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C.M.A.Nos.2447 of 2024 & 3355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2025

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.Nos.2447 of 2024 & 3355 of 2025

C.M.P.No.19460 of 2024

C.M.A.Nos.2447 of 2024

Reliance General Insurance Co. Ltd.,
No.6 , 6th Floor, Reliance House,
Haddows Road, Nungampakkam,
Chennai- 600006.

... Appellant

Versus

1.Veeramuthu

2.Muniyappan

... Respondents

C.M.A.Nos.3355 of 2025

D.Veeramuthu

...Appellant

Versus

1.G.Muniyappan

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2. Reliance General Insurance Co. Ltd.,
No.6 , 6th Floor, Reliance House,
Haddows Road, Nungampakkam,
Chennai- 600006.

...Respondents

COMMON PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the order made in M.C.O.P.No.287 of 2018, dated 14.09.2023, on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Cuddalore.

For Appellant in
C.M.A.No.2447 of 2024 : M/s.R.Sree Vidhya

For Appellant in
C.M.A.No.3355 of 2025 : M/s.Ramya V. Rao

For Respondents in
C.M.A.No.2447 of 2024 : M/s.Ramya V.Rao for R1

For Respondents in
C.M.A.No.3355 of 2025 :M/s.R.Sree Vidhya for R2
R1 Dispensed with



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COMMON JUDGMENT

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C.M.A.No.2447 of 2024 is filed by the Insurance Company Challenging the judgment and decree passed in M.C.O.P.No.287 of 2018, dated 14.09.2023, on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Cuddalore, challenging the quantum of award passed in the said claim petition.

2.C.M.A.No.3355 of 2025 is preferred by the claimant, for enhancement of compensation in M.C.O.P.No.287 of 2018, dated 14.09.2023, on the file of the Motor Accident Claims Tribunal, (Special Sub Court), Cuddalore.

3. Both the Insurance Company and the claimant have come up with these appeals. While the insurance Company challenges the quantum of compensation awarded, the claimant seeks for enhancement. The claimant sought for compensation of Rs.25,00,000/- from the Insurance Company for permanent disability sustained by him in major accident that occurred on 27.09.2017. According to the claimant, on 27.09.2017 at



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about 14.00 hours when the petitioner was riding his moped TVS XL

Super Moped from east to west at a normal speed keeping extreme left from Panruti to Salem main road near Semakottai Iyyanar Kovil, the 1st respondent's Tipper lorry bearing Registration No.TN-04-AB-5293 came from the opposite side at great speed in a rash and negligent manner without blowing horn and dashed against the petitioner's moped. The said accident happened due to the negligence on the part of the rider of the 1st respondent's vehicle who had not followed the traffic rules and regulations at the time of accident.

4. As a result of the accident, the petitioner sustained multiple grievous injuries and took treatment in the Government Hospital, Panruti, Cuddalore and further treatment at JIPMER Hospital, Pondicherry and also in private hospital due to multiple fractures due to which, the petitioner could not lead a normal life. The petitioner was doing guava fruit business and earning a sum of Rs.15,000/- per month before the accident. Due to the said accident, he had lost his income and had been struggling for his survival. He had become permanently disabled and lost his earning. Hence, the petitioner has sought for compensation of



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Rs.25,00,000/-.

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5. The 1st respondent in C.M.A.No.3355 of 2025 remained *exparte* before the Tribunal.

6. The Insurance Company resisted the claim contending that the accident had happened due to the rash and negligent riding of the Moped by the petitioner. Therefore, the petitioner is not entitled to claim any amount by way of compensation. It is also submitted that the compensation claimed by the petitioner is highly exorbitant and prays for dismissal of the above petition.

