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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA Nos. 1708 and 2023 of 2026

and

CMP Nos. 15701 & 14124 of 2026

CMA No. 1708 of 2026

Reliance General Insurance Company
Limited
No.73, 1st Floor, Officers Line,
Vellore - 1.

Appellant(s)

Vs

1. V.Raji
S/o.Velu

2.S.Jayakumar (died)
(Not pressed as per memo dated
29-11-2021).

3.R.Sivakumar
S/o.Rangasamy

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Order dated 13.9.2024 passed in MCOP. No. 162/2018 on the file of MACT Chief Judicial Magistrate, Vellore.

**CMA No. 2023 of 2026**

Reliance General Insurance Company
Limited,
No.73, 1st Floor, Officers Line,
Vellore 1.

Appellant(s)

Vs

1. V. Settu
S/o.Vairamani

S.Jayakumar (died)
(not pressed as per memo dt.29.11.2021)

2.R.Sivakumar,
S/o.Rangasamy

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Order dated 13.09.2024 passed in M.C.O.P.No.153 of 2018 on the file of MACT Chief Judicial Magistrate, Vellore .

For Appellant(s): M/s.P.Suresh Srinivasan

For Respondent(s): M/s.M.Sivakumar for R1



COMMON JUDGMENT

Both these appeals have been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore, in MCOP No.162 of 2018 and MCOP No.153 of 2018, dated 13.09.2024, questioning their liability as well as the quantum of compensation fixed by the Tribunal.

2.The 1st respondent in both the appeals are the claimants. 1st respondent in CMA No.2023 of 2026 was the rider of the two wheeler and the 1st respondent in CMA No.1708 of 2026 was the pillion rider. The case of the claimants is that on 18.9.2017 they were going in a two wheeler at Katpadi to Gudiyattam Road and at about 5.20 p.m, the offending vehicle which was a lorry was driven in a rash negligent manner and it dashed on the two wheeler as a result of which, both the claimants sustained grievous injuries. The claimant in CMA No.2023 of 2026, sustained the following injuries :

“Right Glenoid Fracture – Idebereg Type Va; Right Acromioclavicular Joint injury -Rockwood Type 2; Right Open Type 3A Shaft of Femur Fracture; right Foot Crush Injury”.

The claimant in CMA No.1708 of 2026, sustained the following injuries:

“Closed Femur Shaft Fracture – Right AO 32 C1; Closed Distal Tibia Extra-Articular Fracture-Right AO 43 A1; Crush Injury Forefoot – Right; Open Knee Laceration -Right”.



3.The claimants underwent treatment at CWC Hospital. It is under these circumstances, the claim petitions came to be filed before the Tribunal.

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4.The appellant/Insurance Company took a stand that both the rider as well as the pillion rider were under the influence of alcohol and the entire accident had taken place only due to the rash and negligence on the part of the rider of the two wheeler and therefore, the insurance company denied their entire liability in this case.

5.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 negligence on the part of the driver of the offending vehicle.

6.Insofar as the stand taken by the appellant/Insurance Company to the effect that the rider and the pillion rider were under the influence of alcohol and the negligence was on their part, the Tribunal rendered a finding that the same has not been established against the claimants and rejected the defence taken by the Insurance Company.

7.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.12,98,055/- in MCOP No.153 of 2018 and Rs.15,77,580/-



in MCOP No.162 of 2018 under the following heads:

<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
Compensation for Permanent Disability	9,67,680/-
Loss of Income during treatment period	72,000/-
Loss of amenities	20,000/-
Extra nourishment	20,000/-
Damages of clothes and articles	5,000/-
Transportation expenses	15,000/-
Medical Bill	1,48,375/-
Attender Charges	20,000/-
Pain and Sufferings	30,000/-
Total :	12,98,055/-

<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
Compensation for Permanent Disability	12,09,600/-
Loss of Income during treatment period	72,000/-
Loss of amenities	20,000/-
Extra nourishment	20,000/-
Damages of clothes and articles	5,000/-
Transportation expenses	15,000/-
Medical Bill	1,85,980/-
Attender Charges	20,000/-
Pain and Sufferings	30,000/-
Total :	15,77,580/-

The above compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, both these appeals have been filed before this Court.



8. Heard the learned counsel for the appellant/Insurance Company and the learned counsel for the 1st respondent.

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9. The main contention that was raised on the side of the appellant/ Insurance Company is that the rider was under the influence of alcohol and the pillion rider was also under the influence of alcohol and the accident had taken place in the middle of the road and the entire negligence was only on the rider of the two wheeler and therefore, the claimants are not entitled for any compensation in these cases.

