IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.3796 of 2025
&
C.M.P.Nos.31692 of 2025 & 4376 of 2026
and
Cross Objection No.25 of 2026

C.M.A.No.3796 of 2025

Reliance General Insurance Company Limited,
represented by its Branch Manager,
Policy Issuing Branch, office at
No.36/D, 1st Floor, Mysore Trade Centre,
Opp. KSRTC Bus Stand, BN Road, Mysore. ... Appellant

vs

1.Ajithkumar
S/o.Babu

2.K.Kumar
S/o.Krishnan

3.N.Srinivasan
S/o.Narayanan

4.M/s.HDFC ERGO General Insurance Company Limited,
represented by its Branch Manager,
Policy Issuing Branch Office,
New No.528, Old No.559, 2nd Floor,
Annasalai, Teynampet,
Chennai – 600 018. ... Respondents

Cross Objection No.25 of 2026

Ajithkumar
S/o.Babu ... Cross Objector

vs

1.M/s.Reliance General Insurance Company Limited,
represented by its Branch Manager,
Policy Issuing Branch, office at
No.36/D, 1st Floor, Mysore Trade Centre,
Opp. KSRTC Bus Stand, BN Road, Mysore.

2.K.Kumar
S/o.Krishnan

3.N.Srinivasan
S/o.Narayanan

4.M/s.HDFC ERGO General Insurance Company Limited,
represented by its Branch Manager,
Policy Issuing Office at
New No.528, Old No.559, 2nd Floor,
Annasalai, Teynampet,
Chennai – 600 018. ... Respondents

(No relief sought against respondents 2 to 4. Hence, notice may be dispensed with.)

Common Prayer: Civil Miscellaneous Appeals filed u/s.173 of the Motor Vehicles Act, 1988, and Cross Objection filed under Order 41 Rules 22 of the Civil Procedure Code, against the judgment and decree passed in M.C.O.P.No.440 of 2022 dated 27.09.2024 on the file of Motor Accident Claims Tribunal, Special Subordinate Judge, Krishnagiri.

For Appellant in C.M.A.No.3796 of 2025
& for R1 in Cross Obj.No.25 of 2026 : Mr.P.Suresh Srinivasan

For R1 in C.M.A.No.3796/2025 & for
Cross Objector in Cross Obj.No.25/2026 : Mr.C.Prabakaran

For R4 in C.M.A.No.3796 of 2025 : Mr.S.Arun Kumar
and for R4 in Cross Objection No.25/2026

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COMMON JUDGMENT

[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

The second respondent in M.C.O.P.No.440 of 2022 on the file of Motor Accident Claims Tribunal, Special Subordinate Judge, Krishnagiri, aggrieved by the order dated 27.09.2024, has filed this appeal. The claimant has filed Cross Objection No.25 of 2026.

2. M.C.O.P.No.440 of 2022 had been filed by the claimant Ajithkumar, who was aged about 25 years, claiming compensation for an accident, which occurred on 07.06.2022 at around 23.00 hours in the night when he was a pillion rider in a motorcycle bearing Registration No.TN-24-AT-3405 and was going to attend a village festival. It was contended that the motorcycle was ridden slowly on the left side of the road. At that time, a Bolero pickup vehicle bearing Registration No.KA-51-B-3774, which was driven in a rash and negligent manner dashed against the motorcycle causing severe injuries to the claimant. The claimant was working as a cooking master in A2B Hotel, Chinnar and it was claimed that he was earning Rs.30,000/- p.m. The injuries suffered by the claimant were as follows:

(i) RTA with heady injury;
(ii) SDH @ right fronto parietal and temporal region;
(iii) B/L temporal contusion;
(iv) B/L Petrous squamous temporal bone fracture;
(v) Right parietal bone fracture;
(vi) Type III – AC joint injury of right shoulder;
(vii) Status right fronto-temporoparietal decompressive craniectomy with communicating hydrocephalus.

3. It was contended that the claimant underwent right fronto temporo – parietal decompressive craniectomy surgery with evacuation of right fronto – temporo parietal acute sub dural hematoma on 08.06.2022. Tracheostomy was also done. The procedure includes PEG tube placement, open reduction with AC joint fixation by using thibond, right ventriculo – peritoneal shunt, right fronto – Temporoparietal Cranioplasty.

4. It was contended that the claimant was also examined by the Medical Board and the Medical Board had determined partial permanent disability at 60%. Contending that because of this accident, there has been loss of earning and he could not continue with his work, he had claimed compensation.

5. The insurance company had resisted the petition. They had examined a witness, who stated that the Bolero pick up vehicle was parked on the left side of the road and that the motorcycle dashed against the parked vehicle and therefore, they claimed that they could not be held liable in entirety and the compensation should be appropriately apportioned.

6. The Tribunal, in its order, had however held that this evidence was false since the accident took place in the middle of the road and that the Bolero pickup vehicle was coming on the wrong side of the road and had dashed against the motorcycle. Holding as above, the Tribunal held that the insurance company/appellant was liable to pay compensation.

