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C.M.A.No.2543 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2026

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

C.M.A.No.2543 of 2026

and

C.M.P.No.19490 of 2026

The Branch Manager,
Reliance General Insurance Company Ltd.,
1st Floor, Thananm Towers, Pinni Main Road,
Park Road, Tiruppur District.

... Appellant

Vs.

1.Sulochana
*[Guardian, friend daughter Suganya
amended as per order in I.A.No.2 of 2019,
dated 17.10.2019]*

2.Sathish Kumar

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor Accident Claims Tribunal (Subordinate Judge) at Sathyamangalam, in M.C.O.P.No.89 of 2017, dated 18.12.2023.



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For Appellant : Mr.P.Suresh Srinivasan
For R1 : Mr.S.P.Yuvaraj
For R2 : No appearance

J U D G M E N T

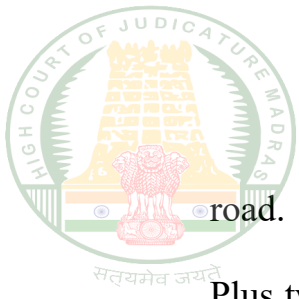
(Judgment was delivered by **N. SATHISH KUMAR, J.**)

Challenging the Award of the Motor Accident Claims Tribunal (Subordinate Judges Court), Sathyamangalam, (hereinafter referred to as “the Tribunal” for brevity) in M.C.O.P.No.89 of 2017 dated 18.12.2023, awarding compensation of Rs.22,83,450/- to the 1st respondent/claimant, the present Appeal has been filed by the Insurance Company.

2.Brief facts of the case are as follows :

On 16.07.2017 at about 09.30 p.m., when the claimant, aged about 50 years, was travelling as pillion rider in a Honda Dio bearing Registration No.TN-36-AV-5979, driven by her daughter, from Sathyamangalam Bus Stand towards their house, from East to West direction, in Sathy to Mettupalayam Road, at Gandhi Nagar near Pillaiyar Temple, the claimant’s daughter stopped the two wheeler on seeing her father walking alongside the

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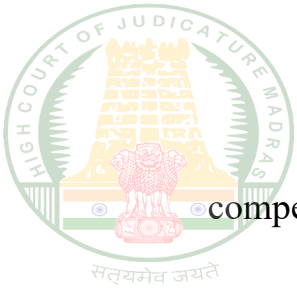


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road. When they were waiting to cross the road, a Hero Honda Splender

Plus two wheeler bearing Registration No.TN-36-AS-7489, belonging to the 2nd respondent, came in the same direction being driven in a rash and negligent manner and dashed against the stationed two wheeler of the claimant. Due to the impact, the claimant, who was sitting as pillion rider, was thrown away and sustained grievous injuries on head and eye. The claimant was initially taken to Sathy Government Hospital where she was given first aid and thereafter, she was taken to the Coimbatore Government Hospital and thereafter, to Kovai Medical Centre and Hospital (KMCH) for further treatment. A case came to be registered in Crime No.300 of 2017 in this regard by the Sathyamangalam Police. The claimant was treated as in-patient in KMCH from 16.07.2017 to 26.08.2017 and she was diagnosed with severe head injury-*bilateral temporal contusion post traumatic left carotico cavernous fistula* and she had undergone a surgery.

3.It is the contention of the claimant that she was earning a sum of Rs.15,000/- per month and due to the accident, her vision got affected and she is not able to do any work and thereby, the claimant filed a claim petition in M.C.O.P.No.89 of 2017 before the Tribunal, claiming a total



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compensation of Rs.20,00,000/- under various heads.

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4.The 2nd respondent/owner of the offending vehicle remained *ex parte* before the Tribunal.

5.The appellant/insurer of the offending vehicle contested the case by stating that the claimant's daughter had no valid driving licence at the time of accident and the accident was due to the negligence of the driver of the two wheeler in which the claimant was travelling. According to them, the driver of two wheeler bearing Registration No.TN-36-AS-7489 drove the vehicle in a slow and steady manner following the traffic rules. Since the claimant suddenly crossed the road, the accident had occurred. Hence, they opposed the claim.

6.On the side of the claimant, P.W.1 was examined and Exs.P1 to P15 were marked. On the side of the respondents before the Tribunal, R.W.1 and R.W.2 were marked and Exs.R1 to R5 were marked. Besides, the Disability Certificate has also been marked as Ex.C1.



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7. Based on the evidence and materials on record, the Tribunal, by its judgment and decree dated 18.12.2023, found that the accident was due to the rash and negligence of the driver of the Splender Plus two wheeler bearing Registration No.TN-36-AS-7489, considering the the evidence of the eye-witness (P.W.1 - claimant) and the fact that the FIR was filed as against the driver of the two wheeler bearing Registration No.TN-36-AS-7489 and therefore, awarded a total compensation of Rs.22,83,450/- under the following heads, with interest at the rate of 7.5% p.a. from the date of claim petition :

<i>Heads</i>	<i>Amount awarded by the Tribunal</i>
Transport to Hospital	Rs.5,000/-
Extra nourishment	Rs.5,000/-
Attender Charges	Rs.5,000/-
Damages for clothes and articles	Rs.3,000/-
Medical expenses	Rs.11,00,050/-
Pain and sufferings	Rs.50,000/-
Permanent Disability and loss of earning power	Rs.11,15,400/-
Total Compensation	Rs.22,83,450/-



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8.Challenging the Award of the Tribunal, the insurer of the offending vehicle has filed the present Appeal.

