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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.09.2026	Pronounced on : 02.11.2026

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

CMA(MD) No. 250 of 2023

CNR:{HCMD013587092017}

Case QR

and

CMA(MD) No. 251 of 2023

CNR:{HCMD013587162017}

Case QR

CMA(MD) No. 250 of 2023

Kalpana Devi ..Appellant(s)

Vs

1. Ganesh

2. United India Insurance Company Limited
   Through its Divisional Manager,
   No.1, Post Office Road,
   Palayamkottai.

3. Jakeer

4. Shri Ram General Insurance Company Limited
   Through its Branch Manager,
   No.8, RIICO, Industrial Area,
   Sitapura, Jaipur,
   Rajasthan - 302 022. ..Respondent(s)

CMA(MD) No. 251 of 2023

Saroja .. Appellant(s)

Vs

1. Ganesh

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2. United India Insurance Company Limited
   Through its Divisional Manager,
   No.1, Post Office Road,
   Palayamkottai.

3. Jakeer

4. Shri Ram General Insurance Company Limited
   Through its Branch Manager,
   No.8, RIICO, Industrial Area,
   Sitapura,
   Jaipur,
   Rajasthan - 302 022. ..Respondent(s)

PRAYER in CMA(MD) No. 250 of 2023: This Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicle Act, to allow this appeal and enhance the award amount in MCOP.No. 164 of 2011 on the file of the Motor Accident Claims Tribunal, (Additional Sub Court), Tirunelveli dated 29-04-2014.

PRAYER in CMA(MD) No. 251 of 2023: This Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicle Act, to allow this appeal and enhance the award amount in MCOP.No. 165 of 2011 on the file of the Motor Accident Claims Tribunal, (Additional Sub Court), Tirunelveli dated 29-04-2014.

CMA(MD) Nos. 250 & 251 of 2023

For Appellant(s): Mr.T.Selvakumaran (in Both Cases)

For Respondent(s): Mr.C.Jawahar Ravindran for R2
Mr.D.Siva Raman for R4
R1 - Dismised (vide Court Order Dt.18.02.2026)
(in Both Cases)

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COMMON JUDGMENT

The claimants in M.C.O.P. Nos. 164 and 165 of 2011, on the file of the Motor Accident Claims Tribunal, Additional Subordinate Judge, Tirunelveli, have filed the present C.M.A.(MD).Nos. 250 and 251 of 2023 respectively, seeking enhancement of the compensation awarded by the Tribunal by its common award dated 29.04.2014.

2.Facts of the case:

2.1.The claimants were occupants of an Indica car bearing Registration No.TN- 45-AJ-1155. According to them, while they were travelling in the said car, it collided with a Qualis car bearing Registration No. AP 04 G 3969, which was proceeding from south to north. Both claimants sustained injuries in the accident and filed separate claim petitions, each seeking compensation of Rs.10,00,000/-.

2.2.In M.C.O.P. No. 164 of 2011, the claimant, Kalpana Devi, stated that she was pursuing her Ph.D. and sustained grievous injuries, including injuries to her head and leg. In M.C.O.P. No. 165 of 2011, the claimant, Saroja, stated that she was a homemaker and that the injuries sustained in the accident had affected her ability to perform her household activities.

2.3.The Insurance Company of the Indica car denied the alleged

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manner of the accident and contended that the accident occurred due to the negligence of the driver of the Qualis car. Conversely, the insurer of the Qualis car denied negligence on the part of its driver and contended that the accident occurred due to the rash and negligent driving of the Indica car. It was also pointed out that the claimants' own pleadings attributed negligence to the driver of the Indica car. Both insurers sought to avoid liability on the grounds raised in their respective counters.

2.4.Before the Tribunal, P.Ws.1 to 3 were examined and Exs. P1 to P36 were marked on the side of the claimants. On the side of the respondents, R.W.1 was examined and Exs. R1 to R4 were marked.

3.Findings of the Tribunal:

3.1.Upon considering the oral and documentary evidence, the Tribunal fixed negligence on the driver of the Indica car and awarded compensation of Rs.5,23,242 /- in M.C.O.P. No. 164 of 2011 and Rs.4,25,426/- in M.C.O.P. No. 165 of 2011, together with interest at 7.5% per annum.

(i) M.C.O.P. No. 164 of 2011:

Sl.No.	***Heads***	***Amount (in Rs.)***
1	Nutritions	4,000/-
2	Medical expenses	2,73,242/-
3	Attendant charges	4,000/-

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4	Pain and Sufferings	50,000/-
5	Partial Permanent disability	1,92,000/-
	Total awarded amount	***Rs.5,23,242/-***

(ii) M.C.O.P. No. 165 of 2011:

Sl.No.	***Heads***	***Amount (in Rs.)***
1	Loss of income during the period of treatment	15,000/-
2	Transportation charges	4,650/-
3	Nutritions	3,000/-
4	Medical expenses	2,59,776/-
5	Attendant charges	3,000/-
6	Pain and Sufferings	30,000/-
7	Partially Permanent disability	1,10,000/-
	Total awarded amount	***Rs.4,25,426/-***

3.2.Not being satisfied with the compensation awarded, the claimants have preferred the present appeals.

