



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2026

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2304 of 2026
and CMP No.17690 of 2026

United India Insurance Company Limited
situated at Divisional Office,
Aurobindo Road,
Block-19, Neyveli

..Appellant

.vs.

1.Sivakumar

2.Murugesan

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 12.07.2023 made in MCOP No.465 of 2021, on the file of the Motor Accident Claims Tribunal/III Additional District Court, Kallakurichi.

For Appellants : Mrs.R.Sree Vidhya

For Respondents : Mr.Amar D.Pandiya for R2

JUDGMENT

This appeal has been filed by the Insurance Company against the Award passed by the MACT, III Additional District Court, Kallakurichi in MCOP



No.465 of 2021 dated 12.07.2023, questioning the quantum of compensation granted by the Tribunal.

2.The 1st respondent is the claimant. The case of the claimant is that on 22.10.2021, he was driving a vehicle belonging to the 1st respondent on the Dharmapuri-Salem Main Road. At about 08.30 p.m, near the Thoppur Police Housing Quarters, a lorry was driven in a rash and negligent manner and it abruptly stopped in the road without any signal and the vehicle in which the claimant was travelled dashed against the lorry. As a result of which, the claimant sustained grievous injuries. It is under these circumstances, the claim petition came to be filed under Section 163A of the Motor Vehicles Act.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the vehicle in which the claimant had travelled was involved in an accident and in that accident the claimant had sustained injuries.

4.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.4,01,779/- under various heads as follows:



WEB COPY



Compensation awarded under the head	Amount (in Rs.)
Compensation for injuries Rs.3300x12x20/100 x 16	1,26,720
Pain and Sufferings	10,000
Transport Charges	5,000
Extra Nourishment	5,000
Medical Bills	2,55,059
Total	4,01,779

5.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

6.Aggrieved by the same, the Insurance Company has filed the present appeal questioning the quantum of compensation fixed by the Tribunal.

7.Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the 2nd respondent.

8.The main ground that has been raised is that the Tribunal did not fix the compensation as per the structured formula provided under II Schedule. Hence, the compensation that has been granted under the head of medical bills has been put to challenge.

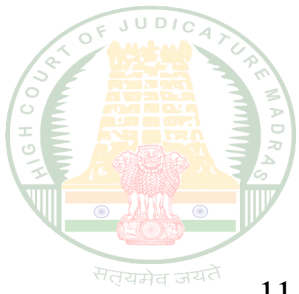


WEB COPY

9. In the considered view of this Court, once an application is filed under Section 163A of the Motor Vehicles Act, the claimant will be entitled to compensation only in accordance with the structured formula provided under the II Schedule. In view of the same, this Court is inclined to modify the compensation granted by the Tribunal in accordance with the said Schedule as under:

Compensation awarded under the head	Amount (in Rs.)
Compensation for injuries Rs.3300x12x20/100 x 16	1,26,720
Pain and Sufferings	15,000
Transport Charges & Extra Nourishment	15,000
Total	1,56,720

10. The compensation awarded by the Tribunal at Rs.4,01,779/- is reduced to Rs.1,56,720/-. The appellant insurance company is directed to deposit the modified 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 four weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



WEB COPY

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No Costs. Consequently, connected miscellaneous petition is closed.

28.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



WEB COPY



N. ANAND VENKATESH., J

SSI

To

The Motor Accident Claims Tribunal/III Additional District Court, Kallakurichi.

CMA No.2304 of 2026

28.07.2026