

C.M.A(MD)No.733 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 23.06.2026

PRONOUNCED ON: 30.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.733 of 2026

and

C.M.P.(MD)No.7573 of 2026

1.The Branch Manager,
Reliance General Insurance Co.,
No.15-A, PLA Kanagu Towers,
11th Cross, Thillai Nagar, Trichy.

2.The Divisional Manager,
Reliance General Insurance Co., Ltd.,
5th Floor, Chennai City Center,
No.15(10&11), Dr.Radhakrishnan Road,
Mylapore, Chennai. : Appellants/Respondents 2 & 3

Vs.

1.K.Srinivasan	: 1 st Respondent/Claimant
2.V.Vivekkannaa	: 2 nd Respondent /1 st Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the order dated 01.08.2025, made in M.C.O.P.No.143 of 2024, on the file of the Motor Accident Claims Tribunal / Special Sub Judge, Tiruchirappalli.



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For Appellants : Mr.M.Jerin Mathew

For Respondents :Mr.B.Boopal
for R.1

: R.2 – dispensed with

JUDGMENT

This Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.143 of 2024, dated 01.08.2025, on the file of the Motor Accident Claims Tribunal / Special Subordinate Court to deal with M.C.O.P., cases, Trichirappalli.

2. The appellants/Insurers, who were mulcted with liability to pay compensation of Rs.22,15,604/- with interest and costs to the first respondent/claimant for the disability sustained by him, consequent to an accident occurred on 24.12.2023, challenged the liability as well as the quantum of compensation awarded by the Tribunal.

3. When the matter was taken up for admission, the learned Counsel for the appellants as well as the learned Counsel for the first respondent/claimant submitted that the main appeal itself may be taken up for final disposal.



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4. The learned Counsel for the appellants submitted that though they have challenged the liability as well as the quantum of compensation, they are restricting their challenge only with regard to the quantum of compensation and since the second respondent – owner of the vehicle had remained exparte before the Tribunal and no claim is made against him, notice to the second respondent may be dispensed with and also filed a memo to the said effect. The said memo is recorded.

5. Heard the learned Counsel for the appellants and the learned Counsel for the first respondent and perused the materials available on record.

6. The learned Counsel for the appellants would mainly contend that the Tribunal, after awarding a sum of Rs.12,36,668/- for loss of earning capacity by applying the multiplier method to the claimant, has again awarded a sum of Rs.1,67,000/- towards loss of income and as such, the same cannot be sustained and that the Tribunal without any basis, has awarded a sum of Rs.1,20,000/- for loss of expectation of life and Rs.1,20,000/- towards loss of amenities. He would submit that the



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amounts awarded under the heads of loss of income, loss of expectation of life and loss of amenities are liable to be interfered with.

7. It is not in dispute that the claimant, after the accident, was admitted in Atlas Hospital and after taking inpatient treatment for two days on 24.12.2023 and 25.12.2023, was shifted to Kathir Hospital, Trichy, where he was given inpatient treatment from 25.12.2023 to 03.01.2024. It is pertinent to note that the Tribunal, in the impugned order has stated that the claimant sustained grievous injuries namely femoral shaft fracture, head of femoral depression fracture and tibial spine fracture. No doubt, the medical board, upon examining the claimant, has assessed the disability at 50%. The Tribunal, by applying the multiplier method, has awarded a sum of Rs.12,36,668/- towards loss of earning capacity. But the Tribunal by simply observing that the claimant would not be able to work immediately and he ought to have taken rest atleast for 10 months, has awarded loss of income for ten months at Rs.1,67,000/-. As already pointed out, the claimant had taken inpatient treatment for 12 days. As rightly contended by the learned Counsel for the appellants, awarding of loss of income for ten months



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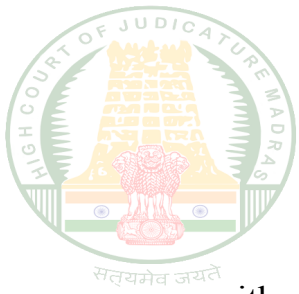
cannot be sustained and this Court is inclined to award loss of income for three months at Rs.50,100/-

9. As already pointed out, the Tribunal has awarded a sum of Rs.1,20,000/- for loss of expectation of life and Rs.1,20,000/- for loss of amenities. Moreover, the Tribunal has also awarded Rs.1,20,000/- for pain and sufferings, Rs.20,000/- for transportation charges, Rs.20,000/- for extra nourishment, Rs.10,000/- for attender charges, and Rs.30,000/- for future medical expenses. Though the injuries are grievous in nature, the claimant has not produced any medical evidence to show that the claimant's life expectancy has been reduced on account of the injury sustained. In the absence of any such evidence, the award under the head of loss of expectation of life cannot be sustained. On considering the nature of disability, though the claimant may be entitled to a reasonable compensation amount towards loss of amenities, a sum of Rs.1,20,000/- towards loss of amenities appears to be excessive. Hence, the award under head of loss of amenities is liable to be reduced to Rs.75,000/-. Considering the above, the claimant is entitled to get total compensation amount of Rs.19,33,704/-, as follows:



Sl. No	Description	Amount awarded by the Tribunal Rs.	Amount awarded by this Court Rs.	Award confirmed or enhanced or granted
1	For disability	12,36,668	12,36,668	confirmed
	For Medical Bills	3,69,936	3,69,936	confirmed
	For loss of income	1,67,000	50,100	reduced
	For loss of expectation of life	1,20,000		
	For loss of amenities	1,20,000	75,000	reduced
	For attender charges	10,000	10,000	confirmed
	For pain and sufferings	1,20,000	1,20,000	confirmed
	For transportation charges	20,000	20,000	confirmed
	For extra nourishment	20,000	20,000	confirmed
	For damages to clothes and other valuables	2,000	2,000	confirmed
	For future medical expenses	30,000	30,000	confirmed
	Total	Rs. 22,15,604	Rs. 19,33,704/-	reduced

10. In the result, the Civil Miscellaneous Appeal is partly allowed. The compensation awarded by the Tribunal to the claimant is reduced from **Rs.22,15,604/-** to **Rs.19,33,704/-** along with interest at 7.5%pa., from the date of petition till the date of realization and costs. The appellans 1 and 2 are directed to deposit the entire award amount along



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with accrued interest and costs, to the credit of above said M.C.O.P.No. 143 of 2024, on the file of the Motor Accident Claims Tribunal / Special Subordinate Court (To deal with MCOP Cases), Tiruchirappalli, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this Judgment and on such deposit, the claimant is entitled to withdraw entire award amount along with interest and costs on due application before the Tribunal. Consequently, the connected Civil Miscellaneous Petition is closed. The parties are directed to bear their own costs.

30.06.2026

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

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To

1. The Motor Accident Claims Tribunal /
Special Subordinate Court
(to deal with MCOP Cases), Tiruchirappalli.
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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PRE-DELIVERY JUDGMENT MADE IN

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