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CMA No. 1449 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1449 of 2026

Govindammal Alias Govindhi
W/o. Madhu @ Madesh,
D.No.5/237, Kattur, P. Nattamangalam,
Amani Kondalampatty, Salem 636 010.

..Appellant(s)

Vs

1. S.Manikandan
S/o. Sathiyakumar,
No.5-411, Silone Colony, Kattur,
P. Nattamangalam,
Amani Kondalampatti, Salem 10.
2. Shriram General Insurance Co.Ltd.,
1st Floor, Front Portion, No.5F, Sachin Plaza,
Reddiyur Block No.1, Salem 636 016.

..Respondent(s)

PRAYER: To set aside the Award dated 02.09.2025 made in MCOP No.1104 of 2024 on the file of the Motor Accident Claims Tribunal, Special District Judge No.1, Salem and thus render justice.

For Appellant(s): Mr.S.Ramaprabhu

For Respondent(s): Mr.B.Sivakollapan For R2



JUDGMENT

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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Special Sub Judge No.1, Salem made in M.C.O.P.No.1104 of 2024 dated 02.09.2025, wherein the claimant seeking for enhancement of compensation.

2. The case of the claimant is that on 04.04.2024 when she was engaged in cleaning her house, at about 7.00 a.m., the offending vehicle which was a car, was driven in a rash and negligent manner and it hit the claimant, as a result of which, the claimant sustained multiple injuries namely “*left intertrochanthro fracture, left 5th metacarpal bony fracture*”. The claimant underwent treatment as an in-patient for 6 days. 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 fixed the total compensation of Rs.3,95,111/- under various heads as follows:

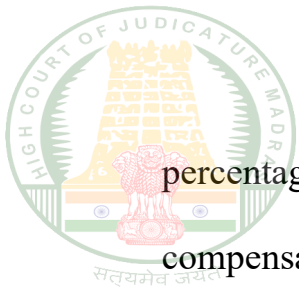


Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Pain and Sufferings	Rs.30,000/-
2.	Loss of income	Rs.18,000/-
3.	Medical Expenses	Rs.1,46,111/-
4.	Transportation Expenses	Rs.10,000/-
5.	Nutrition Expenses	Rs.10,000/-
6.	Attender Charges	Rs.10,000/-
7.	Damages to clothes	Rs.1,000/-
8.	Loss of Amenities	Rs.10,000/-
9.	Disability	Rs.1,60,000/-
	Total	Rs.3,95,111/-

The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed by the claimant seeking for enhancement of compensation.

5. This Court heard the learned counsel for appellant and the learned counsel for second respondent Insurance Company.

6. The learned counsel for the appellant submitted that the claimant was aged about 55 years at the time of accident and she was a coolie and considering the nature of injuries sustained by her and also considering the Disability Certificate issued by the Medical Board by assessing the permanent disability at 20%, the Tribunal ought to have applied the multiplier method and instead

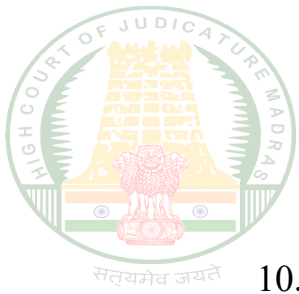


percentage method was adopted. The learned counsel further submitted that the compensation that was granted under the other heads is also on the lower side and it requires interference of this Court.

7. Per contra, the learned counsel for the second respondent Insurance Company submitted that the appellant did not establish any functional disability to apply the multiplier method and therefore, the Tribunal was right in adopting percentage method. The learned counsel further submitted that the compensation fixed under various heads are fair and proper and it does not require interference of this Court.

8. This Court carefully considered the submissions made on either side and the materials available on record. This Court also carefully went through the award passed by the Tribunal.

9. In the case in hand, the claimant sustained injury of “*left intertrochanthro fracture, left 5th metacarpal bony fracture*”. For this injury, the claimant was admitted in the hospital as an in-patient and “*CR/Orif with long proximal femoral nail intrtrochanteric left CR/Orif with K-Wire left fifth finger*” was the treatment that was given to the claimant. The Medical Board through Ex.C1 has assessed the permanent disability at 20%.



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10. The Tribunal on considering the same, found that the claimant did not establish any functional disability and therefore proceeded to apply percentage method and fixed Rs.8,000/- per percentage and assessed the compensation under the head of disability.

11. In the considered view of this Court, the reason assigned by the Tribunal for not adopting the multiplier method, does not suffer from any perversity and it does not require interference of this Court. However, the accident is of the year 2024, and hence, a sum of Rs.8,000/- per percentage is on the lower side. This Court is inclined to fix Rs.12,000/- per percentage and accordingly, the compensation under the head of disability is enhanced to Rs.2,40,000/- (Rs.12,000/- x 20%).

12. Considering the nature of injury, the treatment undergone and the avocation of the claimant, this Court is inclined to enhance the compensation under the head of Pain and sufferings to Rs.50,000/-; Loss of income to Rs.50,000/- (Rs.15,000/- x 5 months); Extra nourishment to Rs.25,000/-; Attender charges to Rs.15,000/- and Loss of amenities to Rs.20,000/-.

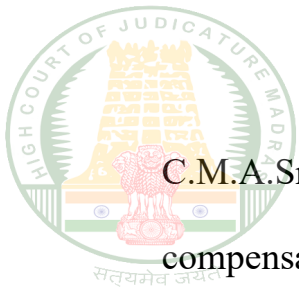


13. In the light of the above discussion, the compensation granted by the Tribunal is modified as follows:

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<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.	Pain and Sufferings	Rs.30,000/-	Rs.50,000/-
2.	Loss of income	Rs.18,000/-	Rs.50,000/-
3.	Medical Expenses	Rs.1,46,111/-	Rs.1,46,111/-
4.	Transportation Expenses	Rs.10,000/-	Rs.10,000/-
5.	Nutrition Expenses	Rs.10,000/-	Rs.25,000/-
6.	Attender Charges	Rs.10,000/-	Rs.15,000/-
7.	Damages to Clothes	Rs.1,000/-	Rs.1,000/-
8.	Loss of amenities	Rs.10,000/-	Rs.20,000/-
9.	Disability	Rs.1,60,000/-	Rs.2,40,000/-
	Total	Rs.3,95,111/-	Rs.5,57,111/-

14. The compensation awarded by the Tribunal at Rs.3,95,111/- is enhanced to Rs.5,57,111/-. 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 four (4) weeks from the date of receipt of this judgment and on such deposit, the claimant is entitled to withdraw the same on due application. Insofar as the enhanced compensation of Rs.1,62,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 82 days as was ordered by this Court in C.M.P.No.9384 of 2026 in



C.M.A.Sr.No.51540 of 2026 dated 27.04.2026. 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.

15. In the result, the Civil Miscellaneous Appeal is allowed. No costs.

03-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SSI

To:

1.The Special Sub Judge No.1,
Motor Accident Claims Tribunal,
Salem.

2.The Section Officer,
V.R.Section,
High Court, Madras.



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N.ANAND VENKATESH, J.

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