



C.M.A.No.2319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.2319 of 2023

Ramamoorthy

... Appellant

Vs.

1. Padma

2. The Manager,
United India Insurance Company Ltd.,
No.5-B/11, State Bank of India Building,
Salem Main Road,
Rasipuram,
Namakkal District – 637 408.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation awarded in the judgment and decree dated 03.11.2022 made in MCOP No.836 of 2016 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Namakkal.

For Appellant : Mr.C.Thangaraju

For Respondents : Mr.D.Bhaskaran for R2

JUDGMENT

This civil miscellaneous appeal has been filed against the award passed by the learned Chief Judicial Magistrate, Motor Accidents Claims



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Tribunal, Namakkal, in MCOP No.836 of 2016 dated 03.11.2022, wherein the appellant/claimant is seeking enhancement of compensation fixed by the Tribunal.

2. The case of the appellant/claimant is that on 19.06.2016, the claimant was walking on the left hand side of the Muthukapatty-Namakkal Road and at about, 5.45 p.m., the offending vehicle, a bus belonging to the first respondent, was driven in a rash and negligent manner and dashed against him. As a result, the claimant sustained fractures to his right shoulder, right shoulder joint and right ribs, while his right hand fingers were crushed, causing the amputation of his little finger and additionally, suffered a fracture in his hip and injuries to his right leg ankle and toe. The claimant underwent treatment as an inpatient for 34 days. 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.



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

fix the total compensation at Rs.7,04,750/- under various heads as follows:

S.No.	Heads	Compensation awarded by the Tribunal (in Rs.)
1.	Disability	2,72,250
2.	Medical Expenses	3,60,493
3.	Transportation	5,000
4.	Pain and Suffering	50,000
5.	Extra Nourishment	15,000
6.	Damage to Clothes	2,000
Total		7,04,743
Rounded off		7,04,750

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

5. Heard Mr.C.Thangaraju, learned counsel for the appellant/claimant and Mr.D.Bhaskaran, learned counsel for the second respondent/Insurance Company.

6. This Court also carefully considered the materials available on record and went through the award passed by the Tribunal.



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7. The grievance expressed on the side of the claimant is that the Tribunal should have taken his functional disability as 100%, since he cannot continue with his avocation. The claimant is also questioning the monthly income fixed by the Tribunal at Rs.7,500/- despite having examined his employer as PW2, to establish that he was receiving a monthly income of Rs.19,000/-. The further grievance on the side of the claimant is that the compensation that has been fixed by the Tribunal under the other heads is also on the lower side, which requires the interference of this Court.

8. In the case in hand, the Tribunal had taken into consideration the fact that the claimant's little finger and a portion below it were amputated. Hence, considering the avocation of the claimant as a worker in a sweet stall, the Tribunal adopted the multiplier method by fixing his functional disability at 25% based on the disability certificate issued by the Medical Board, which was marked as Ex.C1.

9. This Court does not find any perversity in the above finding rendered by the Tribunal. The injuries sustained by the claimant cannot be said to result in a 100% loss of earning capacity. Therefore, the Tribunal's finding in fixing the functional disability at 25% cannot be faulted.



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WEB COPY 10. Insofar as the notional monthly income fixed by the Tribunal is concerned, it is certainly on the lower side and this Court is inclined to fix the notional monthly income of the claimant at Rs.15,000/-. Accordingly, the compensation under the head 'Disability' is calculated as follows:

Monthly Income	:	Rs. 15,000/-
Add:10% future prospects	:	Rs. 1,500/-

		Rs. 16,500/-
		x 12

Annual income	:	Rs. 1,98,000/-
Multiplier	:	x 11

Loss of Income		Rs.21,78,000/-
25% Disability	:	x 25%

		Rs. 5,44,500/-

11. Considering the fact that the claimant underwent treatment as an inpatient for 34 days, which also resulted in the amputation of the little finger of his right hand, this Court is inclined to enhance the compensation under the heads 'Transportation Charges', 'Pain and Suffering', 'Extra Nourishment', to Rs.20,000/-, Rs.1,00,000/- and Rs.25,000/- respectively.

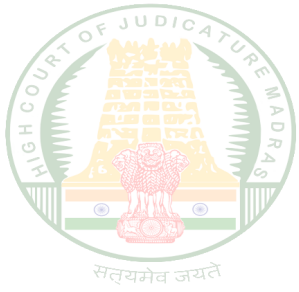


WEB COPY 12. The Tribunal has not granted any compensation under the head 'Attender Charges'. Hence, this Court is also inclined to fix a sum of Rs.20,000/- towards 'Attender Charges'.

13. The compensation fixed by the Tribunal under the other heads is just and reasonable and does not require the interference of this Court.

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

<i>S.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Disability	2,72,250	5,44,500
2.	Medical Expenses	3,60,493	3,60,493
3.	Transportation	5,000	20,000
4.	Pain and Suffering	50,000	1,00,000
5.	Extra Nourishment	15,000	25,000
6.	Damage to Clothes	2,000	2,000
7.	Attender Charges	-	20,000
Total		7,04,750	10,71,993
Rounded off			10,72,000



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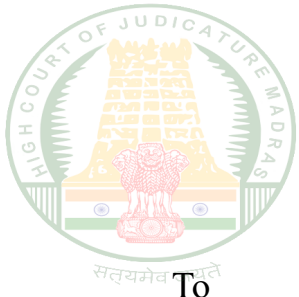
15. The compensation awarded by the Tribunal at Rs.7,04,750/- is enhanced to Rs.10,72,000/-. The second respondent/Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 182 days as was ordered by this Court in C.M.P.No.18728 of 2023 in C.M.A.Sr.No.105224 of 2023 dated 07.09.2023. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

16. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs. The guidelines issued by the Division Bench of this Court in C.M.A.No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimant.

28.07.2026

Neutral Citation: Yes/No
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1. The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Namakkal.
2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

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