



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 2707 of 2026

Kannan

..Appellant(s)

Vs

1. D.Suresh

2. United India Insurance Co. Ltd.,
Sillingi Buildings, 134/40, 42,
Greens Road,
Chennai - 600 006.

..Respondent(s)

Prayer: The Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award dated 22.08.2025 and made in MACTOP No.825 of 2020, on the file of the Motor Accidents Claims Tribunal, Chennai (in the Special Judge - I Court of Small Causes, Chennai).

For Appellant(s):

Ms.M.Malar

For Respondent(s):

R1 – exparte

Mrs. I.Malar for R2

JUDGMENT

The claimant has preferred the appeal seeking enhancement of compensation awarded in MACT.OP.No.825 of 2020 dated 22.08.2025 on the file of the Motor Accidents Claims Tribunal, Chennai (In the Special Judge-1 Court of Small Causes, Chennai).



2. According to the claimant/Kannan, on 03.01.2020, at about 6.20 Hours, the claimant travelled as an occupant in a van bearing Reg.No.TN 11 AL 5951 from Chennai to Sabarimalai. While the van proceeded towards Sabarimalai, near to Maruthummoodu Village in Kumuli-Mundakayam NH 183 Road, the driver of the van drove the van in a rash and negligent manner and due to that, the van capsized. Due to the accident, the claimant and his friends sustained grievous injuries. The accident occurred only due to the negligence and fault of the van driver.

3. The second respondent/Insurance Company has filed a counter statement, wherein they have denied the manner of accident as alleged by the claimant. The Insurance Company denies that the first respondent is the owner of the vehicle and the second respondent is the insurer of the vehicle. The second respondent also denies that the van bearing Registration No. TN 11 AL 5951 has met with the alleged accident on 03.01.2020 at 6.20 hrs, was validly insured with them, at the time of accident.

4. Before the learned Tribunal, several claim petitions were tried together. The appellant/claimant was examined as PW2 and the other claimants were examined as PW1, PW3 to Pw6. Ext.P1 and Ext.P37 were marked. On the side of the respondents, no witnesses were examined and no document was marked. The disability certificate was marked as Ext.C1.



5. In respect of MCOP.No.825 of 2020, upon appreciation of evidence adduced on either side, the learned Tribunal awarded a sum of Rs.2,39,485/- under various heads as below;

S.No.	Heads	Amount
1	Medical Expenses	Rs.1,28,985/-
2.	Transport Expenses	Rs.10,000/-
3	Extra Nourishment	Rs.10,000/-
4	Attender Charges	Rs.10,000/-
5	Permanent Disability	Rs.28,000/-
6	Loss of income	Rs.37,500
7	Pain and Suffering	Rs.15,000/-
	Total	Rs.2,39,485/-

6. The Tribunal, by considering Ext.C1 disability certificate, awarded compensation towards permanent disability, at Rs.7000/- per percentage of injury and accordingly awarded Rs.28,000/-. In the absence of proof of income, the learned Tribunal has fixed the notional monthly income of the petitioner at Rs.12,500/- and awarded the compensation towards loss of income. Aggrieved over the same, the claimant has preferred the present appeal seeking enhancement of compensation.



7.The learned counsel appearing for the appellant/claimant would submit that the learned Tribunal though accepted 4% as the permanent disability suffered by the appellant/claimant, failed to apply multiplier method. Instead, fixed Rs.7,000/- per percentage of disability, which is very meagre and the same has to be enhanced. The accident took place in the year 2020. However, the learned Tribunal fixed the notional monthly income of the claimant as Rs.12,500 which is very meagre and the same has to be enhanced. A sum Rs.15,000/- has been awarded by the Tribunal for pain and suffering, which is also very meagre and the same has to be enhanced.

8.*Per contra*, the learned counsel appearing for the respondent would submit that the accident took place in the year 2020. On appreciation of evidence adduced on either side, the Tribunal has rightly awarded the compensation. There is no ground available to enhance the compensation awarded by the learned Tribunal

9.This Court considered the rival submissions made on either side and perused the records carefully.

10.There is no dispute with regard to the manner of accident in the case on hand. As per Ext.C1, disability certificate, the Medical Board has assessed



the disability of the claimant as 4%. The learned Tribunal awarded Rs.7,000 x 4 = Rs.28,000/- for permanent disability. Considering the fact, the accident took place in the year 2020, this Court is inclined to award Rs.9,000/- per percentage of disability and accordingly awards Rs.9,000 x 4 = 36,000/- towards permanent disability.

11. According to the claimant, he was selling vegetables and earning a sum of Rs.20,000/- per month. However, no proof of income has been placed before the Tribunal. In the absence of proof of income, the Tribunal has fixed the notional monthly income of the claimant as Rs.12,500/-, which is very meagre. Hence, this Court is inclined to enhance the same and fix the notional monthly income of the claimant as Rs.19,000/- per month. Therefore, Rs.19,000 x 3 = 57,000/- is awarded towards loss of income.

12. The Tribunal has awarded Rs.15,000/- for pain and suffering and the same is very meagre. This Court is inclined to enhance the same to Rs.25,000/-.

13. The compensation awarded under the other heads, appears to be just and proper. Accordingly, the compensation awarded by the Tribunal is modified as under:

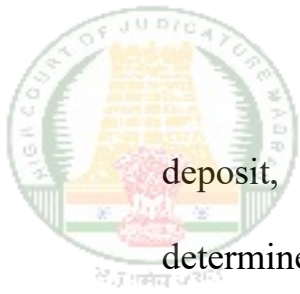


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<i>S.No</i>	<i>Head of Compensation</i>	<i>Amount awarded by the Tribunal (Rs)</i>	<i>Amount awarded by this Court (Rs)</i>
1.	Medical Expenses	Rs.1,28,985/-	Rs.1,28,985/-
2.	Transport Expenses	Rs.10,000/-	Rs.10,000/-
3.	Extra nourishment	Rs.10,000/-	Rs.10,000/-
4.	Attender charges	Rs.10,000/-	Rs.10,000/-
5.	Permanent disability	Rs.28,000/-	Rs.36,000/-
6.	Loss of Income	Rs,37,500/-	Rs,57,000/-
7.	Pain and suffering	Rs,15,000/-	Rs.25,000/-
	Total	Rs.2,39,485/-	Rs.2,76,985 /-

14.In the result, this Civil Miscellaneous Appeal is allowed in part and the compensation awarded by the Tribunal at Rs.2,39,485/- is hereby enhanced to Rs.2,76,985/- together with interest @ 7.5% per annum from the date of filing of claim petition till the date of deposit. The second respondent is directed to deposit the entire award amount now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment, to the credit of M.A.C.T.O.P.No.825 of 2020 on the file of the Motor Accidents Claims Tribunal, Chennai (Special Judge - I Court of Small Causes, Chennai). On such



deposit, the appellant is permitted to withdraw the award amount now determined by this Court, along with interest and costs, less the amount, if any, already withdrawn, by making proper application before the Tribunal. There shall be no order as to costs.

19-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

To

1.The Motor Accident Claims Tribunal,
Chennai, Special Judge – I Court of Small Causes,
Chennai.

2.The Section Officer,
V.R. Section, High Court,
Chennai.



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CMA No. 2707 of 2



M.JOTHIRAMAN, J.

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CMA No. 2707 of 2026

19-08-2026