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CMA.No.2230 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2230 of 2025

BA.Murthy, S/o. Arumugam,
Residing at No.2, Kalaingar Street,
MGR Nagar, Tharamani,
Chennai -600 113.

...Appellant

Vs

1. R.V.Lenin, S/o. R.Vijayakumar,
No.1/1, Thiruveethiamman Koil
Street, Tharamani, Chennai-600 113.
2. SBI General Insurance Company Ltd.,
Ground and Mezzanine Floors, Greams
Dugar, New No.64, Old No.149, Greams
Road, Chennai -600 006

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the decree and judgment dated 08.12.2023 made in MCOP.
No.2706 of 2017 on the file of Motor Accident Claims Tribunal
(Special Sub Judge-II), Court of Small Causes, Chennai.



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For Appellant:
For Respondents:

Mr.U.Chithambaram
Mr.P.Suresh Srinivasan for R2
R1 – No appearance

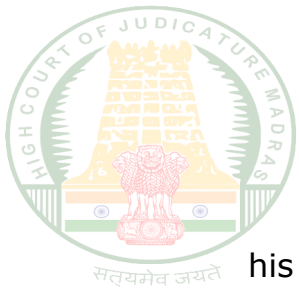
JUDGMENT

This appeal has been filed by the appellant – claimant against the award dated 08.12.2023 made in MCOP.No.2706 of 2017 on the file of the Motor Accident Claims Tribunal (Special Sub Judge-II), Court of Small Causes, Chennai (for short, the Tribunal below) wherein he is seeking for enhancement of compensation.

2. Heard the learned counsel for the appellant and the learned counsel appearing for the second respondent – Insurance Company.

3. The case of the appellant – claimant is as follows:

(i) On 30.3.2017, the appellant – claimant along with one Mr.Viji (a) Vijayakumar was standing at left side of Thiruveethiamman Koil Street and at about 10.50 PM, the offending vehicle, which was a car, was driven in a rash and negligent manner and dashed against both of them, as a result of which, the appellant - claimant sustained various injuries resulting in the amputation of



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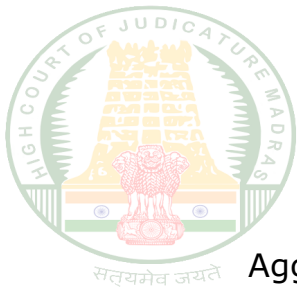
his left leg below knee. The said Mr.Viji (a) Vijayakumar died in the accident. The appellant – claimant was treated as an inpatient for nearly 60 days in two spells. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(ii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the accident had taken place only due to the rash and negligent driving by the driver of the offending vehicle.

(iii) Having rendered the above finding, the Tribunal below fixed the total compensation amount in the following manner:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Loss of earning capacity</i>	<i>Rs.15,12,000/-</i>
2	<i>Part disability</i>	<i>-----</i>
3	<i>Pain & suffering</i>	<i>Rs. 50,000/-</i>
4	<i>Loss of income</i>	<i>Rs. 54,000/-</i>
5	<i>Medical expenses</i>	<i>-----</i>
6	<i>Attendant charges</i>	<i>Rs. 25,000/-</i>
7	<i>Transportation</i>	<i>Rs. 10,000/-</i>
8	<i>Loss of amenities</i>	<i>Rs. 10,000/-</i>
9	<i>Extra nourishment</i>	<i>Rs. 10,000/-</i>
	<i>Total</i>	<i>Rs.16,71,000/-</i>

(iv) The above total compensation amount was directed to be paid by the second respondent – Insurance Company at the rate of 7.5% per annum from the date of petition till date of payment.



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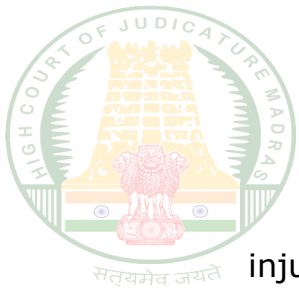
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Aggrieved by that, the appellant – claimant is before this Court seeking for enhancement of compensation.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

5. The main issue that was raised on the side of the appellant – claimant is that the Tribunal below, while fixing the compensation under the head 'loss of earning capacity', by applying the multiplier method, fixed a sum of Rs.9,000/- towards notional monthly income, which is on the lower side and that the compensation that has been fixed under the other heads is also on the lower side and requires enhancement.

