



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2026

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.265 of 2022

D.Suresh

..Appellant

.VS.

1. G.Malarmannan

2.The New India Assurance Co. Ltd.,
Third Party Claim Office,
No.45, Moore Street, 5th Street,
Chennai 600 001

..Respondents

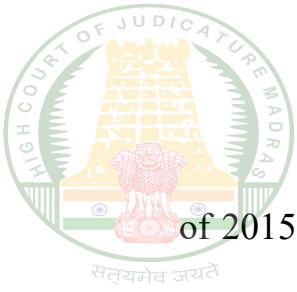
Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in MCOP No.5861 of 2015, dated 23.10.2018, on the file of the Motor Accidents Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions), Small Causes Court at Chennai.

For Appellants : Mr.Amar Dineshbhai Pandiya

For Respondents : Mr.S.Dhakshnamoorthy for R2

JUDGMENT

This appeal has been filed challenging the Award passed by the MACT, (Special Sub Court No.1), Small Causes Court, Chennai in MCOP No.5861



of 2015 dated 23.10.2018, wherein, the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 14.05.2015, when he was riding a two wheeler near Ambattur Estate, at about 2.15 p.m., the offending vehicle which was a van, was driven in a rash and negligent manner and it hit the two wheeler. As a result of which, the claimant was thrown out of the vehicle and he sustained comminuted fracture supracondylar left knee.

3.The claimant underwent the first surgery and was admitted as an inpatient from 14.05.2015 to 27.05.2015. Thereafter, the claimant underwent another procedure and was admitted as an inpatient from 24.12.2015 to 02.01.2016. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4.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. Having come to such a conclusion, the Tribunal fixed the total compensation payable at



Rs.3,79,100/- under various heads as follows:

WEB COPY

Compensation awarded under the head	Amount (in Rs.)
Disability	30,000
Pain and Sufferings	20,000
Extra Nourishment	15,000
Transportation	5,000
Medial Expenses	2,46,615
Attender Charges	6,000
Loss of Earnings	41,490
Loss of Future Prospectus	15,000
Total	3,79,105
Rounded Off	3,79,100

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 before this Court seeking for enhancement of compensation.

7.Heard Mr.Amar Dineshbhai Pandiya, learned counsel appearing on behalf of the appellant and Mr.S.Dhakshnamoorthy, learned counsel appearing on behalf of the 2nd respondent.

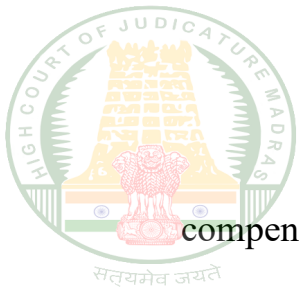


WEB COPY

8.A careful reading of EXs.P3 and P4 which are the Discharge Summaries, shows that the claimant had initially suffered comminuted fracture supracondylar left knee and an operation was performed and at the point of time, he was an inpatient from 14.05.2015 to 27.05.2015. Thereafter, there was nonunion of left distal femur and as a result of which, the claimant had to undergo one more procedure for which he was admitted as an inpatient on 24.12.2015 and he was discharged on 02.01.2016.

9.PW2 was examined on the side of the Government Advocate and based on the record, the Doctor had assessed partial permanent disability at 25%. It is contended that the Doctor who actually performed the surgery and gave treatment to the claimant was not examined and therefore, the Tribunal had assessed the disability at 10%.

10.Considering the nature of injuries sustained, which is reflected in EXs.P3 and P4, and the procedure undergone, PW2, as a medical professional, would be able to assess the disability. Therefore, this Court is of the view that 25% partial permanent disability assessed by PW2 is not on the higher side and the same can be taken as a basis for determining the



WEB COPY

compensation under the head of disability. Considering the fact that the accident had taken place in the year 2015, this Court is inclined to fix Rs.5,000/- per percentage. Accordingly, the compensation under the head of disability is fixed as Rs.1,25,000/- (Rs.5000/- x 25).

11.Considering the nature of injury, two surgeries undergone and the treatment taken as an inpatient, this Court is inclined to enhance the compensation under the head of Pain and Sufferings to Rs.50,000/-, Extra Nourishment to Rs.30,000/-, Transportation Charges to Rs.10,000/- and Attender Charges to Rs.30,000/-.

12.Insofar as the loss of income is concerned, the Tribunal had calculated loss of income only for three months. However, considering the injuries sustained and the treatment undergone, the claimant would have gone out of action for at least six months. Therefore, this Court is inclined to fix the compensation under the head of loss of earning at Rs.82,980/-. (Rs.13830 x 6 = 82,980).

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



Compensation awarded under the head	Amount (in Rs.)
Disability	1,25,000
Pain and Sufferings	50,000
Extra Nourishment	30,000
Transportation	10,000
Medial Expenses	2,46,615
Attender Charges	30,000
Loss of Earnings	82,980
Loss of Future Prospectus	Nil
Total	5,74,595

14. The compensation awarded by the tribunal at Rs3,79,100/- is enhanced to Rs.5,74,595/-. The second respondent/insurance company is directed to deposit the enhanced compensation of Rs.5,74,595/-, 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 four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.1,95,495/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 485 days as was ordered by this Court in C.M.P.No.21373 of 2021, dated 03.02.2022. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall



be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

This Civil Miscellaneous Appeal is partly allowed of in the above terms. No Costs.

06.07.2026

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

To

The Motor Accidents Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions), Small Causes Court at Chennai.



WEB COPY



N. ANAND VENKATESH., J

SSR

CMA No.265 of 2022

06.07.2026