4.Submissions of the learned counsel appearing for the claimant/appellant:

4.1.The learned counsel appearing for Kalpana Devi, the appellant in C.M.A.(MD). No. 250 of 2023, submitted that she sustained serious head and left leg injuries. She underwent multiple surgeries, during which plates, screws and a mesh were placed in her head, resulting in a permanent distortion of her head. She also sustained a fracture of the tibia

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bone in her left leg, which required surgical fixation.

4.2.It was further submitted that, although she was pursuing her Ph.D. at the time of the accident and subsequently secured employment as a lecturer, the Tribunal failed to adequately compensate her for pain and suffering, attendant charges, future medical expenses and the mental agony and social discomfort arising from the permanent alteration of her appearance. The learned counsel therefore sought enhancement of compensation under these heads.

4.3.The learned counsel appearing for Saroja, the appellant in C.M.A.(MD).No. 251 of 2023, submitted that she was 55 years old at the time of the accident and was a homemaker. She sustained injuries to both legs, including fractures of the tibia bones, and also suffered an injury affecting her left eye. Her permanent disability was assessed at 55%. It was contended that she underwent multiple surgeries and was unable to perform her household activities in the same manner as she did before the accident. The Tribunal had not adequately compensated her for the permanent disability, pain and suffering and loss of ability to perform household work.

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5.Submission of the learned counsel appearing for the 2nd and 4th respondents/Insurance Company:

5.1.Per contra, the learned counsel appearing for the Insurance Companies submitted that the Tribunal had considered the evidence and awarded just compensation in both cases. It was argued that no additional material had been produced before this Court to justify enhancement and that both appeals were liable to be dismissed.

6.This Court considered the rival submissions made by the learned counsel on either side and perused the materials available on record.

7.Points for determination:

(i)Whether the claimants are entitled to enhancement of compensation in C.M.A.(MD).Nos. 250 and 251 of 2023?

(ii)If so, what is the just and reasonable compensation payable to each claimant?

8.Discussion and findings:

8.1.Since the nature of the injuries, the resulting disability and the consequences suffered by the two claimants are different, their entitlement to enhanced compensation is considered separately.

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9.C.M.A.(MD). No. 250 of 2023 — Kalpana Devi(Claimant)

9.1.Kalpana Devi was pursuing her Ph.D. at the time of the accident and subsequently secured employment as a lecturer. The records indicate that she underwent multiple surgeries for the injuries sustained in the accident. In particular, she sustained a serious head injury requiring surgical intervention, with mesh, plates and screws inserted. She also sustained a fracture of the tibia bone in her left leg, which required fixation with plates and screws.

9.2.Though the claimant subsequently secured employment and the material placed before this Court does not establish a continuing loss of income, the absence of such loss does not diminish the seriousness of her injuries or the pain, suffering and lasting consequences associated with them. Compensation must reflect the actual consequences of the injuries and not merely their impact upon earning capacity.

9.3.Having regard to the multiple surgeries and the nature of the injuries, the compensation towards pain and suffering, originally stated to be Rs.50,000/-, is enhanced to Rs.1,00,000/-.

9.4.The Tribunal awarded only Rs.4,000/- towards attendant charges. Considering the nature of the injuries, the surgeries undergone and the assistance required during the period of treatment and recovery, the amount under this head is enhanced to Rs.25,000/-.

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9.5.No amount was awarded towards future medical expenses. Considering the surgical implants, the possibility of further medical review and the potential need for removal of the plates and screws, a sum of Rs.1,00,000/- is awarded towards future medical expenses.

9.6.The injuries have also resulted in a lasting distortion of the claimant's head. Such a consequence cannot be assessed solely in monetary terms by reference to physical disability or loss of income. The permanent disfiguration may cause continuing discomfort, mental distress and social embarrassment. These consequences warrant separate consideration, provided the award does not duplicate any amount already granted under another head. Accordingly, a sum of Rs.50,000/- is awarded towards mental agony and the lasting adverse impact upon her appearance.

9.7.The compensation awarded to Kalpana Devi, is therefore liable to be enhanced by the additional amounts as determined above.

