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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA Nos. 423 and 1017 of 2024

and

CMP No. 9344 of 2024

CMA No.423 of 2024

Meenatchi
W/o. Ezhilmaran

..Appellant(s)

.Vs.

1. Manikandan
S/o. Rajagopal

2.The Divisional Manager
United India Insurance Company
Limited, No.46, Katpadi Road
Vellore.

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award against the Judgement and decree dated 23.03.2023 and made in MACTOP No. 349 of 2018, on the file of the Motor Accident Claims Tribunal Tiruvannamalai (In the Court of the Special Sub Court, Tiruvannamalai).

For Appellant(s): Ms.N.Lavanya

For Respondent(s): Mr.M.Krishnamoorthy for R2

**CMA No. 1017 of 2024**

The Divisional Manager
The United India Insurance Co. Ltd.,
No.46, Katpadi Road, Vellore.

..Appellant(s)

.Vs.

Meenatchi
w/o.Ezhilmaran

2.Manikandan
S/o.Rajagopal

... Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award against the Judgement and decree dated 23.03.2023 and made in MACTOP.No. 349 of 2018, on the file of the Motor Accident Claims Tribunal Tiruvannamalai (In the Court of the Special Sub Court, Tiruvannamalai).

For Appellant(s): Mr.M.Krishnamoorthy

For Respondent(s): Mr.A.G.R.Terry Chella Raja
for R1

COMMON JUDGMENT

These appeals have been filed by the Insurance Company as well as the claimant against the award passed by the Motor Accident Claims Tribunal Tiruvannamalai (In the Court of the Special Sub Court, Tiruvannamalai) in MACTOP.No. 349 of 2018 dated 23.03.2023.

2.The case of the claimant is that on 02.12.2017, the claimant was travelling as goods owner in the Tata ace vehicle belonging to the 1st respondent



towards Tiruvannamalai to sell agricultural products. The vehicle was driven in a rash and negligent manner and at about 12.30 hours, the vehicle capsized and as a result of which, the claimant sustained left 2nd and 3rd finger amputation through MC joint. The claimant underwent treatment as an inpatient for four days and a surgery was also performed. An FIR also came to be registered in Crime No.1353 of 2017 against the driver of the Tata ace Vehicle. It is under these circumstances, the claim petition came to be filed by the Tribunal.

3.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 Tata ace vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.2,37,000/- under the following heads:

S.No.	Compensation awarded under the Head	Amount (in Rs.)
1	Permanent Disability (20%)	1,00,000/-
2	Pain and Sufferings	35,000/-
3	Extra Nourishment	10,000/-
4	Attender Charges	5,000/-
5	Transportation Expenses	10,000/-
6	Loss of income during treatment period	27,000/-
7	Loss of Amenities	50,000/-
	Total :	2,37,000/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the Insurance Company has filed CMA No.1017 of



2024 questioning their liability. CMA No.423 of 2024 has been filed by the claimant seeking for enhancement of compensation.

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4.Heard the learned counsel for the appellant and the learned counsel for the Insurance Company.

5.This Court has carefully considered the submissions made on either side and the materials available on record. This Court has also went through the award passed by the Tribunal.

6.The first issue to be considered is regarding the liability that has been questioned by the Insurance Company.

7.The FIR [Ex.P-1] came to be registered based on the compliant given by one of the persons who was travelling in the same vehicle and who also sustained injuries. In the FIR, it is stated that nearly 11 persons including the driver, were travelling in the vehicle and that all of them were going to attend Tiruvannamalai Deepam festival. At that point of time, the vehicle capsized and everyone sustained injuries. Based on this FIR, an investigation was also conducted and CMP No.16938 of 2024, has been filed by the Insurance Company to mark the final report, wherein it is seen that the driver of the offending vehicle has been shown as the accused and the 10 persons who



travelled in the vehicle have been shown as witnesses. It is further stated that all those persons had travelled in the Tata ace vehicle to attend the Tiruvannamalai Deepam festival. The final report is marked as Ex.X-1.

