                   | Amount         |
|-------|------------------------------------------------------------------------|----------------|
| 1     | Partial loss of income for 4 months (Rs.9,000/- X 4 = Rs.36,000/-)     | Rs. 36,000/-   |
| 2     | Pain & suffering                                                       | Rs. 45,000/-   |
| 3     | Loss of amenities & enjoyment of life                                  | Rs. 45,000/-   |
| 4     | Transport to hospital                                                  | Rs. 5,000/-    |
| 5     | Extra nourishment                                                      | Rs. 5,000/-    |
| 6     | Attender charges                                                       | Rs. 2,000/-    |
| 7     | Damages to clothing                                                    | Rs. 2,000/-    |
| 8     | Medical expenses                                                       | Rs. 3,94,785/- |
| 9     | Compensation for continuing as permanent disability (45% X Rs.3,000/-) | Rs. 1,35,000/- |
|       | Total                                                                  | Rs. 6,69,785/- |

Out of the total compensation awarded, the second respondent – Insurance Company was directed to pay a sum of Rs.90,000/- and the first respondent – owner of the vehicle was directed to pay Rs.5,79,785/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization.

(ix) In so far as the liability is concerned, the Tribunal below took into consideration the insurance policy marked as Ex.P.3 and came to the conclusion that the policy covered only owner and driver claim upto Rs.2 lakhs. Accordingly, the entire liability of the



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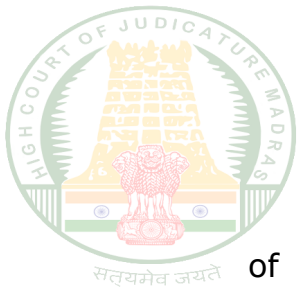
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second respondent – Insurance Company was frozen at Rs.2 lakhs in total and the entire balance amount was directed to be paid by the first respondent – owner of the vehicle. Aggrieved by that, the appeals have been filed before this Court.

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

5. In the case in hand, the claimant in MCOP.No.140 of 2019 (appellant in CMA.No.563 of 2023) was assessed with disability at 40%; the claimant in MCOP.No.141 of 2019 (appellant in CMA.No. 564 of 2023) was assessed with disability at 46%; and the claimant in MCOP.No.142 of 2019 (appellant in CMA.No.562 of 2023) was assessed with disability at 45% by the Medical Board, which issued the disability certificate marked as Ex.C.1 in each of the cases.

6. The Tribunal below proceeded to adopt percentage method and fixed Rs.3,000/- per percentage. Considering the fact that the accident had taken place in 2017, this Court is inclined to fix a sum



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of Rs.6,000/- per percentage and accordingly, the compensation under the head disability is fixed in the following manner :

*"Rs.6,000/- X 40 = Rs.2,40,000/- in  
MCOP.No.140 of 2019 (CMA.No.563 of 2023);*

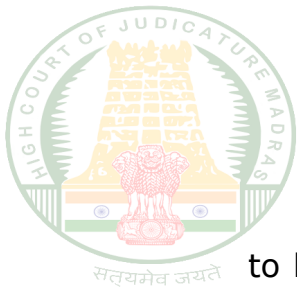
*Rs.6,000/- X 46 = Rs.2,76,000/- in  
MCOP.No.141 of 2019 (CMA.No.564 of 2023);  
and*

*Rs.6,000/- X 45 = Rs.2,70,000/- in  
MCOP.No.142 of 2019 (CMA.No.562 of 2023)."*

7. In so far as the compensation that has been fixed under the other heads is concerned, this Court finds the same to be just and reasonable and it is sustained.

8. The last issue pertains to the liability of the second respondent – Insurance Company.

9. This Court has carefully went through the policy and it is seen that it is a comprehensive policy, which covers totally 8 occupants including the driver. In the case in hand, there are totally three claimants, who were the occupants of the car. Hence, the policy covers the entire liability and the total compensation fixed has



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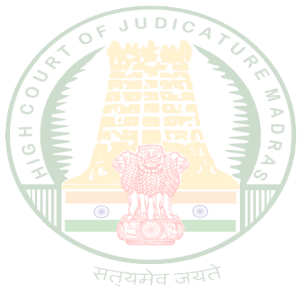
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to be paid only by the second respondent – Insurance Company. To that extent, the finding of the Tribunal below limiting the liability of the second respondent – Insurance Company is set aside.

10. In the light of the above discussions, the above civil miscellaneous appeals are partly allowed and the common award dated 26.7.2022 is modified in the following manner:

