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C.M.A.No.2774 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

CORAM:

THE HONOURABLE DR. JUSTICE **G.JAYACHANDRAN**
and
THE HONOURABLE MR. JUSTICE **MUMMINENI SUDHEER KUMAR**

C.M.A.No.2774 of 2025
and
C.M.P.No.23471 of 2025

Branch Manager,
The New India Assurance Company Limited,
No.29, T.V.K.Street,
Villupuram.

.. Appellant

Vs.

1.Ganesan,
2.Ilamathi,
3.Minor Sai Prasath,
4.Minor Jayanthi Srikumar

(R3 & R4 rep. by Guardian/Mother 2nd Respondent Ilamathi)

5.Managing Director,
Tamil Nadu State Transport Corporation,
Salamedu, Villupuram.

.. Respondents

PRAYER: Civil Miscellaneous Appeals have been filed under Section 173 of Motor Vehicles Act, preferred against the Judgment and Decree dated 29.07.2022 made in MCOP.No.52 of 2018 on the file of the Motor Accident Claims Tribunal, Special District Judge (MCOP Cases), Villupuram.

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For Appellant : Ms.R.Sree Vidhya
For R1 : Mr.S.Natarajan
For R5 : Mr.Santhosh Kumar, Standing counsel
For R2 to R4 : Service awaited

JUDGMENT

The award has been passed against the Insurance Company and the Transport Corporation, directing that the compensation amount be paid in the ratio 60: 40 respectively. The Transport Corporation has already deposited its 40% share of the liability and has not preferred any appeal.

2. The appellant herein is the Insurance Company, on whom 60% of the liability has been fastened on the ground that the vehicle insured with the appellant, insurance company had contributed to the accident occurred on 30.08.2015. The present Civil Miscellaneous Appeal has been filed challenging the quantum fixed by the Tribunal, which has assessed the claimant's functional disability at 80%.

3. The learned counsel for the appellant, referring to the opinion given by the Medical Board, submits that the claimant has



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suffered 71% whole-body disability and even after concluding that the injury does not constitute total impact, the Tribunal has erroneously fixed 80% disability and awarded a sum of Rs.43,00,800/- under the head of loss of income. It is contended that, at the most, the nature of injuries whatever caused only 1/3 disability, as far as functional and earning capacity. Therefore, the award needs modification.

4. The learned counsel for the respondents/claimants submitted that the claim is well supported by the pay-slip and medical reports and only after considering the nature of injuries to the hand and leg as well as fractured jaw causing disability, the Tribunal has rightly assessed 80% functional disability.

5. On perusal of the record and the medical reports, this Court finds that the injuries to the fractured limbs would result in some impairment of earning capacity of the claimant, who was employed as a collection agent in a finance company. In view of the injury, the claimant was admitted in the Ganga hospital for taking treatment for the fractured injuries. While the 71% of the whole-body disability will have a proportionate impact on his earning capacity, but it will not be 80% as



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assessed by the Tribunal. In our view, the disability should be assessed at 60% instead of 80%. We find that the claimant has suffered a fractured jaw in the accident and there is deformity in his face. This aspect needs to be compensate particularly when the claimant was unmarried at the time of the accident. Accordingly, a sum of Rs.5,00,000/- to be awarded under the head of loss of marriage prospects. Accordingly, the award is modified as below:

Loss of income (28,000x12x16=53,76,000) at 60%	Rs.32,25,600/-
Attender charges (Rs 210 x 15 days)	Rs.17,200/-
Extra nourishment	Rs.20,000/-
Transport to hospital	Rs.20,000/-
Damage to clothings	Rs.10,000/-
Pain and Sufferings	Rs.1,00,000/-
Medical Expenses	Rs.2,00,000/-
Loss of Marriage Prospects	Rs.5,00,000/-
Total	Rs.40,92,800/-



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6. The appellant/Insurance Company is directed to deposit 60% of the above modified award amount i.e., Rs.24,55,680/-. The 5th respondent/Transport Corporation is directed to deposit 40% of the award amount if not already deposited. The amounts shall carry interest at the rate of 7.5% from the date of filing of the claim till the date of deposit. On such deposit the claimant shall withdraw the same on filing an appropriate petition. As the fifth respondent has accepted the Award passed by the Tribunal, the 5th respondent shall be bound by the same.

7. Accordingly, this Civil Miscellaneous Appeal is partly allowed with the above modification. Consequently, the connected Civil Miscellaneous Petition is closed. No costs

[Dr.G.J., J.] & [M.S.K., J.]
28.11.2025

Index : Yes/No
Internet : Yes/No
rpl

To

The Motor Accident Claims Tribunal, Special District Judge (MCOP Cases), Villupuram.

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MUMMINENI SUDHEER KUMAR., J.

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