



C.M.A.No.2580 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	05.02.2026
Pronounced on:	27.03.2026

CORAM

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No.2580 of 2022 and C.M.P. No.20018 of 2022

Branch Manager,
United India Insurance Company Ltd.,
Branch Office No.367, Sri Sugam Complex,
College Road, Paramathi Velur,
Paramathi Velur Taluk.

...Appellant

Vs.

1.P.Mohan
2.N.Tamilarasi

...Respondents

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award passed in M.C.O.P.No.13 of 2019 dated 19.07.2022 on the file of the Sub Court, Motor Accident Claims Tribunal, Paramathi.

For Appellant : Mr. C.Paranthaman

For Respondents : R1 No appearance
R2- Served – No Appearance



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JUDGMENT

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This civil miscellaneous appeal is preferred against the Order passed in M.C.O.P.No.13 of 2019 dated 19.07.2022 on the file of the Sub Court, Motor Accident Claims Tribunal, Paramathi.

2. On 10.12.2016 at about 19.00 hours when the claimant was riding the two wheeler bearing Registration No.TN 28 M 5468 from Namakkal towards Vellore road, a Maruti car bearing Registration No.TN 30 K 3664, driven by its driver in a rash and negligent manner, hit against the claimant's vehicle and caused the accident. In the said accident, the claimant suffered multiple injuries all over the body. Hence, filed the above claim petition claiming a sum of Rs.20,00,000/- as compensation.

3.The Insurance Company resisted the claim of the claimant stating that the alleged accident took place due to the rash and negligent driving of the claimant and also contended that the claimant ought to prove that he possessed valid driving licence during the said accident. Therefore, the insurance company is not liable to pay any compensation to the claimant.



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4. Based on the materials on record, the Tribunal found that the driver of the Maruti car was at fault and ordered the Insurance company to pay the compensation of Rs.7,40,005/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation.

5. Questioning the quantum of compensation awarded by the Tribunal, the Insurance Company has preferred the present appeal.

6. Mr. C. Paranthaman, learned counsel for the appellant/Insurance Company would submit that the Tribunal failed to consider that the claimant was only on medical leave and after the accident, continued the same job and hence awarding compensation for loss of income for 15 months is incorrect and compensation awarded under other heads is not a reasonable one. Hence, the judgment and decree passed by the learned Tribunal is liable to be set aside.

7. Despite notice there is no representation on the side of the respondents.

8. Heard on both sides and records perused.



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9. According to the learned counsel for the appellant, the claimant was on medical leave with salary. A perusal of the evidence of P.W.3 reveals that the claimant was on medical leave and that he was paid for that period. The relevant portion of cross examination of P.W.3 in this regard is extracted hereunder:

“ மனுதாரர் விடுப்பில் இருந்த காலத்தில் மருத்துவ விடுப்பு தான் எடுத்திருந்தார், மருத்துவ விடுப்பு, என்பது சம்பளத்துடன் கூடிய விடுப்பு தான் என்றால் சரி.”

Moreover, the claimant has not produced any statement of account to rebut the contention of the appellant, to establish that he was not paid salary during the relevant period.

10. In view of the above, awarding a sum of Rs.3,15,585/- by the Tribunal towards loss of income is unsustainable and hence the same is set aside. Compensation awarded by the Tribunal under all the other heads are just and reasonable.

11. Therefore, this Court finds it reasonable to modify the compensation as under:



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S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Partial Permanent Disability	1,75,000/-	1,75,000/-	Confirmed
2.	Pain and Suffering	1,00,000/-	1,00,000/-	Confirmed
3.	Extra Nourishment	25,000/-	25,000/-	Confirmed
4.	Loss of Income	3,15,585/-	-	Set aside
5.	Loss of amenities	25,000/-	25,000/-	Confirmed
6.	Attender charges	25,000/-	25,000/-	Confirmed
7.	Loss of Clothes	5,000/-	5,000/-	Confirmed
8.	Medical Expenses	49,420/-	49,420/-	Confirmed
9.	Transport Charges	20,000	20,000/-	Confirmed
	TOTAL	7,40,005/-	4,24,420/-	Reduced by Rs.3,15,585/-

12.The Civil Miscellaneous Appeal is partly allowed. No costs.
Consequently connected miscellaneous petition is closed.

i.The quantum of compensation awarded by the Tribunal is scaled down to Rs.4,24,420/- from Rs.7,40,005/-.

ii.The appellant/Insurance company is directed to deposit a sum of Rs.4,24,420 /- with interest at the rate of 7.5% per annum from the



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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.13 of 2019 on the file of the Motor Accident Claims Tribunal, Sub Court, Paramathi. The appellant / Insurance Company is at liberty to withdraw the excess amount, deposited by them, over and above the compensation awarded by this court.

iii. On such deposit being made, the 1st respondent is at liberty to withdraw the same with costs and interest, after filing a proper petition for withdrawal.

.03.2026

vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Sub Court, Motor Accident Claims Tribunal, Paramathi.

2. The Section Officer,

VR Section,

High Court, Madras.

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K.GOVINDARAJAN THILAKAVADI, J.

vsn

Pre-delivery Judgment made in

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