



C.M.A.No.457 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.457 of 2023
and C.M.P.No.3814 of 2023

The Branch Manager,
United India Insurance Company Limited,
Branch Office III, Arjunaa Tower,
248/164, Cherry Road, Salem – 636 001.

... Appellant

Vs.

1. Viji @ Vijay
2. Arumugam
3. The Manager,
Shree Parasakthi Crusher Pvt. Ltd.,
Varagambadi, Masinaickenpatty Village,
Ayothiyapattanam Post,
Salem District – 636 103.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 22.08.2019. made in MCOP No.196 of 2018 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Krishnagiri.

For Appellant : Mr.D.Bhaskaran

For Respondents : Mr.P.Ezhil Nilavan for R2



C.M.A.No.457 of 2023

JUDGMENT

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This civil miscellaneous appeal has been filed by the Insurance Company against the award passed by the Motor Accidents Claims Tribunal (Special Sub Court), Krishnagiri, in MCOP No.196 of 2018 dated 22.08.2019.

2. The first respondent is the claimant. The case of the claimant is that on 19.06.2015, he was riding an auto rickshaw from Pochampalli to Erumathur. While so, at about 07.00 p.m., when he was coming near the Arasampatti Government Higher Secondary School, the offending vehicle, which was a tipper lorry, was driven in a rash and negligent manner and it dashed against the claimant's auto. As a result, the claimant suffered grievous injuries and underwent treatment as an inpatient for 6 days. 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 oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.9,91,759/- under various heads as follows:



S.No.	Heads	Compensation awarded by the Tribunal (in Rs.)
1.	Disability	7,49,700
2.	Medical Expenses	1,89,059
3.	Transportation Expenses	8,000
4.	Extra Nourishment & Attender Charges	12,000
5.	Pain and Suffering	16,000
6.	Social Amenities	16,000
7.	Damage of clothes	1,000
Total		9,91,759

The above compensation amount was directed to be paid by the appellant/Insurance Company together with interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed.

5. The first respondent has been served with notice and his name has also been printed in the cause list, however, there is no appearance either in person or through counsel. The second respondent appeared through counsel.

6. Heard the learned counsel for the appellant/Insurance Company and carefully considered the materials available on record and also went through the award passed by the Tribunal.



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7. The main ground urged on the side of the appellant/Insurance Company is that the Tribunal, after taking into consideration the disability certificate issued by the Medical Board, which was marked as Ex.C1, fixed the functional disability at 35% and proceeded to apply the multiplier method even though the Medical Board had assessed the disability at 20%. It is further contended that it is not a case where the Tribunal should have adopted the multiplier method.

8. The Medical Board had assessed the permanent disability of the claimant at 20%. There is no material to conclude that the claimant suffered from any functional disability resulting in a loss of earning capacity. While so, the Tribunal, without assigning any reasons, fixed the functional disability at 35% and also adopted the multiplier method. This procedure adopted by the Tribunal is unsustainable, which warrants the interference of this Court.

9. The accident in this case took place in the year 2015 and this is a case where the percentage method must be adopted. Hence, this Court is inclined to fix a sum of Rs.5,000/- per percentage of disability. Accordingly, the compensation under the head 'Disability' is fixed at Rs.1,00,000/- (Rs.5,000/- x 20% of disability).



C.M.A.No.457 of 2023

10. The compensation fixed under the other heads is fair and reasonable and does not require the interference of this Court.

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

<i>Sl.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Disability	7,49,700	1,00,000
2.	Medical Expenses	1,89,059	1,89,059
3.	Transportation Expenses	8,000	8,000
4.	Extra Nourishment & Attender Charges	12,000	12,000
5.	Pain and Suffering	16,000	16,000
6.	Social Amenities	16,000	16,000
7.	Damage of clothes	1,000	1,000
Total		9,91,759	3,42,059
Rounded off			3,42,060

12. The compensation awarded by the Tribunal at Rs.9,91,759/- is reduced to Rs.3,42,060/-. 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 (4) weeks from the date of receipt of



C.M.A.No.457 of 2023

this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

13. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.07.2026

Neutral Citation: Yes/No
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To

1. The Special Sub Judge,
Special Sub Court,
Motor Accidents Claims Tribunal,
Krishnagiri.
2. The Section Officer,
VR Section,
High Court of Madras.



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C.M.A.No.457 of 2023

N. ANAND VENKATESH, J.

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