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CMA.No.1285 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No. 1285 of 2022

Ravikumar, S/O Selvaraj,
Residing at D.No.2/33-1,
Anna Nagar, Chinnapudur,
Agraharam, Salem District.
636 010.

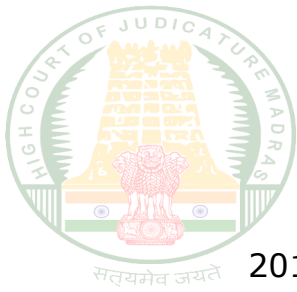
...Appellant

Vs

1. Murugesan
S/o.Duraisamy,
Residing at D.No.100-1,
New D.No.60, Parasakthi Nagar,
Seelanaickenpatty, Salem District.
2. United India Insurance Co. Ltd
104-A, Ranga Building,
Peramanur Main Road,
Near Salem 4 Roads,
Salem-636 007.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
praying to allow the above civil miscellaneous appeal and enhance
the award in the order dated 22.2.2022 made in MCOP.No.1267 of



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2019 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge No.1, Salem.

For Appellant: Ms.P.Neelavathi for
Mr.C.Paraneedharan

For Respondents: Mr.S.Arunkumar for R2
R1 - Left

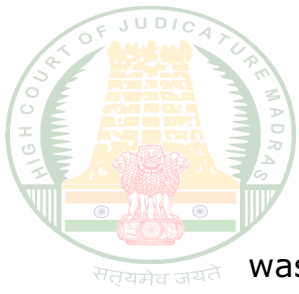
JUDGMENT

This is an appeal filed by the claimant against the award dated 22.2.2022 passed in MCOP.No.1267 of 2019 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Judge No.1), Salem wherein the claimant is seeking for enhancement of compensation.

2. Heard the learned counsel appearing on behalf of the appellant – claimant and the learned counsel appearing for the second respondent – Insurance Company.

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

(i) On 03.2.2019, the claimant was riding a two wheeler at Chinnappampatti – Ilambillai Road. At about 9 AM, when the vehicle



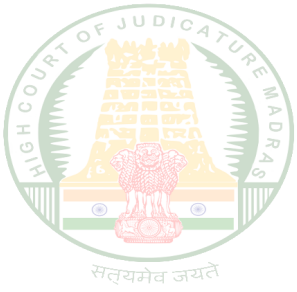
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was proceeding near a petty shop, the offending vehicle - an auto rickshaw, which was driven in a rash and negligent manner, dashed on the two wheeler, as a result of which, the claimant sustained right clavicle fracture and right forearm fracture. The claimant also underwent treatment as an inpatient for 18 days. It was under these 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 on the part of the driver of the auto rickshaw. Having rendered the above finding, the Tribunal below fixed the total compensation at Rs.3,59,415/- under the following heads :

வ.எண்	இழப்பீடு வழங்கப்படும் இனங்கள்	பகிர்ந்தளிப்பு செய்யப்படும் தொகை ரூ
1	மனுதாரருக்கு ஏற்பட்ட வலி மற்றும் வேதனைகளுக்காக	50,000/-
2	மனுதாரருக்கு ஏற்பட்ட வருமான இழப்பிற்காக	45,000/-
3	மனுதாரருக்கு ஏற்பட்ட மருத்துவ செலவினங்களுக்காக	3,415/-
4	மனுதாரருக்கு ஏற்பட்ட போக்குவரத்து செலவினங்களுக்காக	15,000/-
5	மனுதாரரின் ஊட்டச்சத்து செலவினங்களுக்காக	15,000/-
6	மனுதாரர் உதவியாளர் வைத்துக் கொண்டதற்கு ஏற்பட்ட செலவினங்களுக்காக	15,000/-
7	மனுதாரரின் உடைகளுக்கு ஏற்பட்ட சேதங்களுக்காக	1,000/-
8	வாழ்வதற்கு வசதி குறைவு (அ)சௌகரியத்திற்கான இழப்பீடு	40,000/-
9	நிரந்தர ஊனத்திற்கான இழப்பீடு	1,75,000/-
	மொத்தம்	3,59,415/-



