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C.M.A.No.177 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

C.M.A.No.177 of 2026

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C.M.P.Nos.2049 of 2026

Reliance General Insurance Co. Ltd.,
Rais Towers, 2nd Floor, 2nd Avenue
2054 (Next to GRT Jewellers)
Anna Nagar, Chennai – 600 040

... Appellant

Versus

1. D.Lakshmi
2. Revathi Enterprises
Old No.7/61, New No.1 Vetrivel Nagar
Goldwins, Coimbatore – 641 014

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act,1988 against the judgment and decree dated 05.03.2024 made in M.C.O.P.No.1070 of 2013 on the file of the Motor Accident Claims Tribunal, Special District Court No.1 to deal with MCOP cases, Cuddalore.

For Appellant : Ms.R.Sree Vidhya

For Respondent : Ms.Ramya V Rao for R1
Service awaited for R2



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JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal/ Special District Court No.1 to deal with MCOP cases, Cuddalore dated 05.03.2024 made in M.C.O.P.No.1070 of 2013, the appellant Insurance Company has filed the present appeal.

2. The parties are referred to by their respective ranks before the Tribunal.

3. The brief facts of the case is as follows:

On 15.02.2013, at about 02.30pm, when the injured was travelling as a pillion in a two wheeler bearing Registration No.TN-31-AP-3156, a vehicle bearing Registration No.TN-38-E-6314 owned by the first respondent and insured with the second respondent, driven by its driver in a rash and negligent manner, dashed against the two wheeler in which the injured was travelling due to which he fell down and sustained fracture on the right shoulder, right zygoma bone besides fracture on the 3 to 9 ribs on the right hand side. Initially he was given treatment at Panruti Government Hospital and thereafter, treated as inpatient in Cuddalore Krishna Hospital and JIPMER hospital, Puducherry. According to the injured, he was earning

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a sum of Rs.9000/- through milk vending business and due to the injuries sustained by him, he could not continue his milk vending business.

4. The second respondent Insurance Company filed a counter refuting the manner of accident and stated that the accident had occurred only due to the rash and negligent driving of the motorcycle and sought for dismissal of the claim petition.

5. Before the Tribunal, on the side of the claimants, PW1 was examined and Exs.A1 to A21 were marked and Ex.C1 was marked as Court document. On the side of the second Insurance Company, no witness was examined and no document was marked.

6. The Tribunal, based on the oral and documentary evidence, found that only the offending vehicle was negligent in driving the vehicle and caused the accident. The Tribunal has taken the monthly income of the deceased at Rs.9000/- and by applying the multiplier method, awarded a total compensation of Rs. 14,88,000/-, the details of which are as follows:

1	Loss of Earning	Rs.	5,67,000.00
2	Pain and Suffering	Rs.	2,00,000.00
3	Transportation Charges	Rs.	25,000.00
4	Extra nourishment	Rs.	50,000.00
5	Loss of Amenities	Rs.	2,00,000.00
6	Attendant Charges	Rs.	1,00,000.00



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7	Medical Expenses	Rs.	3,45,370.00
	Total	Rs.	14,87,370.00
	Rounded off to Rs.14,88,000.00		

Aggrieved over the quantum of compensation, the Insurance Company is before this Court.

7. The main contention of the appellant Insurance Company is that in the absence of any evidence, the Tribunal ought not to have awarded a sum of Rs.2,00,000/- each towards loss of amenities and pain and suffering and a sum of Rs.1,00,000/ towards attendant charges. The learned counsel appellant Insurance Company has submitted a working sheet arriving at the quantum of compensation of Rs.11, 87,370/- and submitted that claimant has also agreed for the said compensation amount. The details of compensation arrived at between the parties are as follows:

Sl.No.	Heads	Compensation Amount (Rs.)
1	Disability (Rs.9000/-x12x7x75%)	5,67,000/-
2	Pain and Suffering	1,00,000/-
3	Transportation	25,000/-
4	Extra Nourishment	50,000/-
5	Loss of Amenities	50,000/-



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6	Attender Charges	50,000/-
7	Medical Bills	3,45,370/-
	Total	Rs.11,87,370/-

8. The learned counsel for first respondent has also conceded to the aforesaid submission made by the appellant Insurance Company.

9. In view of the above, this Civil Miscellaneous Appeal is partly allowed. The compensation of Rs.14,88,000/- awarded by the Tribunal is hereby reduced to Rs.11,87,370/- [Rupees Eleven Lakhs Eighty Seven Thousand Three Hundred and Seventy only]. Appellant insurance company is directed to deposit the compensation amount of Rs.11,87,370/- together with proportionate interest and cost, within a period of four weeks from the date of receipt of this judgment. On such deposit, injured is entitled to withdraw the same on due application. No costs.

[N.S.K.,J.] [V.L.N.,J.]
18.02.2026

Index: Yes/No
Neutral Citation: Yes
gpa

To
The Motor Accident Claims Tribunal,
Special District Court No.1 to deal with MCOP cases,
Cuddalore

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