



WEB COPY

CMA No. 1184 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1184 of 2023

AND

CMA NO. 1177 OF 2023, CMA NO. 215 OF 2024, CMA NO. 217 OF 2024, CMP NO. 2223 OF 2024, CMP NO. 2243 OF 2024

M.Gangadaran
S/o Munusamy, No.15/2, Raja Shanmuga Nagar,
4th Street, Cross Line, Tiruvottiyur,
Chennai-600 019.

..Appellant(s)

Vs

1. M/s.Sanco Trans Ltd
No.90, Moore Street, Chennai-600 001.
2. United India Insurance Co. Ltd.
Silingi Building, New No.134, Old No.40-45,
Greens Road, Chennai-600 006.

..Respondent(s)

CMA No. 1177 of 2023

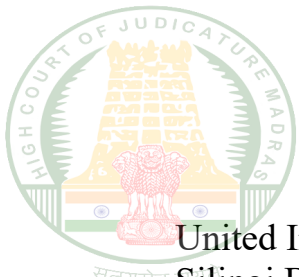
K.Kasinathan
S/o. Kannan, No. 15, Thiruvengadam Street,
Manali, Chennai 068.

..Appellant(s)

Vs

1. M/s. SANCO TRANS LTD
No. 90, Moore Street, Chennai 001.
2. United India Insurance Co.Ltd.
Silingi Building New No. 134, Old No. 40-45,
Greens Road, Chennai 006.

..Respondent(s)



CMA No. 215 of 2024

United India Insurance Co.Ltd.,
Silingi Buildings, N.No.134, O.No.40-45,
Greems Road, Chennai 6.

..Appellant(s)

Vs

1. K. Kasinathan
S/o. Kannan, No.15, Thiruvengadam St,
Manali, Chennai 8.
2. M/s. Sanco Trans Ltd.,
No.90, Moore St, Chennai 6.

..Respondent(s)

CMA No. 217 of 2024

United India Insurance Co.Ltd.,
Silingi Buildings, N.No.134, O.No.40-45,
Greems Road, Chennai 6.

..Appellant(s)

Vs

1. M. Gangadaran,
S/o. Munusamy, No.15/2, Raja Shanmuga
Nagar, 4th St, Cross Line, Tiruvetriyur,
Chennai - 19.
2. M/s. Sanco Trans Ltd.,
No.90, Moore St, Chennai 6.

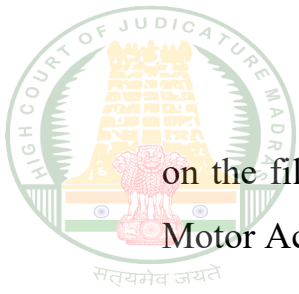
..Respondent(s)

CMA No. 1184 of 2023

PRAYER : Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree in MCOP No.8199 of 2018 dated 30.01.2023 on the file of the Motor Accident Claims Tribunal / Special Sub Court No.1 to deal with MCOP Cases, Court of Small Causes, Chennai.

CMA No. 1177 of 2023

PRAYER : Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree in M.C.O.P.No. 8196 of 2018 dated 30.01.2023



on the file of the Motor Accident Claims Tribunal / Special Sub Judge, No.1,
Motor Accident Claims Petitions (Small Causes Court, Chennai).

CMA No. 215 of 2024

PRAYER : Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree dated 30.01.2023 in MCOP No.8196 of 2018 on the file of Special Sub Judge No.1, Small Causes Court, Chennai.

CMA No. 217 of 2024

PRAYER : Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree dated 30.01.2023 in MCOP No.8199 of 2018 on the file of Special Sub Judge No.1, Small Causes Court, Chennai.

In CMA.Nos.1184 and 1177 of 2023

For Appellant(s): Ms.Ramya V.Rao

For Respondent(s): No appearance For R1
Mr.P.Sankaranarayanan For R2

In CMA.Nos.215 and 217 of 2024

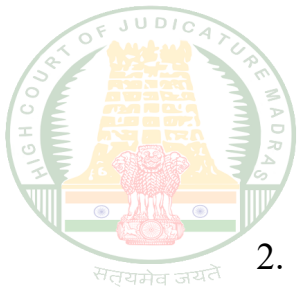
For Appellant(s): Mr.P.Sankaranarayanan

For Respondent(s): Ms.Ramya V.Rao for R1
Not ready in notice for R2

COMMON JUDGMENT

(Judgment of the Court was delivered by K.Rajasekar J.)

