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C.M.A.No.2488 of 2023 and C.M.P. No.23135 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

CORAM

DATED: 11.02.2026

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.**

**C.M.A.No.2488 of 2023 and C.M.P. No.23135 of 2023**

Cholamandalam MS General Insurance

Company Limited,

Dare House, 2nd Floor,

No.2, NSC Bose Road,

Chennai

...Appellant

**Vs.**

1.Singaravel

2.M/s. KEN BIO LINKS PVT. LIMITED

1/150, SLRS Hospital Road,

Kandipedu, Katpadi,

Vellore, North Arcot District.

... Respondents

**Prayer:** This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award dated 10.12.2021 made in M.C.O.P No.361 of 2018 on the file of the Motor Accident Claims Tribunal (Special Subordinate Court), Dharmapuri.

For Appellant : Ms. R. Sree Vidhya

For Respondents : Mr. M. Selvam for R1

R2 – No appearance



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## **JUDGMENT**

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This Appeal is directed against the award dated 10.12.2021 made in M.C.O.P No.361 of 2018 on the file of the Motor Accident Claims Tribunal (Special Subordinate Court), Dharmapuri.

2. Shortly stated, on 06.03.2018 at about 11.30 a.m., when the 1<sup>st</sup> respondent / claimant was riding his two wheeler at Kurusilapattu bus stop near Appavoo Tea stall, a lorry bearing Registration No. TN 23 CH 2257, came in the opposite direction, driven by its driver in a rash and negligent manner, dashed against the 1<sup>st</sup> respondent/claimant, due to which he fell down and sustained mustiple injuries all over his body.

3. The claimant filed the above MCOP claiming compensation of Rs.10,00,000/- for the injuries sustained by him in the said accident.

4. The claim was opposed by the Insurance Company.

5. The Claims Tribunal framed necessary issues and came to the conclusion that the accident took place as alleged and the claimant is entitled

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to claim compensation. A compensation of Rs.1,61,200/- was awarded by the Tribunal after deducting 50% for the claimant's contributory negligence, since it is proved that the claimant was under the influence of alcohol and proceeded in the direction and dashed against the lorry belonging to the 2<sup>nd</sup> respondent herein.

6. Aggrieved by this, the Insurance Company is on appeal. According to the learned counsel for the appellant/Insurance Company, the Tribunal failed to appreciate that there was no evidence to substantiate that the earning capacity of the claimant is affected on a permanent basis and hence, adopting multiplier method and granting a huge sum of Rs.1,44,000/- under the head of 'just compensation' is erroneous. Further, a huge sum of Rs.25,000/- under the head of extra nourishment' has been awarded by the Tribunal, which does not warrant for the injuries sustained by the claimant.

7. On the other hand, the learned counsel for the 1st respondent / claimant would submit that the learned Tribunal, upon considering the facts and circumstances of the case, has awarded just compensation, which warrants any interference by this Court.



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9. The findings of the learned Tribunal regarding the involvement of the vehicle in question and the negligence on the part of the claimant and the driver of the offending vehicle, are not disputed. The claimant has not filed any appeal for enhancement. Even otherwise, after going through the materials on record, the aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere with the above findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

10. Now, the question arises as to whether the Tribunal erred in awarding exorbitant amount of Rs.1,44,000/- under the head of 'just compensation' and Rs.25,000/- under the head of 'extra nourishment'.

11. On a perusal of the Award passed by the Tribunal it is seen that, the Medical Board has assessed the disability of the claim petitioner at 15% partial



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permanent disability. Considering the nature of injuries, this Court is of the view that, awarding a sum of Rs.1,00,000/- under the head of 'just compensation' and a sum of Rs.15,000/- under the head of 'extra nourishment' would be appropriate. The compensation awarded by the Tribunal under the other heads are just and reasonable and the same are confirmed.

12. The following tabular column would show the compensation awarded by the Tribunal and the compensation awarded by this Court.

| S. No. | Description         | Amount awarded by Tribunal (Rs.) | Amount awarded by this Court (Rs.) | Award confirmed/ enhanced/ granted/ set aside |
|--------|---------------------|----------------------------------|------------------------------------|-----------------------------------------------|
| 1.     | Just compensation   | 1,44,000/-                       | 1,00,000/-                         | <b>reduced</b>                                |
| 2.     | Loss of earnings    | 20,000/-                         | 20,000/-                           | confirmed                                     |
| 3.     | Pain and sufferings | 30,000/-                         | 30,000/-                           | confirmed                                     |
| 4.     | Cost of nourishment | 25,000/-                         | 15,000/-                           | <b>reduced</b>                                |
| 5.     | Cost of attender    | 10,000/-                         | 10,000/-                           | confirmed                                     |
| 6.     | Transport expenses  | 8,000/-                          | 8,000/-                            | confirmed                                     |
| 7.     | Loss of clothing    | 1,000/-                          | 1,000/-                            | confirmed                                     |



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|    |                                             |            |                                                                            |                           |
|----|---------------------------------------------|------------|----------------------------------------------------------------------------|---------------------------|
| 8. | Total                                       | 2,38,000/- |                                                                            |                           |
|    | After deducting 50% contributory negligence | 1,19,000/- |                                                                            |                           |
|    | Medical bills                               | 42,200/-   | 42,200/-                                                                   |                           |
|    | Total                                       | 1,61,200/- | 2,26,200/-<br>After deducting 50% contributory negligence<br>Rs.1,13,100/- | Reduced by<br>Rs.48,100/- |

13. In the result,

i.The Civil Miscellaneous Appeal is partly allowed. No costs.

Consequently connected miscellaneous petition is closed.

ii.The quantum of compensation awarded by the Tribunal is scaled down to

Rs.1,13,100/- from Rs.1,61,200/-.

iii.The appellant/Insurance company is directed to deposit a sum of

Rs.1,13,100/- (less the amount already deposited) with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this order, to the credit of M.C.O.P No.361 of 2018 on the file



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of the Motor Accident Claims Tribunal (Special Subordinate Court),

Dharmapuri. The appellant / Insurance Company is at liberty to withdraw the excess amount, deposited by them, over and above the compensation awarded by this court.

iv. On such deposit being made, the 1<sup>st</sup> respondent / claimant is at liberty to withdraw the same after filing a proper petition for withdrawal.

11.02.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Special Sub Judge,

Motor Accident Claims Tribunal, Dharmapuri.

2. The Section Officer, VR Section, High Court, Madras.



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**K.GOVINDARAJAN THILAKAVADI, J.**

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