



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2083 of 2026

Shankar
S/o. Duraisamy

..Appellant

Vs

1. Sengathir Selvan,
S/o.Palaniappan
2. The Divisional Manager,
National Insurance Co. Ltd,
Divisional Officer,
No.81-D, North Car Street,
Opp to Old Bus Stand,
Tiruchengode, Namakkal – 637 211.

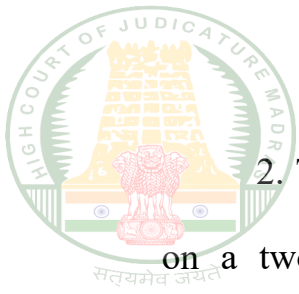
..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment dated 27.11.2020 made in MCOP No.748 of 2018, on the file of The Motor Accident Claims Tribunal, Special Sub Judge (MACT), Krishnagiri, Salem.

For Appellant : Mr.S.P.Yuaraj
For Respondents : Mrs.N.B.Surekha [R2]

JUDGMENT

This appeal has been filed challenging the judgment dated 27.11.2020 made in MCOP No.748 of 2018, on the file of The Motor Accident Claims Tribunal, Special Sub Judge (MACT), Krishnagiri, wherein the claimant has sought for enhancement of compensation.



2. The case of the claimant is that on 05.09.2016, he was a riding pillion on a two wheeler and at about 10.30 A.M., when the vehicle was near Uthangarai road, the offending vehicle, a lorry, owned by the first respondent, was driven in a rash and negligent manner and dashed against the two wheeler, as a result of which, the claimant was thrown out of the vehicle and he sustained crush injury on the left leg above knee and multiple injuries all over the body. The claimant was admitted at Government Hospital, Mathur and thereafter, was shifted to private hospital. He was admitted as an inpatient for nine days and the left leg above knee was amputated due to the crush injury sustained. A First Information Report came to be registered in Crime No.305/2016 against the driver of the lorry. 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 driver of the offending vehicle. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.22,28,007/- under the following heads:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of earning power	14,56,560/-
2.	Medical expenses	2,17,447/-
3.	Transport expenses	10,000/-



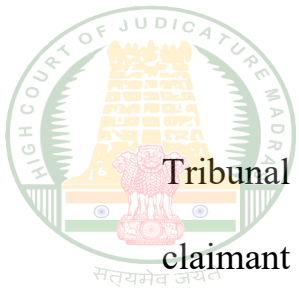
Sl. No.	Compensation awarded under the head	Amount (in Rs.)
4.	Nutrition and attender charges	15,000/-
5.	Pain and suffering	64,000/-
6.	Social amenities	64,000/-
7.	Damages to clothes and articles	1,000/-
8.	Rs.3,000/- per percentage for 80% disability	4,00,000/-
	Total	22,28,007/-

The above compensation was directed to be paid with interest at 7.5% p.a. from the date of petition. Aggrieved by the same, the claimant has filed the present appeal seeking enhancement of compensation.

4. Heard learned counsel for appellant and learned counsel for second respondent/insurance company.

5. The main ground urged on the side of the appellant is that the accident had taken place in the year 2016 and the Tribunal, after having adopted the multiplier method, fixed the notional monthly income at Rs.8,500/-, which is on the lower side. The other ground raised is that the compensation awarded under the other heads are also on the lower side and it requires enhancement.

6. In the case in hand, the accident has led to amputation of the left leg above knee. The claimant was aged about 30 years at the time of accident. The



Tribunal has rightly adopted the multiplier method considering the fact that the claimant suffered functional disability. The Tribunal also took into consideration the disability certificate issued by the Medical Board [Ex.C1] which shows that the total disability has been assessed at 80%. The Tribunal calculated the functional disability by taking it as 60%. Considering the fact that the claimant suffered amputation in the left leg above knee, certainly, he would have lost his earning capacity and therefore, this Court is inclined to increase the percentage of functional disability to 70%. Insofar as the notional monthly income is concerned, this Court is inclined to fix Rs.13,500/- as the notional monthly income.

7. In the light of the above discussion, the compensation under the head 'loss of earning power' is calculated as follows:

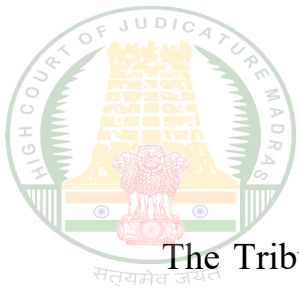
Monthly Income	:	Rs. 13,500/-
Add: 40% future prospects	:	Rs. 5,400/-

		Rs. 18,900/-
		x 12

Annual income	:	Rs. 2,26,800/-
Multiplier	:	x 17

		Rs.38,55,600/-
		x 70%

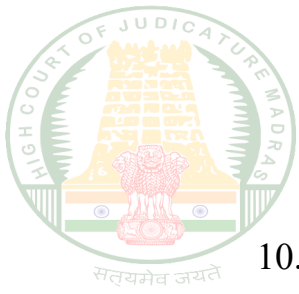
70% functional disability	:	Rs.26,98,920/-



The Tribunal, after granting compensation by following multiplier method for the disability suffered by the claimant, erroneously has also granted compensation of Rs.4,00,000/- by following the percentage method and hence, the same is set aside by this Court.

8. The Tribunal had also fixed compensation of Rs.64,000/- under the head 'social amenities'. The disability in this case is above 50%. Therefore, in the light of the judgment of the Apex Court in ***Rajkumar v. Ajaykumar [2010 (2) TNMAC 581 (SC)]***, compensation cannot be granted under the head 'loss of amenities', more particularly, where the multiplier method has already been followed. Hence, the compensation granted under this head is set aside.

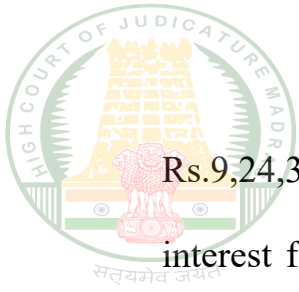
9. This Court is inclined to enhance the compensation under the heads 'pain and suffering', 'extra nourishment' and 'attender charges' to Rs.1,50,000/-, Rs.25,000/- and Rs.50,000/- respectively. The compensation fixed under the other heads is reasonable and does not require the interference of this Court.



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.	Loss of earning power	14,56,560/-	26,98,920/-
2.	Medical expenses	2,17,447/-	2,17,447/-
3.	Transport expenses	10,000/-	10,000/-
4.	Nutrition and attender charges	15,000/-	50,000/-
5.	Pain and suffering	64,000/-	1,50,000/-
6.	Social amenities	64,000/-	-
7.	Damages to clothes and articles	1,000/-	1,000/-
8.	Rs.3,000/- per percentage for 80% disability	4,00,000/-	-
9.	Extra nourishment	-	25,000/-
	Total	22,28,007/-	31,52,367/-

11. The compensation awarded by the Tribunal at Rs.22,28,007/- is enhanced to Rs.31,52,367/-. 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 (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.9,24,360/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 1355 days as was ordered by this Court in C.M.P.No.8266 of 2026 in C.M.A.Sr.No.46337 of 2026 dated 19.06.2026. The appellant/claimant is also not entitled for interest for the period when the claim petition was dismissed for default and thereafter, restored. 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.

09-07-2026

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

To

The Special Sub Judge,
Motor Accident Claims Tribunal,
Krishnagiri, Salem.



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N.ANAND VENKATESH, J.

gm

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09-07-2026