



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

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THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1959 of 2022

and

CROSS.OBJ SR No. 19747 of 2023

and

CMP Nos.14931 of 2022 & 3980 of 2023

The Branch Manager
National Insurance Co. Ltd.,
Branch Office, Sharadhamma Building,
Byepass Road, Hosur - 635 109,
Krishnagiri District.

..Appellant(s)

Vs

1. J.Sujatha
2. K.Suresh Babu
The Truestee,
The Adhiyaman Educational and Research
Institue (AERI), Dr.MGR Nagar, Hosur,
Krishnagiri District.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 06-09-2018 made in MCOP No.216 of 2017 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge (MACT), Krishnagiri.

For Appellant(s):

Mr.S.Arun kumar

For Respondent(s):

Mr.S.P.Yuaraj for R1

R2- Not ready in Notice.



JUDGMENT

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

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The present appeal has been filed by the Insurance Company challenging quantum of compensation awarded by the Motor Accidents Claims Tribunal, Special Sub Judge (MACT), Krishnagiri, in MCOP No.216 of 2017, dated 06.09.2018.

2. On 23.02.2015 at 2.10 p.m the first respondent/claimant, aged about 35 years, was working as a Coolie in the garden belonging to the second respondent, at that time, the driver of the JCB bearing registration No.TN 70 A 5090, belonging to the second respondent drove the said JCB in a rash, reckless and negligent manner and hit on the first respondent/claimant and caused accident, resulted in causing injuries and fracture on both legs. He filed claim petition invoking Section 166 of Motor Vehicles Act, claiming Rs.1/- crore.

3.The claim petition was contested by the Insurance Company and the owner of the JCB/second respondent. The Tribunal after full enquiry held that the driver of the JCB had caused accident negligently and quantified the compensation and awarded a sum of Rs.42,09,200/- as compensation.

4.Aggrieved by the quantum of compensation awarded by the Tribunal,



the Insurance Company has filed the present appeal.

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5. Heard learned counsel appearing for the appellant/Insurance Company and learned counsel for the first respondent/claimant.

6. The learned counsel for the appellant submitted that the Tribunal had granted Rs.10,00,000/- towards attender charges and Rs.5,00,000/- towards loss of motherhood activities, which is on the higher side. The learned counsel for the appellant raised serious objections for the grant of such compensation.

7. The learned counsel for the first respondent however stated that the claimant has lost her both legs and the percentage of loss of earning capacity had been fixed at 90%. Since both her legs were amputated, she cannot do any work and therefore, the loss of earning capacity should be determined at 100%. He further stated that the amount awarded under the heads of pain and suffering and loss of amenities to be appropriately increased.

8. Having considered the arguments, we are of the opinion that since the claimant had lost both legs, the loss of earning capacity is to be determined as 100% instead of 90%. We would retain the monthly income fixed by the Tribunal i.e., Rs.12600/- which includes future prospects for calculating the loss of earning capacity. With respect to the attender charges, we will reduce the



amount from Rs.10,00,000/- to Rs.5,00,000/-. With respect to pain and sufferings, we would increase the amount from Rs.1,00,000/- to 3,00,000/- and loss of amenities and enjoyment of life from Rs.1,50,000/- to Rs.5,00,000/-.

We would delete the compensation granted under the head loss of motherhood activities since we have increased the compensation under the other heads and we would confirm the compensation granted under the other heads.

9. We would grant the compensation in the following manner:

Loss of earning power :: Rs.22,68,000/-

(Rs.12,600/- x 12 x 100/100 x multiplier - 15)

1. Medical Expenses :: Rs.3,57,000/-

2. Transport Expenses :: Rs. 10,000/-

3. Nutrition Charges :: Rs. 50,000/-

4. Attender Charges :: Rs.5,00,000/-

5. Pain and Sufferings :: Rs.3,00,000/-

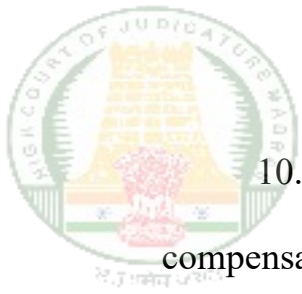
6. Loss of Amenities and

Enjoyment of Life :: Rs.5,00,000/-

7. Damages to clothing and articles :: Rs. 1,000/-

Total :: Rs.39,86,000/-

We are of the view that the interest rate awarded also requires modification and shall be brought down to 7.5% which is reasonable.



10. In the result, the Civil Miscellaneous Appeal is partly allowed. The compensation of **Rs.42,09,200/-** awarded by the Tribunal is hereby reduced to **Rs.39,86,000/-**. The appellant Insurance Company is directed to deposit the reduced compensation of **Rs.39,86,000/-**, 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, claimant is permitted to withdraw the same, along with accrued interest and costs, less the amount, if any already withdrawn by her, by filing necessary application before the Tribunal. No costs.

11. Since, we have considered and granted adequate increase in the conventional heads and also granted 100% towards loss of earning capacity, CMP No.3980 of 2023 filed to condone the delay of 87 days in filing the cross objection need not be considered. Therefore, CMP No.3980 of 2023 stands dismissed, Cross Objection SR No.19747 of 2023 stands rejected and CMP No.14931 of 2022 is closed.

(C.V.K.,J.) (K.R.S.,J.)
08-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Motor Accidents Claims Tribunal,
Special Sub Judge (MACT),
Krishnagiri.



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

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CMA No. 1959 of 2022

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