



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1916 of 2026

and

C.M.P.No.15121 of 2026

The Manager, TATA AIG General
Insurance Company Limited,
Regd. Office, 15th Floor,
Tower A, Peninsula Business Park,
Ganapatrao Kdam Marg,
Lower Parel, Mumbai 400 013.
Branch office at 1st Floor,
GSN Arcade, Beside Vemala Kalyanamandapam,
Byepass Road, Hosur 635 109.

..Appellant

Vs

1. Rajiv Gandhi
S/o.Kuppusamy
2. M/s.Bajaj Handlooms
rep by its Managing Director/Proprietor,
Owner of the Toyota Car,
Office at No.07,
Srinivasa Manddiram Lane,
2nd Cross, Balepet, Bangalore,
Karnataka - 560 053.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the fair and decretal order dated 02.01.2025 made in MCOP No.1132 of 2021 on the file of Motor Accident Claims Tribunal, Additional Subordinate Court, Krishnagiri.

For Appellant : Mr.Vinod K
For Respondents : Mr.S.P.Yuvaraj [R1]
Mr.A.G.Janarthanam [R2]



JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Additional Subordinate Court, Krishnagiri, passed in M.C.O.P.No.1132 of 2021 dated 02.01.2025.

2. The first respondent is the claimant. The case of the claimant is that on 05.12.2019, when the claimant was riding pillion in a two wheeler, which was proceeding in the Hosur-Krishnagiri National Highways, the offending vehicle belonging to the first respondent was driven in a rash and negligent manner and hit the two wheeler and as a result of which the claimant sustained grievous injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.3,74,563/- under various heads as follows:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Partial Permanent Disability	1,75,000/-
2.	Pain and Sufferings	50,000/-



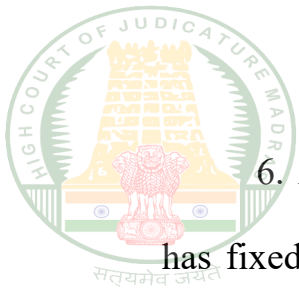
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Sl.No.	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
3.	Loss of amenities	40,000/-
4.	Medical expenses	52,563/-
5.	Temporary loss of income	36,000/-
6.	Attender charges	10,000/-
7.	Transport charges	5,000/-
8.	Extra nourishment	6,000/-
9.	Future medical expenses	-
	Total	3,74,563/-

The above compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the insurance company has filed the present appeal questioning the quantum of compensation fixed by the Tribunal.

4. Heard learned counsel for appellant and learned counsel for respondents.

5. The main ground urged by learned counsel for appellant is that the claimant had only sustained simple injuries such as right clavicle fracture, however, a high percentage was assessed by the Medical Board and it was fixed at 35%. It was further submitted that the Tribunal went wrong in fixing a high compensation under the head 'pain and sufferings' and 'loss of amenities' without any basis.



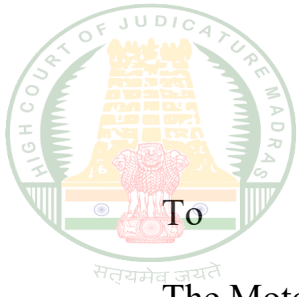
6. *Per contra*, learned counsel for claimant submitted that the Tribunal has fixed a fair compensation, which does not require the interference of this Court.

7. In the considered view of this Court, the Tribunal had only adopted the percentage method and considering the fact that the accident had taken place in the year 2019, the Tribunal had fixed only a sum of Rs.5,000/- per percentage. Considering the compensation fixed under other heads, this Court finds that the compensation determined by the Tribunal is very balanced and fair. Hence, this Court is not inclined to interfere with the award passed by the Tribunal.

In the light of the above discussion, this appeal is dismissed. The appellant insurance company is directed to deposit the compensation of Rs.3,74,563/- together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four (4) weeks from the date of receipt of this judgment. On such deposit, the first respondent/claimant is entitled to withdraw the same on due application. No costs. Consequently, connected miscellaneous petition is closed.

29-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm



To

The Motor Accident Claims Tribunal,
Additional Subordinate Court,
Krishnagiri.



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N.ANAND VENKATESH, J.

gm

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