



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2026

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.728 of 2024

Sathiyamarayanan

..Appellant

.VS.

1.V.Prajwal

2.The Manager,
National Insurance Company Limited,
T.P. Hub:No.66, 1st Floor, Greaves Road,
Chennai 600 006.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 21.09.2023 made in MCOP No.2807 of 2019, on the file of the Motor Accident Claims Tribunal, II Court of Small Causes at Chennai.

For Appellant : Mr.K.Balaji for
Mr.D.Poovannan

For Respondent : Mr.J.Chandran for R2

JUDGMENT

This appeal has been filed against the Award passed by the Motor Accident Claims Tribunal/II Small Causes Court, Chennai in MCOP No.2807 of



2019 dated 29.01.2023, wherein the claimant is seeking for enhancement of compensation.

2.The case of the appellant is that on 05.01.2019, the appellant was riding a two wheeler from Guduvanchery to Sriperumpudur and at about 11.15 hours near provisional shop, the offending vehicle which was a car was parked on the road and the driver of the car suddenly opened the door. As a result of which, the claimant dashed on the door and sustained the following injuries:

Crush Injury in Left Leg Foot and Mangled Foot Left with Loss of Middle Cuneiform and 3rd MTB with Gross Disorganized Mid Tarsal and TM Joint and II MTB Removal done and Type II AC Joint Dislocation and Severe Injuries in Right Shoulder.

3.The claimant underwent treatment as an inpatient for 43 days in four spells and nearly nine procedures were performed. An FIR came to be registered against the driver of the offending vehicle in Crime No.18 of 2019. 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 negligence on the part of the driver of the offending vehicle.

5. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.15,32,534/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Towards Disability	6,82,500
Towards Pain and Sufferings	50,000
Towards Loss of earning during treatment	30,000
Towards Medical Expenses	7,05,034
Towards Loss of Amenities	50,000
Towards Attender charges	5,000
Towards Transportation Charges	5,000
Towards Extra Nourishment	5,000
Total	15,32,534
Rounder Off	15,32,600

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

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



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

9. The main ground that was urged on the side of the appellant is that the Tribunal while adopting the multiplier method, fixed the notional monthly income of the claimant at Rs.10,000/- for an accident that took place in the year 2019, which is on the lower side. The further ground raised is that the Tribunal had fixed very low compensation under various heads which requires enhancement.

10. The nature of injuries sustained by the claimant has already been extracted *supra*. The Medical Board had assessed the disability and issued the Disability Certificate which was marked as Ex.C1, which shows that the claimant has sustained locomotor disability due to the crush injury on the left foot and the permanent disability has been assessed at 35%. The Tribunal took into consideration the Discharge Summaries which were marked as EXs.P2, P5, P7 and P9 and assessed the various treatment/procedures underwent by the claimant. Under such circumstances, the Tribunal fixed the functional disability of the claimant at 35% and rightly applied the multiplier method. While doing so, the Tribunal had fixed the notional monthly income at Rs.10,000/- which is clearly on the lower side. This Court is inclined to fix the notional monthly



income at Rs.13,000/- to which 25% future prospects must be added.

Accordingly, the compensation under the head of 'Loss of Earning Capacity' is calculated as follows:

$$\text{Rs.16,250/-} - (\text{Rs.13,000/-} + \text{Rs.3,250/-}) \times 12 \times 13 \times 35/100 = \text{Rs.8,87,250/-}$$

11.As stated *supra*, the claimant has undergone treatment as an inpatient for nearly 43 days in four spells and nine procedures have been performed. The claimant also suffers a locomotor disability. Hence, this Court is inclined to enhance the compensation under the head of 'Pain and Sufferings' to Rs.1,00,000/-, 'Attender Charges' to Rs.25,000/-, 'Transportation Charges' to Rs.15,000/- and 'Extra Nourishment' to Rs.45,000.

12.The Tribunal has fixed the compensation under the head of loss of earning due to treatment at Rs.30,000/- and the same is set aside.

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

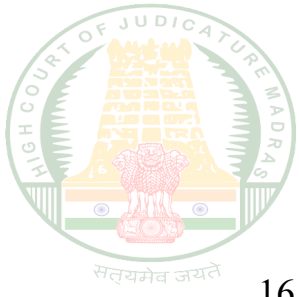
14.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



WEB COPY

Compensation awarded under the head	Amount (in Rs.)
Towards Disability	8,87,250
Towards Pain and Sufferings	1,00,000
Towards Medical Expenses	7,05,034
Towards Loss of Amenities	50,000
Towards Attender charges	25,000
Towards Transportation Charges	15,000
Towards Extra Nourishment	45,000
Total	18,27,284

15.The compensation awarded by the tribunal at Rs.15,32,600/- is enhanced to Rs.18,27,284/-. The second 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 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. The guidelines issued by the Division Bench of this Court in CMA No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimant.



WEB COPY

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

29.07.2026

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



WEB COPY



N. ANAND VENKATESH., J

SSI

To

The Motor Accident Claims Tribunal, II Court of Small Causes at Chennai.

CMA No.728 of 2024

29.07.2026