



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA Nos.459 & 651 of 2024

C.M.P.Nos.4769 & 6130 of 2024

Reliance General Insurance Company Limited
Sri Lakshmi Complex, 1st Floor, Bharathi Street,
Omalur Main Road, Swarnapuri, Salem 636 004.

..Appellant(s) in both
C.M.A's

Vs

1. Baskar
2. T.C.Kuppusami

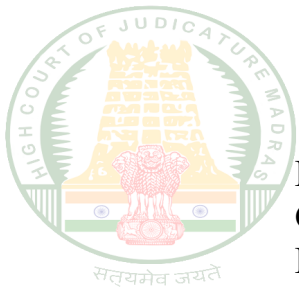
..Respondent(s) in
C.M.A.No.459 of 2024

- 1.Jeyamani
- 2.Selvamani
- 3.Jeyakodi
- 4.Minor Jeyasudha
- 5.Minor Jeyadurai
- 6.T.C.Kuppusami
- 7.Jeyaraj
- 8.Jeyakumar
- 9.Jeyarani

..Respondent(s)
in C.M.A.No.651 of 2024

Prayer in C.M.A.No.459 of 2024:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, pleaded to set aside the Judgment and decree dated 12.04.2023 passed in MCOP.No.106 of 2020 on the file of MACT (Sub Court) Jeyankondan.

Prayer in C.M.A.No.651 of 2024:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, pleaded to set aside the Judgment and decree dated 12.4.2023 passed in M.C.O.P.No.59 of 2021 on the file of MACT (Special Court-1) Jeyankondan.



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CMA No. 459 of 2



For Appellant(s) in both C.M.A's: Mr.P.Suresh Srinivasan
For Respondent(s) in C.M.A.No.459 of 2024: Mr.M.Udayakumar for R1
R2 – No Appearance
For Respondent(s) in C.M.A.No.651 of 2024: Mr.S.Elavarasan
M/s.S.Viji for R1 to R5

COMMON JUDGMENT

These appeals have been filed by the Insurance company challenging the awards passed in M.C.O.P.No.106 of 2020 and M.C.O.P.No.59 of 2021 on the files of MACT (Sub Court), Jeyankondan, and MACT (Special Court – 1), Jeyankondan, respectively.

2.C.M.A.No.651 of 2024 arises out of the award passed in M.C.O.P.No.59 of 2021. C.M.A.No.459 of 2024 arises out of the award passed in M.C.O.P.No.106 of 2020. The claimants in M.C.O.P.No.59 of 2021 are the parents, sisters and brother of the deceased Selvakumar. The claimant in M.C.O.P.No.106 of 2020 is the injured.

3.The case of the claimants is that on 20.10.2020 at about 6.00 p.m., the injured and the deceased were waiting in a place along with the two-wheeler near Mariamman Temple at Madhanathur Colony Street. The offending vehicle which was a lorry was driven in a rash and negligent manner and it dashed on the injured and the deceased. The injured sustained grievous injuries all over the



1	மனுதாரரது வருமான இழப்பு (9,000 x 12 x 18 = 19,44,000)	ரூ.	19,44,000
2	அன்பு மற்றும் பாச இழப்பிற்காக (5 x 25,000/-)	ரூ.	1,25,000
3	உடைமை சேதாரத்திற்காக	ரூ.	2,000
4	ஈமை சடங்கு செலவுக்காக	ரூ.	50,000
5	அமரர் ஊர்தி செலவுக்காக	ரூ.	10,000
	கூடதல் இழப்பீட்டு தொகை	ரூ.	21,31,000

8. Heard the learned counsel for appellant and the learned counsel for respondents. This Court has carefully considered the submissions made on either side and also went through the award passed by the Tribunal in both M.C.O.P's.

<https://www.mhc.tn.gov.in/judis>

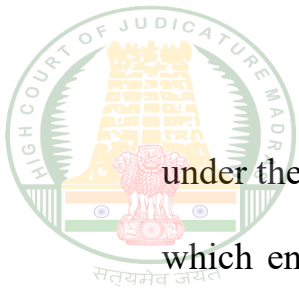


was clearly established at the time of taking evidence and therefore the Tribunal ought to have ordered for pay and recovery. It is further contended that the compensation that has been fixed by the Tribunal under various heads are on the higher side which requires interference of this Court.

