



C.M.A.No.2563 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.11.2025

CORAM:

THE HONOURABLE DR. JUSTICE **G.JAYACHANDRAN**

and

THE HONOURABLE MR. JUSTICE **MUMMINENI SUDHEER KUMAR**

C.M.A.No.2563 of 2025

and

C.M.P.No.21598 of 2025

M/s.Liberty General Insurance Ltd.,
II Floor, Srivari Shopping Mall,
No.2/9, New Bus Stand,
Near A.R.R.S.Multplex,
Meyyanur, Salem-636 004.

.. Appellant

Vs.

1.Evinraj

2.Murugan

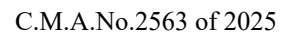
.. Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.219 of 2021 dated 25.04.2025 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Dharmapuri.

For Appellant : Mr.M.B.Raghavan for
M/s.M.B.Gopalan Associates

For R1 : Mr.V.Kadhirvelu

For R2 : Exparte



WEB COPY

The Insurance Company, being aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Napuri in M.C.O.P.No.219 of 2021, is before this Court challenging quantum of compensation.

2. The respondent herein, who is the claimant, aged about 30 was employed as an officer in City Union Bank, earning a monthly of Rs.40,000/-. On 17.09.2020, while he was riding his Honda a two wheeler, bearing Registration No.TN 29 BU 8454 from his e to Omalur Town, the rider of a Royal Enfield Motorcycle bearing tration No.TN 29 BR 6234 dashed against the claimant's two er, causing grievous fractures and injuries. The claimant filed the petition seeking a sum of Rs.1,00,000/- for the disability suffered o accident.

3. The Tribunal, based on the medical report assessing 70% physical disability, applied the multiplier and considering the other expenses on various heads has awarded a sum of Rs.64,35,968/- vide



C.M.A.No.2563 of 2025

order dated 25.04.2025.

WEB COPY

4. The appeal filed by the Insurance Company is predicated on the ground that the collision between the claimant's two wheeler and the Royal Enfield Bullet occurred due to the contributory negligence of the claimant. According to the insurer, if the claimant had been careful, he could have avoided head-on collision. The Tribunal, however, failed to consider the contribution of the victim/claimant in the said accident.

5. Further, it is also contended by the Insurance Company that the Medical Board has not provided any valid reason for assessing the functional disability at 70%. The nature of the injuries sustained by the claimant has not resulted in any impairment affecting his employment or the salary. While so, applying the multiplier with 70% functional disability is exorbitant and contrary to the principles laid down in ***Rajkumar V. Ajaykumar*** case

6. The learned counsel appearing for the appellant/Insurance Company referring to the fact that the claimant, after treatment had resumed his employment and continued to earn the same salary as he was



C.M.A.No.2563 of 2025

earning prior to the accident. This would clearly show that the injuries sustained by the claimant and the functional disability asserted by him had not caused any impact on his income.

7. The learned counsel appearing for the respondent/claimant submitted that the claimant, being an officer in the City Union Bank, had prospects of earning more by canvassing business for the bank and getting incentives for such work. Due to the accident, his prospects of earning incentives have been totally lost. The functional disability of 70% assessed by the Medical Board remains unassailable. While so, it is incorrect to say that the Tribunal mechanically applied multiplier with 70% functional disability.

8. This Court, after hearing the rival submissions and perusing the impugned order of the Tribunal, finds that the claimant had undergone four surgeries on different dates in order to resume his normal life. With the replacement of right hip, fixation of fractured left tibia and open reduction with plating of the left leg. No doubt, he had resumed his employment and is drawing his salary as he was drawing prior to the accident. However, the nature of the injuries has had a direct impact on his functional disability, particularly with respect to the incentive, which

4/11



C.M.A.No.2563 of 2025

he could have earning by canvassing business for the bank, is the direct causality due to the accident. Therefore, applying the multiplier for assessing loss of income is not erroneous.

9. However, the disability percentage of 70% has opined by the Medical Board does not appear to be proportionate to the functional disability, in view of the fact that the claimant continues to carry on his regular job as an officer of City Union Bank and continues to draw his full salary with periodical increment for discharging his duty.

