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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2026

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.12 of 2022
and CMP No.102 of 2022

The New India Assurance Co Ltd
Rep by its Branch Manager,
Jaipur D.O.1 (330100) CDUI, L & B2,
Industrial Area, Near Galax Cinema,
SPS Mansarovar, Rajasthan 302 002.

..Appellant

.vs.

1. Kongarasan

2.M/s Aravali Goods Carrier,
43-B, Moti Nagar, Gurjar Ki Thadi, Gopalapura Byepass, Jaipur,
Temporary Address 24/4 Opp. Mahesh Vati,
Gandhi Nagar,
Chittoorgarh, Rajasthan 312 622

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, aagainst the judgment and decree made in MACTOP No.580 of 2018 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Judge MACT) at Krishnagiri dated 24-09-2020.

For Appellants : Mr.M.Krishnamoorthy

For Respondents : Mr.M.Sivakumar for R1



JUDGMENT

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This appeal has been filed challenging the Award passed by the MACT, Special Subordinate Judge, Krishnagiri in MCOP No.580 of 2018 dated 24.09.2020.

2.The 1st respondent is claimant. The case of the claimant is that on 21.04.2016 and at about 3.30 hours, when the lorry was going near Panavakallu village, the offending vehicle belonging to the 2nd respondent herein which was also a lorry was driven in a rash and negligent manner and as a result, the claimant sustained the following injuries:

1. Fracture tibia upper third (oblique fracture) with intro-medullary neck.
2. Right-oblique fracture fibula lower third displaced
3. Right-Undisplaced fracture shaft of 3rd metatarsal
4. Multiple injuries all over the body

3.An FIR also came to be registered in Crime No.124 of 2015 against the offending vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal.



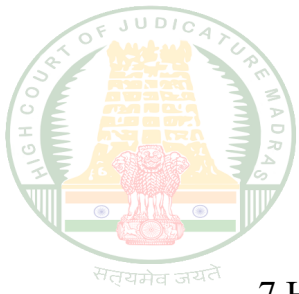
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4.The Tribunal on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal fixed the total compensation payable at Rs.12,72,123/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income	10,28,160
Medical Expenses	1,35,763
Transportation Charges	13,200
Extra Nourishment and attender charges	15,000
Pain and Sufferings	40,000
Under the head of Social amenities	40,000
Total	12,72,123

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

6.Aggrieved by the same, the Insurance Company has filed the present appeal.

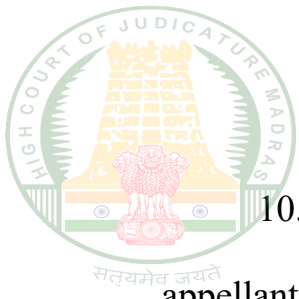


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7. Heard Mr.M.Krishnamoorthy, learned counsel appearing on behalf of the appellant and Mr.M.Sivakumar, learned counsel appearing on behalf of the 1st respondent.

8. The main ground that was urged on the side of the appellant is that the Tribunal had fixed functional disability at 40% and applied multiplier method without properly assessing as to whether the claimant actually suffered any functional disability. The compensation that was fixed under the other heads were also questioned on the ground that it was on the higher side.

9. Per contra, the learned counsel for the claimant submitted that the claimant was a driver and as per the Disability Certificate issued by the Medical Board, the claimant had sustained 50% partial permanent disability. The Tribunal took into consideration the nature of injuries sustained by the claimant and accordingly applied the multiplier method by taking the functional disability at 40%. It is further submitted that the compensation that has been fixed under the other heads are just and proper and it does not warrant the interference of this Court.



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10. In reply to the above submission, the learned counsel for the appellant submitted that EX.P9, Driving License, shows that the claimant had renewed the driving licence even in the year 2018 and therefore, no functional disability was suffered by the claimant in order to justify the application of multiplier method.

11. In the case in hand, the Tribunal has taken into consideration the fact that the claimant has suffered fractures in the tibia and fibula on the right leg and there is a crush injury on the right foot. As a result of which, the 2nd, 3rd and 4th metatarsal bones were also fractured. There is material to show that the claimant was a driver. Under such circumstances, the Tribunal independently dealt with the issue of functional disability and found that the claimant had suffered functional disability, taking into consideration his occupation. Having rendered the above finding, the Tribunal fixed the functional disability at 40%. This Court also takes into consideration the fact that the claimant was able to renew his driving licence in the year 2018 and therefore, it is not as if the claimant has been completely deprived of driving a vehicle. Accordingly, 40% fixed by the Tribunal is on the higher side and this Court is inclined to reduce it to 25%.



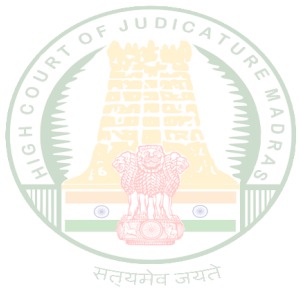
12. In the light of the above discussion, the compensation under the head of disability is calculated as follows:

$$\text{Rs.}12,600/- \times 12 \text{ months} \times 25/100 \times 17 = \text{Rs.}6,42,600/-$$

13. The Tribunal had fixed a sum of Rs.15,000/- as compensation for extra nourishment as well as the attender charges put together. In the case in hand, the claimant was taking treatment as an inpatient for nearly eighteen days and considering the nature of injuries sustained, this Court is inclined to fix a sum of Rs.25,000/- as compensation under the head of extra nourishment and Rs.20,000/- under the head of attender charges. This Court is also inclined to enhance the compensation under the head of pain and sufferings to Rs.50,000/-.

14. 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.)
Permanent Disability	6,42,600
Medical Expenses	1,35,763
Transportation Charges	13,200
Extra Nourishment	25,000
Attender charges	20,000



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Pain and Sufferings	50,000
Under the head of Social amenities	40,000
Total	09,26,563

15.The compensation awarded by the Tribunal at Rs.12,72,123/- is reduced to Rs.9,26,563/-. The appellant/insurance company is directed to deposit the modified compensation, 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 (6) 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.

16.This Civil Miscellaneous Appeal stands partly allowed. No Costs. Consequently, connected miscellaneous petition is closed.

06.07.2026

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

To

The Motor Accidents Claims Tribunal (Special Subordinate Judge
MACT) at Krishnagiri



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N. ANAND VENKATESH., J

ssr

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