BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	**:**	**02.04.2026**
Pronounced on	**:**	**01.06.2026**

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

C.M.A.(MD).Nos.21 and 181 of 2021

and

C.M.P.(MD).Nos.1528 and 295 of 2021

C.M.A.(MD).No.21 of 2021:

The Divisional Manager,
United India Insurance Co.Ltd.,
No.104-a, Ranga Building,
Peramanur Main Road, near Four Road,
Salem – 636007. ... Appellant / 7th Respondent

Vs.

1.Kathiresan ... 1st Respondent / Petitioner

2.Meenakshi Sundaram

3.The Divisional Manager,
Shiram General Insurance Company Ltd.,
Having its Office at No.10003-E8,
RIICO Industrial Area,
Sitapura,
Rajasthan – 302022.

4.Erattayasamy

5.The Divisional Manager,
Shiram General Insurance Company Ltd.,
Having its Office at No.10003-E8,
RIICO Industrial Area,

Sitapura,
Rajasthan – 302022.

6.K.Venkateswaran

7.A.C.Koteeswaran ... Respondents 2 to 7 / Respondents 1 to 6

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 03.09.2019 made in M.C.O.P. No.62 of 2015 on the file of the learned Motor Accidents Claims Tribunal (Special Sub Judge), Tirunelveli by allowing the above Civil Miscellaneous Appeal.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondent : Mr.R.Jim
Caveator for R1

Mr.V.Sakthivel
for R3 and R5

C.M.A.(MD).No.181 of 2021:

The Divisional Manager,
United India Insurance Co.Ltd.,
No.104-A, Ranga Building,
Peramanur Main Road, near Four Road,
Salem – 636007. ... Appellant / 3rd Respondent

Vs.

1.Sankar ... 1st Respondent / Petitioner

2.K.Venkateswaran

3.A.C.Koteeswaran ... Respondents 2&3 /Respondents 1&2

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 03.09.2019 made in M.C.O.P. No.63 of 2015 on the file of the learned Motor Accidents Claims Tribunal (Special Sub Judge), Tirunelveli by allowing the above Civil Miscellaneous Appeal.

For Appellant	:	Mr.G.Prabhu Rajadurai
For Respondent	:	Mr.R.Jim Caveator for R1 Mr.R.Karunanithi for R2

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by **K.K.RAMAKRISHNAN,J.**)

The appellant–Insurance Company have preferred the present appeals challenging the liability fastened upon it in respect of the alleged accident involving the insured vehicle bearing Registration Nos. TN-30S-5151 and TN-46M-6743 in which two persons namely son and father sustained injuries and two claim petitions filed in M.C.O.P. No. 63 of 2015 (father/Sankar) and M.C.O.P. No.62 of 2015 (son/Kathiresan) and award has been passed in both M.C.O.P.s by the impugned judgment dated 03.09.2019.

2. For better appreciation and convenience, the rank of the parties in these appeals is described as father and son.

3.**Facts of the case in M.C.O.P. No.62 of 2015**:

3.1. Claimant is son. According to him, on 05.12.2014 at about 11:30 p.m., he was travelling in a Chevrolet car bearing Registration No. TN-30M-3901 on the Ramanatham National Highway. The said vehicle was insured with the third respondent–Insurance Company. While proceeding so, an Eicher van bearing Registration No. TN-60W-6428 allegedly overtook and dashed against the said Chevrolet car, resulting in the claimant sustaining injuries (hereinafter referred to as the "first accident") and FIR was registered in Crime No. 201 of 2014 on the file of the Ramanatham Police Station under Sections 279 and 338 IPC. Subsequently, the injured son was admitted to the Government Hospital, Perambalur, in the early hours of 06.12.2014. Thereafter, arrangements were made to shift him to a private hospital for further treatment. For that purpose, a Maruti ambulance bearing Registration No. TN-46M-6743 was engaged. While the son was being transported in the said ambulance, it involved in another accident with an omnibus bearing Registration No. TN-66T-3051, allegedly due to the rash and negligent driving of the omnibus driver (hereinafter referred to as the "second accident"). In the said occurrence, son and father sustained injuries and FIR was registered against the appellant insured omni bus in Crime No. 385 of 2014 on the file of the Padanoor Police Station under Sections 279 and 338 IPC. In the second accident, the son sustained more grievous injuries, particularly to the spinal cord. Owing to the

cumulative impact of the injuries—especially the spinal cord damage—he became bedridden, incapable of attending to his daily activities without assistance, and required continuous medical care, including feeding through a tracheostomy tube. In these circumstances, the claimant filed a petition in M.C.O.P. No. 62 of 2015 before the Motor Accidents Claims Tribunal (Sub Court), Tirunelveli, seeking compensation of Rs.70,00,000/-. Father also sustained grievous injuries and he filed M.C.O.P.No.63 of 2015 claiming compensation of Rs.5,00,000/-.

