



C.M.A.No.1045 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.1045 of 2022

and

C.M.P.Nos.7731 of 2022 & 7338 of 2025

The Branch Manager,
Shriram General Insurance Company Ltd.,
Plot No.5, 1st Floor,
Srivarman Ramachandra Street,
Chennai – 96.

... Appellant

VS

1.K.Vignesh
S/o.Krishnamoorthy

2.Prabaharan
S/o.Seetharaman

... Respondents

Prayer: Civil Miscellaneous Appeal filed u/s.173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.08.2021 passed in M.C.O.P.No.275 of 2017 on the file of Motor Accident Claims Tribunal, Chief Judicial Court, Tiruvarur.



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For Appellant : Mr.S.Dhakshnamoorthy

For Respondents : Mr.Ma.Pa.Thangavel
for Mr.M.Lokesh [R1]
Not ready in notice [R2]

JUDGMENT

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

Challenging the award passed by the Tribunal in and by its judgment dated 23.08.2021 passed in M.C.O.P.No.275 of 2017 on the file of Motor Accident Claims Tribunal, Chief Judicial Court, Tiruvarur, appellant insurance company has filed the present appeal.

2. The brief facts of the case is as follows:

First respondent is the claimant. The second respondent is the owner of the offending vehicle. On 13.04.2016 at about 09.20 a.m., while the claimant and his friend were travelling in a Motor Cycle bearing Registration No.TN-50-E-2276 on the Mayiladuthurai to Thiruvarur Salai, a Eicher Load Van bearing registration No.TN-31-AC-4498, belonging to second respondent and insured with the appellant insurance company, came

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in a rash and negligent manner and dashed against the motor cycle, owing to which the claimant and his friend fell down and sustained grievous injuries.

The petitioner took treatment as inpatient on various dates and undergone surgery many times. Owing to the injuries sustained in the accident, the first respondent/claimant could not continue his avocation as a driver and hence, first respondent/claimant filed a claim petition seeking compensation in a sum of Rs.1,00,00,000/-.

3. The claim was resisted by appellant insurance company by filing a detailed counter.

4. To prove the case, on the side of first respondent/claimant, 4 witnesses were examined and 23 documents were marked. Ex.X1 – Disability Certificate issued as per Rule 4 of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and its Rules 1996, was marked. On the side of appellant insurance company, none were examined and no exhibits were marked.



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5. On appreciation of materials on record, the Tribunal found that the accident had occurred owing to the rash and negligent driving of the Eicher Load Van belonging to second respondent and held that the appellant insurance company, as insurer of the Eicher Load Van, was liable to pay compensation. Accordingly, a sum of Rs.41,28,800/- 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. Challenging the same, appellant insurance company has filed the present appeal.

6. Learned counsel for appellant insurance company submitted that though the Medical Board has assessed the disability at 36%, the Tribunal has erroneously fixed the disability at 100% on the ground that the left leg bone of the claimant was completely crashed and slipped, owing to which the claimant could not continue his avocation as a driver. Learned counsel submitted that when the Medical Board has assessed the disability at 36% for dislocation of the knee, the Tribunal is not justified in taking 100% as functional disability. Learned counsel submitted that since the first respondent/claimant has obtained renewal of license for driving transport



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vehicle, fixing functional disability at 100% and adopting multiplier method is unsustainable. Learned counsel further submitted that the amount awarded under the other heads is also on the higher side and the same requires proper reduction.

7. *Per contra*, learned counsel for first respondent/claimant made his submissions supporting the award passed by the Tribunal insofar as disability is concerned. Learned counsel submitted that the amount awarded under the other heads is on the lower side.

8. This Court has considered the rival submissions. Perused the materials on record.

9. Pending appeal, the appellant has filed C.M.P.No.7338 of 2025 seeking permission to introduce an additional document, viz., the Driving License, specifically, with respect to permission granted to drive transport vehicle to the first respondent/claimant, which had been renewed within three months from the date of award. This Court, by order dated 10.12.2025,



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directed the Medical Board to assess the first respondent/claimant in entirety, particularly his ability to drive a transport vehicle and send a report to the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvarur. Pursuant to the said order, the Medical Board examined the first respondent/claimant and submitted its report dated 13.01.2026 to the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvarur, which was forwarded to this Court. On a perusal of the same, this Court finds that the Medical Board has assessed the permanent disability of the first respondent/claimant at 36%. Considering the nature of injuries suffered by the first respondent/claimant as also considering the report of the Medical Board, this Court fixes the functional disability at 40%, which leads to loss of earning capacity. The first respondent/claimant was aged 24 at the time of accident and the applicable multiplier is 18. The first respondent/claimant has not produced any document to establish his monthly income and hence, this Court, considering the nature of avocation, fixes the monthly income at Rs.14,000/-. Accordingly, the compensation under the head 'loss of income'



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is calculated as follows:

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Monthly Income	:	Rs. 14,000/-
Add: Future Prospects 40% of Rs.14,000/-	:	Rs. 5,600/-

		Rs. 19,600/-
Annual Income [19,600 * 12]	:	Rs. 2,35,200/-
Multiplier		x 18
	:	-----
		Rs.42,33,600/-
		x 40%

Loss of income	:	Rs.16,93,440/-

10. Considering the nature of injuries sustained by the first respondent/claimant, this Court finds that the compensation awarded under the heads 'pain and suffering' and 'loss of amenities' is on the lower side and accordingly, the same is enhanced to Rs.1,00,000/- and Rs.50,000/- respectively. This Court finds that the compensation awarded under the other heads is justifiable.



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11. Accordingly, the modified compensation would be:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability Compensation	33,26,400/-	16,93,440/-
2.	Pain and Suffering	50,000/-	1,00,000/-
3.	Extra nourishment	30,000/-	30,000/-
4.	Transport to Hospital	30,000/-	30,000/-
5.	Attender charges	10,000/-	10,000/-
6.	Medical expenses (Bills)	6,71,400/-	6,71,400/-
7.	Loss of clothes	1,000/-	1,000/-
8.	Loss of Amenities	10,000/-	50,000/-
	Total	41,28,800/-	25,85,840/-

In the result, the Civil Miscellaneous Appeal is allowed. The compensation of **Rs.41,28,800/-** awarded by the Tribunal is hereby reduced to **Rs.25,85,840/-**. Appellant insurance company is directed to deposit the reduced compensation of **Rs.25,85,840/-** (Rupees Twenty Five Lakhs Eighty Five Thousand Eight Hundred and Forty 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 appellant insurance company,



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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]
04.03.2026

Speaking / Non-speaking order

Index: Yes/No

NCC:Yes/No

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To

The Motor Accident Claims Tribunal,
Chief Judicial Court, Tiruvarur.



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and
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