



C.M.A.(MD)Nos.453 and 454 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 02.06.2026

PRONOUNCED ON:10.07.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

**C.M.A.(MD)Nos.453 and 454 of 2026
and
C.M.P.(MD)Nos.4488 and 4491 of 2026**

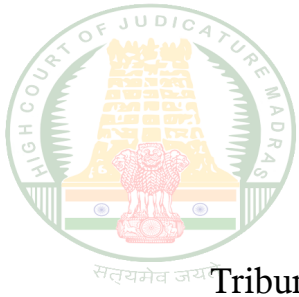
C.M.A(MD)No.453 of 2026:

The United India Insurance Company Limited,
through its Divisional Manager,
Having Office at No.1
Post Office Road,
Palayamkottai. : Appellant/2nd Respondent

Vs.

1. Arpudha Senbagam : 1st Respondents / Petitioner in
M.C.O.P.No.186 of 2024
2.Subramanian : 2nd Respondent/1st Respondent

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the order dated 11.09.2025, passed in M.C.O.P.No.186 of 2024, on the file of the Motor Accident Claims



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Tribunal, Special Subordinate Court, dealing with MCOP cases,
Tirunelveli.

C.M.A(MD)No.454 of 2026:

The United India Insurance Company Limited,
through its Divisional Manager,
Having Office at No.1
Post Office Road,
Palayamkottai.

: Appellant/2nd Respondent

Vs.

1.Minor Selva Prakash

(Minor petitioner represented through
his mother and next guardian

Arpudha Senbagam)

: 1st Respondents / Petitioner in
M.C.O.P.No.189 of 2024

2.Subramanian

: 2nd Respondent/1st Respondent

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the
Motor Vehicles Act, against the order dated 11.09.2025, passed in
M.C.O.P.No.189 of 2024, on the file of the Motor Accident Claims
Tribunal, Special Subordinate Court, dealing with MCOP cases,
Tirunelveli.



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For Appellant
in both appeals : Mr.I.Suthakaran

For Respondents
in both appeals :Mr.A.Sivasubramanian
for R.1

: No Appearance for R.2

COMMON ORDER

These Civil Miscellaneous Appeals are directed against the common award passed in M.C.O.P.Nos.1468 of 2023 and batch of cases, including M.C.O.P.Nos.186 of 2024 and 189 of 2024, dated 11.09.2025, on the file of the Motor Accident Claims Tribunal / Special Subordinate Court, to deal with M.C.O.P., cases, Tirunelveli.

2. In the above two claim petitions, the Tribunal has awarded compensation of Rs.3,42,881/- and Rs.2,64,088/- respectively to the injured claimants. The learned Counsel for the Insurer would contend that the claimants/injured had already received reimbursement of a substantial portion of their medical expenses from Go Digit General Insurance Company Limited and that the said amount ought to have been deducted from the compensation awarded by the Tribunal. It is the



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specific case of the appellant/Insurer that, in M.C.O.P.No.186 of 2024, the Tribunal awarded a total compensation of Rs.3,42,881/-, out of which, a sum of Rs.2,27,881/- was awarded towards medical expenses, but the injured therein had already received a sum of Rs.1,66,780/- towards medical reimbursement from the Insurance Company and that in M.C.O.P.No.189 of 2024, the Tribunal awarded a total compensation of Rs.2,64,088/- out of which, a sum of Rs.1,74,088/- was awarded towards medical expenses, but the injured therein had already received a sum of Rs.1,44,412/- by way of reimbursement from the said Insurance Company. Hence, according to the appellant, the amounts so reimbursed ought to have been deducted while determining the compensation payable towards medical expenses.

3. The learned Counsel for the claimants would submit that the above said contention of the Insurer cannot be accepted in view of the decision of the Hon'ble Supreme Court in ***New India Assurance Company Limited Vs. Dolly Satish Gandhi and another*** arising out of S.L.P.(Civil)Nos.18267 of 2025, dated 15.05.2026. In the said judgment, the Hon'ble Apex Court after referring to various decisions, has concluded thus:



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“15. In fine, we hold that the amount received as part of Mediclaim/medical insurance is not deductible from compensation as calculated by the concerned Tribunal, adjudicating a claim for compensation under the MVA which may also include compensation under the head of medical expenses, if claimed. These two stand on a different footing - one is statutory while the other is contractual and the latter is only a sequitur of premiums having been paid in the past while the other is an entitlement as a consequence of an accident or death in a motor vehicle accident.

4. The Hon'ble Supreme Court has categorically held that the amount received by the injured claimants under a medi-claim or medical Insurance Policy cannot be deducted from the compensation payable under the head “medical expenses” in the proceedings under the Motor Vehicles Act and that the reimbursement received under a Mediclaim policy is a contractual benefit flowing from a contract of insurance for which, the insured has paid premium, whereas the compensation under the Motor Vehicles Act is a statutory liability fastened upon the tortfeasor and his insurer on account of the wrongful act causing the accident.



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5. The above decision of the Hon'ble Supreme Court is squarely applicable to the case on hand. In the present case also, the medical expenses incurred by the injured claimants were reimbursed by the Go Digit General Insurance Company Ltd., and the said reimbursement amounts cannot be deducted from the compensation awarded by the Tribunal. Hence, this Court has no hesitation in holding that the contention of the appellant /Insurer is absolutely devoid of merits and the same is liable to be rejected. The appellant/Insurer has not raised any other reason or ground to impugn the award. Consequently, this Court concludes that the Civil Miscellaneous Appeals are devoid of merits and the same are liable to be dismissed.

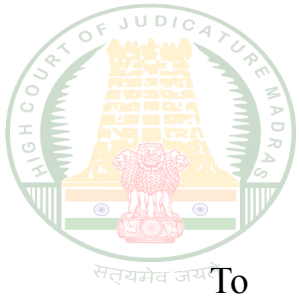
6. In the result, both the Civil Miscellaneous Appeals are dismissed. Consequently, the connected Civil Miscellaneous Petitions are also dismissed. The parties are directed to bear their own costs.

10.07.2026

Index : Yes : No
Internet : Yes : No
NCC : Yes : No

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- 1.The Motor Accident Claims Tribunal,
Special Subordinate Court, to deal with MCOP cases,
Tirunelveli.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

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