



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2136 of 2025

Amuthan

..Appellant

.vs.

1.Karthikeyan

2.The Manager,
Reliance General Insurance Co., Ltd.,
6 Haddows Road, Nungambakkam,
Chennai – 600 006.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order in MCOP No.963 of 2019 dated 11.01.2004, on the file of the Motor Accident Claims Tribunal, Special District Court to deal with Motor Accident Claims Tribunal/Special Sub Court, Cuddalore.

For Appellants : Ms.Ramya V. Rao

JUDGMENT

This appeal has been filed challenging the Award passed by the MACT, Special Sub Court, Cuddalore in MCOP No.963 of 2019 dated 11.01.2024, by the appellant.



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2.The case of the claimant is that on 26.01.2019, the claimant was traveling in a two wheeler at Cuddalore-Viruthachalam National High Ways and at about 00.30 hours, the offending vehicle belonging to the 1st respondent was driven in a rash and negligent manner and it dashed on the two wheeler. As a result of which, the claimant was thrown out of the vehicle and he sustained the following injuries:

TBI-LEFT FRONTO TEMPORAL ACUTE SDH AND
CONTUSIONS WITH MIDLINE SHIFT – LEFT FRONTO
PARIETO TEMPORAL DECOMPRESSIVE CRANIECTOMY-SDH
EVACUATION / CISTERNOSTOMY.

3.The claimant underwent treatment as an inpatient for nearly thirty days and Craniotomy was performed and thereafter, Bone Flap Removal and Debridment was also performed.

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

5.Both the respondents remained ex-parte before the Tribunal, 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 the rash and negligent driving on the part of the driver of the offending vehicle.

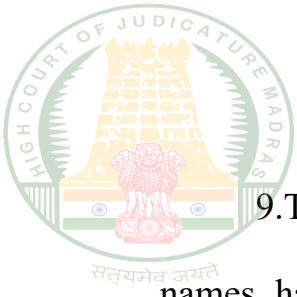
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6. Having rendered the above finding, the Tribunal fixed the total compensation of Rs.39,18,623/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
For Loss of Income Rs.16,800 x 12 x 16 x 68 / 100	21,93,408
For Pain and Sufferings	1,00,000
For Medical Expenses	13,77,155
For Extra Nourishment	20,000
For Attender Charges	15,000
For Transportation Charges	1,13,100
For Loss of Amenities	1,00,000
Total	39,18,623

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

8. Aggrieved by the same, the present appeal has been filed before this Court seeking for enhancement of compensation.



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9.The 1st and 2nd respondents have been served with notice and their names have also been printed in the cause list. But however, there is no appearance either in person or through counsel.

10.Heard the learned counsel for the appellant.

11.This Court has carefully considered the submissions made on either side and the materials available on record and also carefully gone through the Award passed by the Tribunal.

12.The main ground that was urged by the learned counsel for the appellant is that the accident had taken place in the year 2019 and whereas, the Tribunal while calculating the compensation under the head of loss of income and disability fixed the notional income at Rs.16,800/-, which is on the lower side. It is further submitted that some of the medical bills filed was not taken into consideration while fixing the compensation under the head of medical expenses.

13.In the considered view of this Court, the compensation fixed under the head of loss of income is found to be just and reasonable and it does not require the interference of this Court.



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14. Insofar as the medical bills are concerned, the Tribunal has taken into consideration all the relevant bills and fixed an appropriate compensation which also does not require the interference of this Court.

15. This Court finds that the Tribunal had fixed excessive compensation amount under the head of transport charges and loss of amenities. In view of the same, the compensation under the head of loss of amenities is set aside. Insofar as the transportation charges are concerned, the same is reduced to Rs.1,31,000/- to Rs.20,000/-. The compensation fixed under the other heads are sustained.

16. 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.)
For Loss of Income Rs.16,800 x 12 x 16 x 68 / 100	21,93,408
For Pain and Sufferings	1,00,000
For Medical Expenses	13,77,155
For Extra Nourishment	20,000
For Attender Charges	15,000
For Transportation Charges	20,000



For Loss of Amenities	1,00,000
Total	38,25,563

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17.The compensation awarded by the tribunal at Rs.39,18,623/- is modified to Rs.38,25,563/-. The second respondent/insurance company is directed to deposit the modified compensation of Rs.38,25,563 /-, less the amount already deposited, together with interest at the rate of 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.

18.This Civil Miscellaneous Appeal is disposed of in the above terms. No Costs.

16.07.2026

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



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The Special District Court to deal with Motor Accident Claims Tribunal/Special Sub Court, Cuddalore.



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N. ANAND VENKATESH., J

SSR

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