



C.M.A.No.2124 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.2124 of 2026

S.Sushanth

... Appellant

Vs.

1. M.Vijayakumar

2. United India Insurance Co. Ltd.,
Motor Third Party Hub,
Silingi Building.
No.134, Greams Road,
Chennai – 600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation awarded in the order dated 27.01.2025 passed in MCOP No.7087 of 2017 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai.

For Appellant : Mr.Amar Dineshbhai Pandiya

For Respondents : Ms.I.Malar for R2



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JUDGMENT

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This civil miscellaneous appeal has been filed by the appellant/claimant challenging the award passed by the III Court of Small Causes, Motor Accidents Claims Tribunal, Chennai, in MCOP No.7087 of 2017 dated 27.01.2025, wherein the appellant/claimant is seeking enhancement of compensation fixed by the Tribunal.

2. The case of the appellant/claimant is that on 17.06.2017, the claimant was travelling in a car on the Bangalore-Chennai National Highway and at about 15.30 hours, when the car was near Nazarathpettai, the offending vehicle, which was a lorry belonging to the first respondent, was driven in a rash and negligent manner and dashed against the car. As a result, the car capsized and the claimant sustained crush injuries to both lower limbs with degloving of the dorsum of the feet and a left distal tibial fracture. The claimant underwent treatment as an inpatient for 39 days, during which eight 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 driver of the offending vehicle.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.25,31,900/- under various heads as follows:

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Disability	3,25,000
2.	Pain and Suffering	60,000
3.	Transportation	10,000
4.	Medical Expenses	20,44,223
5.	Extra Nourishment	10,000
6.	Attender Charges	11,700
7.	Damage of clothes	1,000
8.	Mental Agony and distress	20,000
9.	Disfigurement	50,000
Total		25,31,923
Rounded off		25,31,900

The above compensation amount was rounded off to Rs.25,31,900/- and 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.



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WEB COPY 5. Heard Mr.Amar Dineshbhai Pandiya, learned counsel for the appellant/claimant and Ms.I.Malar, learned counsel for the second respondent/Insurance Company

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

7. The main ground urged on the side of the appellant/claimant is that the claimant was 12 years old at the time of the accident and considering the nature of the injuries sustained by him and also the fact that the Medical Board assessed his permanent disability at 65%, it is contended that the claimant suffered from functional disability and hence, the Tribunal ought to have adopted the multiplier method. It is further contended that the compensation awarded by the Tribunal under various heads is also on the lower side and it requires the interference of this Court.

8. In the case in hand, the injuries suffered by the claimant have already been covered supra. For the said injuries, he underwent a free ALT flap procedure to cover a raw area over the left foot and a foreign body removal from the sole. The claimant almost undergone eight surgeries and



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was treated as an inpatient for only 39 days. It is true that serious injuries were sustained by the claimant and a young boy aged 12 years has undergone eight surgeries. However, there is no proof of functional disability in this case. Therefore, the Tribunal has rightly applied the percentage method and the same does not warrant any interference of this Court. However, while applying the percentage method, the Tribunal fixed a sum of Rs.5,000/- per percentage of disability, which is on the lower side. Considering the fact that 65% disability has been assessed by the Medical Board and taking note of the fact that the accident is of the year 2017, this Court is inclined to fix a sum of Rs.6,000/- per percentage of disability. Accordingly, the compensation under the head 'Disability' is fixed as Rs.3,90,000/- (Rs.6,000/- x 65).

9. In the case in hand, the appellant/claimant, who was a 12 years old boy, underwent treatment as an inpatient for 39 days. In view of the above, this Court is inclined to enhance the compensation under the heads 'Pain and Suffering', 'Transportation Charges', 'Extra Nourishment' and 'Attendant Charges' to Rs.3,00,000/-, Rs.30,000/-, Rs.60,000/- and Rs.40,000/- respectively.



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10. Insofar as the compensation fixed by the Tribunal under the other heads is concerned, this Court finds that the same is just and fair and does not require any interference.

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

<i>Sl.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Disability	3,25,000	3,90,000
2.	Pain and Suffering	60,000	3,00,000
3.	Transportation	10,000	30,000
4.	Medical Expenses	20,44,223	20,44,223
5.	Extra Nourishment	10,000	50,000
6.	Attender Charges	11,700	40,000
7.	Damage of clothes	1,000	1,000
8.	Mental Agony and distress	20,000	-
9.	Disfigurement	50,000	-
Total		25,31,923	28,55,223
Rounded off		25,31,900	28,55,230

12. The compensation awarded by the Tribunal at Rs.25,31,900/- is enhanced to Rs.28,55,230/-. The second respondent/Insurance Company



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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 258 days as was ordered by this Court in C.M.P.No.4472 of 2026 in C.M.A.Sr.No.19750 of 2026 dated 19.06.2026. 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.

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

10.07.2026

Neutral Citation: Yes/No
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To

1. The III Judge,
III 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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