



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal Nos.3127 of 2025 & 395 of 2026
& C.M.P.No.4731 of 2026

C.M.A.No.3127 of 2025

S.Parthasarathy,

S/o.Srinivasan

..Appellant

Vs

1. E.Shankar,
S/o.Elumalai
2. M/s.Reliance General Insurance Company Limited,
Legal Department, Reliance House, 4th Floor,
No.6, Haddows Road, Nungambakkam,
Chennai -600 006.
3. P.Komal Govind,
W/o.Govinda Kumararaja

..Respondents

C.M.A.No.395 of 2026

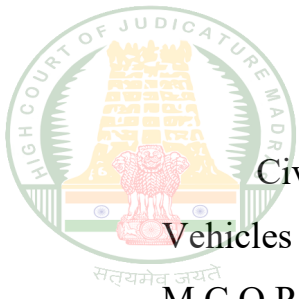
M/s.Reliance General Insurance Company Limited,
Legal Department, Reliance House,
4th Floor, No.6, Haddows Road,
Nungambakkam, Chennai -600 006.

..Appellant

Vs

1. S.Parthasarathy
S/o.Srinivasan
2. E.Shankar,
S/o.Elumalai
3. P.Komal Govind,
W/o.Govinda Kumararaja

..Respondents



Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 16.11.2024, passed in M.C.O.P.No.6182 of 2019, on the file of the Motor Accident Claims Tribunal, V Court of Small Causes, Chennai.

For Appellant in
C.M.A.No.3127 of 2025
& first respondent in
C.M.A.No.395 of 2026 : Mr.K.Balaji

For second respondent in
C.M.A.No.3127 of 2025
& appellant in C.M.A.
No.395 of 2026 : Mrs.R.Sreevidhya

COMMON JUDGMENT

These appeals have been filed both by the claimant as well as the insurance company against the award passed by the Motor Accident Claims Tribunal, V Court of Small Causes, Chennai, in M.C.O.P.No.6182 of 2019 dated 16.11.2024.

2. The appellant in C.M.A.No.3127 of 2025 is the claimant. The case of the claimant is that on 04.09.2019, the claimant was riding pillion in a two wheeler at Velacherry main road and at about 16.45 hours, the offending vehicle, a tipper lorry, was driven in a rash and negligent manner and dashed against the two wheeler, as a result of which, the claimant was thrown out of the vehicle and he sustained (a) Left Thigh Laceration; (b) Left Neck of Femur Fracture; (c) Right Ankle Dislocation with Bimalleolar Fracture; (d)



Degloving injury left thigh with fracture femur; (e) Degloving injury sequelae soft tissue necrosis left thigh; and (f) Post Traumatic raw area left thigh and groin. The claimant underwent treatment as an inpatient for totally 21 days. A First Information Report came to be registered against the driver of the offending vehicle in Crime No.439 of 2019. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.

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 due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Part disability	3,01,000/-
2.	Pain and suffering	60,000/-
3.	Loss of income	5,25,000/-
4.	Medical expenses	1,58,000/-
5.	Attendant charges	11,000/-
6.	Transportation	5,000/-
7.	Loss of amenities	10,000/-
8.	Extra nourishment	10,000/-
	Total	10,80,000/-



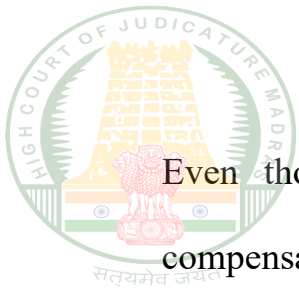
The above compensation was directed to be paid along with interest at 7.5% p.a.

Aggrieved by the same, the claimant has filed C.M.A.No.3127 of 2025 on the ground that the quantum fixed on some of the heads is on the lower side and it requires enhancement and the insurance company has filed C.M.A.No.395 of 2026 on the ground that the Tribunal has not ordered for pay and recovery and also on the ground that the quantum of compensation fixed is on the higher side.

4. Heard learned counsel appearing for claimant and learned counsel appearing for insurance company. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

5. In the case in hand, the Tribunal has rendered a clear finding that the driver of the offending vehicle did not have the badge to drive the tipper lorry. This amounts to violation of the basic condition under the policy. In such a scenario, the Tribunal ought to have ordered for pay and recovery, whereas, the Tribunal has not even considered this issue.

6. Insofar as quantum of compensation is concerned, this Court takes into consideration the discharge summary [Ex.P6]. This Court also takes into consideration the photo of the injured [Ex.P19] and the disability certificate [Ex.C1]. The Tribunal has properly assessed the compensation under each head.

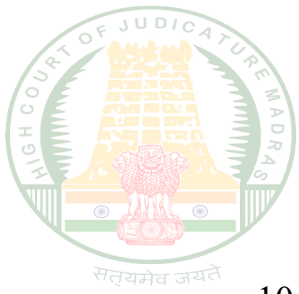


Even though learned counsel for insurance company expressed that the compensation fixed under the heads 'medical expenses' and 'loss of income' is on the higher side, this Court finds that the compensation has been fixed after considering the evidence available on record.

7. Insofar as the grievance of the claimant is concerned, it is submitted that the claimant suffered injury on the shaft and neck of femur, which has prevented the claimant from folding his legs and sitting in the floor or standing continuously for sometime and it has resulted in loss of earning capacity. Therefore, it is contended that the multiplier method must be adopted since there is functional disability.

8. In the considered view of this Court, the disability suffered by the claimant has been considered by the Tribunal based on medical records as well as certificate issued by the Medical Board and this is not a case where functional disability can be invoked. The Tribunal has rightly applied the percentage method and granted compensation under the head 'part disability'.

9. The compensation fixed under the other heads is also just and reasonable and it does not warrant the interference of this Court.



N.ANAND VENKATESH, J.
gm

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10. In the light of the above discussion, the award passed by the Tribunal does not warrant interference of this Court except insofar as the issue of pay and recovery is concerned. Accordingly, the award passed by the Tribunal is sustained and there shall be a direction to the insurance company to pay the compensation along with interest and thereafter, recover the same from the owner of the offending vehicle.

11. It is brought to the notice of this Court that the entire compensation amount has already been deposited along with interest and 50% has already been withdrawn by the claimant. In the view of the above, the claimant will be entitled to withdraw the balance amount along with accrued interest on due application.

These civil miscellaneous appeals are disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

24-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Motor Accident Claims Tribunal,
V Court of Small Causes, Chennai.

Civil Miscellaneous Appeal Nos.3127 of 2025 & 395 of 2026