



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2025

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN  
AND  
THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI**

**C.M.A(MD)No.609 of 2025  
and  
C.M.P(MD)Nos.9983 and 17511 of 2025**

The Branch Manager,  
Reliance Insurance Company Limited,  
Sri Meenakshi Plaza,  
Plot No.HIG 55, Ist Floor,  
80 ft Road,  
Anna Nagar, Madurai – 625 020

...Appellant/Second Respondent

.Vs.

1.Amalraj

...Ist Respondent/Petitioner

2.Sathaiyah

...2<sup>nd</sup> Respondent/First Respondent

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree made in M.C.O.P.No.1728 of 2021, dated 14.3.2024, on the file of the Motor Accidents Claims Tribunal/Sub Court, Madurai.

For Appellant

: M/s.K.R.Shivashankari



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For Respondent-1 : Mr.K.Kumaravel

For Respondent-2 : No appearance

### **JUDGMENT**

(Order of the Court was made by **P.VELMURUGAN.,J**)

This Civil Miscellaneous Appeal is filed against the judgment and decree made in M.C.O.P.No.1728 of 2021, dated 14.3.2024, on the file of the Motor Accidents Claims Tribunal/Sub Court, Madurai.

2.The parties are referred to herein as per their ranking before the Tribunal, for easy reference.

3.The Case of the claimant in brief is as follows:

The Petitioner is an injured, aged about 38 years and earned a sum of Rs. 20,000/-p.m., by doing carpentry work. On 25.12.2019,when the claimant drove his two wheeler bearing Registration No. TN 63 K 1854 at Ilayankudi



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Salaigramam Main road from north to south, at that time, the Poliero Pick Up four wheeler bearing Registration No. TN 63 AH 5375 belonging to the first respondent, driven by its driver in a rash and negligent manner from south to north in the opposite direction in a rash and negligent manner, dashed against the driver and due to the said accident, the claimant sustained bone injuries at neck and spinal cord and cut injuries at right and left thigh and multiple injuries in backbone. He was given treatment first at Government Hospital, Sivagangai on 25.12.2019 and then at Government Rajaji Hospital at Madurai from 26.12.2019 to 17.1.2020 as inpatient and incurred medical expenditure of Rs.5 lakhs and due to the injuries, the claimant was not able to walk, stand as before and he is in a bedridden condition. The claimant was not able to do any work/employment due to the permanent disability suffered by him. On the complaint given by his mother, a case in Crime No.80 of 2019 was registered for the offence under Section 279 and 337 IPC. The accident occurred due to the rash and negligence driving of the driver of the first respondent, which was insured with the second respondent and hence the respondents 1 and 2 are liable to pay compensation of Rs.30 lakhs to the claimant and filed this claim petition.



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4.The averments of the second respondent therein/appellant herein is as follows:

All the averments other than which are accepted has to be proved as per law and not sustainable in law. The second respondent denied the averments regarding the manner of accident and the injuries sustained by the claimant. Further he would submit that the driver of the first respondent vehicle drove the vehicle in a slow manner, following the traffic rules and the claimant drove his vehicle in a rash and negligent manner and dashed against the vehicle of the first respondent, which was insured with this respondent. The claimant has to prove the facts about the licence and other things. The compensation claimed by the claimant is excessive in all heads. The claimant has to prove his age, avocation and earning capacity and hence the second respondent is not entitled to pay any compensation to the claimant and prayed for dismissal of the claim petition.

5.On trial, on the side of the claimant, P.W.1 and P.W2 are examined and Ex.P1 to P13 were marked. On the side of the respondents, no document was marked and no witness was examined. The Wound Certificate is marked s Ex.C1.



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On appreciation of evidence both oral and documentary, the Tribunal awarded a sum of Rs.,46,08,000/- as compensation with interest at the rate of 7.5% p.a., from the date of claim petition till the date of deposit. Aggrieved by the same, the appellant has filed this Civil Miscellaneous Appeal.