3.2. The appellant–Insurance Company filed a counter statement denying both the manner of accident and its liability. Its primary contention was that the grievous injuries, particularly the spinal cord damage, were attributable to the first accident, and not to the second accident involving the insured ambulance. It was further contended that the subsequent accident did not independently contribute to the injuries, but merely aggravated the earlier condition, and hence no liability could be fastened upon the appellant. Conversely, the third respondent–Insurance Company (insurer of the vehicle involved in the first accident) contended that the grievous injuries were sustained only in the second accident, and therefore sought to shift the entire liability upon the appellant.

4. **Finding of the Tribunal**:

4.1. Both M.C.O.P. were tried separately by the same Tribunal simultaneously and in the case of M.C.O.P.No. 62 of 2015, the claimant examined himself as P.W.1 and the Doctor, who assessed the disability, as P.W. 2. On the side of the claimant, Exs. P1 to P27 were marked. No oral or documentary evidence was adduced on the side of the respondents, including the appellant.

4.2. Upon appreciation of the evidence, the Tribunal held that: the negligence in respect of the first accident was attributable to the vehicle involved therein, and the second accident was independently attributable to the vehicle insured with the appellant. On the question of compensation, the Tribunal awarded a sum of Rs.50,000/- in respect of the first accident, and a sum exceeding Rs.20,00,000/- in respect of the second accident, holding that the major and grievous injuries, particularly the spinal cord injury, were sustained in the second accident. Accordingly, the substantial liability was fastened upon the appellant–Insurance Company.

Sl.No.	***Heads***	***Amount in Rs.***
1	*Loss of earning power*	*27,21,600/-*
2	*Medical bills*	*4,96,000/-*
3	*Attendance Charges*	*10,000/-*
4	*Pain and Suffering*	*50,000/-*
5	*Transport expenses*	*5,000/-*

6	*Extra Nourishment*	*20,000/-*
	Total Compensation Awarded	***33,02,600/-***

Challenging the said award, the appellant–Insurance Company has preferred the present appeal in C.M.A.(MD).No.21 of 2021.

4.3. In the case of M.C.O.P.No. 63 of 2015, the claimant examined himself as P.W.1 and Exs. P1 to P3 were marked. No oral or documentary evidence was adduced on the side of the respondents, including the appellant.

4.4. Upon appreciation of the evidence, the Tribunal fixed negligence upon the appellant insurance company alone for the reason that father did not sustain injury in the first accident and he sustained injury only in the second accident and granted compensation of Rs.20,000/- alone. Challenging the said award, the appellant–Insurance Company has preferred the present appeal in C.M.A.(MD).No.181 of 2021. The insurance company preferred C.M.A. (MD).No.181 of 2021 in order to avoid the technical plea of maintainability and they have not contested the same on the point of negligence and quantum in C.M.A.(MD).No.181 of 2021 and they mainly contested the case of imposing the liability against the appellant insurance company in respect of the award passed in M.C.O.P.No.62 of 2015 which was the subject matter of the C.M.A. (MD).No.21 of 2021.

5. **Submission of the learned counsel appearing for the appellant in C.M.A.(MD).No.21 of 2021**:

The learned counsel appearing for the appellant contended that the grievous injuries, particularly the spinal cord injury, were sustained by the claimant in the course of the first accident. It was therefore submitted that the appellant–Insurance Company cannot be fastened with liability for the substantial compensation awarded by the Tribunal. According to the appellant, the injuries arising out of the second accident did not independently result in such permanent disability, but merely aggravated the pre-existing injuries. Hence, the liability ought to have been mulcted upon the insurer of the vehicle involved in the first accident, namely, the third respondent. It was further pointed out that even in the claim petition, there is a reference to spinal injury in the first accident, which supports the appellant's case. On these grounds, the appellant sought setting aside of the award insofar as it fastens liability upon it.

