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CMA.No.1053 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No.1053 of 2022 &
CMP.No.7762 of 2022

United India Insurance Co.Ltd.,
No.5, Big Bazar Street,
Dharapuram,
Tirupur District - 638 656.

...Appellant

Vs

1. Minor S.Yadhunandhan
Represented by his guardian/
mother S.Mohansundari,
W/o. Subramani, No.6,
West Street, Nallamangapalayam,
Komarpalayam Post, Erode District.
638 101.
2. S.Sivasekaran
S/o. Subramani.R, No. 80,
Poosariyur Main Veethi,
Arachalur, Erode District.
638 101.
3. K.Premkumar, S/o. Kandasamy,
Kodumudi Road, Arachalur Post,
Erode District - 638 101.

...Respondents



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APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the decree and judgment dated 29.10.2020 made in
M.C.O.P.No.798 of 2018 on the file of Motor Accident Claims
Tribunal (Special Subordinate Judge Court), Erode.

For Appellant: Mr.C.Paranthaman

For Respondents: Mr.K.Varadha Kamaraj for R1

R2 & R3 – served & no
appearance

JUDGMENT

This appeal has been filed against the award dated
29.10.2020 made in MCOP.No.798 of 2018 on the file of the Motor
Accidents Claims Tribunal (Special Subordinate Judge Court), Erode
(for short, the Tribunal below).

2. Heard the learned counsel for the appellant – Insurance
Company and the learned counsel appearing for the first
respondent.



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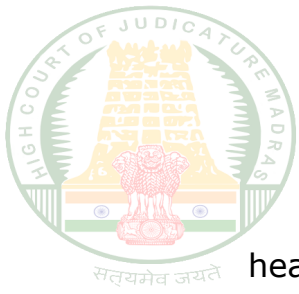
3. The first respondent – claimant was a minor at the time of accident and is represented by his mother in this appeal. The second respondent was the driver of the offending vehicle and the third respondent was its owner.

4. The facts leading to filing of this appeal are as follows:

(i) On 10.11.2018, when the first respondent – claimant was standing at Arachalur - Kangeyam Main Road and at about 8.15 AM, the offending vehicle, which was a two wheeler, was driven in a rash and negligent manner and dashed on the first respondent – claimant, as a result of which, he sustained serious injuries. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(ii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the two wheeler.

(iii) Having rendered the above finding, the Tribunal below fixed a total compensation of Rs.4,01,000/- under the following



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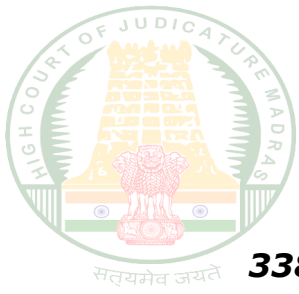
heads:

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S.No.	Head	Amount
1	Loss of earnings	-----
2	Transport to hospital	Rs. 7,000/-
3	Extra nourishment	Rs. 5,000/-
4	Attender charges	-----
5	Future medical expenses	-----
6	Damages for clothes and articles	Rs. 3,000/-
7	Medical expenses	Rs. 46,000/-
8	Pain and sufferings	Rs. 40,000/-
9	Permanent disability & loss of earning power	Rs.3,00,000/-
	Total:	Rs.4,01,000/-

(iv) The above compensation amount was directed to be paid by the appellant together with interest at the rate of 9% per annum from the date of petition till deposit. Aggrieved by that, the appellant – Insurance Company is before this Court by filing the above appeal.

5. The main ground that was urged by the learned counsel for the appellant – Insurance Company is that the Tribunal below, based on the disability certificate marked as Ex.C.1, applied the judgment of the Hon'ble Apex Court in the case of **Master Mallikarjun Vs. Divisional Manager, National Insurance Company Limited & another [reported in 2013 (2) TN MAC**



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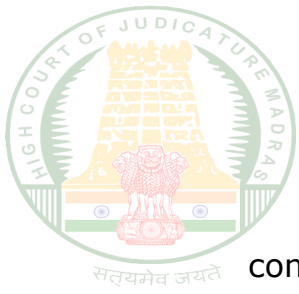
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338] and proceeded to award Rs.3 lakhs as a lumpsum compensation and that however, the Tribunal below further added compensation under other heads and awarded a total compensation of Rs.4,01,000/-, which is liable to be interfered by this Court.

6. The further ground that has been raised on the side of the appellant – Insurance Company is that the Tribunal below granted interest at the rate of 9% per annum and that this has to be reduced to 7.5% per annum.

7. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

8. It is true that the Tribunal below relied upon the disability certificate marked as Ex.C.1, which was issued by the Medical Board. The Tribunal below also relied upon the judgment of the Hon'ble Apex Court in **Master Mallikarjun**. The Tribunal below proceeded to determine the total compensation under other heads and added a further sum of Rs.1,01,000/- to the lumpsum



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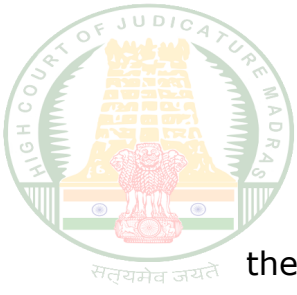
compensation of Rs.3 lakhs.

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9. This Court, considering the meagre amount involved and also taking note of the interest of the minor, does not want to go into the issue that has been raised in this appeal and that this Court is of the considered view that it can be reserved for a proper case where a larger issue is involved. In the light of the above discussions, the total compensation fixed by the Tribunal below is sustained as it is.

10. In so far as the issue as to the interest component is concerned, this Court is inclined to reduce the interest from 9% to 7.5% per annum.

11. In the result, the above civil miscellaneous appeal is partly allowed and the award dated 29.10.2020 made in MCOP.No.798 of 2018 on the file of the Tribunal below is modified. There shall be a direction to the appellant – Insurance Company to deposit the said sum of Rs.4,01,000/- (Rupees four lakhs and one thousand only) together with accrued interest at the rate of 7.5% per annum from



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the date of claim petition till the date of deposit forthwith. It is seen from the interim order passed by this Court on 29.4.2022 in CMP. No.7762 of 2022 that this Court directed the appellant – Insurance Company to deposit the entire compensation amount along with accrued interest. At the time of accident, the first respondent – claimant was aged 14 years. By now, he would have attained majority. In view of the same, the first respondent – claimant is permitted to withdraw the entire compensation amount together with accrued interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit. It is made clear that the excess amount remaining under the interest component shall be permitted to be withdrawn by the appellant – Insurance Company. No costs. Consequently, the connected CMP is closed.

07-07-2026

To
The Motor Accidents Claims Tribunal
(Special Subordinate Judge Court), Erode.

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N.ANAND VENKATESH,J

RS

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