



C.M.A.No.12 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.12 of 2023

Kannan

... Appellant

Vs.

1. R.M.S.Vasanth

2. The Branch Manager,
HDFC ERGO General Insurance Company Ltd.,
1st Floor, No.23, City Towers,
Gayathri Nagar, 100 feet Road,
Pondicherry – 605 004

... Respondents

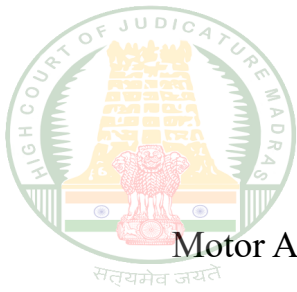
PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order and decree dated 03.12.2019 made in MACTOP No.449 of 2018 on the file of the Motor Accidents Claims Tribunal, (Principal Sub Judge, Additional Sub Judge (FAC)), Puducherry.

For Appellant : Mr.R.Sreedhar

For Respondents : Mr.S.Arun Kumar for R2

JUDGMENT

This civil miscellaneous appeal has been filed against the award passed by the learned Principal Sub Judge, Additional Sub Judge (FAC),



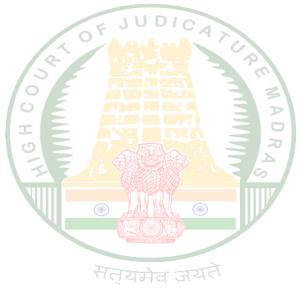
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Motor Accidents Claims Tribunal, Puducherry, in MACTOP No.449 of 2018

dated 03.12.2019 wherein the appellant/claimant is seeking enhancement of compensation fixed by the Tribunal.

2. The case of the claimant is that on 23.04.2017, the claimant was waiting at a bus stop in Cuddalore and about 4.30 p.m., the offending vehicle, a bus belonging to the first respondent, stopped at the bus stop. When the claimant was attempting to board the bus, it suddenly started moving. As a result, the claimant lost his balance and fell down and the left rear wheel ran over and crushed his left leg. Ultimately, the claimant underwent three surgeries and his leg was amputated. 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 negligence on the part of the driver of the offending bus, who had started moving the bus, which resulted in the claimant falling down and sustaining serious injuries.



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4. Having rendered the above finding, the Tribunal proceeded to

fix the total compensation at Rs.14,78,000/- under various heads as follows:

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Loss of Earning Power	10,71,000
2.	Future Prospects	1,07,000
3.	Loss of Comfort and Basic Amenities	85,000
4.	Pain and Suffering	1,20,000
5.	Medical Expenses	10,000
6.	Future Medical Expenses	10,000
7.	Rich and Nutritious Food	10,000
8.	Transport Expenses	10,000
9.	Attender Charges	55,000
Total		14,78,000

The compensation was directed to be paid by the second respondent/Insurance Company along with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimant have filed the present appeal seeking enhancement of compensation.

5. Heard Mr.R.Sreedhar, learned counsel for the appellant/claimant and Mr.S.Arun Kumar, learned counsel for the second respondent/Insurance Company.



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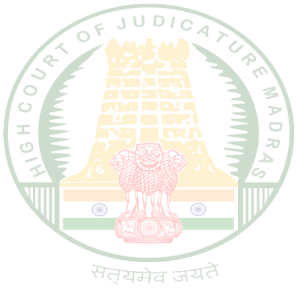
6. This Court also carefully considered the materials available on

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7. The main ground urged on the side of the appellant/claimant is that the Tribunal, after adopting the multiplier method, fixed the notional monthly income of the claimant at Rs.7,000/-, which is on the lower side.

8. Learned counsel for the second respondent/Insurance Company submitted that it is a case where the claimant was under the influence of alcohol and was in an inebriated state, which contributed to the accident and therefore, the Tribunal ought to have attributed contributory negligence to the appellant/claimant. Hence, the compensation as fixed by the Tribunal should be sustained.

9. In the considered view of this Court, the Tribunal dealt with the stand taken by the second respondent/Insurance Company to the effect that the claimant was under the influence of alcohol and held that there was no evidence available to arrive at a conclusion that the claimant was not stable due to the influence of alcohol. Therefore, the above finding rendered by the Tribunal does not suffer from any perversity.



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10. The Tribunal, on considering the disability certificate marked as Ex.X1, which was issued by the Medical Board, rightly applied the multiplier method and fixed the loss of earning capacity at 85%. However, while doing so, the Tribunal fixed the notional monthly income at Rs.7,000/-, which is certainly on the lower side. Considering the fact that the accident took place in the year 2017, this Court is inclined to enhance and fix the notional monthly income of the claimant at Rs.13,000/-.

11. Accordingly, the compensation under the head 'Loss of earning power' is calculated as Rs.19,89,000/- (Rs.13,000/- x 12 x 15 x 85%) and thus, the compensation under the head 'future prospects' is enhanced to Rs.1,98,900/-.

12. Insofar as the compensation fixed by the Tribunal under the other heads is concerned, this Court finds that the same is just and fair and does not require any interference.

13. In the light of the above discussion, this Court modifies the compensation in the following manner:



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S.No.	Heads	Awarded by the Tribunal (in Rs.)	Modified by this Court (in Rs.)
1.	Loss of Earning Power	10,71,000	19,89,000
2.	Future Prospects	1,07,000	1,98,900
3.	Loss of Comfort and Basic Amenities	85,000	85,000
4.	Pain and Suffering	1,20,000	1,20,000
5.	Medical Expenses	10,000	10,000
6.	Future Medical Expenses	10,000	10,000
7.	Rich and Nutritious Food	10,000	10,000
8.	Transport Expenses	10,000	10,000
9.	Attender Charges	55,000	55,000
Total		14,78,000	24,87,900

14. The compensation awarded by the Tribunal at Rs.14,78,000/- is enhanced to Rs.24,87,900/-. 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. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant.



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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 Appeal is partly allowed. No costs.

13.07.2026

Neutral Citation: Yes/No
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To

1. The Principal Sub Judge,
Additional Sub Judge (FAC),
Motor Accidents Claims Tribunal,
Puducherry.
2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

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