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(iii) The above total compensation was directed to be paid with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. Aggrieved by that, the claimant has filed the above appeal 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. In the case in hand, the Medical Board had assessed the disability at 35%. The Tribunal below had adopted percentage method since there was no evidence available to substantiate that the claimant suffered any functional disability. The Tribunal below fixed Rs.5,000/- per percentage, which, in the considered view of this Court, is on the lower side. The accident had taken place in the year 2019 and therefore, a sum of Rs.8,000/- has to be fixed per percentage. Accordingly, the compensation under the head 'disability' has to be fixed at Rs.2,80,000/- (35 X 8,000/-).



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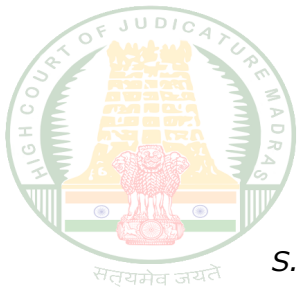
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6. Considering the injuries sustained by the claimant and the treatment he had undergone as an inpatient for 18 days, this Court is inclined to enhance the compensation under the head 'extra nourishment' to Rs.25,000/-.

7. The Tribunal below fixed a compensation of Rs.45,000/- under the head 'loss of income' by fixing the notional monthly income at Rs.7,500/-. This amount is certainly on the lower side and this Court is inclined to fix a sum of Rs.13,500/- towards notional monthly income. Accordingly, the compensation under the head 'loss of income' is determined at Rs.81,000/- (Rs.13,500/- X 6).

8. The Tribunal below awarded a sum of Rs.40,000/- under the head 'loss of amenities'. Instead, this amount can be awarded under the head 'future medical expenses' considering the nature of injuries sustained by the claimant and is accordingly awarded.

9. In the light of the above discussions, the total compensation amount fixed by the Tribunal below is modified as follows:

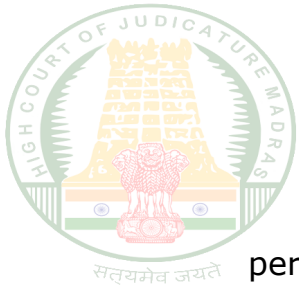


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S.No.	Head	Amount awarded by this Court
1	Pain and Suffering	Rs. 50,000/-
2	Loss of income	Rs. 81,000/-
3	Medical expenses	Rs. 3,415/-
4	Transportation expenses	Rs. 15,000/-
5	Extra nourishment	Rs. 25,000/-
6	Attender expenses	Rs. 15,000/-
7	Damage to clothes	Rs. 1,000/-
8	Future medical expenses	Rs. 40,000/-
9	Disability	Rs.2,80,000/-
	Total	Rs.5,10,415/-

10. Accordingly, the above civil miscellaneous appeal is partly allowed and the award passed by the Tribunal below in MCOP.No. 1267 of 2019 dated 22.2.2022 stands modified to the extent indicated in this judgment. The said sum of Rs.5,10,415/- shall be deposited by the second respondent – Insurance Company together with accrued interest at the rate of 7.5% per annum from the date of petition till the date of deposit. It is stated that the total compensation amount awarded by the Tribunal below has already been deposited. It is made clear that the second respondent shall deposit the enhanced compensation amount to the extent indicated in this judgment together with accrued interest at the rate of 7.5% per annum from the date of petition till the date of deposit within a



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period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant – claimant shall be permitted to withdraw the entire compensation amount together with accrued interest. It goes without saying that the finding with regard to pay and recovery as ordered by the Tribunal below shall stand confirmed. No costs.

06-07-2026

To

1.The Motor Accidents Claims Tribunal
(Special Subordinate Judge No.1), Salem.

2.United India Insurance Co. Ltd
104-A, Ranga Building,
Peramanur Main Road,
Near Salem 4 Roads,
Salem-636 007.

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