



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

WEB COPY

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2291 of 2026

and

C.M.P.No.17588 of 2026

The Branch Manager,
Cholamandalam MS General Insurance
Company Limited,
Krishnagiri CIE, Irudhaya Andavar Bus Service,
No.48/234, Noel complex,
Chennai Salai, Krishnagiri.

..Appellant

Vs

1. S.Venkatesan
S/o.Sunil
2. C.Gnanavel
S/o.Chinnathambi
3. R Selvaraj
S/o.Raman
4. Saradadevi
W/o.Settu

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 23.11.2023 made in MCOP No.160 of 2019 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Krishnagiri.

For Appellant : Ms.R.Sree Vidhya

For Respondents : Mr.E.Kannadasan [R1]
Mr.S.Gopinath [R3]



JUDGMENT

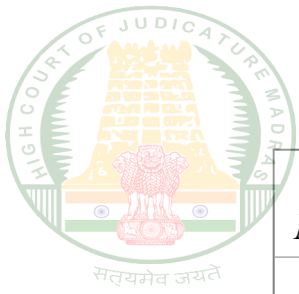
WEB COPY

This appeal has been filed challenging the award passed by the Motor Accident Claims Tribunal, Special Subordinate Judge, Krishnagiri, in M.C.O.P.No.160 of 2019 dated 23.11.2023.

2. The first respondent is the claimant. The case of the claimant is that he was riding a two wheeler at Bargur to Thirupattur Main Road and at that point of time, the offending vehicle, a TATA ACE vehicle, was driven in a rash and negligent manner and it dashed against the two wheeler as a result of which the claimant sustained fracture of his right leg, right knee and other multiple injuries. 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 evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. The Tribunal having rendered the above finding, fixed the total compensation at Rs.17,27,000/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Future loss of earning capacity	8,74,800/-
2.	Medical expenses	5,48,000/-



WEB COPY



<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
3.	Pain and sufferings	1,00,000/-
4.	Transportation expenses	50,000/-
5.	Additional nourishment	20,000/-
6.	Damages to clothes	2,200/-
7.	Attender charges	12,000/-
8.	Loss of amenities	1,00,000/-
9.	Future medical expenses	20,000/-
	Total	17,27,000/-

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

4. Heard learned counsel for appellant, learned counsel for first respondent and learned counsel for third respondent. This Court also considered materials available on record and carefully went through the award passed by the Tribunal.

5. The primary ground raised in the appeal is the principle of pay and recover adopted by the Tribunal despite the fact that the driver of the offending vehicle did not possess a valid driving license. The other ground raised is that the compensation fixed by the Tribunal under the various heads is on the higher



side. Insofar as the first ground is concerned, the judgment of the Apex Court in

National Insurance Co. Ltd V. Swaran Singh and others reported in (2004) 3

SCC 297 will apply and the Tribunal was right in adopting the principle of pay and recover.

6. Insofar as the quantum of compensation is concerned, this Court finds that the compensation fixed under the head 'loss of amenities' is on the higher side and hence, the compensation of Rs.1,00,000/- awarded under such head is reduced to Rs.75,000/-. The compensation awarded under the other heads is just and reasonable and does not require the interference of this Court.

7. 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.	Future loss of earning capacity	8,74,800/-	8,74,800/-
2.	Medical expenses	5,48,000/-	5,48,000/-
3.	Pain and sufferings	1,00,000/-	1,00,000/-
4.	Transportation expenses	50,000/-	50,000/-
5.	Additional nourishment	20,000/-	20,000/-
6.	Damages to clothes	2,200/-	2,200/-
7.	Attender charges	12,000/-	12,000/-
8.	Loss of amenities	1,00,000/-	75,000/-
9.	Future medical expenses	20,000/-	20,000/-
	Total	17,27,000/-	17,02,000/-



8. The compensation awarded by the Tribunal at Rs.17,27,000/- is reduced to Rs.17,02,000/-. The appellant insurance company is directed to deposit the reduced 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. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

13-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm



WEB COPY

CMA No.2291 of 2



N.ANAND VENKATESH, J.

gm

Civil Miscellaneous Appeal No.2291 of 2026

13-07-2026