6. **Submission of the learned counsel appearing for the third respondent:**

Per contra, the learned counsel appearing for the insurer of the vehicle involved in the first accident (third respondent) submitted that any reference to spinal injury in the pleadings was only due to an inadvertent error in the proof affidavit, which stood clarified during the cross-examination of the claimant. It

was contended that both the oral evidence of P.W.1 (claimant) and the medical evidence of P.W.2 (Doctor) unequivocally establish that the grievous injuries, particularly the spinal cord damage, were sustained only in the second accident. Therefore, the Tribunal was justified in fastening the liability upon the appellant–Insurance Company, being the insurer of the vehicle involved in the second accident.

7. **Submission of the learned counsel appearing for the claimant:**

7.1. The learned counsel appearing for the claimant also adopted the submissions advanced on behalf of the third respondent. It was specifically contended that the first accident resulted only in simple injuries, whereas the second accident led to catastrophic consequences, including spinal cord injury, resulting in permanent paralysis and complete immobility. It was further submitted that the claimant is still bedridden, incapable of performing even basic bodily functions without assistance, and is dependent on medical support, including feeding through a tracheostomy tube.

7.2. On the question of quantum, the learned counsel for the claimant, placing reliance upon the documentary evidence (Exs. P1 to P27) and the nature of disability, contended that the compensation awarded by the Tribunal is, in fact, inadequate. It was urged that even in the absence of a cross-

objection, this Court is empowered to enhance the compensation by invoking the provisions of Order XLI Rule 33 of the Code of Civil Procedure.

8. This Court has carefully considered the rival submissions, perused the materials available on record, and also examined the legal principles governing assessment of compensation in cases involving successive accidents, grievous injuries, and permanent disability of a severe and debilitating nature.

9. **Discussion**:

9.1. It is no doubt true that in the claim petition there is a reference to the claimant having sustained spinal injury during the course of the first accident. However, during cross-examination, P.W.1 (son) has categorically explained that such reference was an inadvertent mistake committed at the time of preparation of the proof affidavit. He has specifically deposed that in the first accident he sustained only simple injuries, particularly to the head, and did not suffer any spinal cord injury.

9.2. The said explanation stands corroborated by the contemporaneous medical records relating to the first accident, which indicate only simple injuries. The initial treatment records issued by the Government Hospital also do not disclose any spinal involvement. Thus, the nature of injuries sustained in the first accident is clearly established as minor.

9.3. On the other hand, the manner and impact of the second accident stand substantiated not only through the oral evidence of P.W.1, but also by the nature of damage caused to the ambulance in which the claimant was transported. The evidence on record demonstrates that the ambulance was hit by an omnibus coming in the opposite direction, resulting in severe crash. It is in this second accident that the claimant sustained grievous injuries, particularly to the spinal cord. The medical evidence, including the testimony of P.W.2 (Doctor) and the documentary exhibits (Exs. P1 to P27), which were marked without objection, clearly establish that the claimant underwent prolonged treatment in various hospitals for neurological complications arising from spinal cord injury. Significantly, the appellant–Insurance Company has not disputed the gravity or extent of the injuries; its contention is confined only to attributing such injuries to the first accident. However, no contra evidence has been adduced by the appellant to substantiate the said plea.

9.4. In the above circumstances, the core issue that arises for determination is whether the grievous spinal injury, which rendered the claimant permanently disabled and immobile, was sustained in the first accident or the second accident. Upon a cumulative assessment of the oral and documentary evidence, this Court finds that the injuries sustained in the first accident were only simple in nature. The contention of the appellant that no

injury was sustained in the second accident is wholly untenable, particularly in light of the proved impact of the collision and the resultant medical condition of the claimant. The evidence of P.W.1 in this regard is consistent, cogent, and has not been discredited in cross-examination. The explanation offered for the discrepancy in the pleadings is reasonable and stands supported by medical records. It is a settled principle that an admission, unless it is clear, unequivocal, and unambiguous, cannot be treated as conclusive, especially when a satisfactory explanation is offered. In the present case, the earlier reference to spinal injury in the first accident stands duly explained and cannot override the substantive evidence on record. In the absence of any contra evidence from the appellant–Insurance Company, this Court concurs with the finding of the Tribunal that the grievous spinal injury was sustained in the second accident. Consequently, the liability has been rightly fastened upon the appellant–Insurance Company.