9.Learned counsel for the appellant Insurance Company would mainly contend on the ground that the Tribunal has wrongly come to the conclusion that the driver of the Splender Plus two wheeler bearing Registration No.TN-36-AS-7489 was at negligence. There was no eye-witness whatsoever. Further, the notional income fixed by the Tribunal is not proper. It his further contention that the amounts awarded under pain and suffering, transportation and extra nourishment are on the higher side and require interference.

10.Whereas, the learned counsel appearing for the 1st respondent/claimant, would submit that the Tribunal has properly appreciated the medical evidence and the other materials on record and has rightly awarded just and reasonable compensation, which does not warrant any interference and therefore, prays for dismissal of the Appeal.



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11.Heard the learned counsel on either side and perused the entire materials available on record.

12.It is relevant to note that the claimant was admitted as in-patient from 16.07.2017 to 26.08.2017 and the discharge summary (Ex.P10) relied upon by the claimant shows that she was diagnosed with severe head injury- *bilateral temporal contusion post traumatic left carotico cavernous fistula* and she had undergone a surgery and thereafter, she has been taking treatment till date as per the Doctor's advice. It is the contention of the claimant that, due to the surgery on the head near right eye, her right vision has got affected and she is suffering from frequent dizziness. Though the claimant has stated that she was earning Rs.15,000/- per month, the Tribunal, considering her age, year of accident (2017) and the place of residence, has fixed the notional income as Rs.13,000/- per month, which, in our view, is just and reasonable.

13.The discharge summary (Ex.P10) and medical bills under Exs.P12 and P15 clearly prove that the claimant was admitted in KMCH Hospital and



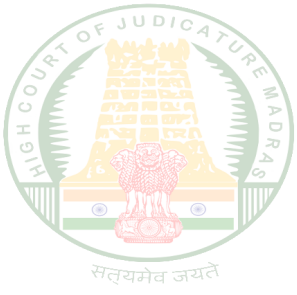
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had undergone a surgery on head and has spent about Rs.11,00,048.44 and therefore, the Tribunal has awarded the said amount towards medical bills.

The Tribunal has also awarded a sum of Rs.50,000/- towards pain and sufferings.

14.Having regard to the Disability Certificate (Ex.C1), the Tribunal has fixed the disability at 55%. Considering the fact that the head injury suffered by the claimant would deprive her of her earning capacity and that she is not in a position to do any work, the Tribunal has adopted the multiplier method and has taken 13 as multiplier as per the age of the claimant in the light of the decision of the Hon'ble Supreme Court in ***Sarala Verma v. Delhi Transport Corporation*** reported in ***AIR 2009 SC 3104***. Accordingly, the Tribunal has awarded a sum of Rs.11,15,400/- towards loss of earning power.

15.That apart, the Tribunal has awarded a sum of Rs.5,000/- towards transportation to admit the injured to the hospital; Rs.5,000/- towards extra nourishment; Rs.5,000/- towards attender charges; and Rs.3,000/- towards damages of clothes and articles.



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16.Considering the nature of head injury suffered by the claimant and also the complicated surgery undergone by her and also her own evidence stating that her vision in the right eye is affected and she could not do any other work, we are of the view that, when a person has undergone such a complicated surgery, definitely, there would be loss of earning power. Ex.C1 also proves that the claimant has suffered disability at 55%. Further, there is no rebuttal evidence to prove the earning capacity of the claimant. Hence, it has to be held that the claimant has lost her earning capacity and has to be compensated for the same and the Tribunal is justified in adopting multiplier method. Considering these aspects, we are of the view that the amounts awarded by the Tribunal under various heads, as detailed above, in our view, are just and reasonable and do not require any interference.

17.Therefore, the impugned judgment and decree of the Tribunal awarding compensation and adopting multiplier method, does not require any interference. No costs. Consequently, connected miscellaneous petition is closed.



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18.The appellant Insurance Company is directed to deposit the entire award amount, less the amount already deposited, if any, before the Tribunal, within a period of four weeks from the date of this order.

(N.S.K., J.) (M.J.R., J.)
23.07.2026

mkn

Internet : Yes

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Motor Accident Claims Tribunal
(Subordinate Judge)
at Sathyamangalam.

2.The Branch Manager,
Reliance General Insurance Company Ltd.,
1st Floor, Thananm Towers, Pinni Main Road,
Park Road, Tiruppur District.

3.The Section Officer,
VR Section,
High Court, Madras.



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N. SATHISH KUMAR, J.
and
M. JOTHIRAMAN, J.

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