



C.M.A(MD)No.1150 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2026

CORAM:

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

**C.M.A(MD)No.1150 of 2022
and
CMP (MD) No.11833 of 2022**

National Insurance Co. Ltd.,
Through its Branch Manager,
Devarpuram Road,
Thoothukudi.

... Appellant

Vs.

1. N. Anjoor

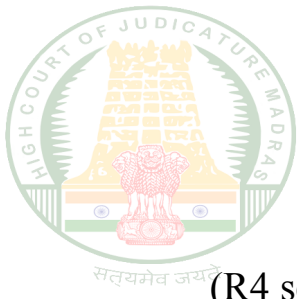
2. B.Kumar

3. Jeyapandi

4. Subbulakshmi

5. Reliance General Insurance Company,
Through its Manager,
Door No.194/99/7,
Near State Bank of India,
V.V.D. Main Road,
Thoothukudi.

... Respondents



C.M.A(MD)No.1150 of 2022

(R4 set ex parte in Tribunal and R5 is not a necessary party for adjudication – Notice dispensed with)

PRAYER:- Civil Miscellaneous Appeal Under Section 173 of Motor Vehicle Act 1988, to set aside the judgment and decree passed in MCOP.No.21 of 2018 dated 17.05.2022 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Thoothukudi and allow the Appeal with costs and thus render justice.

For Appellant : Mr. J.S.Murali

For Respondents : Mr.R.Pon Karthikeyan for R1

R3 – No appearance

J U D G M E N T

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

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal cum Chief Judicial Magistrate Court, Thoothukudi in M.C.O.P.No.21 of 2018, dated 17.05.2022.



C.M.A(MD)No.1150 of 2022

WEB COPY

2. The first respondent is the claimant in this case. The case of the claimant is that on 08.05.2016, when the claimant was going in a two-wheeler, at about 11:00 PM, the offending vehicle belonging to the third respondent which was coming from north to south at Puthiamputhur - Thattaparai road was driven in a rash and negligent manner and it dashed on the two-wheeler as a result of which, the claimant sustained serious injuries. He was admitted in the hospital and he underwent at least three surgeries. Even after discharge, the claimant was taking treatment as an outpatient. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to the conclusion that the accident had taken place only due to rash and negligent driven on the part of the driver of the offending vehicle.



WEB COPY

4. Having rendered that finding, the Tribunal proceeded to fix the total compensation at Rs.24,49,748/- under the following heads:

Sl.No.	Head	Compensation (Rs.)
1.	Damage to Cloth and Articles	1,000/-
2.	Transport to Hospitals	10,000/-
3.	Medicines and Medical charges	10,00,348/-
4.	Attendant Charges	17,600/-
5.	Extra Nourishment	10,000/-
6.	Pain and Suffering	50,000/-
7.	Compensation for the disability	13,60,800/-
TOTAL COMPENSATION AWARDED		24,49,748/-

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

6. The Tribunal ordered for pay and recovery on the ground that the driver of the offending vehicle did not possess a valid driving license and he was also a minor.



C.M.A(MD)No.1150 of 2022

WEB COPY

7. Aggrieved by the award passed by the Tribunal, the present appeal has been filed before this Court.

8. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the respondents.

9. The learned counsel for the appellant primarily raised two grounds in the present appeal. The first ground is that the son of the third respondent who was a minor had driven the vehicle without a valid driving license and hence, the entire liability should be cast upon the third respondent and whereas, the Tribunal went wrong in applying the principle of pay and recovery.

10. The next ground raised is that the Tribunal ought not to have applied the multiplier method while determining the compensation under the head of disability.



C.M.A(MD)No.1150 of 2022

WEB COPY

11. Per contra, the learned counsel for the first respondent/claimant submitted that the Tribunal was perfectly right in applying the principle of pay and recovery. Insofar as the quantum of compensation is concerned, the Tribunal took into consideration the nature of injury that was sustained by the claimant and also the discharge certificate issued by the Medical Board which was marked as Ex.C1. The learned counsel, therefore, sought for the dismissal of this appeal.

12. We have carefully considered the submissions made on either side and the materials available on record. We have also carefully gone through the award passed by the Tribunal.

13. Insofar as the issue of pay and recovery is concerned, we find that the issue is covered by the judgment of the Apex Court in ***National Insurance Company Limited v. Swaran Sing & Ors.***, reported in 2004 SCC (Cr1.) 733.



C.M.A(MD)No.1150 of 2022

WEB COPY

14. Insofar as the quantum is concerned, it is seen that the claimant has sustained injury of fracture on his femur. The Tribunal, in order to assess the disability suffered by the claimant, referred him to the Medical Board. The Medical Board has assessed 80% locomotor disability. The Tribunal took into consideration the observation made in the disability certificate to the effect that the condition of the claimant is likely to improve. Therefore, the Tribunal reduced the percentage of the disability to 60%. Since the claimant suffered locomotor disability, the Tribunal had thought it fit to adopt the multiplier method and to assess the compensation. The Tribunal also took into consideration the avocation of the claimant.

15. We do not find any illegality in the award of the Tribunal adopting the multiplier method in this case. The learned counsel also questioned the Tribunal applying 40% towards future prospects. It is submitted that there is scope for improvement of the disability suffered by the claimant and therefore, the Tribunal ought not to have added future prospects.



C.M.A(MD)No.1150 of 2022

WEB COPY

16. We find that the accident had taken place in the year 2016 and the claimant claimed that he was running a hotel and was earning Rs. 30,000/- per month. The claimant did not produce any proof towards income. The Tribunal had fixed only a sum of Rs.9000/- as monthly income of the claimant. We find that this monthly income fixed by the Tribunal is very low. Therefore, instead of enhancing the monthly income, we deem it fit to sustain the compensation fixed by the Tribunal as it is. Out of the total compensation of Rs.24,49,748/-, more than ten lakhs has been awarded towards medical expenses. Therefore, the compensation fixed under other heads are not exorbitant and the same is just and equitable.

17. In the light of the above discussion, we sustain the award passed by the MACT cum Chief Judicial Magistrate Court in MCOP No. 21 of 2018 dated 17.05.2022 and accordingly, this appeal stands disposed of. There shall be a direction to the appellant/insurance company to deposit the remaining compensation amount along with accrued interest



C.M.A(MD)No.1150 of 2022

WEB COPY

within a period of six weeks from the date of receipt of a copy of this judgment. Consequently, the connected miscellaneous petition is closed.

There shall be no order as to costs.

[N.A.V., J.] [K.K.R.K., J.]
11.06.2026

NCC :Yes/No
Index :Yes/No
PKN

To

1. The Motor Accident Claims Tribunal,
Chief Judicial Magistrate Court, Thoothukudi.

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



WEB COPY



C.M.A(MD)No.1150 of 2022

N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.

PKN

C.M.A(MD)No.1150 of 2022

11.06.2026