



C.M.A.No.2857 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13.07.2026**

CORAM:

**THE HON'BLE MR. JUSTICE N. ANAND VENKATESH**

**C.M.A.No.2857 of 2022**

E.Raja

... Appellant

Vs.

1. M/s.Silver Steel India,  
No.28, Venkata Maistry Street,  
Sowcarpet, Chennai.
2. Reliance General Insurance Co. Ltd.,  
Reliance House, 6<sup>th</sup> Floor,  
No.6, Haddows Road,  
Nungambakkam, Chennai – 600 006.

... Respondents

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 03.11.2018 made in MACTOP No.3408 of 2010 on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai.

For Appellant : Mr.C.Munusamy

For Respondents : *Ex parte* (R1)  
Ms.C.Bhuvanasundari (R2)



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## **JUDGMENT**

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This civil miscellaneous appeal has been filed against the award passed by the learned II Judge, II Court of Small Causes, Motor Accidents Claims Tribunal, Chennai, in MCOP No.3408 of 2010 dated 03.11.2018, wherein the appellant/claimant is seeking enhancement of compensation fixed by the Tribunal.

2. The case of the appellant/claimant is that on 04.07.2010, while he was crossing the GST road from West to East, the offending vehicle, a two wheeler, belonging to the first respondent, was driven in a rash and negligent manner and dashed against him. As a result, the claimant suffered a 'Bilateral Type III-B compound fracture of both bones of the legs, Monteggia fracture-dislocation of the left elbow and a fracture of RT superior articular process C6'. The claimant underwent treatment as an inpatient for 14 days, during which four surgeries were performed on him. 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 oral and documentary evidence, came to a



conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the offending vehicle.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.3,96,000/- under various heads as follows:

| <i>Sl.No.</i> | <i>Heads</i>            | <i>Compensation awarded by the Tribunal (in Rs.)</i> |
|---------------|-------------------------|------------------------------------------------------|
| 1.            | Functional Disability   | 2,00,000                                             |
| 2.            | Medical Expenses        | 66,000                                               |
| 3.            | Future Medical Expenses | 50,000                                               |
| 4.            | Transportation          | 10,000                                               |
| 5.            | Extra Nourishment       | 10,000                                               |
| 6.            | Pain and Suffering      | 50,000                                               |
| 7.            | Attender Charges        | 10,000                                               |
| Total         |                         | 3,96,000                                             |

The above compensation was directed to be paid by the second respondent/Insurance Company together with interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed by the appellant/claimant seeking enhancement of compensation.

5. The main ground urged on the side of the appellant/claimant is that the Doctor had assessed the disability of the claimant at 90%, but the Tribunal, without properly appreciating the same, fixed a lump sum amount

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of Rs.2,00,000/- towards 'disability'. The learned counsel for the appellant/claimant submitted that considering the nature of the injuries sustained by the claimant and the fact that he has lost his earning capacity, the Tribunal ought to have adopted the multiplier method. It is further contended that the compensation fixed by the Tribunal under the other heads is also on the lower side and requires the interference of this Court.

6. Per contra, the learned counsel appearing for the second respondent/Insurance Company submitted that the appellant/claimant was working as a conductor in the Transport Corporation and that even after the accident, he continues his employment in the Transport Corporation without loss of income. Therefore, the multiplier method cannot be followed in this case since there is no loss of earning capacity. He further submitted that the accident had taken place in the year 2010 and the compensation fixed by the Tribunal under the various heads is just and fair and does not require the interference of this Court.

7. Heard Mr.C.Munusamy, learned counsel for the appellant/claimant and Ms.C.Bhuvanasundari, learned counsel for the second respondent/Insurance Company.



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8. This Court also carefully considered the materials available on record and went through the award passed by the Tribunal.

9. In the case in hand, the appellant/claimant was working as a conductor in the Transport Corporation. According to the learned counsel for the appellant/claimant, the claimant suffered a functional disability and therefore, the Tribunal ought to have adopted the multiplier method. It is clear from the discussion that the claimant, who was working as a conductor in the Transport Corporation, has been accommodated with light work. Therefore, there is no loss of income for the claimant. In any case, the rights of the claimant so far as the employment opportunities are concerned are safeguarded under the Right of Persons with Disabilities Act.

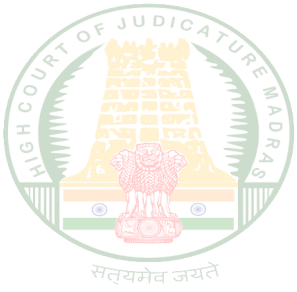
10. In the case in hand, at the best, only percentage method can be followed. The claimant was not assessed by the Medical Board. However, considering the disability certificate which was marked as Ex.P11, the disability of the claimant was tentatively fixed at 60%. Even if Rs,3,000/- is fixed per percentage of disability, the compensation fixed by the Tribunal under the head 'Disability' is reasonable and it does not require the interference of this Court.



11. Considering the nature of the injuries sustained by the appellant/claimant and the treatment underwent by him, this Court is inclined to enhance the compensation under the heads 'Transportation Charges', 'Extra Nourishment', 'Pain and Suffering' and 'Attender Charges' to Rs.20,000/-, Rs.30,000/-, Rs.75,000/- and Rs.15,000/- respectively. This Court is also inclined to fix a sum of Rs.20,000/- towards 'loss of amenities'.

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

| <i>S.No.</i> | <i>Heads</i>            | <i>Awarded<br/>by the Tribunal<br/>(in Rs.)</i> | <i>Modified<br/>by this Court<br/>(in Rs.)</i> |
|--------------|-------------------------|-------------------------------------------------|------------------------------------------------|
| 1.           | Functional Disability   | 2,00,000                                        | 2,00,000                                       |
| 2.           | Medical Expenses        | 66,000                                          | 66,000                                         |
| 3.           | Future Medical Expenses | 50,000                                          | 50,000                                         |
| 4.           | Transportation          | 10,000                                          | <b>20,000</b>                                  |
| 5.           | Extra Nourishment       | 10,000                                          | <b>30,000</b>                                  |
| 6.           | Pain and Suffering      | 50,000                                          | <b>75,000</b>                                  |
| 7.           | Attender Charges        | 10,000                                          | <b>15,000</b>                                  |
| 8.           | Loss of Amenities       | -                                               | <b>20,000</b>                                  |
| Total        |                         | 3,96,000                                        | <b>4,76,000</b>                                |



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13. The compensation awarded by the Tribunal at Rs.3,96,000/- is enhanced to Rs.4,76,000/-. 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. Insofar as the enhanced compensation is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 408 days as was ordered by this Court in C.M.P.No.1230 of 2022 in C.M.A.Sr.No.6709 of 2022 dated 06.12.2022. 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.

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

**13.07.2026**

Neutral Citation: Yes/No  
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- To
1. The II Judge,  
II Court of Small Causes,  
Motor Accidents Claims Tribunal,  
Chennai.
  2. The Section Officer,  
VR Section,  
High Court of Madras.



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**N. ANAND VENKATESH, J.**

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***13.07.2026***