6. In the case in hand, the severe injury sustained by the appellant – claimant resulted in amputation of his left leg below knee. The appellant – claimant was a painter by profession. In view of the same, even though the Medical Board assessed the disability at 76%, the Tribunal below took into consideration the nature of



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injury sustained by the appellant – claimant and also his avocation and accordingly, came to the conclusion that there was a functional disability and fixed it as 80%.

7. The Tribunal below proceeded to apply the multiplier method. While doing so, the Tribunal below fixed the notional monthly income at Rs.9,000/- which is on the lower side. Hence, this Court is inclined to fix the notional monthly income at Rs.12,500/-. Hence, the compensation under the head 'loss of earning capacity' is calculated as follows:

$$\begin{aligned} & \text{"Rs.12,500/- + Rs.3,125/- (25% of future} \\ & \text{prospects of Rs.12,500/-) = Rs.15,625/-;} \\ & \text{Rs.15,625/- X 12 X 14 X 80% =} \\ & \text{Rs.21,00,000/-."} \end{aligned}$$

8. Further, this Court is inclined to enhance the compensation under the heads 'pain & suffering' to Rs.1,50,000/-; 'attendant charges' to Rs.50,000/-; 'transportation charges' to Rs.25,000/-; 'loss of amenities' to Rs.50,000/-; and 'extra nourishment' to Rs.35,000/-.



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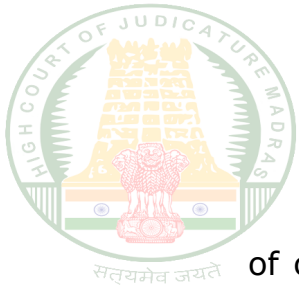
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9. In so far as the Tribunal below fixing a sum of Rs.54,000/- towards the head 'loss of income' is concerned, the same is set aside since the Court has already granted compensation under the head 'loss of earning capacity'.

10. In view of the above, the civil miscellaneous appeal is partly allowed and the award dated 08.12.2023 made in MCOP.No. 2706 of 2017 on the file of the Tribunal below is modified in the following manner:

<i>S.No.</i>	<i>Head</i>	<i>Amount awarded by the Tribunal below</i>	<i>Amount awarded by this Court in this judgment</i>
1	<i>Loss of earning capacity</i>	<i>Rs.15,12,000/-</i>	<i>Rs.21,00,000/-</i>
2	<i>Part disability</i>	<i>-----</i>	<i>-----</i>
3	<i>Pain & suffering</i>	<i>Rs. 50,000/-</i>	<i>Rs. 1,50,000/-</i>
4	<i>Loss of income</i>	<i>Rs. 54,000/-</i>	<i>-----</i>
5	<i>Medical expenses</i>	<i>-----</i>	<i>-----</i>
6	<i>Attendant charges</i>	<i>Rs. 25,000/-</i>	<i>Rs. 50,000/-</i>
7	<i>Transportation</i>	<i>Rs. 10,000/-</i>	<i>Rs. 25,000/-</i>
8	<i>Loss of amenities</i>	<i>Rs. 10,000/-</i>	<i>Rs. 50,000/-</i>
9	<i>Extra nourishment</i>	<i>Rs. 10,000/-</i>	<i>Rs. 35,000/-</i>
	<i>Total</i>	<i>Rs.16,71,000/-</i>	<i>Rs.24,10,000/-</i>

The above total compensation amount of Rs.24,10,000/- is directed to be deposited by the second respondent – Insurance Company together with interest at the rate of 7.5% per annum from the date



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of claim petition till the date of payment within six weeks from the date of receipt of a copy of this judgment. It is made clear that the appellant – claimant will not be entitled to interest for the delayed period of 335 days in filing the appeal as per the order of this Court dated 22.7.2025 in CMP.No.9433 of 2025. No costs.

16-07-2026

To

1. The Motor Accident Claims Tribunal/
Special Sub-Court-II, Court of
Small Causes, Chennai.
2. SBI General Insurance Company Ltd.,
Ground and Mezzanine Floors,
Greams Dugar, New No.64,
Old No.149, Greams Road,
Chennai -600 006.

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