



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1535 of 2024

Ellppa @ Ellappan
S/o. Munusamy, No.54, Mel Veedhi, Kodiyur,
Pennagaram Post and Taluk, Dharmapuri District.

..Appellant(s)

Vs

1. Velu
No.3/89, Mudhugampatti Village,
Kookuttamaradhahalli Post, Pennagaram Taluk,
Dharmapuri District-636810.
2. The Branch Manager
The National Insurance Company Limited,
88-F, Bypass Road, Dharmapuri Town,
Dharmapuri Taluk and District.

..Respondent(s)

CMA No. 1535 of 2024

To set aside the award dated 27-07-2021 made in
MCOP.No.296/2018 on the file of the MACT, Spl.District Court, Dharmapuri.

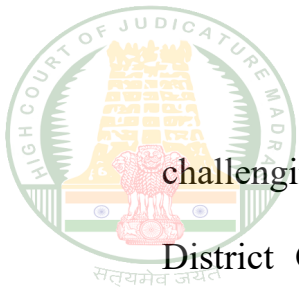
CMA No. 1535 of 2024

For Appellant(s): Mr.D.Rameshkumar

For Respondent(s): M/s. C. Johnson Takes Notice For R2
R1 - Dispensed With (vide Court Order Dated
05/07/2024)

Judgment

This Civil Miscellaneous Appeal has been filed by the claimant



challenging the award passed by the Motor Accident Claims Tribunal, Special District Court, Dharmapuri in MCOP No.296 of 2018 dated 27.07.2021 wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.

2. The case of the claimant is that on 23.12.2016, the claimant along with another person was travelling on a two wheeler at Bangalore to Hosur National Highways and at about 3.00 a.m, the rider of the two wheeler dashed against an iron barricade placed at the middle of the road. The claimant sustained the following injuries :-

“fracture in the right forehand, head injury, fracture of right shoulder, fracture of both legs and facial injury”

The rider of the vehicle died on the spot. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for compensation.

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 rider of the two wheeler.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.8,32,550/- under various heads as follows :-



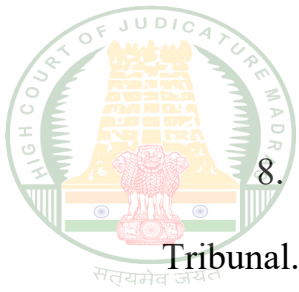
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<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Compensation for future loss of income	Rs.6,04,800/-
2.	Pain and suffering	Rs.40,000/-
3.	Extra nourishment expenses	Rs.15,000/-
4.	Attender Charges	Rs.5,000/-
5.	Loss of amenities	Rs. 30,000/-
6.	Medical expenses	Rs.1,18,750/-
7.	Transport expenses	Rs. 5,000/-
8.	Loss of income	Rs.14,000/-
	Total	Rs.8,32,550/-

5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. The Tribunal ordered for “pay and recover” on the ground that the rider of the two wheeler did not possess a valid driving license. Aggrieved by the same, the claimant has filed this Appeal seeking for enhancement of compensation.

6. Heard Mr.Mr.D.Ramesh Kumar, learned counsel for appellant/claimant and Mr.C.Johnson, learned counsel for 2nd respondent.

7. This Court carefully considered the submissions made on either side and the materials available on record.



8. This Court also carefully went through the award passed by the Tribunal.

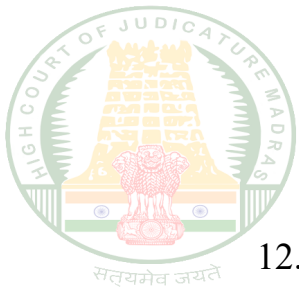
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9. The Tribunal on considering the nature of injuries sustained by the claimant and taking note of the fact that the claimant was a mason by profession and found that there was a functional disability and hence, applied the multiplier method. While applying the multiplier method, the notional monthly income fixed was Rs.7,000/- for an accident which took place in the year 2016. This fixation is certainly on the lower side. Therefore, this Court is inclined to fix the notional monthly income at Rs.15,000/-. Accordingly, the compensation towards loss of income is calculated as follows :-

$$\begin{aligned}\text{Future Loss of income} &= \text{Rs.}15,000 \times 12 \times 18 \times 40/100 \\ &= \text{Rs.}12,96,000\end{aligned}$$

10. The claimant had undergone treatment as an inpatient for nearly 10 days and had sustained very serious injuries. Therefore, this Court is inclined to enhance the compensation under the head of pain and sufferings to Rs.75,000/-, Extra Nourishment to Rs.25,000/- and Attender Charges to Rs.20,000/-.

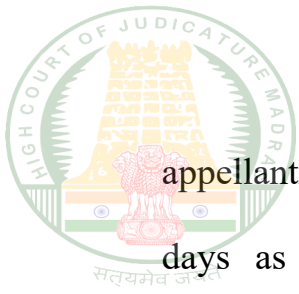
11. The compensation granted under the head of loss of income is set aside since the compensation has already been granted for future loss of income.



12. In view of the same, the compensation granted by the Tribunal is modified as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Compensation for future loss of income	Rs.6,04,800/-	Rs.12,96,000/-
2.	Pain and suffering	Rs.40,000/-	Rs.75,000/-
3.	Extra nourishment expenses	Rs.15,000/-	Rs.25,000/-
4.	Attender Charges	Rs.5,000/-	Rs.20,000/-
5.	Loss of amenities	Rs. 30,000/-	Rs.30,000/-
6.	Medical expenses	Rs.1,18,750/-	Rs.1,18,750/-
7.	Transport expenses	Rs. 5,000/-	Rs.5,000/-
8.	Loss of income	Rs.14,000/-	
	Total	Rs.8,32,550/-	Rs.15,69,750/-

13. The compensation awarded by the Tribunal at Rs.8,32,550/- is enhanced to Rs.15,69,750/-. The 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 of Rs.7,37,200/- is concerned, the



appellant/claimant will not be entitled for interest for the period of delay of 453 days as was ordered by this Court in C.M.P.No.25057 of 2023, dated 04.06.2024. 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.

14. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

01-07-2026

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

RKA
To
The Motor Accident Claims Tribunal, Special District Court, Dharmapuri



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CMA No. 1535 of 2



N.ANAND VENKATESH J.

RKA

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