10. **On the question of enhancement of compensation without cross Appeal by invoking Order XLI Rule 33 of the Code of Civil Procedure:**

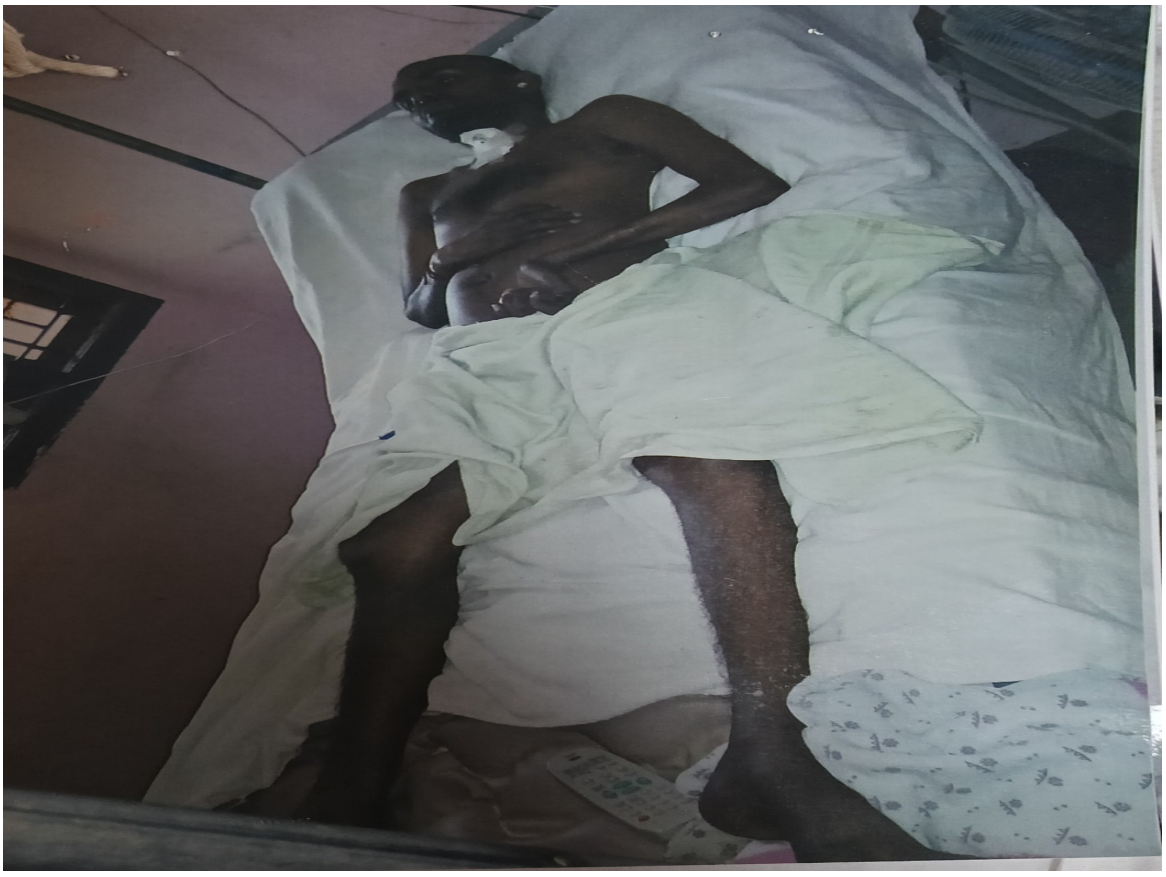
10.1.The learned counsel for the claimant submitted that the claimant has been rendered completely bedridden, with paraplegia affecting both limbs, and is dependent on external support even for basic bodily functions. It is further submitted that he is being fed through a tracheostomy/nasal tube and is in a