10. Insofar as the compensation fixed under the head for permanent disability is concerned, the learned counsel questioned the application of the multiplier method while fixing the compensation under the head of permanent disability. The learned counsel also questioned the compensation granted under the head of loss of income to both the claimants after fixing the compensation for permanent disability by following the multiplier method.

11. PW.2 was examined on the side of the claimants as an eye witness. This witness categorically admits in the cross examination that the accident had taken place right in the middle of the road.



12.This Court carefully went through Ex.P.7 which is the wound certificate issued which clearly shows that the influence of alcohol was the main reason for the accident. The said fact is further confirmed by Ex..R-2 which is the discharge summary. Unfortunately in this case, the percentage of alcohol was not able to be substantially established. However, that by itself does not take away the fact that the rider of the vehicle was under the influence of alcohol.

13.This Court also carefully went through Ex.P.5 and Ex.P.6. Ex.P.5 is the MVI report of the motor cycle which shows that the entire front portion of the two wheeler has been damaged. Curiously, the MVI report of the lorry shows that there was no damage to the vehicle. If there was a head on collusion between the two wheeler and the lorry as was spoken to by PW.2, there must atleast be some damage to the front bumper of the lorry. Even such damage was not able to be detected by the motor vehicle inspector. Therefore, the evidence of PW.2 cannot be entirely relied upon by this Court.

14.In the light of the above discussion, this Court is inclined to render a finding to the effect that 50% contributory negligence must be attributed on the part of the rider of the two wheeler. Therefore, the insurance company can be made liable only for the balance 50% while paying the compensation.



15. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has assigned reasons as to why the multiplier method is adopted in this case. The Court had taken into consideration the disability certificate issued by the Medical Board which was marked as Ex.C-1. In the case of the claimant in CMA No.2023 of 2026 is concerned, the Medical Board had assessed 40% permanent disability. Insofar as CMA No.1708 of 2026, is concerned, the Medical Board had assessed 50% disability. Considering the avocation of the claimants and the nature of injury sustained by them, the Tribunal fixed the functional disability and applied the multiplier method. The same cannot be faulted in this case.

16. The Tribunal having adopted the multiplier method, ought not to have granted any compensation under the head of loss of income. In view of the same, in both the cases the sum of Rs.72,000/- that was granted under the head of loss of income is set aside. The compensation that has been fixed under the other heads are confirmed.

17. In the light of the above discussion, the compensation fixed by the Tribunal in MCOP No.153 of 2018 in CMA No.2023 of 2026 and MCOP No.162 of 2018 in CMANo.1708 of 2026, are modified as follows:



<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
Compensation for Permanent Disability	9,67,680/-
Loss of amenities	20,000/-
Extra nourishment	20,000/-
Damages of clothes and articles	5,000/-
Transportation expenses	15,000/-
Medical Bill	1,48,375/-
Attender Charges	20,000/-
Pain and Sufferings	30,000/-
Total :	12,26,055/-
Less: 50% contributory negligence	6,13,027.50
Total	6,13,028/-

<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
Compensation for Permanent Disability	12,09,600/-
Loss of amenities	20,000/-
Extra nourishment	20,000/-
Damages of clothes and articles	5,000/-
Transportation expenses	15,000/-
Medical Bill	1,85,980/-
Attender Charges	20,000/-
Pain and Sufferings	30,000/-
Total :	15,05,580/-
Less: 50% contributory negligence	7,52,790/-
Total :	7,52,790/-



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18.From this compensation, 50% has to be deducted towards contributory negligence. The balance 50% shall be paid by the Insurance Company along with interest at the rate of 7.5% p.a.

19.In view of the above, the total compensation in MCOP No.153 of 2018 in CMA No.2023 of 2026 is reduced to Rs.6,13,028/- and the compensation in MCOP No.162 of 2018 in CMANo.1708 of 2026, is reduced to Rs.7,52,790/- .

20.The appellant/Insurance Company is directed to deposit the modified compensation, less the amount already deposited, together with interest at 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. The guidelines issued by the Division Bench of this Court in CMA No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimants.



21. In the result, both the Civil Miscellaneous Appeals are partly allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

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06-08-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

MACT Chief Judicial Magistrate

Vellore.



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**N.ANAND VENKATESH J.
kp**

**CMA No. 1708 of 2026
and
CMA No. 2023 of 2026**

06-08-2026