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CMA No. 2394 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2394 of 2026

AND

CMP NO. 18350 OF 2026

Tata AIG General Insurance Company Limited
Rep by its Branch Manager,
A 501, 5th Floor, Building No 4,
Infinity Park, Malad East Road,
Dindoshi, Mumbai District,
Maharashtra State.

..Appellant(s)

Vs

1. Amanulla
S/o Adbul Vahab,
2. Padmavathi
W/o Murugavel,

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act to against the Judgement in MCOP No.43 of 2014 dated 03.11.2022 on the file of Additional Motor Accidents Claims Tribunal, Subordinate Court, Nagapattinam.

For Appellant(s):

Ms.C.Harini
for M/S.M.B.GOPALAN ASSOCIATES

For Respondent(s):

Mr.S.Ramprabhu
For R1 & R2



Judgment

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This Civil Miscellaneous Appeal has been filed against the award passed by learned Motor Accident Claims Tribunal, Subordinate Court, Nagapattinam, in M.C.O.P.No.43 of 2014 dated 03.11.2022.

2. The 1st respondent is the claimant. The case of the claimant is that on 24.09.2013, the claimant was riding a bicycle on the Nagapattinam to Thiruvarur main road and at about 2.00 pm, when the bicycle was attempting to turn into the house of the injured, the offending vehicle viz., a Tata sumo was driven in a rash and negligent manner and dashed against the bicycle. As a result of which, the claimant was thrown out of the bicycle and he sustained the following injuries :-

Sutured wound over the (R) Temporal Parietal region (6 Bites), 2) Abrasion over the ®, Gluteal Region 3) injury to chest wall and Haemo Phoenmojhorax (L side).

The claimant underwent treatment as an inpatient from 24.09.2013 to 01.10.2013. 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



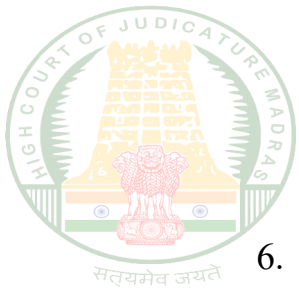
case and on appreciation of materials available on record, came to a conclusion that the accident had occurred only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered the above finding, the Tribunal fixed total compensation of Rs.8,90,843/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Permanent Disability	Rs.7,12,800/-
2.	Medical expenses	Rs.67,043/-
3.	Loss of Income	Rs.20,000/-
4.	Pain and sufferings	Rs.30,000/-
5.	Extra Nourishment	Rs.20,000/-
6.	Transportation charges	Rs.20,210/-
7.	Attender charges	Rs.20,000/-
8.	Loss of amenities	Rs.20,000/-
9.	Loss of damages to clothes	Rs.1000/-
	Total	Rs.8,90,843/-

The above compensation was directed to be paid with interest at the rate of 7.5% p.a. from the date of petition. Aggrieved by the same, the present appeal has been filed by the insurance company.

5. Heard learned counsel for appellant/insurance company and learned counsel for respondents 1 and 2.



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6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. This Court has also carefully gone through the award passed by the Tribunal.

8. The main ground that was urged on the side of the learned counsel for the Appellant is that the compensation that has been fixed by the Tribunal under various heads is on the higher side. It is further submitted that the Tribunal without proper assessment, came to the conclusion that the claimant had suffered functional disability and consequently, the Tribunal had adopted the multiplier method.

9. Per contra, the learned counsel for the claimant submitted that the Tribunal had properly taken into account the age of the injured and the nature of injuries sustained and also the functional disability suffered by him and had rightly adopted the multiplier method. It is further contended that the compensation fixed under the various heads is just and reasonable.

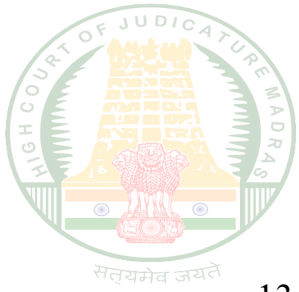
10. In the case in hand, the injuries that were sustained by the claimant



have already been extracted supra. The Tribunal has taken into consideration the grievous injuries sustained by the claimant which resulted in the claimant suffering a stroke and as a result of which, the claimant has lost his earning capacity. The Tribunal also took into consideration the fact that claimant was aged about 59 years at the time of accident. The disability certificate issued by the Medical Board, which was marked as Ex.C1, shows that the claimant suffered 60% permanent disability. It is under these circumstances, the tribunal had adopted the multiplier method . The said finding rendered by the Tribunal does not suffer from any perversity warranting the interference of this Court.

11. The compensation fixed under the other heads is just and proper and it does not require the interference of this Court.

12. In the light of the above discussion, the award passed by the Tribunal in MCOP No.43 of 2014 dated 03.11.2022 is confirmed. The Appellant/insurance company is directed to deposit the compensation, after deducting 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. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



N.ANAND VENKATESH J.

RKA

13. In the result, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

21-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

The Additional Motor Accidents Claims Tribunal, Subordinate Court,
Nagapattinam.

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