



WEB COPY

CMA No. 2230 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 2230 of 2026

AND

CMP NO. 17075 OF 2026

The Manager
Reliance General Insurance Co.Ltd.,
1st Floor, Dhanam Towers,
No.1, Binny Main Road,
Tirupur 641 601.

..Appellant(s)

Vs

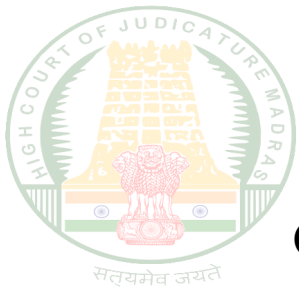
1. Senthilkumar Narayanasamy
S/o. Narayanasamy,
D.No.4/55, Kamarajar St,
Jallipatti, Tirupur 642 11
2. D.M. Kumar
S/o. M. Duraisamy, No.2, N.NO.64, KVP
Layout, Tirupur Bazaar, Tirupur 641 604.

..Respondent(s)

Prayer: To set aside the Judgment and Decree dated 5.3.2025 passed in MCOP.No. 1422/2021 on the file of Motor Accidents Claims Tribunal, Special District Judge, Tirupur.

For Appellant(s): Mr.P.Suresh Srinivasan

For Respondent(s): Mr. E.N.Kandhasamy
for R1



Judgment

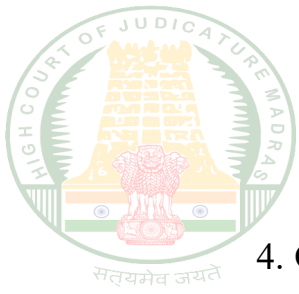
(Judgment of the Court was delivered by M.Jothiraman J.)

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Unsuccessful Insurance Company has preferred the present Civil Miscellaneous Appeal, challenging the award dated 05.03.2025 in MCOP.No.1422/2021, passed by the learned Motor Accident Claims Tribunal, Special District Judge, Tiruppur.

2. According to the claimants, on 26.07.2021 at 19.00 hours, the injured Senthilkumar Narayanasamy was riding a Hero Honda vehicle, bearing Reg.No.TN 42 X 4036, on the Dhally to Udumalai road near Thinaikulam Indira Nagar. At that time, the driver of the Mahindra Maxx Pickup vehicle bearing Reg.No. TN 42 4615 was driving in a rash and negligent manner and dashed with the said Hero Honda Bike, resulting in Senthilkumar Narayanasamy sustaining grievous injuries. Due to the injuries sustained, the claimant is unable to do his work and lost the earning capacity and accordingly, claimed compensation before the Tribunal for a sum of Rs.30,00,000/-.

3. The appellant Insurance Company / 2nd respondent therein has filed a counter affidavit, wherein it has been stated that the injured had consumed alcohol at the time of accident and was walking carelessly which caused the accident. There is no negligence on the part of the driver of the vehicle. Therefore, the 2nd respondent therein / appellant insurance company is no way liable to pay compensation.



4. On the side of the claimants, the injured examined himself as PW1 and Exs.P1 to P10 were marked. The disability certificate issued by the Medical Board were marked as Exs.C1 & C2 and no oral evidence adduced. On the side of the respondent Insurance Company, Copy of the Motor Vehicle Inspection Report was marked as Ex.R1. Upon appreciation of evidence adduced on either side, the Tribunal found that the Insured has established his case that the driver of the 1st respondent drove the vehicle in a rash and negligent manner and caused injuries to the claimant. The Tribunal also finds that the vehicle was covered under insurance on the date of the accident and the insurance company cannot deny compensation in respect of 3rd party claims. Since there was no valid fitness certificate on the date of the accident, the 2nd respondent therein / appellant insurance company was directed to pay compensation and recover the same from the 1st respondent / owner of the vehicle. Considering the injuries caused to the injured / claimant at the time of accident, the suffering caused by it, his age, occupation and income, awarded compensation in the following heads:

Head of Compensation	Amount Awarded by the Tribunal (in Rs.)
Loss of Income (Rs.1,87,500 x 14)	26,25,000
Loss of Pain and Suffering	70,000
Loss of Amenities	50,000
Medical Expenses	3,14,265
Future Expenses towards replacement of artificial limbs	1,00,000



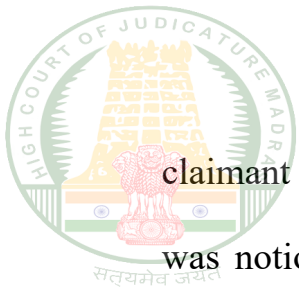
Transportation Expenses	15,000
Nourishment Expenses	25,000
Attender Expenses	25,000
Damages to petitioner's clothes	5,000
Total	32,29,265/-

Aggrieved over the same, the 2nd respondent therein / appellant Insurance Company has preferred the present appeal.

5. The learned counsel appearing for the appellant would submit that there was no eye witness to establish and fix negligence on the part of the driver of the injured vehicle. The injured has consumed alcohol while driving the vehicle and the same is mentioned in the Wound Certificate and therefore, the Tribunal ought to have fixed 20% Contributory Negligence.

6. According to the injured / 1st respondent, he was a Coolie worker at the time of accident and his right leg was amputated due to the accident and it is impossible for him to continue his livelihood and the Medical Board sustained 100% functional disability of the claimant and therefore, the award passed by the Tribunal is just and proper.

7. It is seen from the records that the claimants has not produced any records to prove his age and as such, the Tribunal fixed the claimant's aged as 44 years based on medical records and applied the Multiplier "14". The



claimant was a Coolie worker at the time of accident and the monthly income was notionally fixed at Rs.12,500/-. By applying the ratio laid down by the

Hon'ble Supreme Court in National Insurance Company Limited v. Pranay Sethi and Others [2017 (2) TNMAC 609 (SC)], 25% was added to the month income of the 44 years old injured, as future increase in income. Based on the evidence adduced and medical documents produced before the Tribunal and considering the loss of future income due to disability suffered by the claimants, medical expenses, expenses towards fixing the artificial limb incurred by the claimants, expenses towards replacement of artificial limbs, attender expenses and damages to clothes, the Tribunal has rightly awarded compensation in a total sum of Rs.32,29,265/-, which this Court is of the considered view is just, fair and proper. We find no reason to interfere with the impugned award passed by the Tribunal and finds no merit in this appeal.

8. Accordingly, this Civil Miscellaneous Appeal stands dismissed, confirming the award dated 5.3.2025 passed in MCOP.No. 1422/2021 on the file of Motor Accidents Claims Tribunal, Special District Judge, Tirupur. No costs. Consequently, connected miscellaneous petition is also dismissed.

(N.S.K.,J.) (M.J.R.,J.)
20-07-2026

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



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AND
M.JOTHIRAMAN J.**

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