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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**

**CMA Nos. 3960 & 2854 of 2019
and
CMP Nos.22434 of 2019 & 12076 of 2024**

CMA No.3960 of 2019

M/s.United India Insurance Co Ltd.,
Kandasamy Shopping Complex,
Chitrakoodam, 144-B Kalpana Road,
Udumalpet.

Appellant(s)

Vs

1. Madhankumar @ Gokulakrishnan

2.M/s Shanmugapriya Textiles Ltd.,
No.1 Ponniyan Street, Crosscut Road,
Coimbatore.

Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, against the Award and Decree dated 11.04.2019 made in MCOP No.1128 of 2014 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Tiruppur.

For Appellant(s): Mr.S.Arunkumar

For Respondent(s): Mr.Ma.P.Thangavel
R2 – Notice dispensed with
(Vide Court Order dated
22/10/2019)

CMA No.2854 of 2019

Madhankumar @ Gokula Krishnan

Appellant(s)



Vs

1.M/s. Shanmugapriya Textiles Ltd.,
No.1 Ponnian Street, Crosscut Road,
Coimbatore.

2.United India Insurance Company Ltd.,
Kandasamy Shopping Complex,
Chitrakoodam, 144-B Kalpana Road,
Udumalaipet.

Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, for enhancement of the compensation in the Judgment and Decree dated 11.04.2019 made in MCOP No.1128 of 2014 on the file of MACT/ Chief Judicial Magistrate at Tiruppur.

For Appellant(s): Mr.Thangavel MA.P.

For Respondent(s): Mr.S.Arunkumar for R2
R1- Exparte

COMMON JUDGMENT

(Judgment of the Court was made by C.V.Karthikeyan J.)

The present appeals have been filed challenging the judgment and decree dated 11.04.2019, passed by the MACT/Chief Judicial Magistrate at Tiruppur in MCOP No.1128 of 2014.

2.On 11.07.2014, when one Madhankumar @ Gokulakrishnan/claimant who was a Barber, aged about 19 years, was proceeding in a two wheeler at the left extremity of the road, a Car bearing Registration No.TN 37 BW 3960 was driven by its driver rashly and negligently and dashed against the two wheeler and caused grievous injuries to the claimant.



3. The claim petition was contested by the Insurance Company. However, the Tribunal held that the driver of the Car was rash and negligent and fixed the negligence on the part of the driver and awarded a sum of Rs.37,38,900/- as compensation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the Insurance Company has filed CMA No.3960 of 2019. Seeking enhancement of compensation awarded by the Tribunal, the claimant has filed CMA No.2854 of 2019.

5. Heard learned counsel appearing for the Insurance Company and learned counsel for the claimant.

6. We are informed that CMP No.12076 of 2024 had been filed by the appellant in CMA No.3960 of 2019 to introduce two further documents, namely, photographs, pendrive and also investigation report dated 26.12.2019. It is the contention of Mr.S.Arunkumar, learned counsel for the appellant in CMA No.3960 of 2019 that subsequently, the appellant had appointed an investigator to find out the present physical condition of the claimant and in that regard, a video which had been taken is sought to be produced by way of a pendrive and the photographs which had also been taken are sought to be produced. However, the learned counsel for the claimant stated that he would consent for



reasonable award to be granted in view of the present circumstances surrounding the claimant herein.

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7. Both learned counsel produced their calculation sheet for the claim which should be awarded. We appreciate the stand taken by both learned counsels. Even though CMP No.12076 of 2024 had been allowed, the said documents remain unmarked as necessity had not arisen. Since both learned counsel has now come to an understanding over the Award to be granted, the compensation to be awarded is calculated as hereunder:

The monthly income of the claimant had been fixed at Rs.10,000/- by the Tribunal. To this, we are inclined to add 40% towards future prospects, in the light of the judgment of the Hon'ble Supreme Court in *Pranay Sethi's* case. Therefore, the monthly income of the claimant would be Rs.14,000/- and the annual monthly income would be Rs.14,000 x 12 = 1,68,000/-. The claimant was aged 19 years at the time of accident and the appropriate multiplier to be adopted would be 18. As per Ex.C1, the permanent disability has been fixed at 30%. Applying the same, Loss of Income due to disability would be (Rs.14,000 x 12 x 18 x 30%), which is equal to Rs.9,07,200/-.

Loss of Income	::	Rs.9,07,200/-
Attendant Charges	::	Rs. 12,987/-
Medical Bills	::	Rs.4,90,821/-
Extra Nourishment	::	Rs. 50,000/-



Transport expenses	::	Rs. 25,000/-
Pain and Sufferings	::	Rs.1,00,000/-
Loss of Marital Prospectus	::	Rs.1,00,000/-
Total	::	Rs.16,86,008/-

8.In the result, CMA No.3960 of 2019 is partly allowed and CMA No.2854 of 2019 is dismissed. The compensation of **Rs.37,38,900/-** awarded by the Tribunal is hereby reduced to **Rs.16,86,008/-**. The Insurance Company is directed to deposit the reduced compensation of **Rs.16,86,008/-** (Rupees Sixteen Lakhs Eighty Six Thousand and Eight 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 a copy of this judgment. On such deposit being made by the Insurance Company, the 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

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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CMA Nos. 3960 & 2854 of 2019



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

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To
The MACT/Chief Judicial Magistrate,
Tiruppur.

**CMA Nos. 3960 & 2854 of 2019
and
CMP Nos.22434 of 2019 &
12076 of 2024**

04-03-2026