CMA.Nos.1184 and 1177 of 2023 have been filed by the claimants in MCOP.Nos.8199 & 8196 of 2018, on the file of the Special Sub Court No.1, Small Causes Court, Chennai, seeking enhancement of compensation.

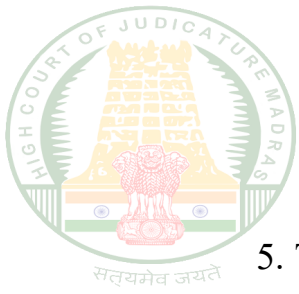


WEB COPY

2. CMA Nos.215 & 217 of 2024 have been filed by the Insurance Company challenging the liability and quantum of compensation awarded in MCOP.Nos.8196 & 8199 of 2018 on the file of the Special Sub Court No.1, Small Causes Court, Chennai.

3. Since the Appeals have arisen out of the same accident, all are heard together and common order has been passed. The parties herein are referred as per the litigation status before the Trial Court.

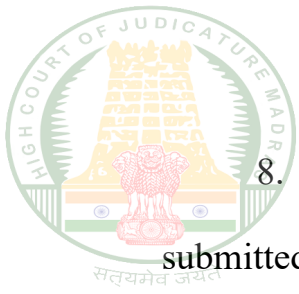
4. The case of the claimants is that on 05.04.2018 at about 7:00 hours, the claimants namely Kasinathan, an additional driver and Gangadaran, a cleaner, involved in transporting iron pipes from Trichy to Pudukottai Bypass Road, BH 336, Kulathur Diversion Road, along with another cleaner and driver. At that time, the driver of the lorry in which they have travelled, driven the vehicle in high speed and in order to avoid accident, he applied sudden break and the iron pipes loaded in the vehicle have hardly crashed the lorry cabin which resulted in causing grievous injury to the persons inside the cabin. Both the claimants had sustained grievous injuries. For the injuries sustained by them, they had come forward with claim petitions seeking compensation under Section 166 of the Motor Vehicle Act, against the owner and the Insurance Company of the lorry.



5. The first respondent, the owner of the lorry, participated in the enquiry and reported that the lorry was insured and the persons travelled also have coverage. Hence, the insurer is liable to indemnify the owner of the vehicle. The Insurance Company contested the claim disputing the negligence, the nature of the injury sustained and the income of the claimants.

6. The Tribunal after considering the evidence placed on record, by conducting a common enquiry, had accepted the case of the claimants that they suffered injury due to the negligent act of the driver of the lorry in which they travelled and awarded Rs.2,87,200/- towards compensation in MCOP.No.8196 of 2018 and awarded compensation of Rs.21,40,300/- in MCOP.No.8199 of 2018. Aggrieved over fixing liability on the Insurance Company, CMA.Nos.215 & 217 of 20124 have been filed. Seeking enhancement of compensation, CMA.Nos.1184 and 1177 of 2023 have been filed by the claimants.

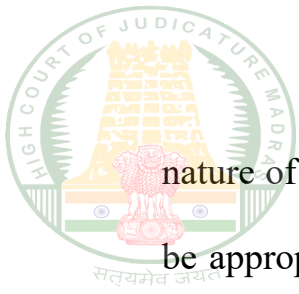
7. The learned counsel for the Insurance Company contended that there is no valid coverage for the persons injured, so as to claim compensation. He would further submit that the compensation awarded under the other heads is on the higher side and pleaded to modify the same.



8. Per contra, the learned counsel for the claimants in both cases submitted that the claimants have also filed separate Appeals in CMA.Nos.1184 and 1177 of 2023 for enhancement of notional income fixed for granting compensation, as the same is on the lower side and pleaded to enhance the same.

