



C.M.A.No.30 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.30 of 2026

and

C.M.P.No.273 of 2026

The Manager,
United India Insurance Company Limited,
Motor Third Party Claims Hub,
Silingi Buildings, No.134,
Greams Road, Chennai – 600 006.
Policy No.1713003120P108425338
Valid from 24.10.2020 to 23.10.2021

... Appellant

Vs.

1.S.Manivannan

2.M/s.Sumeet Urban Services,
(Chennai) V Private Limited,
Represented by Managing Director,
No.34, M.G.R.Street, Besant Nagar,
Chennai – 600 090.

3.L.Sivakumar

... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor

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Accident Claims Tribunal/VI Court of Small Causes, dated 07.03.2025 in
M.C.O.P.No.1796 of 2021.

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For Appellant : Mr.Arunkumar S.

For R1 : Mr.G.Balaji Prasad

J U D G M E N T

(Judgment was delivered by V. LAKSHMINARAYANAN, J.)

The Insurance Company is the appellant. It has challenged the order and decretal order, dated 07.03.2025, in M.C.O.P.No.1796 of 2021 on the file of the Motor Accident Claims Tribunal (VI Court of Small Causes), Chennai.

2.For the sake of convenience, the parties will be referred to as per their ranking before the Tribunal.

3.The case of the claimant was that, on 16.01.2021 at about 07.15 a.m., while he was standing at Ramalingam Nagar and Natesan Nagar West Junction, Virugambakkam, Chennai, a vehicle bearing Registration No.TN-07-CW-1648 dashed against him resulting in serious injuries to his



right leg and hence, he claimed compensation of Rs.49,00,000/-.

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4.Summons were served on the respondents. They filed their counter.

According to them, they denied the accident and stated that the injury had occurred, on account of the negligence, of the claimant and not on account of the rash and negligent manner in which the vehicle was being driven.

5.The claimant examined himself as P.W.1 and marked Exs.P1 to P14.

The Disability Certificate issued by the Medical Board was marked as Ex.C1. No witness was examined nor any document marked on the side of the respondents before the Tribunal.

6.On the analysis of evidence, the learned trial Judge came to the conclusion that the vehicle was driven in a rash and negligent manner and fixed the extent of disability as assessed by the Board at 65%. He applied the multiplier method as directed by the Supreme Court in ***Rajkumar v. Ajaykumar [2011 ACJ 1 (SC)]***. On that basis, the Tribunal awarded a compensation of Rs.22,00,600/- under various heads as follows :



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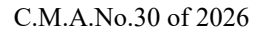
<i>S.No.</i>	<i>Heads</i>	<i>Amount awarded by the Tribunal</i>
1.	Loss of earning capacity	Rs.19,26,600/-
2.	Pain and suffering	Rs.1,00,000/-
3.	Medical expenses	Rs.10,000/-
4.	Attendant charges	Rs.34,000/-
5.	Transportation	Rs.30,000/-
6.	Loss of Income	Nil
7.	Loss of Amenities	Rs.50,000/-
8.	Extra Nourishment	Rs.50,000/-
	Total	Rs.22,00,600/-

Aggrieved by the same, the present Appeal.

7.We heard Mr.S.Arunkumar for the appellant Insurance Company and Mr.G.Balaji Prasad for the contesting respondent (R1)/claimant.

8.The only issue that has been raised by Mr.S.Arunkumar is that, taking the extent of disability at 65% is excessive and that the Tribunal ought to have fixed a lesser percentage.

9.This Court directed the claimant to be present before the Court. We also had the benefit of seeing the extent of injury on the claimant.



11. Insofar as the percentage of disability is concerned, on seeing the claimant, we found that, though injury has been caused, it has not restricted his total mobility. Hence, we are of the view that, if the percentage is reduced to 55%, it would be in the interests of justice. Both the appellant and the 1st respondent are agreeable to the said reduction. In the light of the above, the percentage of disability is reduced to 55%.



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12.Hence, the amount awarded by the Tribunal insofar as the loss of earning capacity alone is reduced to Rs.16,30,200/-. All the other heads of compensation granted by the Tribunal stand confirmed. Accordingly, the total amount of compensation that the 1st respondent/claimant be entitled is Rs.19,04,200/- instead of Rs.22,00,600/-.

13.The appellant is said to have deposited a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) pending the Appeal. The claimant will be entitled to withdraw the said amount, with accrued interest, on filing an appropriate application before the Tribunal. The appellant Insurance Company is directed to deposit the balance amount of Rs.4,04,200/- (Rupees Four Lakhs Four Thousand and Two Hundred only) along with interest for the entire modified Award amount, at the rate of 7.5% p.a., as ordered by the Tribunal and costs, to the credit of M.C.O.P.No.1796 of 2021 before the Tribunal, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the 1st respondent/claimant is permitted to withdraw that amount too on filing necessary application before the Tribunal.



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14.This Civil Miscellaneous Appeal is partly allowed in the aforesaid terms. No costs. Consequently, connected miscellaneous petition is closed.

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(N.S.K., J.) (V.L.N., J.)
18.02.2026

Internet : Yes
Index : Yes / No
Speaking Order / Nonspeaking order
Neutral Citation : Yes

To

1.The VI Judge,
Court of Small Causes,
(Motor Accident Claims Tribunal)
Chennai.

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



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and
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