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.3680 of 2025
and
C.M.P.Nos.30668 of 2025 & 4538 of 2026

The Manager,
M/s.Bajaj Allianz General Insurance Co. Ltd.,
Isana Kattima Building, No.497/498, 5th Floor,
Poonamallee High Road, Arumbakkam,
Chennai – 106.
Policy No.OG-13-1521-1801-00000501
Valid from 08.07.2012 to 07.07.2013 ... Appellant

Vs.

1.M.Bharathkumar
2.S.Varadharajan ... Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor Accident Claims Tribunal/VI Court of Small Causes, dated 05.08.2025 in M.C.O.P.No.204 of 2014.

For Appellant : Mr.S.Arun Kumar

For R1 : Mr.T.Kannan

For R2 : No appearance

JUDGMENT

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

Challenging the Award passed by the Motor Accident Claims Tribunal/VI Court of Small Causes, Chennai (hereinafter referred to as "the Tribunal" for brevity), dated 05.08.2025, in M.C.O.P.No.204 of 2014, the above Civil Miscellaneous Appeal has been filed by the Insurance Company.

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

3.Brief facts of the case are as follows :

On 17.02.2013 at about 11.00 p.m., when the claimant was riding his two-wheeler bearing Registration No.TN-04-AJ-4487 from Santhome to Parrys, proceeding from South to North, a Mahindra Scorpio Car bearing Registration No.TN-03-C-1188, belonging to the 2nd respondent herein and insured with the appellant herein, came from the backside of the claimant in a rash and negligent manner and dashed against the claimant's two wheeler, resulting in the claimant sustaining grievous injuries. Hence, the claimant filed the claim petition in M.C.O.P.No.204 of 2014 before the Tribunal, claiming a compensation of Rs.50,00,000/-.

4.Before the Tribunal, the 1st respondent herein remained *ex parte*.

5.The 2nd respondent herein filed a counter denying the involvement of the Car in the accident, besides disputing the negligence aspect. It is their contention that the amount claimed by the claimant is exorbitant.

6.On the side of the claimant, P.W.1 to P.W.3 were examined and Exs.P1 to P21 were marked. On the side of the respondents before the Tribunal, R.W.1 was examined and Ex.X1 was marked. Apart from that, the disability certificate of the claimant issued by the Medical Board was marked as Ex.C1.

7.The Tribunal, on appreciation of the evidence and materials on record, found that the negligence was on the part of the driver of the offending vehicle (Car). While fixing the compensation, the trial Court, taking note of the fact that the claimant suffered 61% disability in leg as per Ex.C1, adopted multiplier method as directed by the Hon'ble Supreme Court in *Rajkumar v. Ajaykumar [2011 ACJ 1 (SC)].* On that basis, the Tribunal awarded a compensation of Rs.49,34,668/- towards loss of earning capacity. Besides, the Tribunal also awarded compensation under various other heads as follows :

S.No.	***Heads***	***Amount awarded by the Tribunal***
1.	Loss of earning capacity	Rs.49,34,668/-
2.	Pain and suffering	Rs.1,00,000/-
3.	Medical expenses	Rs.18,40,000/-
4.	Attendant Charges	Rs.24,400/-
5.	Transportation	Rs.15,000/-
6.	Loss of Amenities	Rs.7,000/-
7.	Extra Nourishment	Rs.7,000/-
	Total	**Rs.69,28,068/-**

Accordingly, the Tribunal awarded a total compensation of Rs.69,28,068/- and fixed the liability on the appellant Insurance Company/insurer of the offending Vehicle (Car).

8.Aggrieved by the Award passed by the Tribunal, the insurer of the offending vehicle has filed the above Appeal.

9.The main contention of the learned counsel for the appellant Insurance Company before us is that the injury suffered by the claimant has only resulted in removal of his right toe and there is no permanent disability. According to him, there is no evidence to show that there is a loss of earning capacity.

10.The appellant has also taken out an application to receive the Income Tax Returns of the claimant for the Assessment Years 2014-15, 2016-17, 2017-18, as additional evidence. According to the learned counsel for the appellant, even as per the Income Tax Returns, the income of the claimant has increased every year and there is no decrease in income, and therefore, the Tribunal, adopting the multiplier method, is not according to law and the amount awarded towards loss of earning capacity is exorbitant and needs interference. However, he would submit that, considering the nature of injury and toe has been removed completely, a lumpsum amount of

Rs.10,00,000/- can be fixed towards disability and insofar as the other heads are concerned, this Court can fix a total compensation upto a maximum of Rs.35,00,000/-.