state of total immobility. Though no cross-appeal or cross-objection has been filed seeking enhancement of compensation, it is contended that this Court is empowered to grant just compensation by invoking Order XLI Rule 33 of the Code of Civil Procedure. This Court is constrained to observe that the learned counsel who represented the claimant before this court has failed in his duty in not pursuing appropriate proceedings for enhancement of compensation, particularly in a case involving such grave and permanent disability. In matters concerning motor accident victims, it is incumbent upon counsel to take all necessary steps to secure just and adequate compensation. Once an advocate enters appearance on behalf of a party, particularly in appellate proceedings, he assumes the role of a trustee of the client's interests. It is incumbent upon him to scrutinize the record and offer proper legal advice, including the necessity of filing a cross-appeal or cross-objection for enhancement of compensation where warranted. The failure to provide such essential advice, especially in cases involving severely injured claimants, amounts to a dereliction of professional duty. The legal profession, being a noble one, demands diligence, competence, and commitment to the client's cause. A growing tendency to rely solely on the Court's power under Order XLI Rule 33 CPC, without discharging the primary obligation to advise and act in the client's best interest, is a matter of serious concern. Such inaction, in appropriate cases, may amount to professional misconduct, warranting consideration by the appropriate

disciplinary authority. Therefore this Court finds total lack of the professional responsibility cast upon learned counsel appearing for injured claimant.

10.2.However, the failure on the part of counsel to file a cross-appeal cannot preclude this Court from exercising its powers under Order XLI Rule 33 CPC, especially in cases of exceptional cases. The said provision confers wide discretionary power upon the appellate court to pass such orders as are necessary to do complete justice to the parties.

10.3. In the present case, the photographic evidence (Ex.P23) and the medical records reveal the extremely precarious and pitiable condition of the claimant.



10.4. The evidence of P.W.1 clearly establishes that he is wholly dependent on others even for basic needs and is leading a life of extreme physical and functional disability. The evidence on record further discloses that, consequent to the second accident, the claimant underwent prolonged and continuous treatment in multiple hospitals, including at Tiruchirappalli (Atlas Hospital), Madurai (Devadas Hospital), Government Hospital, Tirunelveli, Annai Velanganni Hospital, and various other institutions providing specialised neurological care.Despite such extensive treatment, his condition has remained unimproved and there has been no significant improvement in his condition. The medical evidence and the testimony of P.W.1 establish that the claimant has suffered irreversible spinal cord injury, resulting in complete immobility and paralysis of both upper limbs. He has been rendered bedridden and is dependent on artificial means for sustenance, including feeding through a tracheostomy/nasal tube. Further, he is wholly dependent on attendants even for basic bodily functions, including attending call of nature. The overall condition of the claimant reflects a state of extreme physical incapacity, wherein he is neither capable of leading an independent life nor able to perform even minimal daily activities. This is a case not merely a case of injury and is not a case of mere survival where life itself has been hollowed out and has been reduced to its barest mechanical existence, leaving behind only a breathing shell i.e. The victim breathes, yet does not live in any meaningful sense. Consciousness has

receded into silence—he neither perceives nor responds to the world around him. His eyes may open, but they do not recognize; his body endures, but it does not function with purpose or dignity. The victim lives, but the essence of life has ebbed away. He is awake, yet devoid of awareness; his heart beats, but it carries no expression of emotion. His eyes may flicker open, yet they do not recognize, do not follow, do not respond. What remains is not a life of dignity, but a silent existence suspended between being and non-being. Reduced to skin and bones, his body bears the cruel imprint of prolonged suffering. The muscles have withered, strength has deserted him, and each bone now presses painfully against his fragile frame. Pain has not merely visited him—it has become his constant companion, draining both body and spirit. He exists in a vegetative state, where survival is mechanical, but life, in its true sense, is lost. Prolonged suffering has emaciated his frame. The loss of muscle, the frailty of his body, and the constant state of pain have rendered him wholly dependent. What remains is not life in its true sense, but a condition of helpless endurance—commonly described in medical terms as a persistent vegetative state.

10.5.In such a heartrending situation, this Court cannot remain a passive or mute spectator. Therefore, notwithstanding such failure on the part of counsel, this Court is duty-bound to ensure that substantive justice is not defeated. Accordingly, in the present case, this Court is inclined to exercise its

plenary powers under Order XLI Rule 33 CPC to enhance the compensation, so as to render just and equitable relief to the injured claimant. The appellate jurisdiction under Order XLI Rule 33 of the Code of Civil Procedure confers wide discretionary powers to do complete justice between the parties, even in the absence of a cross-appeal or cross-objection. The Court cannot adopt a narrow or pedantic approach to compensation. When human misery is pitted against the operational negligence of motor vehicle, the Tribunal is duty bound to redress the same by entering into pragmatic way in appreciation of the whole evidence so as to avoid accidental victim being left in lurch. The Hon'ble Supreme Court in ***AIR 1980 SCC 1354 (N.K.V.Brothers (P) Ltd., Vs. Karumai Ammal and others)*** emphasized the above requirement in the following words:-

