



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CMA.No.2506 of 2022

Sengottuvel

..Appellant(s)

Vs

1. Manikandan

2. The United India Insurance Co., Ltd,
MO Office, Devasthanapudhur, Rasipuram,
Namakkal District – 637406.

3. The United India Insurance Co., Ltd,
1170, Muthiah Complex, Mettur Road,
Erode – 638011.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, praying to allow the above CMA and enhance the award in the Order dated 15-04-2021 made in MACTOP No.189 of 2018 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge Court, Erode.

For Appellant(s): Mr.C.Paraneedharan

For Respondent(s): R1 – Unclaimed

Mr.D.Bhaskaran, For R2 & R3



JUDGMENT

The present appeal has been filed seeking to enhance the compensation awarded by the learned Special Subordinate Court, Motor Accident Claims Tribunal, Erode, in MCOP.No.189 of 2018 vide order dated 15.04.2021.

2.Mr.C.Paraneedharan, learned counsel for the appellant/claimant, would submit that though the claimant had produced the wound certificate (Ex.P.7) and discharge summaries (Exs.P.8 and P.9) issued by the hospitals, the Tribunal had erred in not awarding a fair compensation, by properly appreciating the evidences before it. He would also submit that the Tribunal has not awarded compensation under the head 'future medical expenses', in spite of the disability suffered by the claimant owing to the accident. Thus, the learned counsel would submit that the claimant had preferred this appeal seeking enhanced compensation.

3.Per contra, Mr.D.Bhaskaran, learned counsel appearing for the respondents 2 and 3/Insurance Companies, submitted that as against the order dated 15.04.2021 made in MCOP.No.189 of 2018, the Insurance Companies have preferred an appeal before this Court in C.M.A.No.2522 of 2021, wherein, despite service of notice on the claimant as well as the 1st respondent herein/owner of the insured vehicle, they failed to appear and remained ex parte. Consequently, the said appeal was disposed of by order dated 04.04.2024, by



confirming the Award of the Tribunal, except for reducing the interest awarded by the Tribunal from 9% p.a. to 7.5% p.a. and also confirming the pay and recovery rights granted to the Insurance Companies. Thus, he would submit that nothing survives for further adjudication in the present appeal.

4.Heard the learned counsel for the claimant and the learned counsel appearing for the Insurance Companies.

5.It is not in dispute that this Court, by its earlier order passed in C.M.A.No.2522 of 2021, dated 04.04.2024, had confirmed the award of the Tribunal dated 15.04.2021 passed in MCOP.No.189 of 2018, by holding that in view of the injuries sustained by the claimant, the Tribunal had awarded a fair and just compensation of Rs.4,06,000/-. When this Court had already confirmed the Award passed by the Tribunal, the claimant will not be justified in seeking enhancement of compensation by way of filing a separate Civil Miscellaneous Appeal. Thus, this Court is of the view that the prayer in the present appeal has become infructuous and accordingly, the Civil Miscellaneous Appeal stands closed.

6.At this juncture, the learned counsel for the appellant/claimant would pray that the claimant may be granted permission to withdraw the entire compensation amount awarded by the Tribunal. The said request is acceded to



by this Court and the claimant is granted permission to withdraw the entire award amount deposited to the credit of MCOP.No.189 of 2018 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge Court, Erode.

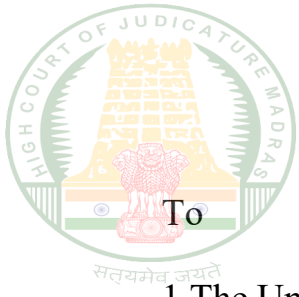
16-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

hvk



To

1.The United India Insurance Co., Ltd,
MO Office, Devasthanapudhur, Rasipuram,
Namakkal District – 637406.

2.The United India Insurance Co., Ltd,
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A.D.JAGADISH CHANDIRA,J.

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