8.The claimant, who examined himself as PW.1, has stated that he is the owner of the goods which were carried in the Tata ace vehicle and that he was travelling in that vehicle as the owner of the goods. During cross examination the claimant stated that there were other persons who were travelling in the same vehicle, however he was not aware of their names. It is true that no contra evidence has been let in by the Insurance Company. However, the evidence of PW.1 must now be tested with Ex.X-1. The earliest version was given by one of the injured person who states that all of them had travelled in the Tata ace vehicle to attend the Tiruvannamalai Deepam Festival. Hence, the theory projected by the claimant as if she was travelling in the vehicle as the owner of the goods is unbelievable and there is no material to establish that the goods were actually carried in the vehicle for being stored at Tiruvannamalai.

9.The Insurance Company has also filed CMP No.11767 of 2024 in order to mark the insurance policy that was issued in favour of the owner of the vehicle. This document is marked as Ex.X-2. The policy shows that only the driver is covered. An overall assessment of evidence clearly establishes that the claimant and others had travelled in the vehicle as gratuitous passengers to



attend the Deepam festival. In the light of the recent judgment passed by this

Court in CMA No.1129 of 2024 dated 01.07.2026, the Insurance Company

cannot be mulcted with liability in the case of gratuitous passengers. The

Insurance Company is exonerated from its liability and the finding of the

Tribunal holding otherwise is hereby set aside. The liability has to be incurred

only by the 1st respondent, who is the owner of the vehicle.

10. Insofar the enhancement of compensation is concerned, it is seen that the 2nd and 3rd fingers has been amputated on the left hand. This is a schedule injury which results in 32% permanent disability. Considering the avocation of the claimant, who is an agriculturist, it will result in functional disability and loss of earning capacity. This Court is inclined to fix the monthly income at Rs.14,000/-. Hence, this Court is inclined to apply the multiplier method and calculate the 'loss of income' due to disability as under;

Monthly Income : Rs.14,000/-

Add: 40% future prospects : Rs. 5,600/-

Rs.19,600/-
x 12

Annual Income : Rs.2,35,200/-
Multiplier x 17

Disability(32%) : 39,98,400
x 32

Total : 12,79,488/-



11. The compensation that has been fixed under the other heads are just and fair and does not require the interference of this Court.

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12. In the light of the above discussion, the compensation fixed by the Tribunal is modified in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1	Permanent Disability (20%)	1,00,000/-	12,79,488/-
2	Pain and Sufferings	35,000/-	50,000/-
3	Extra Nourishment	10,000/-	20,000/-
4	Attender Charges	5,000/-	25,000/-
5	Transportation Expenses	10,000/-	-----
6	Loss of Amenities	50,000/-	50,000/-
	Total :	2,37,000/-	14,24,488/-

13. The compensation awarded by the Tribunal at Rs.2,37,000/- is enhanced to Rs.14,24,488/-. There shall be a direction to the 1st respondent/owner of the vehicle to deposit the modified compensation amount 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 eight (8) weeks from the date of receipt of a copy of this judgment. Insofar as the enhanced compensation of Rs.11,87,488/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 164 days as was ordered by this Court in



CMP.No.29282 of 2023 in C.M.A.SR.No.157473 of 2023 dated 09.02.2024.

Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The amount that has been deposited by the Insurance Company shall be permitted to be withdrawn along with accrued interest.

14. In the result, the CMA No.1017 of 2024, is allowed and CMA No.423 of 2024 is partly allowed. No costs. Consequently, CMP No.9344 of 2024 is closed.

15-07-2026

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

The Motor Accident Claims Tribunal
Tiruvannamalai
(In the Court of the Special Sub Court,
Tiruvannamalai).



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CMA No. 423 of 2024



N.ANAND VENKATESH J.

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CMA Nos. 423 and 1017 of 2024

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