



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 14-07-2026**

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**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**CMA No. 485 of 2023**

V.Hemavathy  
D/o Varadalingam

..Appellant(s)

.Vs.

1. V.Ruban  
S/o Valliappan

2.Reliance General Insurance Co. Ltd.,  
Having Office at No 6, Hadas Road,  
Nungambakkam, Chennai 600 034.

Respondent(s)

**PRAYER**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, appeal against the decree and judgment dated 10.08.2022 made in MCOP No.476/2016, on the file of the Motor Accidents Claims Tribunal (II Additional District and Sessions Judge), Tiruvallur, Poonamalle.

For Appellant(s): K.Varadhakamaraj

For Respondent(s): P.Suresh Srinivasan for R2



## **JUDGMENT**

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, (II Additional District and Sessions Judge), Tiruvallur, Poonamalle in MCOP No.476/2016 dated 10.08.2022, wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.

2.The case of the claimant is that on 17.6.2026, the claimant was travelling in a two wheeler as a pillion rider at Thirumudivakkam Main Road and at about 09.00 hours, the rider of the vehicle drove the vehicle in a rash and negligent manner and as a result of which, the claimant fell down and sustained head injury which was diagnosed as left temporal contusion. The claimant underwent treatment as an inpatient for nearly 11 days and she was also subjected to left frontotemporal craniotomy and decompression. 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 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 two wheeler. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.4,42,437/- under the following heads:



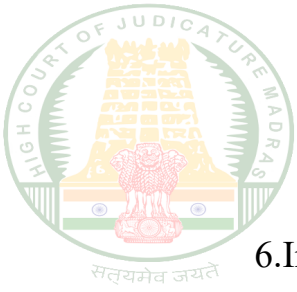
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| <b>Sl.No</b> | <b>Compensation awarded under the head</b>                              | <b>Amount<br/>(in Rs.)</b> |
|--------------|-------------------------------------------------------------------------|----------------------------|
| 1.           | Transport to hospital                                                   | 10,000/-                   |
| 2.           | Extra Nourishment                                                       | 10,000/-                   |
| 3.           | Loss of Damage for clothes and articles                                 | 1,000/-                    |
| 4.           | Pain and Sufferings                                                     | 15,000/-                   |
| 5.           | Loss of Amenities                                                       | 10,000/-                   |
| 6.           | Attender Charges                                                        | 4,500/-                    |
| 7.           | Disability fixed @ Rs.3,000/- for 1% and for 30%<br>(3000x30)           | 90,000/-                   |
| 8.           | Loss of income @ Rs.4500/- for 3 months<br>(Rs.4,500/- x 4 = Rs.18,000) | 18,000/-                   |
| 9.           | Medical Expenses                                                        | 2,83,937/-                 |
|              | <b>Total :</b>                                                          | <b>4,42,437/-</b>          |

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 2<sup>nd</sup> respondent/Insurance Company.

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



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6. In the case in hand, the discharge summary which was marked as Ex.P.4 shows that after the accident had taken place, the claimant was disoriented and she had suffered left frontotemporal craniotomy for which the emergency surgery had to be performed.

7. The claimant was thereafter produced before the Medical Board who had issued the disability certificate marked as Ex.X-1. The Medical Board had assessed permanent disability at 30%.

8. The claimant was hardly aged about 25 years at the time of the accident and she suffered serious head injury and she claims to be a tailor. After the accident, it is also evident from the disability certificate which was given in the year 2021 that even after the initial treatment, the claimant continued to undergo treatment upto December 2021. The discharge summary, also mentions that the claimant suffers from seizure episodes with movement of the lips. The claimant has been medicated for epilepsy. Therefore, the claimant has certainly suffered from permanent disability in this case.

9. The Tribunal has applied the percentage method and had fixed Rs.3,000/- per percentage. In the considered view of this Court, the claimant has certainly suffered loss of earning capacity and therefore it is a fit case where



the multiplier method can be adopted by fixing the functional disability at 30%.

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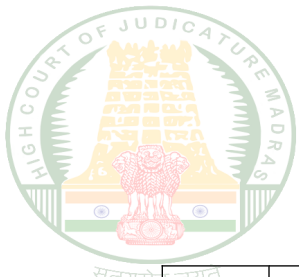
10. In the light of the above discussion, the compensation under the head of 'loss of income' due to disability is calculated as follows:

$$\text{Rs.6,500/-} \times 12 \times 18 \times 30\% = \text{Rs.4,21,200/-}$$

11. This Court is also inclined to enhance the compensation under the heads 'Extra Nourishment' to Rs.20,000/- 'Pain and Sufferings' to Rs.30,000/- 'Loss of Amenities' to Rs.25,000/- and 'Attender Charges' to Rs.15,000/-.

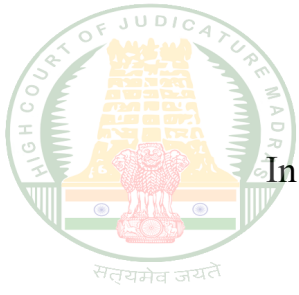
12. In view of applying the multiplier method and the calculation of compensation under the head 'loss of income' due to disability, the compensation granted by the Tribunal under the head 'loss of income' stands deleted. The compensation that has been fixed under the other heads are reasonable and it does not require the interference of this Court.

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



| <b>Sl. No.</b> | <b>Compensation awarded under the head</b>                           | <b>Amount awarded by the Tribunal (in Rs.)</b> | <b>Amount awarded by this Court (in Rs.)</b> |
|----------------|----------------------------------------------------------------------|------------------------------------------------|----------------------------------------------|
| 1.             | Transport to hospital                                                | 10,000/-                                       | 10,000/-                                     |
| 2.             | Extra Nourishment                                                    | 10,000/-                                       | 20,000/-                                     |
| 3.             | Loss of Damage for clothes and articles                              | 1,000/-                                        | 1,000/-                                      |
| 4.             | Pain and Sufferings                                                  | 15,000/-                                       | 30,000/-                                     |
| 5.             | Loss of Amenities                                                    | 10,000/-                                       | 25,000/-                                     |
| 6.             | Attender Charges                                                     | 4,500/-                                        | 15,000/-                                     |
| 7.             | Disability fixed @ Rs.3,000/- for 1% and for 30% (3000x30)           | 90,000/-                                       | 4,21,400/-                                   |
| 8.             | Loss of income @ Rs.4500/- for 3 months (Rs.4,500/- x 4 = Rs.18,000) | 18,000/-                                       | ----                                         |
| 9.             | Medical Expenses                                                     | 2,83,937/-                                     | 2,83,937/-                                   |
|                | <b>Total :</b>                                                       | <b>4,42,437/-</b>                              | <b>8,06,337/-</b>                            |

14.The compensation awarded by the Tribunal at Rs.4,42,437/- is enhanced to Rs.8,06,337/-. The 2<sup>nd</sup> 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 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.



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

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**14-07-2026**

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

The Motor Accidents Claims Tribunal  
II Additional District and Sessions Judge,  
Tiruvallur at Poonamalle



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**N.ANAND VENKATESH J.**

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**CMA No. 485 of 2023**

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