6.The learned counsel for the appellant would submit that at the time of accident, the injured did not wear helmet and did not possess valid driving licence. He did not produce any document either before the Police or before the Court and would further submit that though the injured stated that he was a carpenter by profession, there is no proof to show his self employment as Carpenter. Further he would submit that though there is no income proof, the tribunal taken the notional income at Rs.14,000/- which is on higher side. He would further submit that the medical board assessed the disability at 90%, however, the Tribunal taken the disability at 100% and also adopted multiplier method. Further for attendant charges, they fixed and adopted multiplier method and the same is against the settled principles of law. Further the tribunal awarded separate award under the head of pain and sufferings and disability which is against the settled principles of law. Further the Tribunal without fixing



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contributory negligence to pay and recover, fixed the entire responsibility on the appellant and the quantum of compensation awarded by the tribunal is on higher side. Therefore the award of the tribunal is liable to be modified.

7. On the other hand, the learned counsel for the respondent/claimant would submit that the claimant sustained only neck injury and head injury. Further the non wearing of helmet will not absolve the liability of the appellant to pay the compensation. He would further submit that the medical board has fixed the disability at 90%. Further the evidence of P.W1 injured witness shows that due to the accident, the claimant is in bed rest and in an immobilised condition and without the help of attendant, he cannot do any work and attend his nature calls. If that be so, considering the pathetic situation of the claimant the tribunal has rightly adopted multiplier method and also taken the disability at 100% and considering his physical condition, awarded the attendant charges. Further he would submit that during treatment, the claimant had undergone surgery in his spinal cord, which is a risky surgery and as such, the claimant suffered a lot. Considering the same, the tribunal awarded compensation under the head of pain and sufferings. He would further submit that there is no



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perversity in the award passed by the tribunal, which is just and reasonable and there is no need to modify the said award passed by the tribunal.

8.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

9.Admittedly, due to the accident, the injured sustained neck injury and the learned counsel for the appellant vehemently contended that the injured also contributed to the accident and however, the tribunal has wrongly fixed the entire liability on the driver of the four wheeler bearing Registration No. TN 63 AH 5375. However, a reading of the averment made in the claim petition, the claimant was riding his two wheeler following traffic rules and only the driver of the offending vehicle drove the vehicle in the wrong direction and in a rash and negligent manner without following the Motor Vehicle rules and dashed against the claimant,in which, he sustained injury, he was admitted in the hospital and despite he was given best treatment, did not recover from the disability and the injured was referred to Medical Board and the medical board after examining the claimant thoroughly given the disability certificate which shows that the



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injured sustained 90% permanent disability. Though the claimant stated that he was a carpenter by profession, he would state in his claim petition and affidavit in the chief examination that he was in bed rest and in an immobilised condition and without the assistance of attendant, he cannot do anything and he cannot attend his nature's call. Therefore the Tribunal considering the disability sustained by the injured fixed the percentage of disability at 100% and adopted multiplier method. Since the claimant is not even able to attend his nature's call without the help of the attendant, the tribunal considered the said physical condition, adopted the multiplier method by adding future prospects. Therefore this Court does not find any reason to interfere with the other heads except the award under the head of pain and sufferings. Since the tribunal considering the disability and also the nature of injury and stage of the injured, adopted multiplier method for 100%disability with future prospects and hence the separate award of Rs.3 lakhs under the heading pain and sufferings alone is set aside and award under other heads remains unaltered. Thus the claimant is entitled to Rs. 43,08,000/- (Rs.46,08,000/- - Rs.3,00,000/-) with interest at the rate of 7.5% p.a from the date of claim petition till the date of deposit.



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10. In the result, the Civil Miscellaneous Appeal is party allowed and the award of the tribunal is modified from Rs.46,08,000/- to Rs.43,08,000/-.The appellant Insurance Company is directed to deposit the above said award amount with interest at the rate of 7.5% p.a from the date of claim petition till the date of realization, less the award amount, if any already deposited, within a period of eight weeks from the date of receipt of a copy of this order. On deposit of the award amount, the claimant is permitted to withdraw the above said award amount with accrued interest and costs, less the award amount,if any already withdrawn, by filing necessary application before the Tribunal. No costs. Consequently, connected Miscellaneous Petitions are closed.

**[P.V.,J.] [L.V.G.,J.]**  
**20.11.2025**

NCS : Yes/No  
Index : Yes / No  
Internet : Yes / No  
vsn

To

The Judge,  
Special Sub Court,  
(The Motor Accidents Claims Tribunal)  
Madurai.

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Copy to

The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**P.VELMURUGAN, J.**  
**and**  
**L.VICTORIA GOWRI.,J.**

vsn

**ORDER MADE IN**  
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**and**  
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