9. Considered the submissions of the both sides and perused the records. Though the Insurance Company has contended that there was no coverage for the persons such as additional driver and cleaner travelled in the vehicle, during the arguments, it has been elucidated that separate payments have been made in IMT 28 i.e. for driver and additional driver totally for four persons. This has been elucidated during the cross examination before the Trial Court and the same has also been accepted before this Court. In view of the same, We find no reasons to interfere with the award fixing liability on the Insurance Company for indemnifying the owner of the vehicle. **Accordingly, CMA.Nos.215 and 217 of 2024 are dismissed.**

10. As far as the claim petition filed by the claimant Gangadaran is concerned, the Tribunal has accepted his disability fixed by the Medical Board and further held that this is the case of amputation in his right lower limb and thereby, he suffered loss of earning capacity. Therefore, the Tribunal has also fixed loss of earning capacity as 70%. The Tribunal has also fixed the notional income as Rs.11,000/-. However, considering the date of the accident and the

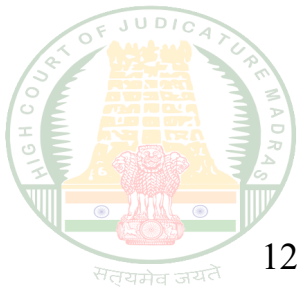


nature of the avocation, fixing notional income as Rs.15,000/- per month would be appropriate. Accordingly, the compensation under the head “loss of earning capacity” is fixed as $(15,000 + 40\%FP \times 12 \times 15 \times 70/100) = \text{Rs.}26,46,000/-$.

Similarly, for the head “pain and suffering”, we are inclined to enhance the same as Rs.1,00,000/-, and we are also fixing Rs.25,000/- for the head “transportation”, Rs.25,000/- for the head “Extra Nourishment”, Rs.25,000/- for the head Attender Charges and Rs.50,000/- for “loss of amenities”.

11. Accordingly, the compensation granted in MCOP No.8199 of 2018 is modified as follows:

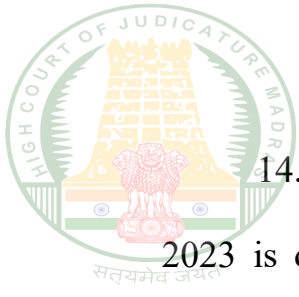
S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or reduced
1.	Disability	19,40,400/-	26,46,000/-	enhanced
2.	Pain and suffering	40,000/-	1,00,000/-	enhanced
3.	Transportation	4,000/-	25,000/-	enhanced
4.	Medical expenses	1,14,380/-	1,14,380/-	confirmed
5.	Extra nourishment	10,000/-	25,000/-	enhanced
6.	Attender charges	1500/-	25,000/-	enhanced
7.	Loss of amenities	30,000/-	50,000/-	enhanced
	Total	21,40,280/-	29,85,380/-	enhanced by Rs.8,45,100/-



WEB COPY

12. Accordingly, **C.M.A.No.1184 of 2023 is allowed** and the compensation awarded by the Tribunal in MCOP No.8199 of 2018 at Rs.21,40,280/- is hereby enhanced to Rs.29,85,380/- with interest and costs. The Insurance Company is directed to deposit the remaining compensation amount with interest and costs, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the claimant in MCOP No.8199 of 2018 is permitted to withdraw the award amount with interest and costs, by filing necessary application before the Tribunal.

13. As far as the claimant in MCOP.No.8196 of 2018 *viz.*, Kasinathan is concerned, he had suffered left clavicle fracture and right sterno clavicular dislocation and had undergone treatment from 05.04.2018 to 11.04.2018 in Retna Global Hospital, Trichy. The disability certificate was also obtained from the Regional Medical Board, Govt. Royapettah Hospital, Chennai and the disability has been assessed as 6%. We have also gone through the compensation awarded under various components and we are of the view that the same was properly considered by the Tribunal and compensation of Rs.2,87,200/- was awarded. We find no reason to interfere with the same. Hence, we confirm the award passed by the Tribunal. Accordingly, **C.M.A.No.1177 of 2023 is dismissed.**



14. In the result, C.M.A.No.1184 of 2023 is allowed, C.M.A.No.1177 of 2023 is dismissed and C.M.A.Nos.215 and 2017 of 2024 are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(C.V.K.,J.) (K.R.S.,J.)
18-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
GSK

To
The Motor Accident Claims Tribunal /
Special Sub Court No.1, Court of Small Causes,
Chennai.



WEB COPY

CMA No. 1184 of 2



**C.V.KARTHIKEYAN J.
AND
K.RAJASEKAR J.**

GSK

**CMA No. 1184 of 2023
AND
CMA NO. 1177 OF 2023,CMA NO. 215 OF 2024,CMA NO. 217 OF
2024,CMP NO. 2223 OF 2024,CMP NO. 2243 OF 2024**

18-06-2026