



C.M.A.No.2014 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2025

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.2014 of 2025

and

C.M.P.No.17713 of 2025

The Divisional Manager

United India Insurance Co. Ltd.,

...Appellant

vs.

1.K.Muthusamy

2.R.Mahalingam

3.The Divisional Manager

The New India Assurance Co.Ltd.,

...Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 30.07.2024 passed in M.C.O.P.No.102 of 2021 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Vellore.

For Appellant : Ms.I.Malar

For Respondents : No appearance



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JUDGMENT

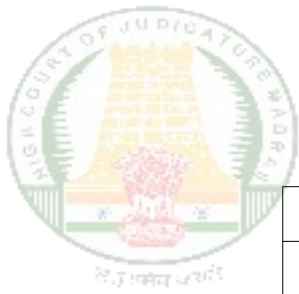
This Civil Miscellaneous Appeal has been preferred by the Insurance Company against the Award dated 30.07.2024 passed in M.C.O.P.No.102 of 2021 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Vellore, for a change in the quantum of compensation.

2. Despite the receipt of notice, the respondents neither appeared nor appeared through their Counsel.

3. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

4. The Claim Petition was filed under Section 166 of Motor Vehicles Act, 1988, claiming compensation for the injuries sustained by the claimant in the road traffic accident that took place on 16.06.2021.

5. The Tribunal, upon consideration of the oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.2,90,000/- with interest at the rate of 7.5% p.a. from the date of claim petition. The amounts awarded under heads are given hereunder:-



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<i>S.No</i>	<i>Head</i>	<i>Amount</i>
1.	For extra nourishment	Rs. 10,000/-
2.	For Transport charges	Rs. 10,000/-
3.	For loss of amenities	Rs. 5,000/-
4.	For loss of income due to disability suffered	Rs.2,00,000/-
5.	For pain and sufferings	Rs. 20,000/-
6.	For damages to clothes and articles	Rs. 5,000/-
7.	For medical bills	Rs. 40,000/-

In all, a sum of Rs.2,90,000- is granted by the Tribunal.

6. The manner in which the accident occurred is not in dispute. The learned counsel for the appellant/Insurance Company would vehemently contend that the claimant suffered soft tissue injury and mild head injury



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and his disability was assessed by the District Medical Board at 5%. For the said disability, the Tribunal has invoked multiplier method and granted Rs.2,00,000/- under the head of loss of income due to the disability suffered by the claimant, which is on the higher side and the invocation of multiplier method is also not warranted. He would further contend that notional income of the claimant fixed at Rs.30,000/- p.m. is also on the higher side.

7. It is the evidence of P.W.1/claimant that on account of the accident, he suffered soft tissue injury and mild head injury as per Ex.P3/Discharge Summary issued by the Kauveri Hospital, Trichy. The District Medical Board assessed the disability of the claimant at 5%. The Tribunal has invoked multiplier method for granting loss of income for the disability suffered. P.W.1 would state that due to the injuries suffered on account of the accident, he feels giddiness, headache and he is not in a position to work as he did before. The disability suffered by the claimant is very minimal (5%). P.W.1 would further state that he was working as Assistant Manager - Cane in Kothari Sugars and Chemicals Limited, Kattur. From Ex.P14 / copy of the salary slip of the petitioner, it is pellucid that he is working in the managerial cadre. No doubt, due to effects of injury, especially head injury, he would find some difficulties, like giddiness and headache. This will have some impact on his work. Therefore, the

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Tribunal thought it fit to invoke the multiplier method for loss of income due to the disability suffered by the claimant. Taking into account the nature of the avocation and the injuries suffered, invocation of multiplier method by the Tribunal cannot be found fault with.

8. The second contention of the learned counsel for the appellant/Insurance Company is that the notional income of the claimant fixed at Rs.30,000/- is on the higher side. From the evidence of P.W.1, it is deducible that he was working as Assistant Manager - Cane, Kothari Sugars and Chemicals Limited, Kattur.

9. A copy of the claimant's bank passbook is Ex.P12. Copy of ID card of the claimant is Ex.P13. Copy of the claimant's salary slip is Ex.P14. P.W.1 would state that he was drawing salary of Rs.40,000/-. The Tribunal, by relying upon his salary certificate, the gross salary is Rs.30,600/-, and taking his income at Rs.30,000/-, cannot be found fault with. The amounts ordered under other heads are also reasonable and acceptable and do not warrant any interference of this Court.

10. In the result,

(i) The Civil Miscellaneous Appeal stands dismissed. No costs.

Consequently connected miscellaneous petition is closed.

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(ii) The compensation awarded by the Tribunal

Rs.2,90,000/- is confirmed.

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(iii) The appellant/Insurance Company is directed to deposit the compensation amount of Rs.2,90,000/- (less the amount already deposited, if any) with interest at 7.5% p.a. from the date of filing of the claim petition till the date of realisation to the credit of M.C.O.P.No.102 of 2021 on the file of the Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Vellore, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant/first respondent is permitted to withdraw the same with interest, after adjusting the amount, if any already withdrawn by filing necessary application before the Tribunal.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
apd

To

1.The Motor Accidents Claims Tribunal/Chief Judicial Magistrate,
Vellore.

2.The Section Officer,
VR Section,
High Court, Madras

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R.KALAIMATHI, J.,

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