



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 27-07-2026**

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**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**CMA No. 1260 of 2022**

Prabhakaran  
S/o.Thaga Arul John Sankar

Appellant(s)

Vs

1. The Commissioner  
Corporation of Chennai Rippon  
Building, Chennai-600 003.

2.The New India Assurance Company  
Ltd.,  
Motor Third Party Claims, No.232,  
Bombay Mutual Building, 6th Floor,  
NSC Bose Road, Chennai-600001.

Respondent(s)

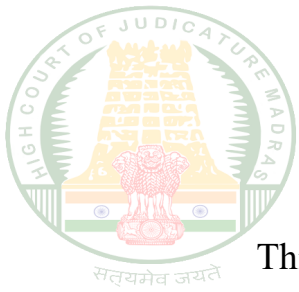
**PRAYER**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award dt. 13.12.2021 and made in MACT OP No.2141/2018 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.2, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

For Appellant(s): Mr.F.Terry Chella Raja

For Respondent(s): Mrs.C.Bhuvanasundari For R2

Mrs.P.T. Ramadevi for R1



## **JUDGMENT**

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, (Special Sub Court No.2, Motor Accidents Claims Petitions) Small Causes Court, Chennai, in MACT OP No.2141 of 2018, dated 13.12.2021, wherein the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 11.01.2018, the claimant was riding a two wheeler along with a pillion rider and was proceeding from east to west direction and at about 2.00 p.m., the offending vehicle which was a lorry was proceeding towards Thuraipakkam and was driven in a rash and negligent manner and it dashed on the two wheeler. As a result of which, the claimant was thrown out of the two wheeler and he sustained the following injury:

“Fracture Shaft of right Femur”

The claimant underwent treatment as an inpatient from 12.01.2018 to 15.01.2018. 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 the conclusion that the accident had taken place only due to rash and negligence on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.1,85,700/- under the following heads:



| Sl.No | Compensation awarded under the head | Amount<br>(in Rs.)   |
|-------|-------------------------------------|----------------------|
| 1.    | Disability                          | 25,000/-             |
| 2.    | Pain and Sufferings                 | 25,000/-             |
| 3.    | Transportation                      | 4,000/-              |
| 4.    | Medical Expenses                    | 98,773/-             |
| 5.    | Extra Nourishment                   | 10,000/-             |
| 6.    | Attender Charges                    | 900/-                |
| 7.    | Loss of earnings                    | 22,000 /-            |
|       | Total Compensation is fixed at :    | Rs.1,85,673/-        |
|       | <b>Rounded off to</b>               | <b>Rs.1,85,700/-</b> |

The above 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 enhancement of compensation.

4.The appeal came up for final hearing on 05.04.2024 and this Court passed the following order:

*In the instant case, the claimant for reasons best known to him, did not subject himself for assessment before the Medical Board in order to determine the disability. The claimant was examined only by a private doctor, who was examined as PW2 in this case. This Doctor has assessed 35% disability and the disability certificate has been marked as Ex.P.20. The Tribunal was not able to act upon this disability certificate, since the appellant did not subject himself to Medical examination before the Medical Board. The Tribunal fixed 5% as permanent disability in this case.*



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*2. In the considered view of this Court, the disability certificate issued by private doctor cannot be acted upon when the task of assessing the disability is now in the hands of the Medical Board. Therefore, in order to give one opportunity to the appellant, the appellant can be made to undergo the assessment before the Medical Board and based on the report of the Medical Board, further orders can be passed in this appeal.*

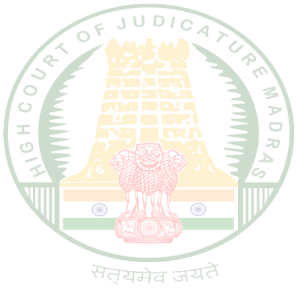
*3. The Medical Board at Rajiv Gandhi Government General Hospital, Park Town, Chennai, shall assess the disability of the appellant and submit a report by 03.06.2024.*

*4. Post this case under the same caption on 04.06.2024.*

5. Pursuant to the above order, the matter was once again taken up for hearing on 13.12.2024 and the following order came to be passed by this Court:

*Though, this Court had already directed the appellant/ claimant to appear before the Medical Board to assess his disability, the learned counsel appearing for the appellant/ claimant submits that the claimant had not received any intimation from the Medical Board, for Medical examination and opinion.*

*2. Considering the same, the claimant/ appellant - Prabhakaran is directed to appear before the Dean of the Rajiv Gandhi Government General Hospital, Chennai on 03.01.2025, for assessing his disability. The Dean of the Rajiv Gandhi Government General Hospital, Chennai is directed to constitute a Medical Board, fix a date and intimate to the claimant, to assess his disability and submit a report, at the earliest. The claimant is directed to appear before the medical board on the date fixed by the Dean of the Rajiv Gandhi Government General Hospital, Chennai.*



*3. Post the matter along with the medical board report after two weeks*

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6.The matter was once against listed on 02.07.2026 and on that day, the following order came to be passed by this Court:

*It is seen from the communication received from the Rajiv Gandhi Government General Hospital that the claimant did not appear before the Medical Board on 03.02.2025.*

*2.The learned counsel for the claimant submitted that the claimant did not receive any notice from the Rajiv Gandhi Government General Hospital.*

*3.There shall be a direction to the claimant to appear before the Medical Board to be constituted by the Dean, Rajiv Gandhi Government General Hospital on 17.07.2026.*

*4.The Medical Board shall assess the disability and submit the certificate before this Court. 5.Mr.B.Karthikeyan, the learned Government Advocate shall also issue necessary instructions in this regard to the Dean, Rajiv Gandhi Government General Hospital.*

*6.Post this case on 27.07.2026*

7.A report has been received from the Dean of the Rajiv Gandhi Government General Hospital, Chennai, to the effect that the Medical Board was constituted and the claimant was informed that the Medical Board will assess the disability on 03.02.2025. However, the claimant did not appear before the Medical Board.

8.In the considered view of this Court, the main contention that was raised on the side of the claimant is that PW.2, who was a private doctor has



assessed 35% disability and Ex.P.20 was also marked in this regard. But however, the Tribunal fixed only 5% as permanent disability in this case.

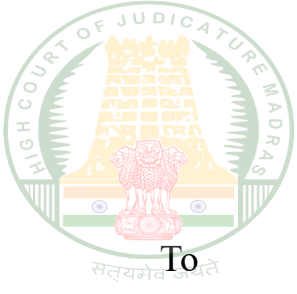
Hence, in order to assess the actual disability the claimant was asked to go before the Medical Board. For the reasons best known to the claimant, he refused to appear before the Medical Board. Opportunity has been given to the claimant right from the year 2024 onwards and the claimant has not chosen to appear before the Medical Board. Considering this attitude on the part of the claimant not co-operating for the assessment of the disability, this Court finds that the compensation fixed by the Tribunal is just and reasonable and the claimant does not deserve for any enhancement of compensation.

9.In the result, this Civil Miscellaneous Petition stands dismissed. No costs.

**27-07-2026**

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

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To

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Building, Chennai-600003

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**N.ANAND VENKATESH J.**

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