



WEB COPY

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 20.07.2026**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**CMA No.148 of 2023**  
**and CMP No.1295 of 2023**

M/s.United India Insurance Co., Ltd.,  
146-N, Anna Salai, Kumar Complex,  
Tiruchengode, Namakkal District 637 211.

..Appellant

.VS.

1.Santhosh

2.Vijayakumar

..Respondents

**Prayer:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against award and decree order dated 26.11.2021 made in MCOP No.421 of 2018, on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge (MACT), Dharmapuri.

For Appellant : Mr.S.Arun Kumar

**JUDGMENT**

This appeal has been filed against the Award passed by the MACT, Special Subordinate Judge, Dharmapuri, in MCOP No.421 of 2018, dated 26.11.2021, wherein the appellant Insurance Company is challenging the liability as well as the quantum of compensation fixed by the Tribunal.



WEB COPY

2.The 1st respondent is the claimant. The case of the 1st respondent is that on 13.01.2018, the 1st respondent was riding a two wheeler at Salem-Krishnagiri NH Road, and at about 9.45 p.m., near the school, the offending vehicle, which was a lorry, was parked without any indicators on the road. As a result of which, the claimant dashed on the lorry and sustained the following injuries:

- 1.Subdural bleed of maximal width 5mm in left frontal convexity.
- 2.Depressed communitated fracture in left frontal bone and fracture in root of left orbit.
- 3.Few small bony fragments in left orbital cavity.
- 4.Displaced fracture in lateral wall, floor of left orbit anterior and posterolateral wall of bilateral maxillary sinus and left zygonatic arch.
5. Bilateral fleural effusion.
6. Fracture of proximal ulna olecranon process.
- 7.Minimal right parirenal and infrahepatic free fluid.
8. Multiple greivous injury all over body.

3.It is under these circumstances, the claim petition came to be filed before the Tribunal.



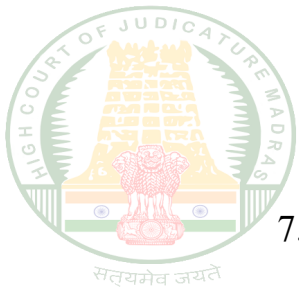
WEB COPY

4.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 negligence on the part of the lorry driver for having parked the lorry on the road without any indicator.

5.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.4,91,960/- under the following heads as follows:

| <b>Compensation awarded under the head</b> | <b>Amount (in Rs.)</b> |
|--------------------------------------------|------------------------|
| Just Compensation                          | 1,29,600               |
| Loss of earnings                           | 8,000                  |
| Pain and Sufferings                        | 15,000                 |
| Cost of Nourishment                        | 10,000                 |
| Cost of the attender                       | 5,000                  |
| Transport Expenses                         | 5,000                  |
| Medical Bills                              | 3,18,360               |
| Loss of clothing on accident               | 1,000                  |
| <b>Total</b>                               | <b>4,91,960</b>        |

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

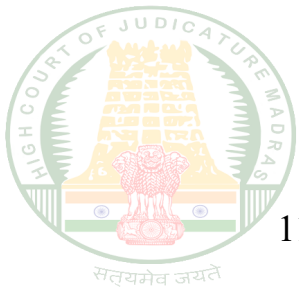


7. Aggrieved by the same, the Insurance Company has filed the present appeal before this Court.

8. The respondents have been served with notice, and their names have also been printed in the cause list. However, there is no appearance either in person or through counsel.

9. Heard the learned counsel for the appellant and carefully considered the submissions made on either side and also the materials available on record and this Court also went through the Award passed by the Tribunal.

10. The main ground that was urged is that the injured was a tortfeasor in this case and the entire negligence was on his part, and therefore, the Tribunal ought not to have granted any compensation to the claimant. The next ground raised is that the Tribunal had fixed compensation of Rs.3,18,360/- under the head of Medical Bills, without taking into consideration the fact that the claimant has been reimbursed a sum of Rs.2,00,000/- under the Government Health Policy, and the same was not deducted from the total compensation fixed by the Tribunal.



WEB COPY

11.Insofar as the issue of negligence is concerned, the Tribunal has taken into consideration the evidence of PW1 and also Ex.P1, which is the FIR that was registered against the driver of the lorry. There was no contra evidence available before the Tribunal to prove that there was negligence on the part of the claimant. In view of the same, the finding rendered by the Tribunal on the issue of negligence does not suffer from any perversity warranting the interference of this Court.

12.Insofar as the compensation is concerned, the Tribunal has fixed the compensation under the head of medical bills at Rs.3,18,360/-. At this juncture, it will be relevant to take note of the cross-examination of PW1, wherein PW1 categorically has admitted that he has been reimbursed a sum of Rs.2,00,000/- under the Government Medical Scheme. In such a scenario, the Insurance Company cannot be once again made to pay this amount to the claimant. Consequently, a sum of Rs.2,00,000/- has to be deducted from the total medical bills running to the tune of Rs.3,18,360/-. The compensation under the head of Medical Bills is fixed at Rs.1,18,360/-.

13.The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

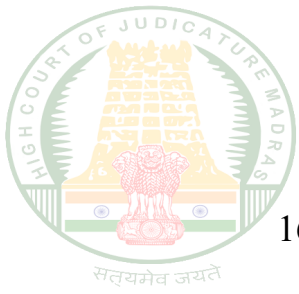


WEB COPY

14. In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

| Compensation awarded under the head | Amount (in Rs.) |
|-------------------------------------|-----------------|
| Just Compensation                   | 1,29,600        |
| Loss of earnings                    | 8,000           |
| Pain and Sufferings                 | 15,000          |
| Cost of Nourishment                 | 10,000          |
| Cost of the attender                | 5,000           |
| Transport Expenses                  | 5,000           |
| Medical Bills                       | 1,18,360        |
| Loss of clothing on accident        | 1,000           |
| <b>Total</b>                        | <b>2,91,960</b> |

15. The compensation awarded by the Tribunal at Rs.4,91,960/- is reduced to Rs.2,91,960/-. 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 six 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

16.It is brought to the notice of this Court that the entire compensation amount has been deposited by the appellant Insurance Company. The claimant is permitted to withdraw the modified compensation amount along with 7.5% interest. The remaining amount shall be permitted to be withdrawn by the appellant Insurance Company along with accrued interest.

17.This Civil Miscellaneous Appeal is partly allowed in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

**20.07.2026**

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



WEB COPY



**N. ANAND VENKATESH., J**

SSR

To

The Chief Judge, Court of Small Causes at Chennai.

**CMA No.148 of 2023**

**20.07.2026**