10. In the case in hand, the Tribunal has rendered a finding that the accident had taken place only due to the rash and negligent driving on the part of the driver of the lorry. On completion of investigation, a Police report was filed and RW1 who is the Investigating Officer has stated about it in the final report. It has been clearly brought out that the driver of the lorry was under the influence of alcohol and the same resulted in the accident. During cross-examination, the Investigating Officer has admitted that the driver himself gave a statement that he was under the influence of alcohol.

11. The Tribunal came to the conclusion that the driver of the offending vehicle was not subjected to any medical examination and therefore it has not been proved that the driver of the offending vehicle was in an inebriated state.

12. In the considered view of this Court, the owner and the driver of the vehicle remained *ex-parte* before the Tribunal and they did not care to let in any evidence before the Court. By applying the principle of preponderance of probabilities, it has been established that the driver of the offending vehicle was



under the influence of alcohol. It is clearly a fundamental violation of the policy which entitles the Insurance company to pay the compensation amount to the victim and to recover the same from the owner of the vehicle. The finding of the Tribunal holding otherwise is hereby set aside and this Court holds that the principle of pay and recovery has to be applied in the facts of the present case.

13.Coming to the issue of compensation, this court finds that the compensation that has been fixed in M.C.O.P.No.59 of 2021 is fair and reasonable and it does not require the interference of this Court.

14.In so far as the compensation fixed in M.C.O.P.No.106 of 2020, the Tribunal has granted compensation under the head of future loss of income and fixed the sum at Rs.2,00,000/-. The compensation granted under this head is unsustainable and it has to be set aside by this Court.

15.The Tribunal has granted compensation of a sum of Rs.1,00,000/- under the head of pain and suffering which is also on the higher side. This Court is inclined to reduce the same to Rs.50,000/-.

16.The accident had taken place in the year 2020 and the claimant underwent treatment as in-patient for fifteen days and one surgery was also performed. The permanent disability has been assessed 25% by the Medical

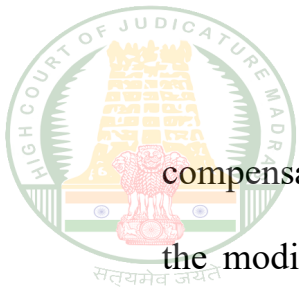


Board. The Tribunal had chosen to apply the percentage method and fixed Rs.5000/- per percentage. This is clearly on the lower side and this Court is inclined to fix a sum of Rs.10,000/- per percentage. Accordingly, the compensation under the head of disability is enhanced to Rs.2,50,000/-.

17. In the light of the above discussion, the compensation fixed by the Tribunal in M.C.O.P.No.106 of 2020 is modified as below:-

1	மனுதாரரது வருமான இழப்பு	ரூ.	60,000
2	மருத்துவ செலவுத்தொகையாக ம.சா.ஆ 4 ன்படி	ரூ.	2,99,028
3	போக்குவரத்து செலவுக்காக	ரூ.	3,000
4	வலி மனவேதனை மற்றும் மனஉளைச்சல்	ரூ.	50,000
5	ஊட்டச்சத்து மற்றும் இதர தேவைகளுக்காக	ரூ.	20,000
6	ஆடை அணிகலன் மற்றும் இதர சேதாரத்திற்கு	ரூ.	5000
7	ஊனத்திற்கான இழப்பீடு	ரூ.	2,50,000
	இழப்பீட்டு தொகை	ரூ.	6,87,028

18. The entire compensation amount has already been deposited in both the cases pursuant to the interim order passed by this Court. In view of the same, claimants will be permitted to withdraw the compensation amount along with accrued interest in the proportion fixed by the Tribunal. The balance of



compensation amount available in M.C.O.P.No.106 of 2020 after withdrawal of the modified compensation amount by the claimant, shall be permitted to be withdrawn by the appellant / Insurance Company along with accrued interest.

The appellant / Insurance company will be entitled to recover the compensation amount along with the interest from the owner of the vehicle.

19.In the result, both the C.M.A.'s are partly allowed in the above terms.

No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

22-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

EP

To:-

1.MACT (Sub Court), Jeyankondam.

2.MACT (Special Court – 1), Jeyankondam.



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N.ANAND VENKATESH, J.

EP

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