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CMA.No.1739 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-7-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1739 of 2022

K.Varaghakiri
S/o. Karuppa Gounder,
D.No.5/36, Kalipalayam,
Muduthurai Post,
Punchai Puliampatty Sathy
Taluk, Erode District.

...Appellant

Vs

1. Paariraja
S/o. N.R. Subramaniam,
D.No.149, Nallur Kaspas,
Nallur Sathy, Sathiyavijayanagaram
638 402.
2. The Reliance General Insurance Co.Ltd.,
No.1520, Trichy Road, St. Francis School
Opposite, Winner Bakery Cut, Near LIC
Building, Coimbatore 641 018.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the order dated 18.12.2017 made in MCOP.No.2155 of 2013
on the file of the Motor Accidents Claims Tribunal (Special
Subordinate Court), Coimbatore.



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For Appellant:

Ms.M.Ramyasree for
Mr.M.Narayanaswamy

For Respondents:

R1 – no appearance
Ms.G.Sukumari for R2

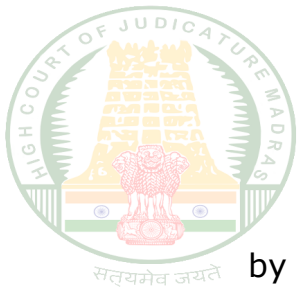
JUDGMENT

This appeal has been filed against the award dated 18.12.2017 passed in MCOP.No.2155 of 2013 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Court), Coimbatore (for short, the Tribunal below) wherein the claimant has sought 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 20.9.2013, the claimant along with his brother and sister in law were travelling in a Maruti Omni Van. The claimant was sitting in the back side and the van was proceeding at Annur to Mettupalayam Road. At about 10.30 AM, the omni van was driven



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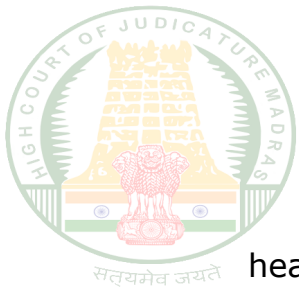
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by the first respondent in a rash and negligent manner, as a result of which, the omni van dashed against a Swaraj Mazda Van, due to which, the claimant sustained the following injuries:

- "1. Fracture both nasal bones, nasal septum & both maxillary sinus and (L) orbit;*
- 2. Large lacerated wound on the back of the (L) elbow joint;*
- 3. Large lacerated wound over the upper nose; and*
- 4. Both lacerated wounds were corrected by 10. No. of sutures."*

(ii) It was under those circumstances, MCOP.No.2155 of 2013 came to be filed before the Tribunal below. The said claim petition was tagged along with two other connected claim petitions and all the claim petitions were considered by the Tribunal below. 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 omni van.

(iii) The Tribunal below, having rendered the above finding, fixed the total compensation at Rs.1,88,125/- under the following



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heads:

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S.No.	Head	Amount
1	Loss of income (Rs.8,500 X 3)	Rs. 25,500/-
2	Compensation for grievous injuries	Rs. 50,000/-
3	Medical bills	Rs. 37,625/-
4	Pain and suffering	Rs. 50,000/-
5	Transportation to hospital	Rs. 10,000/-
6	Extra nourishment	Rs. 10,000/-
7	Damage to clothing	Rs. 5,000/-
Total		Rs. 1,88,125/-

(iv) The above 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 realization. Aggrieved by that, the above appeal has been filed before this Court by the claimant seeking for enhancement of compensation.

4. The main ground that was urged on the side of the appellant – claimant is that considering the nature of injuries sustained by the claimant, the Tribunal below ought to have applied the multiplier method by determining the functional disability suffered by the claimant and that the Tribunal below fixed a very low amount towards compensation under the head 'medical expenses'.



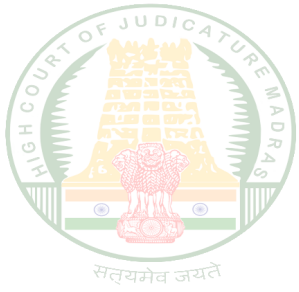
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5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

6. In this case, the claimant has not even examined the doctor to establish the disability suffered by him. The Tribunal below, on considering the nature of injuries sustained by the claimant and more particularly the two fractures sustained, was pleased to award a sum of Rs.50,000/- as compensation. In view of the same, in the absence of determining the disability suffered by the claimant, there is no question of applying the multiplier method by assuming that the claimant had suffered functional disability.

7. In so far as the compensation fixed under various other heads is concerned, this Court finds it just and proper. In the light of the above discussions, this Court holds that the award passed by the Tribunal below does not warrant the interference of this Court.



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8. Accordingly, the above civil miscellaneous appeal is dismissed and the award passed by the Tribunal below dated 18.12.2017 in MCOP.No.2155 of 2013 is confirmed. No costs.

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To

1.The Motor Accidents Claims Tribunal
((Special Subordinate Court), Coimbatore.

2.The Reliance General Insurance Co.Ltd.,
No.1520, Trichy Road, St. Francies School
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N.ANAND VENKATESH, J.

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