



C.M.A.No.2616 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.M.A.No.2616 of 2022

Reliance General Insurance Co. Ltd. ...

Appellant

vs

1.Jaya Arockia Raj

2.GN.Manjunath

...

Respondents

PRAYER : Appeal is filed against the award, dated 27.08.2021, passed in M.C.O.P.No.629 of 2017 on the file of Motor Accident Claims Tribunal (Special Sub Court), Krishnagiri.

For Appellant : Mr.P.Suresh Srinivasan

For Respondent 1 : Mr.M.Selvam

For Respondent 2 : No appearance



C.M.A.No.2616 of 2022

WEB COPY

JUDGMENT

(By Dr.G.Jayachandran,J.)

This appeal is filed by the insurance company, aggrieved by the quantum of compensation awarded by the Tribunal in M.C.O.P.No.629 of 2017, preferred by the first respondent herein, for the injuries he sustained in a road accident on 28.06.2014. The accident occurred when the claimant/first respondent was proceeding from his house to Bangalore via Salem near D.K. Swamy Higher Secondary School, at about 08.30 P.M. A car bearing registration number KA 02 MG 9955, owned by one Manjunath, second respondent herein, and insured with the appellant insurer, came in a rash and negligent manner without adhering to the road rules and dashed against the claimant. The claimant sustained injuries, got admitted in a hospital and was treated as inpatient for 85 days. At the time of accident, he was working as Assistant Manager in Ashok Leyland Unit II, Hosur, with a monthly income of Rs.61,229/-. Hence, compensation of Rs.96,50,000/- was sought in the claim petition.

2. The insurance company has contested the claim on the ground that the income of the claimant was highly exaggerated and to be proved. The injuries sustained by the claimant were only simple in nature as per the discharge summary and, therefore, the disability claim made by the claimant



C.M.A.No.2616 of 2022

is not supported by medical evidence.

3. The Tribunal, after examining the claimant as well as one Velumani and Exs.P-1 to P-7 and R-1 to R-7, besides the disability certificate given by the Medical Board marked as Ex.C-1, has awarded a sum of Rs.30,49,200/- under different heads as below :

Loss of earning capacity : Rs.22,49,982/-

Medical expenses : Rs. 6,97,218/-

Transport : Rs. 13,000/-

Loss of Consortium : Rs. 17,000/-

Pain and Suffering : Rs. 36,000/-

Social amenities : Rs. 36,000/-

Rs.30,49,200/-

4. The insurance company, being aggrieved by the quantum of award, has preferred this appeal, stating that the Tribunal erred in applying the multiplier, despite admitting the fact that the claimant, even after the accident, continues in his employment at Ashok Leyland unit and also gained two increments from the date of accident to the date of deposition before the court and, therefore, there is neither loss of income nor loss of future prospects. While so, the award of Rs.22,49,982/- towards loss of earning



C.M.A.No.2616 of 2022

capacity, applying the multiplier, is erroneous.

5. This Court, after giving anxious consideration to the reasoning given by the Tribunal for applying multiplier, which is vividly explained in para 17 of the award, and in the light of the injuries suffered by the claimant as well as his salary particulars in Ex.R-5, R-6 and R-7, is of the view that no doubt, the claimant is continuing in his employment, but his efficiency and future prospects have been drastically affected due to the injuries, which are reflected in pay particulars, marked as Exs.R-4 to R-7.

6. The Tribunal took into consideration that in normal course, the claimant would have earned an annual income of Rs.19,82,176/-, whereas, the present annual income, after the accident, is only Rs.15,23,000/-. Thus, there is a substantial loss of income due to the injuries to the tune of Rs.4,59,176/-. This difference is arrived at based on Ex.R-1, Assessment Certificate of performance of the claimant, coupled with pay particulars for the different category of employees in Ashok Leyland unit, which are marked as Exs.W-1, W-2 and W-7, through P.W.2 – Velumani, who is an employee of Ashok Leyland. He is the competent person to speak about the pay particulars of the claimant and produce documents in connection with the pay particulars. Therefore, the assessment of the Tribunal, regarding loss of income and applying the multiplier method on the strength of the opinion



C.M.A.No.2616 of 2022

given by the Medical Board, cannot be faulted with.

7. In the said circumstances, this Court finds no material to interfere with the award passed by the Tribunal. Accordingly, this Civil Miscellaneous Appeal stands dismissed with costs. The appellant – insurer is directed to deposit the award amount within a period of six weeks, if not so far deposited. On the said deposit, the claimant is entitled to withdraw the same. Consequently, the connected C.M.P.No.20381 of 2022 is closed.

dixit

(DR.G.J.,J.) (M.S.K.,J.)
12.11.2025

To

Motor Accident Claims Tribunal-cum-
Special Sub Court,
Krishnagiri.

DR.G.JAYACHANDRAN,J.



WEB COPY



C.M.A.No.2616 of 2022

AND
MUMMINENI SUDHEER KUMAR, J.

dixit

C.M.A.No.2616 of 2022

12.11.2025