

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2348 of 2026

Prabha

..Appellant

.VS.

1.Dhanasekharan

2.National Insurance Co., Ltd.,
Motor Third Party Claims,
No.66, 1st Floor, Greams Road,
Third Party Hub,
Chennai - 06.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgement dated 27.01.2025 made in MCOP No.4651 of 2022, on the file of the Motor Accident Claims Tribunal/Special Sub Judge No.1, Court of Small Causes, Chennai.

For Appellants : Mr.K.Varadhakamaraj

For Respondents : Mr.C.Paranthaman for R2

JUDGMENT

This appeal has been filed against the Award passed by the MACT, Special Sub Judge No.1, Court of Small Causes, Chennai in MCOP No.4651 of



2022 dated 27.01.2025, wherein the claimant is seeking for enhancement of compensation.

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2.The case of the claimant is that he is an auto driver by profession. On 18.08.2021, when he was driving the vehicle at Tirupathi Naidupet bypass road and at about 11 p.m., when the vehicle was near SKIT College, the offending vehicle, which was a lorry, was driven in a rash and negligent manner and it dashed against the vehicle. As a result of which, the claimant suffered with “Fracture of Scapular on left side and Fracture of nasal bones on both sides”. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

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 driver of the offending vehicle.

4.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.2,12,000/- under various heads as follows:



Compensation awarded under the head	Amount (in Rs.)
Disability	1,33,000
Pain and Sufferings	30,000
Transportation	4,000
Extra Nourishment	10,000
Loss of earnings	25,000
Loss of amenities	10,000
Total	2,12,000

5.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum. The Tribunal also took into consideration the fact that the driver of the offending vehicle did not possess a valid driving license and hence, applied the principle of pay and recovery.

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

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

8.In the case in hand, the Medical Board had assessed partial permanent disability at 19% while issuing the Disability Certificate, which was marked as Ex.C1. The Tribunal had adopted percentage method and fixed a sum of



Rs.7,000/- per percentage. Since the accident had taken place in the year 2021, this Court is inclined to fix a sum of Rs.10,000/- per percentage of disability.

9.In the case in hand, the claimant apart from sustaining a fracture of nasal bones, had also sustained fracture of left scapula. Hence, considering the avocation of the claimant, the claimant would have been out of action atleast for four months. The notional monthly income is fixed at Rs.15,000/-. Accordingly, the compensation under the head of loss of earnings is fixed at Rs.60,000/- (Rs.15,000/- x 4).

10.This Court is also inclined to enhance the compensation under the head of pain and sufferings to Rs.35,000/- and transportation charges to Rs.10,000/-.

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

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

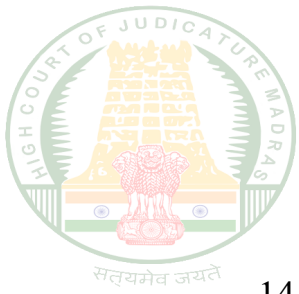


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Compensation awarded under the head	Amount (in Rs.)
Disability	1,90,000
Pain and Sufferings	35,000
Transportation	10,000
Extra Nourishment	10,000
Loss of earnings	60,000
Loss of amenities	10,000
Total	3,15,000

13.The compensation awarded by the tribunal at Rs.2,12,000/- is enhanced to Rs.3,15,000/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.3,15,000/-, 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.1,03,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 249 days as was ordered by this Court in C.M.P.No.2883 of 2026, dated 15.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant. It is made clear that the pay and recovery ordered by the Tribunal is sustained. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

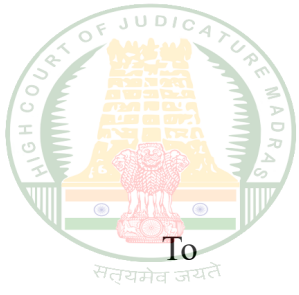


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14. In the result, this Civil Miscellaneous Appeals is partly allowed in the above terms. No Costs.

28.07.2026

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



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The Motor Accident Claims Tribunal/Special Sub Judge No.1, Court of Small Causes, Chennai.



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N. ANAND VENKATESH., J

SSR

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