

C.M.A(MD)No.1555 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2026

CORAM:

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

C.M.A(MD)No.1555 of 2024
and CMP (MD) No.16265 of 2024

M/S.United India Insurance Company limited
through its Branch Manager
Xavier Building PWD Office Road
Nagercoil Kanyakumari District

Appellant

Vs

1.Amala Dass
S/o.Lowbred
No.4/167 Xavier Colony
Keela Managudi
Thenthamaraikulam Village,
Managudi Post, Agadeswaram Taluk
Kanyakumari District

2.Moses Alexander

3.Lingam

4.M/s.Balaji Allianz General Insurance
Through its Branch Manager
No.215 DDJ Center
Vadachery, Nagercoil
Agasdeswaram Taluk
Kanyakumari District

Respondents.

1/8



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Prayer: Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Tribunal of MACT Principal Sub Court, Nagercoil made in M.C.O.P.No.38 of 2018 dated 03.11.2023.

For Appellant(s): Mr.B.Rajesh Saravanan

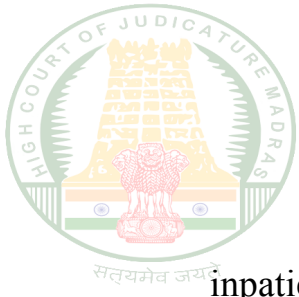
For Respondent(s): Mr.D.Senthil for R1

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 Principal Sub Court, Dindigul in M.C.O.P.No.38 of 2018 dated 03.11.2023.

2. The first respondent is the claimant. The case of the first respondent is that on 14.08.2016, at about 8.00 a.m., the claimant along with his friend were travelling in a two wheeler to Sahaya Madha Church from Keelamanakudi to Vazhukkamparai, at that time, the auto driven by the 2nd respondent in a rash and negligent manner dashed the two wheeler of the first respondent/claimant and as a result of which, the first respondent/claimant sustained grievous injuries and was admitted as an



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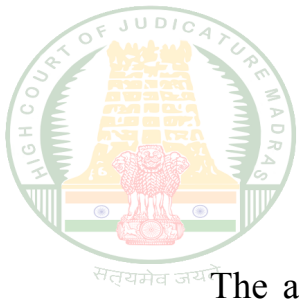
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inpatient. An FIR came to be registered for offences under Sections 279, 337 and 338 IPC. Since the bones and muscles were crushed in his right leg, his right leg was amputated. It is under these circumstances, the claim petition came to be filed before the tribunal.

4. 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 due to the rash and negligent driving on the part of the driver of the offending vehicle.

5. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

Head	Amount
Disability and loss of income	Rs. 33,75,000/-
Medical expenses	Rs. 7,88,800/-
Future medical expenses	Rs. 6,00,000/-
Pain and sufferings	Rs. 1,00,000/-
Attendant charges	Rs. 1,00,000/-
Extra nourishment	Rs. 25,000/-
Total	Rs.48,88,800/-



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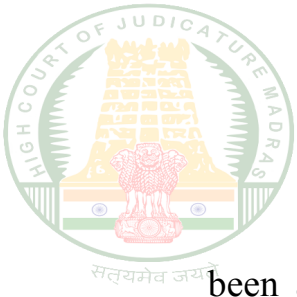
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The above compensation amount of Rs 48,88,800/- was directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization. However, considering the fact that the driver of the offending vehicle did not possess a valid permit, pay and recover was ordered.

6. The learned counsel for the appellant questioned the compensation fixed by the tribunal on two grounds:

(i) The first ground is that the claimant did not appear before the medical board and the tribunal proceeded to fix the disability based on Ex.P17 and came to a conclusion that there is a functional disability of 100% and applied multiplier method. The learned counsel submitted that this procedure adopted by the tribunal is not sustainable and

(ii) The next ground raised is that the tribunal while fixing the compensation under the head of future medical expenses took into consideration Ex.P16, wherein, only a sum of Rs.1,00,000/- was fixed towards fixing of artificial limb to the injured. However, an exorbitant amount of Rs.3 lakhs has been fixed and a further sum of Rs.2 lakhs has



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been added towards future medical expenses. It is contended that the same is not sustainable.

7. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.

8. Insofar as the first issue is concerned, the claimant admittedly is a fisherman. Due to the accident, he suffered amputation of right leg below knee. Hence, considering the avocation of the claimant, the tribunal has rightly fixed 100% functional disability since the claimant will not be able to go into the sea. Therefore, the multiplier method adopted by the tribunal is perfectly in order.

9. Insofar as the future medical expenses is concerned, there was no material to add a sum of Rs.2 lakhs towards future medical expenses. Therefore, this Court is inclined to interfere only insofar as addition of Rs.2 lakhs towards future medical expenses.



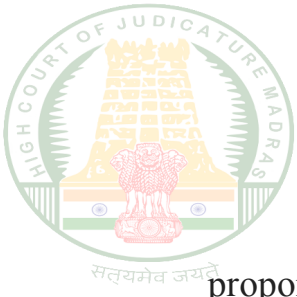
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10. In view of the same, the compensation under the head of future medical expenses is reduced from Rs.5,00,000/- to Rs.3,00,000/-. The compensation fixed under other heads are found to be just and proper and the same is sustained. Accordingly, the total compensation is reduced from Rs.48,88,800/- to Rs.46,88,800/- along with 7.5% interest.

11. It is brought to the notice of this Court by the learned counsel appearing for the appellant that Rs.28 lakhs has already been deposited pursuant to the interim order passed by this Court.

12. In the result, this Civil Miscellaneous Appeal stands allowed in part. There shall be a direction to the appellant / Insurance Company to deposit the remaining compensation amount along with interest to the credit of M.C.O.P No. 38 of 2018 on the file of the the Motor Accident Claims Tribunal, Principal Sub Court, Nagercoil, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant will be entitled to withdraw the same in the



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proportion as fixed by the Tribunal. No costs. Consequently connected

Miscellaneous Petition is closed.

[N.A.V., J.] [K.K.R.K, J.]

23.06.2026

NCC :Yes/No

Index :Yes/No

RR

To

1.The Motor Accident Claims Tribunal/,

Principal Sub Court, Nagercoil

Kanyakumari District

2.The Record Keeper (Vernacular Records),

Madurai Bench of Madras High Court, Madurai.



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