

C.M.A(MD)No.684 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)No.684 of 2026
and
CMP.(MD).No.7091 of 2026**

M/s. Reliance General Insurance Company,
2nd Floor, PL.A. Kanagu Towers,
15, A Thillainagar, Main Road,
11th Cross, Trichy-620 018.

... Appellant

Vs.

1.S.Sheik Abdullah @ S.Sheik Mohammed

2.Susila

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the order passed by the Motor Accident Claim Tribunal / Subordinate Court, Manapparai in MCOP.No. 151 of 2021 dated 26.09.2025 and allow this appeal.



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For Appellant : Mr.M.Jerin Mathew

For R-1 : Mr.N.Sudhagar Nagaraj

J U D G M E N T

**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal / Subordinate Court, Manapparai in M.C.O.P.No.151 of 2021 dated 26.09.2025.

2. The first respondent is the claimant in this case. The case of the claimant is that he was travelling as a pillion rider in a two-wheeler on 12.11.2020 and at about 12.30 hours, when the two-wheeler was proceeding from North to South at Thuvrankurichi Bye-pass road, the offending vehicle which was coming in the same direction, was driven in a rash and negligent manner and it hit the two-wheeler on the rear side, as a result of which, the rider and the pillion rider were thrown out of the two-wheeler. The claimant sustained the following injuries:

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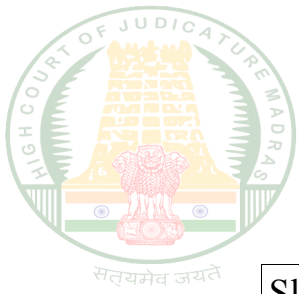
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- “1.Femur Shaft Fracture;
2.Tibia Plateau Fracture;
3.Open Grade III Distal Tibia and Fibula Fracture;
4.Post Traumatic Stiffness Right Hip, Knee, Ankle:
5.Pubic Diastasis.”

It is under these circumstances, the present 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.

4. Having rendered the above said finding, the Tribunal proceeded to fix the total compensation at Rs.39,00,387/- (Rupees Thirty Nine Lakhs Three Hundred and Eighty Seven only) under the following heads:



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Sl. No.	Head		Amount
1.	Loss of Functional Disability (60%)	Rs.	23,40,000/-
2.	Pain and Sufferings	Rs.	1,00,000/-
3.	Extra Nourishment	Rs.	50,000/-
4.	Attender Charges	Rs.	20,000/-
5.	Medical Expenses	Rs.	13,35,387/-
6.	Transportation Expenses	Rs.	25,000/-
7.	Loss of Amenities	Rs.	30,000/-
	Total	Rs.	39,00,387/-

The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

5. The Tribunal, on considering the fact that the driver of the offending vehicle did not possess a valid driving license, ordered for pay and recovery. Aggrieved by the same, the present appeal has been filed before this Court by the Tribunal.



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6. The learned counsel appearing for the appellant / Insurance Company submitted that the driver of the offending vehicle did not possess a valid driving license and therefore, there is a policy violation and that the Tribunal ought not to have ordered for pay and recovery. The learned counsel also questioned the quantum of compensation fixed by the Tribunal in this case. The learned counsel submitted that the Tribunal did not independently apply its mind in order to ascertain as to whether the claimant actually suffered from any functional disability. Therefore, it is contended that the Tribunal went wrong in applying the multiplier method and fixing the compensation under the head of functional disability.

7. Per contra, the learned counsel appearing for the first respondent submitted that the Tribunal has appreciated the evidence and found that the entire negligence is attributable to the driver of the offending vehicle. It is submitted that the driver of the offending vehicle not having a driving license cannot be put against the claimant and the



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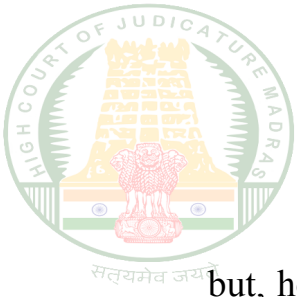
Tribunal had rightly applied the pay and recovery principle. The learned counsel further submitted that the Tribunal has fixed just compensation in this case and it does not warrant the interference of this Court. Therefore, the learned counsel sought for the dismissal of this case.

8. We have considered the submissions made on either side and the materials available on record.

9. This Court has also carefully gone through the award passed by the Tribunal.

10. Insofar as the first issue touching upon the liability is concerned, the issue is squarely covered by the judgment of the Hon'ble Apex Court in the case of *National Insurance Co. v. Swaran Singh*, 2004 (3) SCC 297.

11. Coming to the issue of compensation, it is contended on the side of the appellant that the Medical Board has assessed 60% disability,



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but, however, the Tribunal independently ought to have considered as to whether the claimant suffered from any functional disability.

12. The Tribunal has taken into consideration the fact that the claimant was a Cook by avocation. The Tribunal also considered the nature of injuries that were sustained by the claimant and the disability that was ascertained by the Medical Board. A factual finding was rendered by the Tribunal to the effect that the claimant will not be able to do his day to day work without the help of others and therefore, he certainly suffered from functional disability. Therefore, the Tribunal proceeded to apply the multiplier method. We do not find any perversity in the said finding rendered by the Tribunal.

13. Insofar as the quantum fixed by the Tribunal is concerned, we find it to be just and proper and it does not warrant the interference of this Court.



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14. In the result, the award passed by the Motor Accident Claims Tribunal / Subordinate Court, Manapparai in M.C.O.P.No.151 of 2021 dated 26.09.2025 is upheld and there shall be a direction to the appellant / Insurance Company to deposit the entire compensation along with the accrued interest to the credit of M.C.O.P.No.151 of 2021 before the Motor Accident Claims Tribunal / Subordinate Court, Manapparai. within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the first respondent is entitled to withdraw the same.

15. Accordingly, this Civil Miscellaneous Appeal stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

[N.A.V., J.]

[K.K.R.K., J.]

12.06.2026

NCC :Yes/No
Index :Yes/No
TSG



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To

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1.The Motor Accident Claims Tribunal / Subordinate Court, Manapparai.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court, Madurai.



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