



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.3240 of 2021

Raji
S/o.Balraman

..Appellant

Vs

1. M.P.Moses
S/o.Paul Natraja Murthy
2. United India Insurance Co.Ltd.,
134, Silingi Buildings, 66,
Greens Road, Chennai 600 006.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 04.09.2019 made in MCOP No.5550 of 2015 by the learned II Judge, Court Small Causes, Chennai.

For Appellant : Ms.R.J.Radhika
For Respondents : Mr.S.Arunkumar [R2]

JUDGMENT

This appeal has been filed challenging the award passed by the learned II Judge, Court of Small Causes, Chennai, passed in M.C.O.P.No.5550 of 2015 dated 04.09.2019, wherein the claimant is seeking enhancement of compensation.

2. The case of the claimant is that on 08.05.2015 when he was walking on the road near Arunachalam Street, at Chintadripet, at about 10.30 p.m., the



offending vehicle, an auto, was driven in a rash and negligent manner and dashed against the claimant, due to which the claimant sustained grievous injuries. 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 oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to fix the compensation at Rs.3,48,600/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	1,20,000/-
2.	Pain and suffering	75,000/-
3.	Extra nourishment	25,000/-
4.	Transport to hospital	15,000/-
5.	Damages to clothes	1,000/-
6.	Attender charges	2,600/-
7.	Medical expenses	50,000/-
8.	Future medical expenses	25,000/-
9.	Loss of income	20,000/-
10.	Loss of amenities	15,000
	Total	3,48,600/-

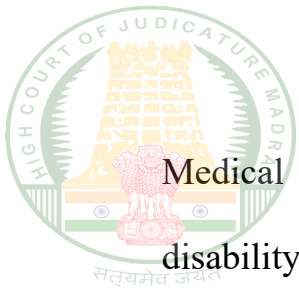


The above compensation was directed to be paid with interest at 7.5% p.a. from the date of petition. Aggrieved by the same, the claimant has filed the present appeal.

4. The matter came up for final hearing on 05.02.2025 and this Court found that the Tribunal has not properly determined the disability suffered by the claimant. Hence, the claimant was referred to Rajiv Gandhi Government Medical College and Hospital, Chennai, with a request to assess the disability suffered by the claimant by the Medical Board. Accordingly, the Medical Board was constituted and the claimant was assessed and the disability certificate has been given by the Medical Board wherein it is found that the claimant suffers 38% locomotor disability and 25% neuropsychiatric disability and in total, 54% total disability. It is also mentioned that the injury has resulted in causing emotional disturbance to the claimant and the injuries have been categorised as grievous in nature.

5. Heard learned counsel for appellant and learned counsel for second respondent.

6. The Tribunal was not in a position to assess the functional disability and therefore, proceeded to apply percentage method and fix Rs.3,000/- per percentage. By virtue of the disability certificate that has now been given by the



Medical Board, it is seen that the claimant suffers from 38% locomotor disability and 25% neuropsychiatric disability. Insofar as neuropsychiatric disability is concerned, the Medical Board found that even at the time of examination of the claimant in the year 2025, he was having emotional disturbance. Therefore, the neuropsychiatric disability seems to be irreversible and it certainly can be taken as functional disability. Thus, this Court is inclined to fix 27% as functional disability and apply the multiplier method. Since the accident occurred in the year 2015, this Court fixes a sum of Rs.13,500/- as the monthly income of the claimant and add 40% towards future prospects. In the light of the above discussion, the compensation towards disability is calculated as follows:

Monthly Income	:	Rs. 13,500/-
Add: Future prospects [13,500 * 40%]	:	Rs. 5,400/- ----- Rs. 18,900/- x 12 -----
Annual Income	:	Rs. 2,26,800/-
Multiplier	:	x15 ----- Rs.34,02,000/- x 27% -----
Disability (27%)	:	Rs. 9,18,540/- -----

7. Insofar as other heads are concerned, considering the nature of injury sustained, this Court is inclined to enhance the compensation under the head



‘pain and suffering’ to Rs.1,00,000/-. The compensation granted under the head ‘attender charges’ is also enhanced to Rs.20,000/-. The compensation granted under the heads extra nourishment, transportation and damages to clothes are concerned, the same is sustained. The compensation granted under the head ‘loss of income’ and ‘loss of amenities’ is also sustained. The compensation given under the head ‘medical expenses’ and ‘future medical expenses’ is not supported by any material and considering the fact that the treatment was undergone in a Government hospital, the compensation under these heads is not sustainable and the same is set aside.

8. Accordingly, the modified compensation would be:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability	1,20,000/-	9,18,540/-
2.	Pain and suffering	75,000/-	1,00,000/-
3.	Extra nourishment	25,000/-	25,000/-
4.	Transport to hospital	15,000/-	15,000/-
5.	Damages to clothes	1,000/-	1,000/-
6.	Attender charges	2,600/-	20,000/-
7.	Medical expenses	50,000/-	-
8.	Future medical expenses	25,000/-	-
9.	Loss of income	20,000/-	20,000/-
10.	Loss of amenities	15,000/-	15,000/-
	Total	3,48,600/-	11,14,540/-



N.ANAND VENKATESH, J.

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In the result, this Civil Miscellaneous Appeal is partly allowed. The compensation awarded by the Tribunal at Rs.3,48,600/- is enhanced to Rs.11,14,540/-. The second 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. On such deposit, the appellant/claimant is entitled to withdraw the same on due application. The directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs.

06-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The II Judge,
Court Small Causes,
Chennai.

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