



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2308 of 2026

Raju
S/o.Ramrao

..Appellant

Vs

1. Dr.Rajeswari Patel
2. G.Venkatesh
S/o.Gurrappa
3. The Divisional Manager,
The United India Insurance Co. Ltd.,
11-170B, Meda Mansion Subhash Road,
Anantapur 515 001, Andra Pradesh.

..Respondents

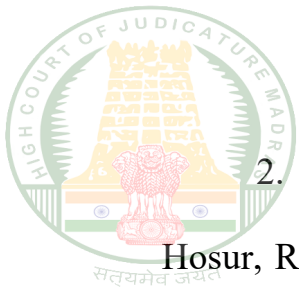
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 17.10.2023 passed in M.C.O.P.No.456 of 2019 on the file of the Motor Vehicle Accident Claims Tribunal, Additional District Court, Hosur.

For Appellant : Mr.S.P.Yuaraj

For Respondents : Mr.D.Bhaskaran [R3]

JUDGMENT

This appeal has been filed by claimant against the award passed in M.C.O.P.No.456 of 2019 dated 17.10.2023 seeking enhancement of compensation.



2. The case of the claimant is that on 16.10.2016, he was walking at Hosur, Royakottai road and at about 18.40 hours, near Jupiter Shine Shop, the offending vehicle, a Car, was driven in a rash and negligent manner and dashed against the claimant as a result of which the claimant suffered fracture of both bones on the left leg. He underwent treatment as inpatient for three days and one surgery was also performed. 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 due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability compensation	2,01,600/-
2.	Medical expenditure	45,758/-
3.	Future medical expenditure	5,000/-
4.	Pain and sufferings	5,000/-
5.	Loss of amenities	5,000/-
6.	Extra nourishment	2,000/-
7.	Transportation expenses	2,000/-
8.	Attender charges	1,000/-
	Total	2,67,358/-



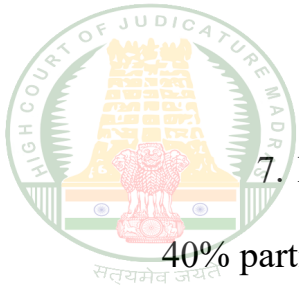
The above compensation was directed to be paid along with interest at 7.5% p.a.

Aggrieved by the same, the present appeal has been filed before this Court by the claimant seeking enhancement of compensation.

4. Heard learned counsel for appellant and learned counsel for third respondent. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

5. The main ground raised is that there was partial permanent disability of 40% assessed by the Medical Board and the Tribunal took only 15% as loss of earning capacity and fixed a very low notional income of Rs.7,000/- for an accident, which took place in the year 2016. Hence, enhancement is sought under the head 'loss of earning capacity'. It is further submitted that the compensation fixed under the other heads is also on the lower side and the same requires enhancement.

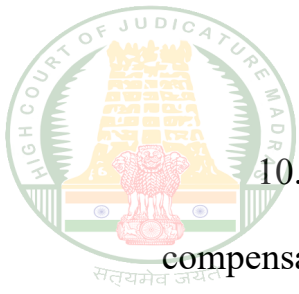
6. *Per contra*, learned counsel for insurance company submitted that the Tribunal went wrong in applying multiplier method and therefore, whatever compensation was fixed by the Tribunal is reasonable, which does not require the interference of this Court.



7. In the considered view of this Court, the Medical Board has assessed 40% partial permanent disability. The Tribunal, considering the avocation of the claimant, who was a Hawker, thought it fit to apply multiplier method by fixing the loss of earning capacity at 15%. Strictly speaking, this is not a case where the Tribunal should have applied the multiplier method and it would have been more appropriate to adopt the percentage method. In any case, since the claimant is the appellant, this Court does not want to disturb the said finding rendered by the Tribunal. In view of the same, this Court is not inclined to alter the compensation granted to the claimant under the head 'loss of earning capacity'.

8. Considering the nature of injury sustained by the claimant and the surgery undergone and taking note of the disability certificate issued by the Medical Board, this Court is inclined to enhance the compensation under the heads 'pain and sufferings', 'loss of amenities', 'extra nourishment' and 'transportation expenses' to Rs.20,000/-, Rs.15,000/-, Rs.15,000/- and Rs.10,000/- respectively.

9. The compensation awarded under the other heads is just and reasonable and does not require the interference of this Court.



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

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability compensation	2,01,600/-	2,01,600/-
2.	Medical expenditure	45,758/-	45,758/-
3.	Future medical expenditure	5,000/-	5,000/-
4.	Pain and sufferings	5,000/-	20,000/-
5.	Loss of amenities	5,000/-	15,000/-
6.	Extra nourishment	2,000/-	15,000/-
7.	Transportation expenses	2,000/-	2,000/-
8.	Attender charges	1,000/-	10,000/-
	Total	2,67,358/-	3,14,358/-

11. The compensation awarded by the Tribunal at Rs.2,67,358/- is enhanced to Rs.3,14,358/-. The third 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 this judgment. On such deposit, the appellant/claimant is entitled to withdraw the same on due application. Insofar as the enhanced compensation of Rs.47,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 271 days as was ordered by this Court in C.M.P.No.29393 of



N.ANAND VENKATESH, J.

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2025 in C.M.A.Sr.No.40366 of 2025 dated 02.07.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant/claimant. 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.

27-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Motor Vehicle Accident Claims Tribunal,
Additional District Court,
Hosur.

Civil Miscellaneous Appeal No.2308 of 2026