



CMA(MD)No.983 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 05.06.2026

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

AND

THE HONOURABLE Mr. JUSTICE K.K.RAMAKRISHNAN

**CMA. (MD)No.983 of 2023
and CMP(MD) No.13719 of 2023**

Liberty General Insurance Company Ltd.,
The Branch Manager,
C6,D6,E6,F6 Level
Anmole Pazhani
No.88 GN Chetty Road,
Chennai 600 017.

.. Appellant/2nd Respondent

Vs.

1.K.Renuka Devi

.. 1st respondent/petitioner

2.V.Vijay Milton

..2nd Respondent/1st respondent

Appeals filed under Section 173 of the Motor Vehicles Act 1988 against the award passed in MCOP No.150 of 2021 on the file of the Motor Accident Claims Tribunal (Special Sub Judge), Tiruchirappalli, dated 06.07.2023.



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For Appellant : Ms.K.R.Shivashankari
For Respondent : Mr.D.Boopal

JUDGMENT

(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 MACT cum Special Sub Judge, Trichy in MACT No.150 of 2021 dated 06.07.2023.

2. The first respondent is the insurer in this case. The case of the first respondent is that on 12.11.2020 at about 7.20 a.m., when the first respondent in a two wheeler along with a pillion rider was waiting on the mud portion of the road, the offending vehicle which is an Innova Car belonging to the 2nd respondent was driven in a rash and negligent manner and it dashed on the two wheeler resulting in the first respondent sustaining multiple grievous injuries including severe crush injury on the left foot and ankle with soft tissue and bone loss in foot, comminuted fracture shaft 1 metatarsal and distal phalanx of great toe with bone loss and comminuted fracture proximal phalanx of 2nd and 3rd toes, heel pad



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avulsion – left and fracture both bones left leg. Type-II open comminuted segmental fracture left ulna with vascular compromise. Comminuted intraarticular fracture, distal end left radius, fracture neck of radius – left, multiple rib fractures and right parietal bone fracture. The first respondent was admitted in the hospital and underwent nearly three injuries in her left leg and ultimately the left leg below knee was amputated. Even thereafter the first respondent underwent treatment. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for compensation.

3. The tribunal, on considering the facts and circumstances of the case and on appreciation of 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 car. Having rendered the said finding, the tribunal proceeded to fix a total compensation of Rs.36,17,068/- under the following heads:



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Disability compensation	Rs.21,46,200/-
Medical Bills	Rs. 5,06,268/-
Loss of Amenities	Rs. 2,00,000/-
Loss of Expectation of Life	Rs. 2,00,000/-
Loss of income	Rs. 87,600/-
Pain and Sufferings	Rs. 2,00,000/-
Attendar Charges	Rs. 15,000/-
Transportation charges	Rs. 30,000/-
Extra nourishment	Rs. 30,000/-
Damages to clothes and other valuables	Rs. 2,000/-
Purchase of artificial leg	Rs. 1,50,000/-
Future medical expenses	Rs. 50,000/-
Total award amount	Rs.36,17,068/-

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the said award, the insurance company has filed the present appeal. The tribunal has also ordered for pay and recovery.

5. Heard the learned counsel for the appellant and the learned counsel for the 1st respondent.



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WEB COPY 6. The learned counsel for the appellant contended that the award is liable to be interfered both on the issue of negligence as well as on the quantum fixed by the tribunal.

7. Insofar as the issue of negligence is concerned, the learned counsel submitted that the accident itself had taken place only due to the plying of the vehicle on the wrong direction.

8. We carefully went through the finding of the tribunal in this regard. The tribunal has taken into consideration the evidence of PW3 and came to the conclusion that the accident had taken place only due to the rash and negligent driving of the driver of the offending vehicle and the tribunal also took into consideration that no contra evidence has been let in. The tribunal has also considered the FIR that was registered after the accident and rightly come to the conclusion that the negligence was only on the part of the car driver. This finding does not suffer from any perversity warranting interference of this Court.



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WEB COPY 9. Insofar as the quantum of compensation is concerned, as stated supra, the first respondent suffered from amputation of left leg below knee. She was a lady aged about 43 years and is said to be a coolie. The disability was assessed by the medical board at 70%.

10. Considering the facts and the injury suffered by the first respondent, the tribunal has rightly invoked the multiplier method and determined the compensation under the head of disability compensation. We do not find that the compensation fixed under this head to be excessive.

11. The learned counsel for the appellant also submitted that the compensation fixed under the head of loss of amenities is on the higher side and that the tribunal ought not to have fixed the compensation under the head of loss of expectation. We have gone through each head under which compensation has been granted by the tribunal and we find it to be just and reasonable.



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WEB COPY 12. Considering the nature of the injuries sustained by the first respondent, the compensation fixed is certainly reasonable and does not require the interference of this Court.

13. In the light of the above discussion, we are not inclined to interfere with the award passed by the tribunal. Accordingly, the Civil Miscellaneous Appeal is dismissed. The appellant insurance company has already deposited 50% of the award amount along with proportionate accrued interest and the first respondent/claimant was permitted to withdraw a lump sum of Rs.12 lakhs. In view of the dismissal of the appeal, the balance award amount along with accrued interest shall be deposited by the insurance company within a period of four weeks from the date of receipt of the judgment and on such deposit, the same can be withdrawn by the first respondent/claimant. No costs. Consequently connected Miscellaneous Petition is closed.

[N.A.V, J.] & [K.K.R.K, J.]
05.06.2026

NCC : Yes/No
Index : Yes/No
RR



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To

1. The Motor Accident Claims Tribunal (Special Sub Judge),
Tiruchirappalli,
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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

RR

Judgment made in
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