> *"3. ..... Accidents Tribunals must take special care to see that innocent victim do not suffer and drivers and owners do not escape liability merely because of some doubt here or some obscurity there. Save in plain cases, culpability must be inferred from the circumstances where it is fairly reasonable. The court should not succumb to neceties, technicalities and mystic maybes."*

Therefore, this Court, in the exercise of its powers under Order XLI Rule 33 of the Code of Civil Procedure, is compelled to enhance the compensation so as to meet the ends of justice. It is relevant to refer the principles laid down in

Nagappa v. Gurudayal Singh, wherein it was held that there is no restriction that compensation cannot be awarded in excess of the amount claimed, and the Court is duty-bound to award "just compensation" under the Motor Vehicles Act. Similarly, in ***Surekha v. Santosh, (2021) 16 SCC 467,*** Hon'ble Three Judges Bench has found fault with High Court in not enhancing compensation in the absence of cross objection in the appeal filed by insurance company and held as follows:

> " *By now, it is well-settled that in the matter of insurance claim compensation in reference to the motor accident, the court should not take hypertechnical approach and ensure that just compensation is awarded to the affected person or the claimants."*

10.6. In ***Rajesh v. Rajbir Singh***, the Hon'ble Supreme Court reiterated that the determination of compensation must be just, fair, and reasonable, irrespective of technical pleadings.

10.7.The evidence, including photographic material, depicts a pitiable and distressing condition, warranting a compassionate yet legally sound reassessment of compensation. Further, having regard to the nature of injuries, prolonged suffering, permanent disability, and loss of amenities of life, this Court enhances the compensation under the heads of pain and suffering, loss of amenities, and attendant charges.

10.8. The medical evidence, coupled with the testimony of P.W.1 and P.W.2, clearly establishes that the claimant has suffered a catastrophic spinal cord injury, resulting in permanent paralysis, complete immobility, and total functional disability. He is bedridden, dependent on artificial feeding mechanisms, and requires continuous assistance even for basic bodily functions. The photographic evidence (Ex.P23) further corroborates the extremely pitiable and irrersible condition of the claimant. Further, it is evident that the claimant has lost his entire functional life. Prior to the accident, he was employed as a JCB driver. Post-accident, he is not even in a position to affix his signature, as evident from the records. The extent of disability has completely deprived him of earning capacity, and independence. The claimant has specifically pleaded and proved that he requires continuous assistance of an attendant for his day-to-day survival. In such cases, it is well settled that attendant charges can be awarded by applying the multiplier method, particularly where the disability is permanent and necessitates lifelong care. Further, with regard to the grant of attendant charges on a multiplier basis, the Hon'ble Supreme Court in ***Kavita v. Deepak*** recognized that in cases of permanent disability requiring lifelong assistance, attendant charges constitute a significant component of just compensation and may be computed by applying the multiplier method. Similarly, in ***Rekha Jain v. National Insurance Co. Ltd.***, the Hon'ble Supreme Court emphasised that compensation

must adequately reflect the loss of amenities, dignity, and the lifelong hardship suffered by the victim of a disabling injury. Applying the above principles, this Court finds that the claimant, aged 26 years at the time of the accident, has lost his entire functional life. Prior to the accident, he was employed as a JCB driver; however, due to the injuries sustained, he is now rendered completely incapable of earning or even performing basic personal functions. With regard to attendant charges, considering the continuous requirement of assistance, this Court fixes the monthly attendant charges at Rs.3,500/-. Taking into account the remaining span of life and the requirement of lifelong assistance and all the attending circumstances, impels this Court to adopt the multiplier method by following the ratio laid down by the Hon'ble Supreme Court:-

(i) In the case of ***Kavitha Vs. Deepak*** reported in ***2012 ACJ 2161***.

(ii)In the case of ***Sanjay Verma Vs. Haryana Roadways*** reported in ***2014 3 SCC 210***.

(iii) In the case of ***Rajasthan SRTC Vs. Alexix Sonier*** reported in ***2015 17 SCC 758***.

