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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1785 of 2023

and C.M.P.No.17518 of 2023

and

Cross Objection No.52 of 2026

C.M.A No.1785 of 2023

1. The Divisional Manager,
The Oriental Insurance Company Ltd,
Hub 3rd Party Claims, Vijayalakshmi Complex,
1st Floor, No.32/13, Phase II, Sathuvacheri,
Vellore - 632 009.
2. The Divisional Manager,
The Oriental Insurance Company Ltd.,
Krishnan Street, Backside of Anna Statue,
Tiruvannamalai.

..Appellants

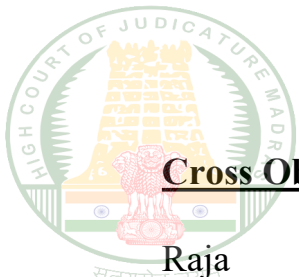
Vs

1. Raja
S/o.Munusamy
2. Sivakumar
S/o.Kaliyappan

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 20.04.2023 made in MCOP No.129 of 2021 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Tiruvannamalai.

For Appellants : Mr.D.Bhaskaran
For Respondents : Mr.A.G.F.Terry Chella Raja



Cross Objection No.52 of 2026

Raja
S/o.Munusamy

..Appellant

Vs

1. The Divisional Manager,
The Oriental Insurance Company Ltd,
Hub 3rd Party Claims, Vijayalakshmi Complex,
1st Floor, No.32/13, Phase II, Sathuvacheri,
Vellore - 632 009.
2. The Divisional Manager,
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Krishnan Street, Backside of Anna Statue,
Tiruvannamalai.
3. Sivakumar
S/o.Kaliyappan

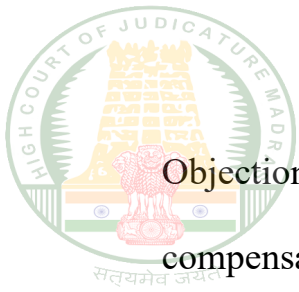
..Respondents

Cross Objection filed under Order 41 Rule 22 of the Code of Civil Procedure against the award dated 20.04.2023 made in MCOP No.129 of 2021 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Tiruvannamalai.

For Appellant : Mr.A.G.F.Terry Chella Raja
For Respondents : Mr.D.Bhaskaran [R1 & R2]

COMMON JUDGMENT

C.M.A.No.1785 of 2023 has been filed by the insurance company against the award dated 20.04.2023 made in MCOP No.129 of 2021 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Tiruvannamalai. questioning the quantum of compensation fixed by the Tribunal. Cross



Objection No.52 of 2026 has been filed by the claimant seeking enhancement of compensation.

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2. The case of the claimant is that on 26.10.2020, the claimant was standing on the left extreme of Chengam Tiruvannamalai road and was fitting his bicycle chain and at about 12.15 hours, the offending vehicle, a car belonging to the second respondent in the appeal, was driven in a rash and negligent manner and dashed against the claimant as a result of which the claimant sustained non union fracture neck of femur left, malunited left acetabular fracture, left superior, inferior, pubic rami fracture, left anterior 3rd, 4th and 5th rib fracture, left posterior, 3rd to 12th rib fracture, fracture body of scapula left, right L3 transvers process fracture, left lung contusion with hemothorax and pneumothorax. The claimant underwent treatment as an inpatient for 35 days in two spells and two surgeries were also performed. 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 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

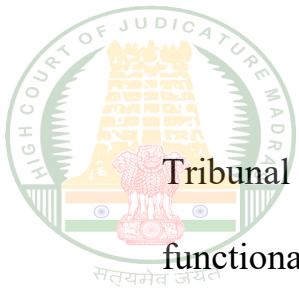


<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Functional disability	8,77,500/-
2.	Pain and sufferings	50,000/-
3.	Extra nourishment	20,000/-
4.	Medical expenses	8,908/-
5.	Attender charges	15,000/-
6.	Transportation expenses	10,000/-
7	Loss of amenities	1,00,000/-
	Total	10,81,408/-

The above compensation was directed to be paid along with interest at 7.5% p.a. Aggrieved by the same, the insurance company has filed C.M.A.No.1785 of 2023 questioning the quantum of compensation and the claimant has filed Cross Objection No.52 of 2026 seeking enhancement of compensation.

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

5. The main ground raised on the side of the insurance company is that the Tribunal had taken the entire 50% assessed by the Medical Board towards functional disability and applied multiplier method. It is contended that the



Tribunal ought to have considered the whole body and fixed the percentage of functional disability.

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6. *Per contra*, on the side of claimant, it is contended that the accident had taken place in the year 2020 and the Tribunal, while fixing compensation under the head 'functional disability', had fixed the notional income of the claimant at Rs.9,000/- which is on the lower side. It is further contended that the compensation fixed under the other heads are also on the lower side and it requires interference.

7. On carefully going through the award passed by the Tribunal, it is seen that the Tribunal had considered the discharge summary [Ex.P3] while assessing the functional disability suffered by the claimant. Unfortunately, the Tribunal did not take into consideration discharge summary [Ex.P9] and Medical Certificate [Ex.C1]. Had these documents been taken into consideration, probably the Tribunal would have assessed the percentage of functional disability differently.

8. On the side of the claimant, the notional income fixed by the Tribunal is being questioned. Hence, in order to balance both sides, this Court does not want to tinker with 50% functional disability assessed by the Tribunal and this Court is inclined to sustain the compensation fixed under the head 'functional



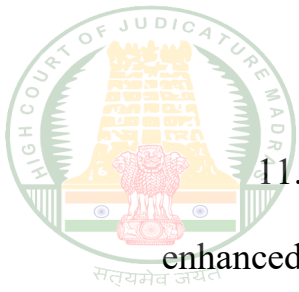
disability' as it is. This will sufficiently take care of the grievance expressed on the side of the insurance company as well as the claimant.

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9. In the case in hand, the claimant had undergone treatment as an inpatient for nearly 35 days in two spells and two surgeries were performed. In view of the same, this Court is inclined to enhance the compensation under the heads 'pain and suffering' and 'extra nourishment' to Rs.1,00,000/- and Rs.50,000/- respectively. The compensation granted under the other heads are just and reasonable and does not require the interference of this Court.

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

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Functional disability	8,77,500/-	8,77,500/-
2.	Pain and sufferings	50,000/-	1,00,000/-
3.	Extra nourishment	20,000/-	50,000/-
4.	Medical expenses	8,908/-	8,908/-
5.	Attender charges	15,000/-	15,000/-
6.	Transportation expenses	10,000/-	10,000/-
7.	Loss of amenities	1,00,000/-	1,00,000/-
	Total	10,81,408/-	11,61,408/-



11. The compensation awarded by the Tribunal at Rs.10,81,408/- is enhanced to Rs.11,61,408/-. The insurance company is directed to deposit the enhanced 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 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. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in C.M.A.No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of compensation amount to the claimants.

In the result,

- (i) C.M.A No.1785 of 2023 is dismissed.
- (ii) Cross Objection No.52 of 2026 is partly allowed.

No costs. Consequently, connected miscellaneous petition is closed.

28-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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CMA No. 1785 of 2023
Cross Objection No.52 of 2



N.ANAND VENKATESH, J.

gm

To
The Motor Accidents Claims Tribunal,
Special Sub Judge,
Tiruvannamalai.

Civil Miscellaneous Appeal No.1785 of 2023
and C.M.P.No.17518 of 2023
and Cross Objection No.52 of 2026

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