(i) **MCOP.No.140 of 2019 (CMA.No.563 of 2023) :**

| S.No. | Head                                                                   | Amount awarded<br>by the Tribunal<br>below | Amount awarded<br>by this Court in<br>this judgment |
|-------|------------------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------|
| 1     | Partial loss of income for 3 months (Rs.9,000/- X 3 = Rs.27,000/-)     | Rs. 27,000/-                               | Rs. 27,000/-                                        |
| 2     | Pain & suffering                                                       | Rs. 40,000/-                               | Rs. 40,000/-                                        |
| 3     | Loss of amenities & enjoyment of life                                  | Rs. 40,000/-                               | Rs. 40,000/-                                        |
| 4     | Transport to hospital                                                  | Rs. 5,000/-                                | Rs. 5,000/-                                         |
| 5     | Extra nourishment                                                      | Rs. 5,000/-                                | Rs. 5,000/-                                         |
| 6     | Attender charges                                                       | Rs. 2,000/-                                | Rs. 2,000/-                                         |
| 7     | Damages to clothing                                                    | Rs. 2,000/-                                | Rs. 2,000/-                                         |
| 8     | Medical expenses                                                       | Rs. 28,980/-                               | Rs. 28,980/-                                        |
| 9     | Compensation for continuing as permanent disability (40% X Rs.3,000/-) | Rs. 1,20,000/-                             | Rs.2,40,000/-                                       |
|       | Total                                                                  | Rs. 2,69,980/-                             | Rs.3,62,980/-                                       |



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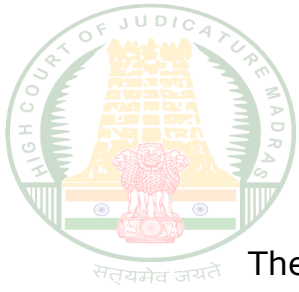
(ii) **MCOP.No.141 of 2019 (CMA.No.564 of 2023) :**

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| S.No | Head                                                                         | Amount awarded<br>by the Tribunal<br>below | Amount awarded<br>by this Court in<br>this judgment |
|------|------------------------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------|
| 1    | Pain & suffering                                                             | Rs. 46,000/-                               | Rs. 46,000/-                                        |
| 2    | Loss of amenities & enjoyment of<br>life                                     | Rs. 46,000/-                               | Rs. 46,000/-                                        |
| 3    | Transport to hospital                                                        | Rs. 5,000/-                                | Rs. 5,000/-                                         |
| 4    | Extra nourishment                                                            | Rs. 5,000/-                                | Rs. 5,000/-                                         |
| 5    | Attender charges                                                             | Rs. 2,000/-                                | Rs. 2,000/-                                         |
| 6    | Damages to clothing                                                          | Rs. 2,000/-                                | Rs. 2,000/-                                         |
| 7    | Medical expenses                                                             | Rs. 6,240/-                                | Rs. 6,240/-                                         |
| 8    | Compensation for continuing as<br>permanent disability (46% X<br>Rs.3,000/-) | Rs. 1,38,000/-                             | Rs. 2,76,000/-                                      |
|      | Total                                                                        | Rs. 2,50,240/-                             | Rs. 3,88,240/-                                      |

(iii) **MCOP.No.142 of 2019 (CMA.No.562 of 2023) :**

| S.No | Head                                                                         | Amount awarded<br>by the Tribunal<br>below | Amount awarded<br>by this Court in<br>this judgment |
|------|------------------------------------------------------------------------------|--------------------------------------------|-----------------------------------------------------|
| 1    | Partial loss of income for 4 months<br>(Rs.9,000/- X 4 = Rs.36,000/-)        | Rs. 36,000/-                               | Rs. 36,000/-                                        |
| 2    | Pain & suffering                                                             | Rs. 45,000/-                               | Rs. 45,000/-                                        |
| 3    | Loss of amenities & enjoyment of<br>life                                     | Rs. 45,000/-                               | Rs. 45,000/-                                        |
| 4    | Transport to hospital                                                        | Rs. 5,000/-                                | Rs. 5,000/-                                         |
| 5    | Extra nourishment                                                            | Rs. 5,000/-                                | Rs. 5,000/-                                         |
| 6    | Attender charges                                                             | Rs. 2,000/-                                | Rs. 2,000/-                                         |
| 7    | Damages to clothing                                                          | Rs. 2,000/-                                | Rs. 2,000/-                                         |
| 8    | Medical expenses                                                             | Rs. 3,94,785/-                             | Rs. 3,94,785/-                                      |
| 9    | Compensation for continuing as<br>permanent disability (45% X<br>Rs.3,000/-) | Rs. 1,35,000/-                             | Rs. 2,70,000/-                                      |
|      | Total                                                                        | Rs. 6,69,785/-                             | Rs. 8,04,785/-                                      |



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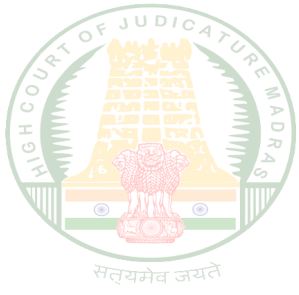
The above total compensation amount as awarded by this Court in this common judgment in respect of each of the appellants - claimants is directed to be deposited by the second respondent - Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till the date of payment within six weeks from the date of receipt of a copy of this judgment. No costs.

**20-07-2026**

To

- 1.The Motor Accident Claims Tribunal/  
Additional Sub Judge (FAC), Hosur,  
Krishnagiri District
- 2.The Manager, United India Insurance  
Co.Ltd, Durga Bhavani Square,  
Nehru Nagar, Opp Railway Station,  
Denkanikottai Road, Hosur Taluk,  
Krishnagiri District

RS



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**N.ANAND VENKATESH,J**

RS

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**20-07-2026**

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