



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2026

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1651 of 2026

S.Babu

..Appellant

.vs.

1.S.Usha

2.United India Insurance Co., Ltd.,
Sillingi Building, 4th Floor,
No.134, Greams Road,
Chennai 600 006.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in MCOP No.1353 of 2020, dated 23.09.2025, on the file of the Motor Accident Claims Tribunal (IV Court of Small Causes), Chennai.

For Appellant : Mr.K.Balaji

For Respondent : Mr.R.Rajesh for R2

JUDGMENT

This appeal has been filed against the Award passed by the Motor Accident Claims Tribunal (IV Court of Small Causes), Chennai in MCOP



No.1353 of 2020 dated 23.09.2025, wherein the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 10.12.2019, the claimant was riding a two wheeler at GST Road and at about 08.45 hours near the Ford Company, the offending vehicle belonging to the 1st respondent 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 vehicle and he suffered Tibia fracture and Left Distal Tibia Extra Articular fracture and Ex-Fix Knee and Distal Tibia and ORIF left proximal Tibia. The claimant underwent treatment as an inpatient for eleven days and two surgeries were performed. An FIR came to be registered in Crime No.636 of 2019 against the driver of the offending vehicle. 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 only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.5,73,338/- (rounded off to Rs.5,73,400/-) under various heads as follows:



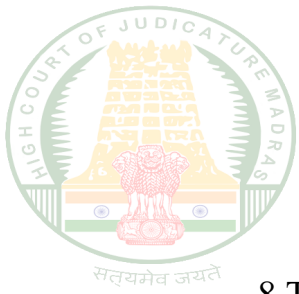
WEB COPY

Compensation awarded under the head	Amount (in Rs.)
Loss of Income	92,000
Disability	1,61,000
Medical Expenses	1,76,838
Transportation	5,000
Extra Nourishment	12,000
Damages to clothing and articles	1,000
Pain and Sufferings	50,000
Attender Charges	5,500
Loss of Amenities	70,000
Total	5,73,338
Rounded Off	5,73,400

5.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

6.Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.

7.Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the 2nd respondent.



WEB COPY

8. The case in hand, the Medical Board had assessed the partial permanent disability at 23% under Ex.C1. The Tribunal had adopted percentage method and granted Rs.7,000/- per percentage. Considering the fact that the accident had taken place in the year 2019, this Court is inclined to fix Rs.9,000/- per percentage. Accordingly, the compensation under the head of disability is Rs.2,07,000/- (Rs.9,000 x 23%).

9. This Court is also taking into consideration the nature of injuries suffered by the claimant and the operations performed and the avocation of the claimant and accordingly, this Court is inclined to enhance the compensation under the head of Transportation Charges to Rs.15,000/-, Extra Nourishment to Rs.30,000/-, Pain and Sufferings to Rs.1,00,000/- and Attender Charges to Rs.20,000/-

10. Considering the nature of operations that was performed, the plate that has been fixed requires removal in future. Therefore, this Court is inclined to fix a sum of Rs.50,000/- under the head of Future Medical Expenses.

11. Insofar as the loss of income is concerned, this Court is inclined to fix the notional monthly income at Rs.18,000/- and grant for ten months.



Accordingly, the compensation under the head of loss of income is fixed at Rs.1,80,000/-.

12.The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

13.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income	1,80,000
Disability	2,07,000
Medical Expenses	1,76,838
Transportation	15,000
Extra Nourishment	30,000
Damages to clothing and articles	1,000
Pain and Sufferings	1,00,000
Attender Charges	20,000
Loss of Amenities	70,000
Future Medical Expenses	50,000
Total	8,49,838

14.The compensation awarded by the tribunal at Rs.5,73,400/- is enhanced to Rs.8,49,838/-. The second respondent insurance company is



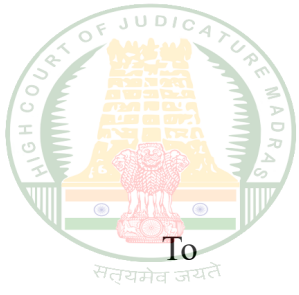
WEB COPY

directed to deposit the enhanced compensation of Rs.8,49,838/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The guidelines issued by the Division Bench of this Court in CMA No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

15.In the result, this Civil Miscellaneous Appeals is partly allowed in the above terms. No Costs.

31.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



To

WEB COPY

The Motor Accident Claims Tribunal (IV Court of Small Causes), Chennai.



WEB COPY



N. ANAND VENKATESH., J

SSR

CMA No.1651 of 2026

31.07.2026