

C.M.A(MD)No.610 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 03.06.2026

Pronounced on : 24.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.610 of 2026

and

C.M.P.(MD)No.6211 of 2026

1.Chola MS General Insurance Company Limited,
through its Branch Manager,
Office at Papu Plaza Ground Floor, No.112 A,
Palayamkottai Road West,
Tuticorin, Tuticorin District.

2.Chola MS General Insurance Company Ltd.,
through its Divisional Manager,
Having office at No.16, Tiruchendur Road,
Palayamkottai Taluk,
Tirunelveli District 627 002.

: Appellants

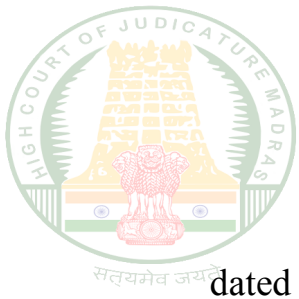
Vs.

1.Manikandan

2.Muthu

: Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award passed in M.C.O.P.No.1432 of 2024,



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dated 05.01.2026, on the file of the Special Sub Court / Motor Accident Claims Tribunal, Tirunelveli.

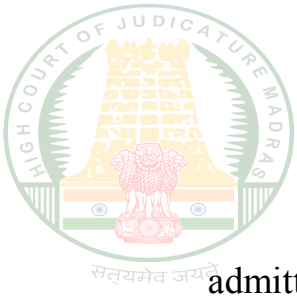
For Appellants : Mr.C.Vakeeswaran.

J U D G M E N T

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.1432 of 2024, dated 05.01.2026, on the file of the Special Sub Court / Motor Accident Claims Tribunal, Tirunelveli.

2. The appellants/Insurer, who were made liable to pay compensation of Rs.2,32,247/- with interest and costs to the first respondent/claimant for the disability sustained by him, consequent to an occurred on 17.03.2024, challenged the liability fastened on it and the quantum of compensation awarded at by the Tribunal.

3. The learned counsel appearing for the appellants/insurers would contend that the first respondent, while riding the motorcycle, had consumed alcohol and drove the vehicle in an intoxicated state; that the insurers have adduced evidence to establish that the first respondent was



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admitted to the hospital with a smell of alcohol on his breath; that the jurisdictional police, after investigation, filed a charge sheet alleging commission of the offence under Section 185 of the Motor Vehicles Act, and that the first respondent was accordingly prosecuted; that the Tribunal failed to give due weight to the above materials; and that, in view of the breach of the policy conditions, the Tribunal ought to have applied the doctrine of pay and recovery.

4. It is pertinent to note that the Tribunal, upon an appreciation of the evidence available on record, rendered a categorical finding that the insurers had successfully established that the first respondent had ridden the motorcycle after consuming alcohol at the time of the accident, thereby violating the terms and conditions of the insurance policy as well as the provisions of the Motor Vehicles Act. On the basis of the said finding, the Tribunal applied the doctrine of pay and recovery and directed respondents 2 and 3/insurers to satisfy the award in the first instance and thereafter recover the compensation amount from the first respondent.



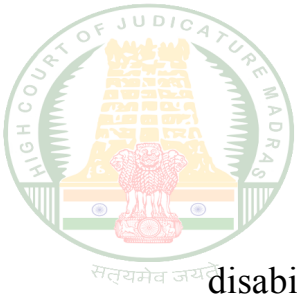
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5. The learned counsel for the appellant would then contend that though the claimant suffered simple injury, the Tribunal has awarded Rs.70,000/- towards disability compensation, which is on higher side. The learned counsel would further submit that the Tribunal, without any basis, has awarded a sum of Rs.13,500/- towards loss of income and Rs.68,747/- towards medical expenses.

6. He would further submit that awarding Rs.40,000/- for pain and sufferings; Rs.10,000/- for loss of convenience and loss of amenities; Rs.10,000/- towards attendant charges, Rs.10,000/- towards transportation expenses and Rs.10,000/- towards extra nourishment are also on higher side and that therefore, the total compensation awarded at Rs.2,32,247/- is liable to be interfered with.

7. It is evident from the records that the petitioner suffered bone injuries in left leg and CRIF with IMIC tibia nail procedure were done. Moreover, the Medical Board, upon examining the claimant assessed the disability at 7%. The Tribunal considering the evidence available on record has come to a decision that the claimant has not suffered any functional



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disability and taking note of the nature of injury and disability sustained, decided to adopt the percentage method.

8. The Tribunal taking note of the decision of this Court in ***M.Revanth Kumar Vs M/s.Sun-X-Concrete India Private Limited and another*** in C.M.A(MD)No.13 of 2025, dated 10.01.2025, has awarded Rs.10,000/- per percentage of disability and on that basis, awarded a sum of Rs.70,000/- towards disability compensation. Considering the above, the said finding cannot be found fault with.

9. The claimant, in his claim petition and evidence has stated that he was working as mason and was getting monthly income at Rs.24,000/-. Though the claimant has not produced any evidence to prove the income, the Tribunal, taking note of the fact that the labour could earn at least Rs. 450/- per day, fixed the monthly income at Rs.13,500/- and taking note of the period of treatment awarded Rs.13,500/- for loss of income and the same also cannot be faulted.



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10. The claimant has produced the Medical bills under Ex.P.8 and only on that basis, the Tribunal has awarded Rs.68,747/- towards medical expenses. It is not the case of the appellant that they have raised objections with regard to the genuineness of the bills or its contents before the Tribunal.

11. Considering the nature of injuries and consequent disability sustained, period of treatment and other attending circumstances, awarding of Rs.40,000/- for pain and sufferings; Rs.10,000/- for loss of convenience and loss of amenities, damages of clothes and articles; Rs.10,000/- towards attendant charges; Rs.10,000/- towards transportation charges and Rs.10,000/- for extra nourishment are very much reasonable and the same cannot be said to be on higher side. Consequently, granting of total compensation at Rs.2,32,247/- is reasonable and cannot be said to be excessive and therefore, the same does not warrant any interference.

12. The appellant has not shown any other reason or ground to impugn the award. Consequently, this Court concludes that the Civil Miscellaneous Appeal is devoid of merits and the same is liable to be dismissed.



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13. In the result, the Civil Miscellaneous Appeal is dismissed and award dated 05.01.2026 passed in M.C.O.P.No.1432 of 2024, dated 05.01.2026, on the file of the Special Sub Court / Motor Accident Claims Tribunal, Tirunelveli, is confirmed. The appellants/Insurance Company are directed to deposit the entire award amount with interest at 7.5% per annum from the date of petition till the date of realization to the credit of M.C.O.P.No.1432 of 2024, dated 05.01.2026, on the file of the Special Sub Court / Motor Accident Claims Tribunal, Tirunelveli, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment and recover the same from the second respondent/first respondent and on such deposit, the claimant is permitted to withdraw the award amount with interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. The parties are directed to bear their own costs. Consequently, connected Miscellaneous Petition is closed.

24.06.2026

NCC : Yes/No

Index : Yes/No

Internet : Yes/No
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K.MURALI SHANKAR,J.

das

To

- 1.The Special Sub Court / Motor Accident Claims Tribunal,
Tirunelveli.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Pre-delivery order made in
C.M.A(MD)No.610 of 2026
and
C.M.P.(MD)No.6211 of 2026

24.06.2026