10. In the said circumstances, we are of the view that fixing functional disability at 70% to compute loss of income is erroneous and on the higher side. Therefore, we interfere with the award of compensation in the impugned order and modified it as below:-

The modified award shall carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation with costs. The respondent/claimant shall furnish his bank details for the purpose of direct deposit the modified award amount. The appellant/Insurance Company is directed to deposit the modified award amount within a period of eight weeks from today. Any amount already deposited by the



C.M.A.No.2563 of 2025

appellant in the C.M.A., account or M.C.O.P., account pursuant to the orders of this Court is permitted to be withdrawn by the claimant.

11. In the result, this Civil Miscellaneous Appeal is partly allowed. Consequently, the connected Civil Miscellaneous Petition is closed. No costs.

[Dr.G.J., J.] & [M.S.K., J.]
14.11.2025

Index : Yes/No
Internet : Yes/No
rpl
To

The Family Court, Chengalpet District.



WEB COPY



C.M.A.No.2563 of 2025

Dr.G.JAYACHANDRAN., J.
and
MUMMINENI SUDHEER KUMAR., J.

rpl

C.M.A.No.2563 of 2025

14.11.2025



C.M.A.No.2563 of 2025

C.M.A.No.2563 of 2025

DR. G.JAYACHANDRAN,J.
and
MUMMINENI SUDHEER KUMAR,J.

ORDER

**[Order of the Court was made by Dr.G.JAYACHANDRAN.,
J.]**

This matter is listed under the caption 'For Being Mentioned' at the instance of the learned counsel for the appellant.

2. The learned counsel for the appellant submits that in the judgment dated 14.11.2025, one tabular column, relating to the award under various heads was inadvertently omitted in paragraph No.10 and a correction is also required in the 7th line of part 2 of paragraph 10. Therefore, he prays for necessary correction.

3. On perusal of the records, this Court finds that the omission of the tabular column in paragraph No.10 is due to an inadvertent typographical error.

4. Accordingly, paragraph No.10 of the judgment dated 14.11.2025



C.M.A.No.2563 of 2025

is hereby deleted and substituted with the following:-

WEB COPY

“10. In the said circumstances, we are of the view that fixing functional disability at 70% to compute loss of income is erroneous and on the higher side. Therefore, we interfere with the award of compensation in the impugned order and modified it as below:-

Heads of compensation	Amount awarded
Monthly income	40,000/-
Future prospects 50% added	NIL
Functional Disability	30%
Loss of income	40,000 x 12 x 17 x 30/100 24,48,000
Deduction towards personal expenses(1/2)	...
Medical Bills	14,34,968
Transport	67,000
Loss of marriage prospects	2,00,000
Extra Nourishment	50,000
Pain and Suffering	1,00,000
Attender charges during treatment in hospital	1,00,000
Attender charges for attending office	2,00,000
Total	45,99,968

The modified award amount of Rs.45,99,968/- shall



C.M.A.No.2563 of 2025

carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation, with costs. The respondent/claimant shall furnish his bank details for the purpose of direct deposit of the modified award amount. The appellant/Insurance Company is directed to deposit the modified award amount within a period of eight weeks from today. Any amount already deposited by the appellant in the M.C.O.P., account towards the statutory deposit shall be permitted to be withdrawn by the claimant. The appellant shall, after payment of the advocate fees as mentioned in the award directly to the counsel on record, deposit the balance of the modified award amount in the account of the M.C.O.P.No.219 of 2021 within the period of eight weeks.”

5. The Registry is directed to carry out the necessary corrections and issue fresh order copy to the parties concerned forthwith.

[Dr.G.J., J.] & [M.S.K., J.]
21.11.2025

rpl

10/11



WEB COPY



C.M.A.No.2563 of 2025

Dr.G.JAYACHANDRAN., J.
and
MUMMINENI SUDHEER KUMAR., J.

rpl

C.M.A.No.2563 of 2025

21.11.2025