



C.M.P.No.12076 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:15.10.2025

CORAM:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.M.P.No.12076 of 2024

in

C.M.A.No.3960 of 2019

M/s United India Insurance Co.Ltd.,
Kandasamy Shopping Complex,
Chitrakoodam, 144-B.Kalpana Road,
udumalpet.

.. Petitioner/Appellant

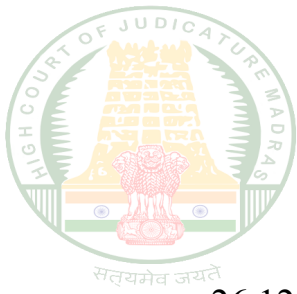
/versus/

1.Madhankumar @ Gokulakrishnan, 23 years,
S/o Paramasivam,
Residing at Door No.2/411,
Senjeriputhur Post, Jallipatti Via,
Paladam.

2.M/s Shanmugapriya Textiles Ltd.,
At No.1, Ponniyan Street,
Crosscut Road, Coimbatore.

..Respondents/Respondents

Civil Miscellaneous Petition has been filed under Order 41,
Rule 27 of C.P.C., to receive the (1)Investigation Report dated



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26.12.2019 along with photograph; (2)Pen drive as additional documentary evidence in the above appeal filed against the award passed in M.C.O.P.No.1128 of 2014 on the file of the Motor Accidents Claims Tribunal/Chief Judicial Magistrate Court, Tiruppur.

For Petitioner :Mr.S.Arunkumar
For Respondents :Mr.Ma.P.Thangavel for R1

ORDER

(Order of the Court was made by Dr.G.JAYACHANDRAN,J.)

This Petition is filed by M/s United India Insurance Company, who is the appellant in C.M.A.No.3960 of 2019 to receive investigation report dated 26.12.2019, photographs and pen-drive as additional documentary evidence in the above appeal to establish that the claimant is not suffering any functional disability, in view of the accident.

2. The learned counsel appearing for the 1st respondent/claimant submitted that both the Medical Board as well as the independent Doctor had examined the claimant and certified the disability. While the Medical Board assessed the disability at 30%, the independent Doctor assessed the disability at 80%. The learned Judge on assessment of these two Medical opinions and demeanour of the



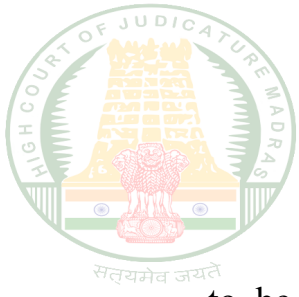
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claimant, found that the claimant is professionally a hairdresser and his disability was assessed at 100% and fixed the award. Hence, there is no necessity to reassess the disability at this point of time.

3. This Court is of the view that compensation has to be awarded proportionate to the loss of income and other comforts. If there is an apparent error in fixing the compensation, it is the duty of the Appellate Court to revisit the award.

4. In this case, it is stated that though the investigation report was obtained by the Insurance Company, the same could not be filed in the Court in time, due to restriction for filing the appeal during the pandemic period and the Insurance Company is ready to pay just and fair compensation. If the fair assessment of the disability is ascertained, taking in to consideration that the entire appeal depends on the functional disability of the injured and the Tribunal had overlooked the opinion of the Medical Board as well as the independent Doctor opinion and had fixed the functional disability at 100%, then this issue necessarily needs



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to be examined thoroughly. For that purpose, if any other additional materials is available, it will be useful for this Court to arrive at a just decision. Hence, C.M.P.No.12076 of 2021 is allowed. No costs.

(Dr.G.J.J.) & (M.S.K.J.)
15.10.2025

Index:yes/no
Internet:yes/no
Speaking order/non speaking order
Neutral citation:yes/no
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To

The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate Court, Tribunal, Tiruppur.

Dr.G.JAYACHANDRAN,J.



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&
MUMMINENI SUDHEER KUMAR,J.

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