



C.M.A(MD)No.577 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 30.04.2026

Pronounced on : 24.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.577 of 2026

and

C.M.P.(MD)No.5792 of 2026

M/s. United India Insurance Company Limited,
Mukkoodal.

: Appellant

Vs.

1.Kaleeswari

2.Vaalai Krishnamuthu

3.Murugan

: Respondents

(No relief claimed as against the
respondents 2 and 3. Hence, given up and
notice notice necessary for respondents 2 and 3)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award passed in M.C.O.P.No.208 of 2021 on the file of the Motor Accident Claims Tribunal, Additional Sub Court, Tenkasi, dated 15.04.2025.



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For Appellant : Mr.C.Jawahar Ravindran,

For Respondents : Mr.K.Esakki durai, for R1.

J U D G M E N T

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.208 of 2021, dated 15.04.2025, on the file of the Motor Accident Claims Tribunal, Additional Sub Court, Tenkasi,

2.The appellant/Insurance Company, who was mulcted with liability to pay compensation of Rs.14,81,730/- with interest at 7.5% per annum and costs to the first respondent/claimant, for the disability sustained by her, consequent to an accident occurred on 15.01.2020, challenged the quantum of compensation awarded at by the Tribunal.

3. When the matter was taken up for hearing, the learned counsel for the appellant submitted that they have not challenged the liability fixed on it, but they are only disputing the quantum of compensation awarded at by the Tribunal.



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4. The main contention of the appellant/insurer is that the claimant has neither suffered permanent disablement nor functional disability; that the Tribunal committed an error in adopting the multiplier method for assessing the disability compensation; that the claimant even after the accident has been continuing her avocation as she did before and that the Tribunal, without considering the evidence in proper perspective, has fixed functional disability at 50% and excessively awarded Rs.12,58,200/- towards disability compensation.

5. The learned counsel for the appellant would further submit that the Tribunal has excessively awarded Rs.1,00,000/- on the head of pain and sufferings; that the Tribunal, without considering the evidence, has excessively awarded Rs.27,448/-; Rs.17,750 and Rs.21,332/- towards Medical expenses; that the total compensation awarded at Rs.14,81,730/- is excessive and without any basis and that therefore, the quantum of compensation awarded by the Tribunal is liable to be interfered with.

6. The learned counsel for the appellant placed reliance on the decision of the Hon'ble Supreme Court in **Raj Kumar Vs. Ajaykumar and another**, reported in **(2011) 1 Supreme Court Cases 343** :



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“12. Therefore, the Tribunal has to first decide whether there is any permanent disability and, if so, the extent of such permanent disability. This means that the Tribunal should consider and decide with reference to the evidence :

(i) Whether the disablement is permanent or temporary ;

(ii) if the disablement is permanent, whether it is permanent total disablement or permanent partial disablement;

(iii) if the disablement percentage is expressed with reference to any specific limb, then the effect of such disablement of the limb on the functioning of the entire body, that is, the permanent disability suffered by the person.

If the Tribunal concludes that there is no permanent disability then there is no question of proceeding further and determining the loss of future earning capacity. But if the Tribunal concludes that there is permanent disability then it will proceed to ascertain its extent. After the Tribunal ascertains the actual extent of permanent disability of the claimant based on the medical evidence, it has to determine whether such permanent disability has affected or will affect his earning capacity.



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Para 19:

19. We may now summarise the principles discussed above :

(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.

(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).

(iii) The doctor who treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.

(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.”



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7. The learned counsel appearing for the first respondent would submit that the claimant has suffered serious bone fractures and undergone several procedures; that the Medical Board upon examining the claimant has assessed the disability at 50% and the Tribunal has rightly accepted the disability certificate and assessed the disability compensation, that the Tribunal, taking note of the injuries suffered and the period of treatment, has rightly awarded Rs.1,00,000/- for pain and sufferings and also awarded Rs.25,000/- for extra nourishment and Rs.5,000/- for transportation expenses, which are very much on lower side and that the Tribunal has not awarded any amount toward attendant charges or for future medical expenses.

8. It is evident from the records that the claimant sustained fracture subluxation over C6-C7 ; fracture right clavicle; fracture right distal radius . It is further evident that the claimant after the occurrence was taken to Government Hospital, Kovilpatti and after first aid treatment was referred to TVMS Hospital and again she was shifted to C.J. Hospital, Avudayanoor and that she had taken in-patient treatment for the period between 15.01.2020 to 23.01.2020.



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9. It is not in dispute that the Medical Board, after examining the claimant, issued the disability certificate under Ex.C.1, certifying that she had suffered permanent disability to the extent of 50%. The Tribunal, taking note of the fact that though the accident occurred on 15.01.2020, the claimant was examined by the Medical Board only on 09.03.2023, nearly three years thereafter, and that the Board, upon clinical examination, assessed the permanent disability at 50%, has rightly concluded that the claimant had suffered permanent disability to the extent of 50%. Considering the evidence available on record, the said finding cannot be found fault with.

10. The claimant has produced the medical bills under Ex.P.5 to Ex.P.7 and only on that basis, the Tribunal has rightly awarded Rs.27,448/-; Rs.17,750/- and Rs.21,332/- towards medical expenses.

11. It is not the case of the appellant that they have raised any specific objections with regard to the genuineness or admissibility of the medical bills and the same came to be rejected.



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12. No doubt, the Tribunal has awarded a sum of Rs.1,00,000/- towards pain and sufferings. At the same time, it has awarded only Rs.5,000/- towards transportation charges and Rs.25,000/- towards extra nourishment. Considering the nature of the injuries sustained by the claimant, the extent of permanent disability, the period of treatment including hospitalization and the attending circumstances, and further taking note of the fact that the Tribunal has not awarded any amount towards attender charges or future medical expenses, while awarding comparatively meagre amounts towards transportation charges and extra nourishment, the amount of Rs.1,00,000/- awarded towards pain and sufferings cannot be said to be excessive and can reasonably be regarded as compensating, to some extent, for the inadequacy under the other conventional heads. Hence, the total compensation of Rs.14,81,730/- awarded by the Tribunal is just, fair and reasonable and cannot be said to be excessive.

13. 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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14. In the result, the Civil Miscellaneous Appeal is dismissed and award dated 15.04.2025 passed in M.C.O.P.No.208 of 2021 on the file of the Motor Accident Claims Tribunal, Additional Sub Court, Tenkasi, is confirmed. The appellant/Insurance Company is 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.208 of 2021 on the file of the Motor Accident Claims Tribunal, Additional Sub Court, Tenkasi, 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 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 Motor Accident Claims Tribunal,
Additional Sub Court, Tenkasi.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Pre-delivery order made in
C.M.A(MD)No.577 of 2026
and
C.M.P.(MD)No.5792 of 2026

24.06.2026

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