7. Before the Tribunal, on the side of the claimant, 2 witnesses were examined and 16 exhibits were marked. On the side of the insurance company, 4 witnesses were examined and 3 exhibits were marked. One Court exhibit was also marked.

8. On appreciation of materials on record, the Tribunal found that the accident had occurred only owing to the rash and negligent driving of the Bolero pickup vehicle and held that the insurance company, as insurer of the Bolero pickup vehicle, was liable to pay compensation. Accordingly, a sum of Rs.26,00,000/- is awarded as compensation. The said sum was directed to be paid together with interest at 7.5% p.a. from the date of petition till the date of realization.

9. Learned counsel for the appellant/insurance company argued that the Bolero pick up vehicle was parked on the left side of the road and that the accident had occurred in the night hours and the motorcycle was ridden in a rash and negligent manner and had dashed against the Bolero pickup vehicle. However, this argument was contrary to the evidence available. The Tribunal had given a very categorical finding that the Bolero pickup vehicle was coming on the wrong side of the road and had dashed against the motorcycle, which was ridden in a careful manner.

10. It was further held by the Tribunal that false evidence had been tendered by the witness examined on behalf of the appellant/insurance company. In view of this categorical finding given by the Tribunal and in view of the fact that no contra evidence has been produced by the appellant/insurance company, we are not inclined to dislodge the said finding.

11. We have also gone through the evidence and we also confirm the finding of the Tribunal that the accident had occurred only because the Bolero pickup vehicle had come on the wrong side of the road and dashed against the motorcycle. We would, therefore, reject that particular ground raised in the appeal.

12. In the cross objection, learned counsel for the claimant argued that the monthly income had been fixed at Rs.12,000/- and claimed that the claimant was working as a cooking master in A2B and was drawing Rs.30,000/- p.m. However, we are conscious of the fact that the accident took place in the year 2022 and we would therefore revise the monthly income to Rs.20,000/- as it is the consistent monthly income granted by this Court for that particular period. The fixation of functional disability at 30% by the Tribunal, which had led to loss of earning capacity of the claimant, is confirmed.

13. Accordingly, the compensation awarded under the head ‘future loss of earning capacity’ is reworked as follows:

Monthly Income	:	Rs. 20,000/-
Add: Future Prospects 40% of Rs.20,000/-	:	Rs. 8,000/-
		Rs. 28,000/-
Annual Income [28,000 * 12]	:	Rs. 3,36,000/-
Multiplier		x 17
	:	Rs.57,12,000/-
30% functional disability	:	x 30%
Future loss of earning capacity	**:**	**Rs.17,13,600/-**

14. With respect to the other heads, we would reduce the compensation awarded under the heads ‘pain and suffering’ and ‘loss of amenities’ from Rs.1,00,000/- to Rs.50,000/- under each head. With respect to compensation awarded towards future medical expenses, learned counsel for the appellant/ insurance company submitted that it should be set aside since no proper evidence has been given. Taking into consideration the

materials available on record and also the finding of the Tribunal that the claimant suffered head injury and the nature of surgery underwent by the claimant and that he requires continuous medication, we would hold that future medical expenses is very much required and hence, we would confirm the compensation awarded under such head. We are not inclined to interfere with the compensation granted under other categories.

15. Accordingly, the modified compensation would be:

Sl. No.	***Compensation awarded under the head***	***Amount awarded by Tribunal (in Rs.)***	***Amount awarded by this Court (in Rs.)***
1.	Future loss of earning capacity	10,28,200/-	17,13,600/-
2.	Medical expenses	12,61,800/-	12,61,800/-
3.	Pain and suffering	1,00,000/-	50,000/-
4.	Loss of amenities	1,00,000/-	50,000/-
5.	Future medical expenses	50,000/-	50,000/-
6.	Transportation expenses	20,000/-	20,000/-
7.	Additional nourishment	20,000/-	20,000/-
8.	Attender charges	18,000/-	18,000/-
9.	Damages to clothes	2,000/-	2,000/-
	Total	**26,00,000/-**	**31,85,400/-**

16. In the result, C.M.A.No.3796 of 2025 and Cross Objection No.25 of 2026 are partly allowed since there is a revision in the compensation granted.

The compensation of **Rs.26,00,000/-** awarded by the Tribunal is hereby enhanced to **Rs.31,85,400/-**. The appellant insurance company is directed to deposit the enhanced compensation of **Rs.31,85,400/-** (Rupees Thirty One Lakhs Eighty Five Thousand and Four Hundred only), less the amount already deposited, together with interest at 7.5% p.a. from the date of petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit being made by the appellant insurance company, the first respondent/claimant is permitted to withdraw the same along with accrued interest and costs, less the amount, if any already withdrawn by him, by filing necessary application before the Tribunal. No costs. Connected miscellaneous petitions are closed.

[C.V.K., J] **[K.R.S., J]**
25.03.2026

Speaking / Non-speaking order
Index: Yes/No, NCC:Yes/No
gm

C.V. KARTHIKEYAN, J
and
K.RAJASEKAR, J

gm

To
The Motor Accident Claims Tribunal,
Special Subordinate Judge,
Krishnagiri.

C.M.A.No.3796 of 2025 and
Cross Objection No.25 of 2026

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