(iv)In the case of ***Kajal Vs. Jagdish Chand*** reported in ***2020 4 SCC 413***.

(v) In the case of ***Kirti Vs. Oriental Insurance Co. Ltd.***, reported in ***2021 2 SCC 166***.

(vi) In the case of ***Abhimanyu Partap Singh Vs. Namita Sekhon*** reported in ***2022 8 SCC 489***.

10.9. Considering the over all circumstances and the peculiar nature of this case, this court is inclined to fix the attendant charges of Rs.3,500/- per month and the same is calculated for the remaining period of 70 years as decided by the Hon'ble Supreme Court in the case of Kajal Vs. Jagtshchane reported in 2020 4 scc 413. Thus the attendants charges of the claimant is calculated. Therefore, the attendant charges calculated as follows:

3500 X 12 X 44 = 18,48,000/-

10.10.The injured as observed above, totally immobile and undergoing untold hardship and inconvenience and lost his total matrimonial pleasure and hence, this Court is inclined to grant a sum of Rs.2,00,000/- under the head of loss of amenity and inconvenience.

10.11. He undergone multiple surgeries and continuously taking the treatment and he is able to take food only through his nasal tube. In his day-to-day life, he is undergoing incalculable pain and suffering. Therefore, this Court is inclined to enhance the compensation under the head of pain and suffering from Rs.50,000/- to Rs.2,00,000/-.

10.12.The pleadings of the claimant and also evidence on record forced this Court to legitimately presume that he requires continuous treatment.

Therefore, this Court is inclined to grant Rs.3,00,000/- under the head of the future medical expenditure.

10.13.In view of the above discussion, this court holds that the compensation awarded by the Tribunal is inadequate and this Court is obligated to invoke Order XLI Rule 33 CPC to enhance the compensation so as to meet the ends of justice and is inclined to enhance the compensation from Rs.33,00,000/- to Rs.57,98,000 and the compensation awarded by the Tribunal to the claimant is re-determined as follows:

Sl.No.	***Heads***	***Amount awarded by the Tribunal***	***Re-quantified Amount by this Court***	***Status***
1	*Loss of earning power*	*27,21,600/-*	*27,21,600/-*	*confirmed*
2	*Medical bills*	*4,96,000/-*	*4,96,000/-*	*confirmed*
3	*Attendance Charges*	*10,000/-*	*18,48,000/-*	*enhanced*
4	*Pain and Suffering*	*50,000/-*	*2,00,000/-*	*enhanced*
5	*Transport expenses*	*5,000/-*	*5,000/-*	*confirmed*
6	*Extra Nourishment*	*20,000/-*	***20,000/-***	*confirmed*
7	*Amenities and inconvenience*	*--*	***2,00,000/-***	*awarded*
8	*Future Medical Expenditure*		***3,00,000/-***	*awarded*
	Total	***33,02,600/-***	***57,98,000/-***	***Enhanced amount 24,98,000/-***

10.14. Since this Court considering the special circumstances is invoked order XL1 Rule 33 of the CPC, this court inclines to grant interest of 7.5 % to the enhanced amount of Rs.***24,98,000/-*** from the date of this judgment.

11. **Conclusion**:

11.1. In the result, the appeal filed by the appellant–Insurance Company in C.M.A.(MD).No.21 of 2021 stands dismissed with modification of award in of compensation by enhancing the award amount in M.C.O.P.No.62 of 2015 from Rs.33,00,000/- to Rs.57,98,000/- with interest of 7.5 % to the enhanced amount of Rs.***24,98,000/-*** from the date of this judgment.

11.2. The first respondent in C.M.A.(MD).No.21 of 2021 is hereby directed to pay court fee for the above enhanced amount.

11.3. The appellant–Insurance Company is directed to deposit the enhanced compensation amount, together with applicable interest, within the time stipulated by the Tribunal. There shall be no order as to costs.

11.4. In the result, C.M.A.(MD).No.181 of 2021 stands dismissed confirming the award passed in M.C.O.P.No.63 of 2015. There shall be no order as to costs.

11.5. Connected miscellaneous petitions are closed.

[N.A.V.,J.] & [K.K.R.K.,J.]
01.06.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

1.The Motor Accidents Claims Tribunal (Special Sub Judge),
Tirunelveli.

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

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

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Judgment made in
C.M.A.(MD).Nos.21 and 181 of 2021

Dated: 01.06.2026