7. On the side of the petitioner, the petitioner was examined as P.W.1 and 14 documents were marked. The disability certificate issued by the Medical Board of Cuddalore, District Head Quarters, Hospital was marked as Ex.C1. The Tribunal on a consideration of the evidence on record concluded that the accident occurred due to rash and negligent driving of the driver of the Tipper lorry. On the quantum, the Tribunal fixed the monthly income of the deceased at 10% towards future



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prospects and adopted multiplier '11'. On the evidence available to the effect that the claimant was about 55 years old at the time of accident the Tribunal fixed compensation for loss of earning capacity at Rs.13,79,400/- and also awarded the following compensation on various heads:

S.No	Description	Amount awarded by Tribunal (Rs.)
1.	Loss of income	13,79,400
2.	Pain and sufferings	1,00,000
3.	Medical Bills	35,935
4.	Extra Nourishment	15,000
5.	Attender Charges	20,000
6.	Transportation	10,000
7.	Loss of Amenities	1,00,000
	Total	16,60,335

8. Thus, the Tribunal has awarded the total compensation of Rs.16,60,335/-. Hence, these appeals.

9. M/s.R.Sree Vidya learned counsel appearing for the Insurance



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Company would contend that the compensation awarded by the Tribunal is very excessive and she would also urge that fixing of Rs.10,000/- per month as notional income is rightly granted and the award Rs.1,00,000/- for pain and suffering is on the higher side.

10. Per contra, the learned counsel appearing for the claimant would submit that the claimant was a fruit vendor and the accident occurred in the year 2017. The Tribunal erred in fixing Rs.10,000/- as notional income. She urged that the claimant easily earned Rs.15,000/- as fruit vendor and the same was not considered by the Tribunal.

11. Learned counsel for the claimant placed reliance of the judgment by the Hon'ble Supreme Court in *Aleem Ulla khan Vs. Ponnuswamy & Another* reported in *SLP. (Civil) Nos. 19318-19 of 2024*.

12. She further submitted that in a similar case the Hon'ble Supreme Court has taken permanent disability as 100% and also awarded compensation under the heads of Future Medical Expenses, Attender



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charges and the same shall be followed for the present case also.

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13. Taking into consideration that the claimant was a self-employed person and he would not work all 30 days in a month, the Tribunal has fixed 10% towards loss of income and awarded a sum of Rs.13,79,400/- for the disability caused to the claimant. Since the accident has taken place in the year 2017, this Court is inclined to fix monthly income of the claimant at Rs.13,500/- and add 10% to the future prospects making the total compensation towards loss of income,

$$(13,500 + 1350 (10\%) \times 11 \times 12 \times 100 = \text{Rs.19,60,200/-})$$

14. In addition, a sum of Rs.20,000/- was awarded as attender charges and the same is enhanced to Rs.50,000/ and also Rs.25,000/- has been awarded towards Future Medical Expenses.

15. The award of the Tribunal under other heads such as Pain and Sufferings, Medical bill, Extra nourishment, Transportation and Loss of Amenities are confirmed.

16. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:



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S.No	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Loss of income	13,79,400	19,60,200	Enhanced
2.	Pain and sufferings	1,00,000	1,00,000	Confirmed
3.	Future Medical Expenses		25,000	Granted
3.	Medical Bills	35,935	35,953	Confirmed
4.	Extra Nourishment	15,000	15,000	Confirmed
5.	Attender Charges	20,000	50,000	Enhanced
6.	Transportation	10,000	10,000	Confirmed
7.	Loss of Amenities	1,00,000	1,00,000	Confirmed
	Total	16,60,335/-	22,96,153/-	Enhanced by Rs.6,35,818/-

17. With the above modification, this Civil Miscellaneous Appeal in C.M.A.No.3355 of 2025 is partly allowed and the compensation awarded by the Tribunal at Rs.16,60,335 is hereby enhanced to Rs. 22,96,153/- together with interest at 7.5% per annum from the date of petition till the date of deposit and C.M.A.No.2447 of



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2024 is dismissed. The Insurance Company is directed to deposit the award amount now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of **(8) weeks** from the date of a receipt of copy of this Judgment. The claimant in C.M.A.No.3355 of 2025 is not entitled to claim any interest for the period of delay of 234 days in filing this appeal as per order of this Court dated 27.10.2025 in C.M.P.No.20607 of 2024. On such deposit, the claimants are permitted to withdraw the entire amount awarded by this Court along with interest and cost, less the amount already withdrawn, if any. The claimants are directed to pay the necessary Court fee, if any for the enhanced award amount. No costs. Consequently, connected miscellaneous petition is closed.

04.12.2025

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To:

1. The Special Sub Judge,
The Motor Vehicle Accident Tribunal,
Cuddalore.
2. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI,J.

vsn

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