



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA Nos.159 & 1245 of 2022
and CMP No.9166 of 2022

CMA No.159 of 2022

Sakthivel

..Appellant

.vs.

1.Murugesan

2.The Manager,
National Insurance Company Limited,
Nethaji Road, Manjakuppam,
Cuddalore District.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award in judgment and decree dated 08.11.2021 made in MCOP No.740 of 2015 on the file of the Motor Accidents Claims Tribunal and Chief Judicial Magistrate, Perambalur.

For Appellant : Mr.S.P.Yuvaraj

For Respondents : Mrs.N.B.Surekha for R2

CMA No.1245 of 2022

The Manager,
National Insurance Company Limited,
Nethaji Road, Manjakuppam,
Cuddalore District.

..Appellant



.vs.

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1.Sakthivel

2.Murugesan

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award in judgment and decree dated 08.11.2021 made in MCOP No.740 of 2015 on the file of the Motor Accidents Claims Tribunal and Chief Judicial Magistrate, Perambalur.

For Appellant : Mrs.N.B.Surekha

For Respondents : Mr.S.P.Yuvaraj for R1

JUDGMENT

These appeals have been filed both by the claimant as well as the Insurance Company challenging the Award passed by the MACT, Chief Judicial Magistrate, Perambalur in MCOP No.740 of 2015 dated 08.11.2021.

2.The case of the claimant is that on 21.03.2015, he was riding a two wheeler and was proceeding at Neikuppai-Perambalur Road and at about 5.45 p.m., the offending vehicle which was a car was driven in a rash and negligent manner and it dashed on the two wheeler. As a result of which, the claimant had suffered the following injuries ie., Fracture shaft of femur left comminuted and



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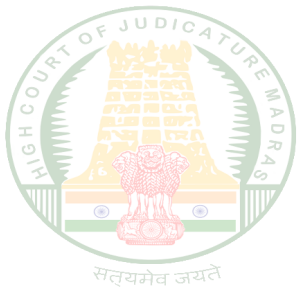
fracture shaft of libia left. The claimant underwent treatment as an inpatient for nine days and he was treated with the procedure of “interlocking intra medullary nailing for both femur and tibia – Left side”.

3.It is under these circumstances, the claim petition came to be filed before the Tribunal.

4.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 driver of the offending vehicle.

5.Having rendered the above finding, the Tribunal proceeded to fix the total compensation of Rs.11,29,750/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income (21,000 x 12 x 25% x 15)	9,45,000
For Transport to Hospital	5,000
Medical Bills	1,20,738
For Extra Nourishment	10,000
Attender Charges	3,000
For Pain and Sufferings, mental	30,000



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agony	
Loss of Amenities	15,000
Damages to Clothes	1000
Total	11,29,738
Rounded Off	11,29,750

6.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

7.The claimant has filed CMA No.159 of 2022 seeking for enhancement of compensation. The Insurance Company has filed CMA No.1245 of 2022, challenging the findings of the Tribunal on the ground of negligence as well as the quantum of compensation fixed by the Tribunal.

9.Heard the learned counsel for the appellant and the learned counsel for the respondents.

10.Insofar as the negligence is concerned, it is contended that there is certainly an element of contributory negligence on the part of the claimant and the same is evident from EX.R1 which is the Rough Sketch which was marked before the Tribunal.

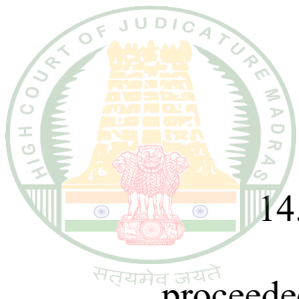


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11. Insofar as this issue is concerned, the Tribunal has taken into consideration the evidence of PW1, RW1 and also EX.R1. The Tribunal has come to a conclusion that the FIR was registered against the driver of the two wheeler and on completion of investigation, a police report has also been filed against the driver of the offending vehicle. The Tribunal also rendered a finding that the driver of the offending vehicle was the best person who could have spoken about the accident and in the absence of a contra evidence, it will be difficult to fix contributory negligence merely based on the Rough Sketch (EX.R1).

12. The above finding of the Tribunal does not suffer from any perversity warranting the interference of this Court. Therefore, insofar as the question of negligence is concerned, the finding of the Tribunal is sustained.

13. Coming to the question of compensation, the claimant was referred to the Medical Board and the Medical Board assessed 60% disability in relation to the left lower limb of the claimant. According to the claimant, he is a Government Contractor and to substantiate the same, EX.P7 and EX.P8 were marked. Even after the accident, the claimant suffered from post traumatic stiffness and weakness.



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14.The Tribunal has determined 25% as loss of earning capacity and proceeded to apply the multiplier method in this case.

15.Considering the avocation of the claimant, there is no material to show that the claimant suffered from any functional disability in this case. In spite of injuries sustained, after the claimant recovers, he can always participate as a Government Contractor and the injuries will not stop the claimant from performing the work as he was doing earlier. Therefore, multiplier method cannot be adopted in this case of this nature.

16.In the light of the above discussion, this Court fixes the compensation under the head of disability by adopting the percentage method at Rs.6,000/- per percentage. According the disability compensation is fixed as Rs.3,60,000/- (Rs.6000/- x 60%).

17.EX.P11 shows the income earned by the claimant. The claimant has established that he was earning Rs.16,500/- per month. Considering the nature of injuries sustained by the claimant, he would have been out of action for at least six months. Therefore, this Court is inclined to fix the compensation under the head of loss of income at Rs.99,000/- (Rs.16,500/- x 6).



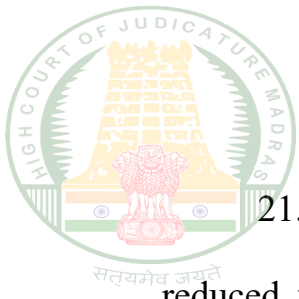
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18. This Court finds that as the claimant was an inpatient for nine days and taking note of the nature of injuries sustained, this Court is inclined to enhance the compensation under the head of extra nourishment to Rs.25,000/-, attender charges to Rs.20,000/- and pain and sufferings to Rs.75,000/-.

19. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

20. In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Disability	3,60,000
Loss of Income	99,000
For Transport to Hospital	5,000
Medical Bills	1,20,738
For Extra Nourishment	25,000
Attender Charges	20,000
For Pain and Sufferings, mental agony	75,000
Damages to Clothes	1000
Total	07,05,738



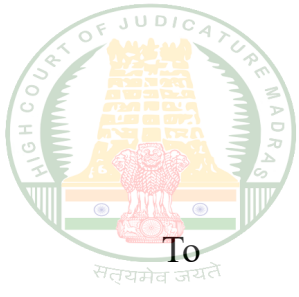
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21.The compensation awarded by the Tribunal at Rs.11,29,750/- is reduced to Rs.7,05,738/-. The insurance company is directed to deposit the reduced compensation, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

22.These Civil Miscellaneous Appeals are partly allowed in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

06.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



To

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The Motor Accidents Claims Tribunal and Chief Judicial Magistrate,
Perambalur.



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N. ANAND VENKATESH., J

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