



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 02.07.2026**

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**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**CMA No.2682 of 2017**

B.Edwin Benito

..Appellant

**.Vs.**

1.M/s.RDC Concrete India Ltd.,  
No.2/29, Senneerkuppam Village  
Poonamallee  
Thiruvallur District.  
Chennai-56.

2.The Oriental Insurance Company Ltd.,  
No.115, II Floor, Oriental House  
Prakasam Salai  
Chennai-108.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and enhance the compensation in MCOP No.5702 of 2013 dated 25.4.2016 on the file of the Motor Accident Claims Tribunal, II Special Small Causes Court, Chennai.

For Appellant : Mr.Jeny V.V.Sundar

For Respondents : Mr.N.Vijayaraghavan for R2



## **JUDGMENT**

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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, II Special Small Causes Court, Chennai, passed in MCOP No.5702 of 2013 dated 25.04.2016.

2.The case of the claimant is that on 21.08.2013, the claimant was riding a two wheeler along with his friend who was the pillion rider and they were moving from Padur to Navalur and at about 11.00 a.m., the offending vehicle which was a concrete mixer lorry was driven in a rash and negligent manner, as a result of which it dashed on the two wheeler and the claimant sustained serious injuries viz., diffuse axonal injury and mandible fracture. 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 the oral and documentary evidence, came to a conclusion that the accident had taken only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.10,88,789/- under various heads as follows:



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| Sl.No. | Compensation awarded under the head                                       | Amount (in Rs.)    |
|--------|---------------------------------------------------------------------------|--------------------|
| 1.     | Permanent Disability<br>70% x Rs.3,000/-                                  | 2,10,000/-         |
| 2.     | Loss of earning capacity                                                  | 1,00,000/-         |
| 3.     | Pain and Suffering                                                        | 1,00,000/-         |
| 4.     | Loss of Income (Rs.4,000 x 4)                                             | 16,000/-           |
| 5.     | Transportation Cost                                                       | 10,000/-           |
| 6.     | Special Diet                                                              | 20,000/-           |
| 7.     | Damages to personal belongings                                            | 5,000/-            |
| 8.     | Medical Expenses<br>(Incurred) Rs.6,07,617/-<br>Extra granted Rs.20,172/- | 6,27,789/-         |
|        | <b>Total :</b>                                                            | <b>10,88,789/-</b> |

The above compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimant has filed the present appeal questioning the quantum of compensation fixed by the Tribunal.

4.During the pendency of this appeal, considering the medical certificates that were marked on the side of the claimant, this Court directed the claimant to appear before the Dean of Rajiv Gandhi General Hospital with a request for examining the claimant by the Medical Board. Accordingly, the Medical Board examined the claimant and a certificate has been placed before this Court to the effect that the claimant has suffered 33% permanent disability.



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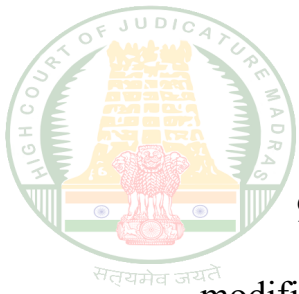
5.This Court has carefully considered the submission made on either side and the materials available on record.

6.In the considered view of this Court, the claimant has suffered serious head injuries which initially resulted in a coma and after recovery, the claimant has memory loss. The claimant was hardly aged about 21 years. The Tribunal had adopted percentage method and had granted Rs.3000/- per percentage. Considering the nature of injury and the consequence of such injury, this Court finds that the claimant certainly suffers from functional disability and therefore this is a fit case to apply multiplier method.

7.In view of the above, this Court is inclined to fix the 'notional monthly' income at Rs.10,000/- and the compensation under the head of 'permanent disability' is calculated hereunder:

$$\text{Rs.10,000/-} \times 18 \times 12 \times 33\% = \text{Rs.7,12,800/-}$$

8.Insofar as the compensation fixed under the other heads are concerned this Court finds the same to be reasonable and fair and it does not require the interference of this Court.



9. In the light of the above discussion, the total compensation is modified as follows:

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| Sl.No. | Compensation awarded under the head                                             | Amount awarded by the Tribunal (in Rs.) | Amount awarded by this Court (in Rs.) |
|--------|---------------------------------------------------------------------------------|-----------------------------------------|---------------------------------------|
| 1.     | Permanent Disability<br>70% x Rs.3,000/-                                        | 2,10,000/-                              | 7,12,800/-                            |
| 2.     | Loss of earning capacity                                                        | 1,00,000/-                              |                                       |
| 3.     | Pain and Suffering                                                              | 1,00,000/-                              | 1,00,000/-                            |
| 4.     | Loss of Income<br>(Rs.4,000 x 4)                                                | 16,000/-                                |                                       |
| 5.     | Transportation Cost                                                             | 10,000/-                                | 10,000/-                              |
| 6.     | Special Diet                                                                    | 20,000/-                                | 20,000/-                              |
| 7.     | Damages to personal belongings                                                  | 5,000/-                                 | 5,000/-                               |
| 8.     | Medical Expenses<br>(Incurred)<br>Rs.6,07,617/-<br>Extra granted<br>Rs.20,172/- | 6,27,789/-                              | 6,27,789/-                            |
|        | <b>Total :</b>                                                                  | <b>10,88,789/-</b>                      | <b>14,75,589/-</b>                    |

10. The compensation awarded by the Tribunal at Rs.10,88,789/- is enhanced to Rs.14,75,589/-. The 2<sup>nd</sup> 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 (4) 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. The other



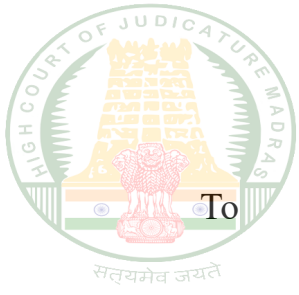
directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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11.In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

**02.07.2026**

Index : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral citation : Yes/No  
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To  
The Motor Accident Claims Tribunal,  
II Special Small Causes Court, Chennai.

**N. ANAND VENKATESH., J**



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**CMA No.2682 of 2017**

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