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C.M.A.No.240 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2026

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THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

**C.M.A.No.240 of 2026
& C.M.P.No.2930 of 2026**

The Divisional Manager
Oriental Insurance Co. Ltd.,
Jambu Bala Complex
Arcot Road, Vellore

... Appellant

Versus

1. Vinothini
2. Senthilvadivu

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the award dated 23.06.2025 made in M.C.O.P.No.107 of 2025 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Vellore.

For Appellant : Mr.S.Arunkumar

For Respondents : Mr.M.Sivakumar for R1



JUDGMENT

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

Challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, the Insurance Company is before us by way of above appeal.

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

On 16.11.2018 at about 06.30 pm, when the claimant was travelling as a pillion rider in a motor cycle bearing Registration No.TN 18 V 3000 on the Walajapettai MBT Road, a Yamaha Motorcycle bearing Registration No.TN 73 AA 5764 came in a rash and negligent manner in the opposite direction dashed against the vehicle in which the claimant was travelling, as a result of which the claimant suffered head injury, right leg femur fracture and facial bones fractures and immediately she was taken to Walaja Government Hospital for first aid and later admitted at CMC Hospital. In this regard, a case has also been registered in Cr.No.694 of 2018. Hence, The claimant filed a claim petition before the Motor Accident Claims Tribunal seeking compensation.



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3. On the side of the claimant, claimant herself was examined as PW1

and Exs.P1 to P16 were marked and Ex.C1 was marked as Court document.

On the side of the Insurance Company, no witness was examined and no document was marked.

4. The Tribunal, after appreciation of oral and documentary evidence, particularly Ex.P2 discharge summary and disability assessed by the Medical Board, has held that as the claimant suffered head injury and is suffering from psychological cognitive impairment, which would impact memory, attention, perception and thinking, fixed the functional disability at 100% and awarded the compensation as follows:

SI.No.	Head	Amount Rs.
1	Loss of Earning	60,000/-
2	Transportation Expenses	15,000/-
3	Extra Nourishment	20,000/-
4	Attender Charges	15,000/-
5	Pain and Sufferings	20,000/-
6	Compensation for continuing permanent disability	25,50,000/-
	Medical Bills	4,88,403/-
	Total	31,68,403/-



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Aggrieved by the fixation of 100% functional disability, the Insurance Company has filed the present appeal.

5. The learned counsel appearing for the appellant Insurance Company would submit that though the Medical Board has assessed only 45% functional disability, the Tribunal fixed 100% without any evidence on record. The learned counsel would further submit that they are ready to pay a sum of Rs.10,000/- per percentage of disability if the functional disability is fixed at 45%.

6. The learned counsel appearing for the respondent would submit that the respondent/claimant would be satisfied if reasonable compensation is awarded by fixing the functional disability at 45%.

7. We have perused the entire materials available on record.

8. The Tribunal, while awarding compensation, took the disability as 100%. Admittedly, the Medical Board has assessed the functional disability of claimant at 45%. There is no dispute with regard to fixation of Rs.10,000/- per month as national income of the injured and the dispute is only with regard to adopting the multiplier. The tribunal has fixed 100% functional disability on the ground that as the claimant has suffered head



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injury, which would impact memory, attention, perception and thinking and it can lead to difficulties in communication.

9. It is relevant to note that absolutely there is no evidence whatsoever on record to arrive at such a finding though the discharge summary indicates that the injuries suffered by the petitioner had impacted memory, perception and thinking ability of the claimant. Therefore, in the absence of any evidence, fixing 100% functional disability in our view is incorrect. The learned counsel appearing for the respondent also fairly submits that if 45% functional disability is taken into account and reasonable compensation is awarded, the same will meet the ends of justice. However, considering the injuries suffered by the claimant, we are of the view that the compensation awarded by the Tribunal under heads pain and suffering and attendant charges requires enhancement and accordingly, we award Rs.50,000/- each under the heads pain and suffering and attendant charges. Accordingly, the compensation awarded by the tribunal is modified as follows:

Sl.No.	Head	Amount Rs.
1	Loss of Earning	Nil
2	Transportation Expenses	15,000/-
3	Extra Nourishment	20,000/-



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4	Attender Charges	50,000/-
5	Pain and Sufferings	50,000/-
6	Compensation for continuing permanent disability {(10000 x 12 x 17) + 40% x 45%}	12,85,200/-
	Medical Bills	4,88,403
	Total	19,08,603/-

10. In the result, this Civil Miscellaneous Appeal is allowed and appellant Insurance Company is directed to deposit the compensation amount of Rs.19,08,603/- together with proportionate interest, less the amount already deposited, within a period of four weeks from the date of copy of this judgment. On such deposit, respondent/claimant is permitted to withdraw the same by filing suitable application before the Tribunal. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

[N.S.K.,J.] [R.S.V.,J.]
12.02.2026

Index: Yes/No
Neutral Citation: Yes/No
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To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate Court, Vellore

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