10.C.M.A.(MD).No. 251 of 2023 — Saroja (Claimant)

10.1.Saroja was 55 years old at the time of the accident and was a homemaker. She sustained injuries to both legs, including fractures involving the tibia bones, and underwent multiple surgeries. Her

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permanent disability was assessed at 55%. Owing to the injuries sustained, she was unable to perform her usual household activities during the treatment and recovery period.

10.2.Having regard to the nature of the injuries and the period of treatment, this Court considers it appropriate to reassess the compensation under the relevant heads.

10.3.The claimant was unable to attend to her usual household activities for five months. Taking her monthly contribution towards household services at Rs.10,000/-, a sum of Rs.50,000/- is awarded towards loss of household services during the treatment period.

10.4.The Tribunal awarded only Rs.3,000/- towards attendant charges. Considering the claimant's bilateral leg injuries and the multiple surgeries undergone, the compensation under this head is enhanced to Rs.10,000/-.

10.5.The Tribunal awarded Rs.30,000/- towards pain and suffering. In view of the nature of the injuries, the multiple surgeries and the suffering undergone by the claimant, the compensation under this head is enhanced to Rs.50,000/-.

10.6.The Tribunal assessed compensation for permanent disability at Rs.2,000/- per percentage. Considering the claimant's 55% permanent

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disability, this Court enhances the rate to Rs.3,000/- per percentage. Accordingly, the compensation under this head is calculated as follows:

55 X Rs.3,000/- = Rs.1,65,000/-

10.7.The compensation awarded under the above heads is therefore reassessed. The other heads of compensation awarded by the Tribunal shall remain unchanged, subject to adjustment of any overlapping amount and verification of the original head-wise award.

11.Conclusion:

11.1.For the foregoing reasons, the compensation awarded by the Tribunal to the claimant in each MCOP case is re-determined as follows:-

(i) M.C.O.P. No. 164 of 2011:

Sl. No.	***Heads***	***Amount awarded by the Tribunal (in Rs.)***	***Re-quantified amount by this Court (in Rs.)***	***Status***
1	Loss of Nutrious	4,000/-	4,000/-	Confirmed
2	Medical expenses	2,73,242/-	2,73,242/-	Confirmed
3	Attendant charges	4,000/-	25,000/-	Enhanced
4	Pain and Sufferings	50,000/-	1,00,000/-	Enhanced
5	Partial Permanent disability	1,92,000/-	1,92,000/-	Confirmed
6	Future Medical expenses	----------	1,00,000/-	Awarded
7	Mental agony and the lasting adverse impact	----------	50,000/-	Awarded

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	upon her appearance			
Total awarded amount		***Rs.5,23,242/-***	***Rs.7,44,242/-***	***Enhanced***

(ii) M.C.O.P. No. 165 of 2011:

Sl. No.	***Heads***	***Award in Rs.Amount awarded by the Tribunal***	***Re-quantified amount by this Court***	***Status***
1	Loss of income during the period of treatment	15,000/-	15,000/-	Confirmed
2	Loss of household services during the treatment period		50,000/-	Awarded
3	Transportation charges	4,650/-	4,650/-	Confirmed
4	Nutrition	3,000/-	3,000/-	Confirmed
5	Medical expenses	2,59,776/-	2,59,776/-	Confirmed
6	Attendant charges	3,000/-	10,000/-	Enhanced
7	Pain and Sufferings	30,000/-	50,000/-	Enhanced
8	Partially Permanent disability	1,10,000/-	1,65,000/-	Enhanced
Total awarded amount		***Rs.4,25,426/-***	***Rs.5,57,426/-***	***Enhanced***

12.Result:

12.1.In the result, Both the C.M.A. Nos. 250 and 251 of 2023 are ***partly allowed.***

12.2.The award in MCOP.No. 164 of 2011 on the file of the Motor Accident Claims Tribunal, (Additional Sub Court), Tirunelveli dated

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29-04-2014 is enhanced from ***Rs.5,23,242/-*** to ***Rs.7,44,242/-*** and the award in MCOP.No. 165 of 2011 on the file of the Motor Accident Claims Tribunal, (Additional Sub Court), Tirunelveli dated 29-04-2014 is enhanced from ***Rs.4,25,426/-*** to ***Rs.5,57,426/-*** , together with interest at the rate of 7.5% per annum from the date of the claim petition.

12.3.The Insurance Company is directed to deposit the enhanced award amount**,** after giving credit to the amount already deposited, together with interest at 7.5% per annum from the date of filing of the claim petitions, within the period eight weeks from the date of receipt of a copy of this judgment.

12.4.Upon such deposit, the claimant in each MCOP case is entitled to withdraw the amount due to her in accordance with law.

There shall be no order as to costs.

02.11.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Motor Accident Claims Tribunal, (Additional Sub Court),
Tirunelveli.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

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K.K.RAMAKRISHNAN J.

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CMA(MD) No. 250 of 2023
and
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