



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 199 of 2023

Kolanjinathan
S/o. Solamuthu

..Appellant(s)

.Vs.

1. Pandiyarajan
S/o. Arumugam

2. United India Insurance Company Ltd.,
Branch Office, 36/11-1st Floor, Ragavan
complex, Vellazha theru
Ariyalur District.

..Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Award of the Motor Accident Claims Tribunal (Principal Sub Court) Ariyalur in MCOP No.112 of 2020 dated 19-10-2022.

For Appellant(s): Mr.P.Parthikannan

For Respondent(s): Mr. C. Paranthaman for R2



JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal (Principal Sub Court) Ariyalur in MCOP No.112 of 2020 dated 19-10-2022, wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.

2.The case of the claimant is that on 04.8.2020 the claimant was riding a two wheeler from Ariyalur to V.Kaikatti Main Road. At about 09.00 p.m., the offending vehicle which was the Van was driven in a rash and negligent manner and it dashed on the two wheeler as a result of which, the claimant was thrown out of the two wheeler and he sustained fracture in his right ankle, abrasions and multiple grievous injuries all over the body. The claimant underwent treatment as an inpatient for nearly 53 days and underwent one surgery. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3The 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 offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.2,37,386/- under the following heads:



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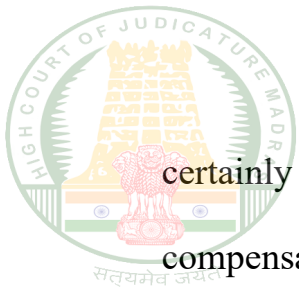
<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1	Disability Compensation (42% x 5000)	2,10,000/-
2	Loss of income (two months)	15,000/-
3	Medical Bills	6,386/-
4	Transportation Charges	1,000/-
5	Extra Nourishment	2,000/-
6	Pain and Sufferings	2,000/-
7	Damages to clothes	1,000/-
	Total Award Amount :	2,37,386/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.

4. Heard the learned counsel for the appellant and the learned counsel for the 2nd respondent/Insurance Company.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. The main ground that was urged by the learned counsel for the appellant is that the claimant was a mason and the nature of injury sustained by the claimant resulted in loss of mobility and stability and therefore, the claimant

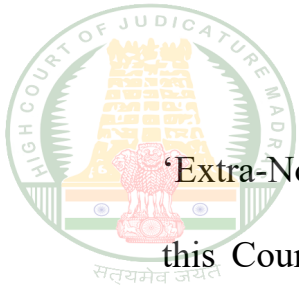


certainly suffered functional disability and he was entitled for fixation of compensation under the head loss of earning power by applying the multiplier method. The learned counsel further submitted that the compensation that has been fixed by the Tribunal under various others is also on the lower side and it requires the interference of this Court.

7.The Medical Board had assessed the disability suffered by the claimant at 42%. The age of the claimant was 36 years at the time of the accident. The Tribunal on considering the nature of injury suffered, came to a conclusion that the claimant has not made out a case for functional disability warranting the application of multiplier. This finding rendered by the Tribunal does not suffer from any perversity.

8.The Tribunal has adopted the percentage method and has fixed Rs.5,000/- per percentage. Considering the fact that the accident had taken place in the year 2020, this Court is inclined to fix Rs.10,000/- per percentage and the compensation under the head of disability is fixed at Rs.4,20,000/- [Rs.10,000/- x 42]

9.In the case in hand, the claimant has undergone treatment as an inpatient for nearly 53 days and therefore, this Court is inclined to enhance the compensation under the head 'Transportation Charges' to Rs.20,000/-,

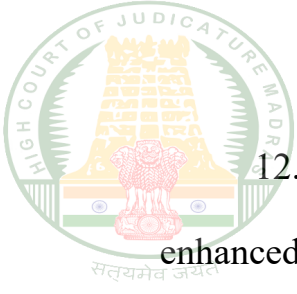


‘Extra-Nourishment’ to Rs.30,000/-, ‘Pain and Sufferings’ to Rs.75,000/- and this Court is also inclined to fix the compensation under the head ‘Attender Charges’ to Rs.25,000/-.

10.Insofar as the ‘loss of income’ is concerned, considering the avocation of the claimant, he was out of action for atleast six months. Considering the fact that the accident had taken place in the year 2020, this Court is inclined to fix the monthly income at Rs.12,500/- and the compensation under the head ‘loss of income’ is fixed at Rs.75,000/- [Rs.12,500 x 6].

11.In the light of the above discussion, this Court modified the compensation in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1	Disability Compensation (42% x 5000)	2,10,000/-	4,20,000/-
2	Loss of income (two months)	15,000/-	75,000/-
3	Medical Bills	6,386/-	6,386/-
4	Transportation Charges	1,000/-	20,000/-
5	Extra Nourishment	2,000/-	30,000/-
6	Pain and Sufferings	2,000/-	75,000/-
7	Damages to clothes	1,000/-	1,000/-
8.	Attender Charges	-----	25,000/-
	Total Award Amount :	2,37,388/-	6,52,386/-



12.The compensation awarded by the Tribunal at Rs.2,37,386/- is enhanced to Rs.6,52,386/-. The 2nd 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 four (4) weeks from the date of receipt of a copy of this judgment. 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.

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

13-07-2026

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

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The Motor Accident Claims Tribunal
(Principal Sub Court) Ariyalur



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N.ANAND VENKATESH J.

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