



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.704 of 2026

Sarath Kumar
S/o.Shanmugam

..Appellant

Vs

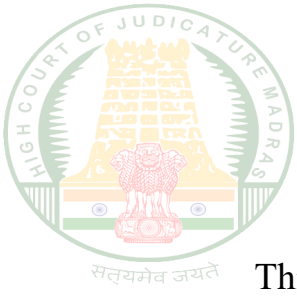
1. G.Ganesan
S/o.Govindasamy
2. Shriram General Insurance Company Limited,
E-8, RIICO Industrial Area,
Sitapura, Jaipur,Rajasthan 302 022.
3. P.Dhanapal
S/o.Paalappan
4. The Branch Manager,
Oriental Insurance Co., Ltd.,
81-C, 1st Floor, KRC Complex,
Krishnagiri.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 23.02.2023 made in MCOP No.102 of 2022 on the file of Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri.

For Appellant : Mr.S.P.Yuaraj

For Respondents : Mr.B.Sivakollapam [R2]



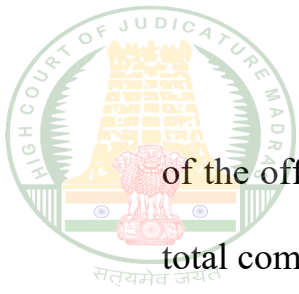
JUDGMENT

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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Special Sub Court, Krishnagiri, in M.C.O.P.No.102 of 2022 dated 23.02.2023, wherein the claimant is seeking enhancement of compensation.

2. The case of the claimant is that he was riding pillion in a two wheeler on 26.05.2013 and at about 17.00 hours, when the vehicle was proceeding near Alagubavi diversion road, the offending vehicle, a lorry, was driven in a rash and negligent manner, which abruptly stopped, as a result of which, the two wheeler in which the claimant was travelling hit the lorry and the claimant was thrown away from the vehicle and he sustained both bones comminuted fracture complicated into compartment syndrome with complete neurovascular compromise and left upper brachial plexus injury. In the light of the above injury sustained, the claimant had to undergo treatment as an inpatient for 10 days and his left leg below knee was amputated. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of materials before it, came to a conclusion that the accident had occurred only due to the rash and negligent driving on the part of the driver



of the offending vehicle. Having rendered the above finding, the Tribunal fixed total compensation of Rs.15,00,000/- under various heads as follows:

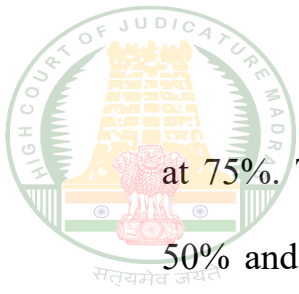
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<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Future loss of earning capacity	8,44,200/-
2.	Medical expenses	1,49,400/-
3.	Pain and suffering	60,000/-
4.	Transportation expenses	15,000/-
5.	Additional nourishment	20,000/-
6.	Damages to clothes	1,400/-
7.	Attender charges	10,000/-
8.	Loss of amenities & marriage prospects	2,00,000/-
9.	Future medical expenses	2,00,000/-
	Total	15,00,000/-

The above compensation was directed to be paid with interest at 7.5% p.a. from the date of petition. Aggrieved by the same, the present appeal has been filed seeking enhancement of compensation.

4. Heard learned counsel for appellant/claimant and learned counsel for second respondent/insurance company.

5. In the case in hand, the claimant was aged about 22 years at the time of accident and was working in a bakery. The injury resulted in amputation of his left leg below knee. Hence, the Medical Board assessed the permanent disability



at 75%. The Tribunal, considering the same, fixed the functional disability at 50% and applied the multiplier method while calculating compensation under

the head 'disability'. This procedure adopted by the Tribunal is in order.

However, the Tribunal while fixing the notional monthly income, fixed a very low income and this Court is inclined to fix notional monthly income at Rs.10,500/-. Accordingly, compensation under the head 'disability' is calculated as follows:

Monthly Income	:	Rs. 10,500/-
Add: 40% future prospects	:	Rs. 4,200/-

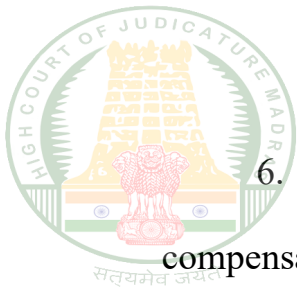
		Rs. 14,700/-
		x 12

Annual income	:	Rs. 1,76,400/-
Multiplier	:	x 18

		Rs.31,75,200/-

50% disability	:	Rs.15,87,600/-

This Court is inclined to enhance the compensation under the heads 'pain and suffering', 'extra nourishment' and 'attender charges' to Rs.1,50,000/-, Rs.50,000/- and Rs.25,000/- respectively. The compensation fixed under the other heads is reasonable and does not require the interference of this Court.



6. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Future loss of earning capacity	8,44,200/-	15,87,600/-
2.	Medical expenses	1,49,400/-	1,49,400/-
3.	Pain and suffering	60,000/-	1,50,000/-
4.	Transportation expenses	15,000/-	15,000/-
5.	Additional nourishment	20,000/-	50,000/-
6.	Damages to clothes	1,400/-	1,400/-
7.	Attender charges	10,000/-	25,000/-
8.	Loss of amenities & marriage prospects	2,00,000/-	2,00,000/-
9.	Future medical expenses	2,00,000/-	2,00,000/-
	Total	15,00,000/-	23,78,400/-

7. The compensation awarded by the Tribunal at Rs.15,00,000/- is enhanced to Rs.23,78,400/-. The second respondent/insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit, the appellant/claimant is entitled to withdraw the same on due application. Insofar as the enhanced compensation of Rs.8,78,400/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 558 days as was ordered by this Court in



N.ANAND VENKATESH, J.

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C.M.P.No.4651 of 2026 in C.M.A.Sr.No.1695 of 2025 dated 03.03.2026.

Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

10-07-2026

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

To

The Motor Accident Claims Tribunal,
Special Sub Court,
Krishnagiri.

Civil Miscellaneous Appeal No.704 of 2026