



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2938 of 2018

and

C.M.P.No.22227 of 2018

The Oriental Insurance Co. Ltd.,
Branch Office, Gandhi Road,
Kallakurichi – 606 202,
Villipuram District.

..Appellant

Vs

1. Suriyaprakash
S/o.Rajendran
represented by the N/F of Mother Selvi

2. Periyasamy

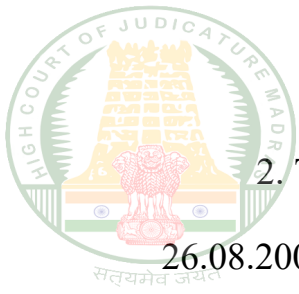
..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 20/01/2015 made in MCOP.NO.28/2012 on the file of Motor Accident Claims Tribunal (III Additional District Judge) Kallakurichi.

For Appellant : Mr.K.Vinod
For Respondents : No appearance [R1]

JUDGMENT

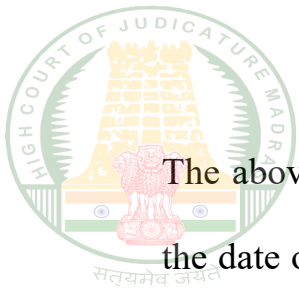
This appeal has been filed by the appellant insurance company challenging the award passed by the Motor Accident Claims Tribunal, III Additional District Judge, Kallakurichi, in M.C.O.P.No.28 of 2012 dated 20.01.2015.



2. The first respondent is the claimant. The case of the claimant is that on 26.08.2007, the claimant was walking on the road along with one Anbazhagi and at that point of time, the offending vehicle belonging to the second respondent, was driven in a rash and negligent manner, as a result of which, the vehicle dashed against the claimant and the claimant sustained grievous injuries all over the body. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to fix the compensation at Rs.3,30,000/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	3,00,000/-
2.	Pain and suffering	10,000/-
3.	Medical bills	10,000/-
4.	Transport expenses	5,000/-
5.	Nutrition	5,000/-
	Total	3,30,000/-



The above compensation was directed to be paid with interest at 9% p.a. from the date of petition. Aggrieved by the same, the present appeal came to be filed before this Court.

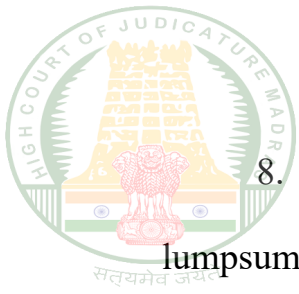
4. This appeal was initially disposed of by an order dated 19.12.2018, however, the order was recalled by a subsequent order passed on 12.02.2020.

5. Though notice has been served on the first respondent and the name of the first respondent has been printed in the cause list, there is no appearance for the first respondent either in person or through counsel.

6. Heard learned counsel for appellant and carefully perused the materials available on record. This Court also went through the award passed by the Tribunal.

7. The nature of injuries sustained by the first respondent was ascertained from the evidence of PW-2, doctor. Totally, six injuries were identified and they are:

- (a) laceration on the left cheek;
- (b) a deep injury on the forehead;
- (c) left eye was swollen;
- (d) pain in the stomach;
- (e) back pain; and
- (f) laceration in the left leg.

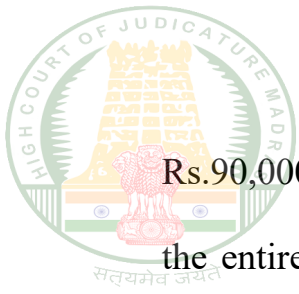


8. The Tribunal itself has quantified the disability at 20% and fixed a lumpsum amount of Rs.3,00,000/- under the head 'disability'. This procedure followed by the Tribunal is unsustainable. Considering the nature of injury sustained by the first respondent, it is seen that the first respondent would not have suffered any disability in this case. In any event, at this length of time, this Court does not want to deprive the first respondent of the compensation under this head and accordingly, this Court is inclined to adopt percentage method and fix Rs.3,000/- per percentage of disability. Accordingly, the compensation under the head 'disability' is fixed at Rs.60,000/- [3000 x 20]. The compensation fixed under the other heads is sustained.

9. Accordingly, the modified compensation would be:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability	3,00,000/-	60,000/-
2.	Pain and suffering	10,000/-	10,000/-
3.	Medical bills	10,000/-	10,000/-
4.	Transport expenses	5,000/-	5,000/-
5.	Nutrition	5,000/-	5,000/-
	Total	3,30,000/-	90,000/-

In the result, this Civil Miscellaneous Appeal is partly allowed. The compensation of Rs.3,30,000/- awarded by the Tribunal is reduced to



Rs.90,000/-. It is represented that the appellant insurance company deposited the entire compensation amount with interest. The first respondent/claimant is entitled to withdraw the modified compensation amount with interest on due application. The appellant insurance company is entitled to withdraw the excess amount deposited by them with interest. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs. Consequently, connected miscellaneous petition is closed.

06-07-2026

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

To
The III Additional District Judge,
Motor Accident Claims Tribunal,
Kallakurichi.



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N.ANAND VENKATESH, J.

gm

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