



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2026

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CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2299 of 2026

Prakash

..Appellant

.VS.

1.V.Selvi

2.The Branch Manager,
M/s.National Insurance Co., Ltd.,
Branch Office at 1st Floor, Bharathidasan Buildings,
Bye pass road, Hosur 635 109.
12-A, Kovai Road, PLA Building, II Floor,
Krishnagiri District.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, challenging the fair order dated 06.01.2025 made in MCOP No.875 of 2023, on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Krishnagiri.

For Appellants : Mr.S.P.Yuvaraj

For Respondents : Mr.S.Vadivel for R2



JUDGMENT

WEB COPY This appeal has been filed against the Award passed by the MACT, Special Subordinate Court, Krishnagiri in MCOP No.875 of 2023 dated 06.01.2025, wherein the claimant is seeking for enhancement of compensation.

2.The claimant had filed the petition under Section 167 of the Motor Vehicles Act on the ground that he was returning back in a car along with others by driving the car from Hogenakkal and this car belonged to the 1st respondent and the claimant was working under the 1st respondent. An unknown lorry which came in the opposite direction was driven in a rash and negligent manner and it dashed against the car and as a result, the claimant sustained right eye corneo-sclera tear. The claimant underwent treatment as an inpatient for two days and underwent an operation. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation under the Workmen's Compensation Act, 1923.

3.The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that there is an employer-employee relationship between the claimant and the 1st respondent. The Tribunal also came to a conclusion that the accident had taken place in the course of employment.



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4. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.1,25,300/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Disability	95,300
Medical Expenses	30,000
Total	1,25,300

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

6. Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.

7. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the 2nd respondent.

8. The bone of contention is regarding the compensation that was fixed under the head of disability. It is contended that the Medical Board, while issuing the Disability Certificate, which was marked as Ex.C1, had assessed the partial permanent disability at 30%. The Tribunal has come to a conclusion that



the claimant suffered only a functional disability of 15% and accordingly, calculated the compensation under the head of disability.

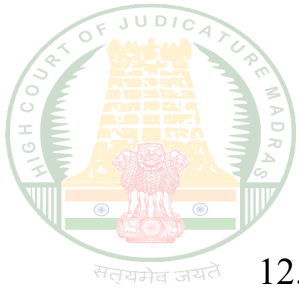
9.The claimant is admittedly a driver by profession. Due to the nature of injuries sustained by him, there is diminished vision in the right eye. This certainly will affect the avocation of the claimant and an employer will be hesitant to engage the claimant considering the fact that the claimant has a diminished vision on the right eye. In view of the same, the Tribunal ought to have calculated the disability by taking the functional disability as 30%. To that extent, this Court is inclined to interfere with the finding of the Tribunal.

10.In the light of the above discussion, the compensation under the head of disability is calculated as follows:

$$5000 \times 60 \times 211.79/100 \times 30/100 = \text{Rs.}1,90,610/-$$

11.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Disability	1,90,610
Medical Expenses	30,000
Total	2,20,610



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12.The compensation awarded by the tribunal at Rs.1,25,300/- is enhanced to Rs.2,20,610/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.2,20,610/-, 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 four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.95,310/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 227 days as was ordered by this Court in C.M.P.No.2791 of 2026, dated 24.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

13.In the result, this Civil Miscellaneous Appeals is partly allowed in the above terms. No costs.

28.07.2026

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



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N. ANAND VENKATESH., J

SSR

To

The Motor Accident Claims Tribunal/Special Subordinate Court, Krishnagiri.

CMA No.2299 of 2026

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