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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2026

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1703 of 2026

Murugan

S/o.Late Vandikkaran @ Krishnan

..Appellant

.Vs.

1.C.Madheswaran

S/o.Chinnapillai Velliya Gounder

2.The Oriental Insurance Company Limited

Branch Office, 17/20

Salem-Cuddalore Main Road

Athur Taluk, Salem District.

3.P.Sekar

S/o.Periyannan

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 13.03.2025 in MCOP No.582 of 2022, on the of the Special Sub Court, Dharmapuri (Motor Accident Claims Tribunal).



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For Appellants : Mr.S.Udhayakumar

For Respondents : Mr.K.Swaminathan for R2

JUDGMENT

This appeal has been filed against the award passed by the Special Sub Court, Dharmapuri (Motor Accident Claims Tribunal) in MCOP No.582 of 2022 dated 13.03.2025 wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.

2.The case of the claimant is that on 05.12.2021, the claimant was travelling as a pillion rider in a two wheeler at Dharamapri-Salem National Highways and at about 5.30 p.m., the offending vehicle which was a lorry belonging to the first respondent was driven in a rash and negligent manner and it hit the two wheeler as a result of which the claimant was thrown out of the vehicle and he sustained the following injuries:

1.Right Ankle: Right Distal Third Tibia Shaft Fracture, Right Clacaneum Fracture.

2. Right Leg Full Length: Righ Distal Third Tibia Shaft Fracture, Right Calcaneum Fracture,

3.Major Crush Injury Right Leg with skin and soft tissue loss with type III B open fracture of laceration and closed fracture of calcaneum right foot.



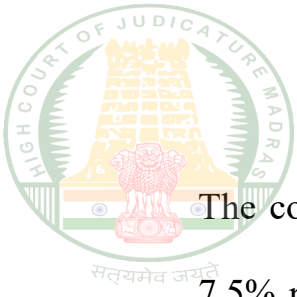
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4. Open degloved wound with skin loss of 20x15x3cm present over the distal third leg. Exposing soft tissue upto right ankle (Medial Aspect) and multiple injuries all over the body.

3. 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 negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.7,56,005/- under various heads as follows:

Sl.No	Compensation awarded under the head	Amount (in Rs.)
1.	Pain and Suffering	70,000/-
2.	Loss of Amenities	50,000/-
3.	Loss of Income	90,000/-
4.	Permanent Disability	1,89,000/-
5.	Attender Charges	20,000/-
6.	Extra Nourishment	20,000/-
7.	Transportation Expenses	33,112/-
8.	Damages to clothes and other valuables	2,000/-
9.	Medical Expenses	2,81,893/-
	Compensation payable	7,56,005/-



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

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

6.The main contention that was raised on the side of the appellant is that the appellant was a mason and considering the nature of injuries sustained by the appellant which was determined by the Medical Board as 27% for partial permanent disability, the Tribunal ought to have applied multiplier method and it went wrong in adopting the percentage method and determined the compensation under the head of disability. It is further submitted that the compensation that has been fixed under the other heads are also on the lower side and it requires the interference of this Court

7.Per contra, the learned counsel appearing on behalf of the 2nd respondent Insurance Company submitted that there were no materials placed before the Tribunal to establish that the appellant suffered any functional disability. Hence, he contended that the Tribunal was perfectly



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right in applying the percentage method. The learned counsel further submitted that the compensation fixed by the Tribunal under each head is just and fair and that the same does not require the interference of this Court.

8. In the case in hand, the nature of injuries sustained by the appellant has already been extracted supra. The appellant had undergone treatment as an inpatient at Government Hospital, Dharmapuri on 05.12.2021. Thereafter, he was admitted as an in-patient in a private hospital from 06.12.2021 till 22.12.2021. The Medical Board had assessed 27% partial permanent disability. In the absence of any material to show that the appellant suffered functional disability, multiplier method cannot be adopted. Hence, this Court does not find any discrepancy in the Tribunal adopting the percentage method.

9. Having rendered the above finding this Court finds that the accident had taken place in the year 2021 and whereas the Tribunal had only fixed Rs.7000/- per percentage which is on the lower side. Hence, this Court is inclined to increase it to a sum of Rs.10,000/- per percentage and thereby the compensation under the head of 'disability' is enhanced to (27 X Rs.10,000/-) Rs.2,70,000/-.



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10. This Court also finds that the compensation fixed under various other heads is on the lower side. Hence, the compensation under the head of 'pain and suffering' is enhanced to Rs.1,50,000/-. The compensation under the head of 'amenities' is enhanced to Rs.1,00,000/- The compensation under the head of 'loss of income' is enhanced to Rs.1,80,000 [Rs.15,000 x 12 months]. The compensation under the head of 'attender charges' is increased to Rs.25,000/- and under the head of 'extra nourishment' is enhanced to Rs.50,000/-. The compensation fixed under the other heads are reasonable and it is retained as it is.

11. 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 awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Pain and Suffering	70,000/-	1,50,000/-
2.	Loss of Amenities	50,000/-	1,00,000/-
3.	Loss of Income	90,000/-	1,80,000/-
4.	Permanent Disability	1,89,000/-	2,70,000/-
5.	Attender Charges	20,000/-	25,000/-
6.	Extra Nourishment	20,000/-	50,000/-
7.	Transportation Expenses	33,112/-	33,112/-
8.	Damages to cloths and other valuables	2,000/-	2,000/-
9.	Medical Expenses	2,81,893/-	2,81,890/-
	Total	7,56,005/-	10,92,002/-



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12.The compensation awarded by the Tribunal at Rs.7,56,005/- is enhanced to Rs.10,92,002/-. The 2nd 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. Insofar as the enhanced compensation of Rs.3,35,997/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 270 days as was ordered by this Court in CMP.No.10374 of 2026 in C.M.A.SR.No.54529 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.

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

01.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

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To

The Motor Accident Claims Tribunal
Special Sub Court, Dharmapuri

CMA No.1703 of 2026

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