11.Learned counsel appearing for the 1st respondent/claimant has no serious quarrel over the submissions of the learned counsel for the appellant and there is no serious objection for receiving the documents as additional evidence, since the documents sought to be filed are the Income Tax Returns filed by the claimant himself.

12.Since there is no objection on the side of the claimant, as the documents are admitted documents, no oral evidence is required on both sides for marking these documents. Accordingly, **the petition in C.M.P.No.4538 of 2026 is allowed** and the documents are taken on record and marked on the side of the appellant as follows :

S.No.	***Documents***	***Marked as***
1.	Income Tax Returns of the claimant for the year 2014-2015	Ex.X2
2.	Income Tax Returns of the claimant for the year 2015-2016	Ex.X3
3.	Income Tax Returns of the claimant for the year 2016-2017	Ex.X4

13.We had the benefit of seeing the claimant/injured. In fact, the right toe alone has been amputated and rest of the leg is functioning. Though 61% disability is noted by the Medical Board, we are of the view that the disability is not in the form of creating loss of earning capacity to the injured. Further, the additional evidence filed before us, namely, the Income Tax Returns of the claimant after the accident, also clearly indicate that there was no decrease in the income of the injured due to the injuries suffered by him and in fact, there is an increase in his income for three consecutive years. The Income Tax Returns shows that, in fact, the business has increased and the income has also increased. Therefore, the finding of the Tribunal awarding a sum of Rs.49,34,668/- towards loss of earning capacity, is set aside.

14.However, on seeing the claimant, it is clear that the claimant is not in a position to use his right foot as a regular person. Hence, considering the gravity of the injury suffered by him, we are of the view that, if a consolidated amount of Rs.10,00,000/- is awarded towards disability, it would serve the interests of justice. Further, in view of the gravity of the injury suffered by him, the amount of Rs.1,00,000/- awarded towards pain and suffering is enhanced to Rs.4,06,600/-. We are also of the view that the injured would incur future medical expenses and hence, a sum of Rs.5,00,000/- is awarded towards future medical expenses.

15.Accordingly, the Award is modified as follows :

Sl. Nos.	***Heads under which compensation is awarded***	***Amount awarded by the Tribunal***	***Amount awarded by this Court***	***Enhanced/ Confirmed/ Set aside***
1.	Loss of earning capacity	Rs.49,34,668/-	-	Set aside
2.	Disability	-	Rs.10,00,000/-	Added
3.	Pain and suffering	Rs.1,00,000/-	Rs.4,06,600/-	Enhanced
4.	Medical expenses	Rs.18,40,000/-	Rs.18,40,000/-	Confirmed
5.	Future medical expenses	-	Rs.5,00,000/-	Added
6.	Attendant charges	Rs.24,400/-	Rs.24,400/-	Confirmed
7.	Transportation	Rs.15,000/-	Rs.15,000/-	Confirmed
8.	Loss of Amenities	Rs.7,000/-	Rs.7,000/-	Confirmed
9.	Extra Nourishment	Rs.7,000/-	Rs.7,000/-	Confirmed
	Total	**Rs.69,28,068/-**	**Rs.38,00,000/-**	

16.In fine, the total compensation awarded by the Tribunal is reduced to Rs.38,00,000/- (Rupees Thirty Eight Lakhs only). Accordingly, this Civil Miscellaneous Appeal is partly allowed and the Award of the Tribunal stands modified to the extent above. Rest of the Award of the Tribunal shall remain intact.

17.It is submitted that the entire Award amount has already been deposited by the appellant Insurance Company. It is made clear that the 1st respondent/claimant is entitled only to the modified Award of Rs.38,00,000/- as stated above along with interest at the rate of 7.5% p.a. as ordered by the Tribunal, with costs. Hence, the appellant Insurance Company is directed to file an appropriate application for refund of excess amount deposited by them. On such application being made, the excess amount deposited by the appellant shall be refunded to them, less costs. The 1st respondent/claimant is permitted to withdraw the modified Award amount of Rs.38,00,000/- along with interest and costs as fixed by the Tribunal, on making appropriate application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

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

mkn

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.

N. SATHISH KUMAR, J.
and
V. LAKSHMINARAYANAN, J.

mkn

C.M.A.No.3680 of 2025

18.02.2026