



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2696 of 2022

J. Murugan

S/o. Jaganathan, No, 11/584, Dossapuram,
Kodambakkam, Chennai - 600 024.

..Appellant(s)

Vs

1. M/s. Hotel Saravana Bhavan
No. 19, Vadapalani Andavar Kovil Street,
Vadapalani, Chennai - 600 026.
2. Future General India Insurance Co.Ltd
Flat No. 55, 3rd Floor, Vijayaragava Road, T,
Nagar, Chennai - 17

..Respondent(s)

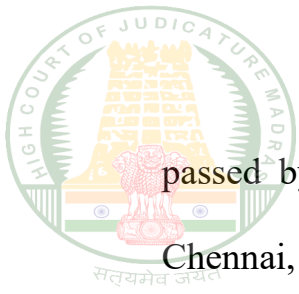
Civil Miscellaneous appeal filed under Section 173 of the Motor Accident Claims Tribunal to enhance the award dated 29-11-2021 and made in MACTOP No.13 of 2016 on the file of the Motor Accident Claims Tribunal, (In the III Court of Small Causes, Chennai).

For Appellant(s): Ms.N.Lavanya for
M/s.M. MALAR

For Respondent(s): Mr. R.Harishankar
for R1
Ms.C.Harini for
M/s.M.B.Gopalan Associates
R2

Judgment

This Civil Miscellaneous Appeal has been filed against the award



passed by the Motor Accident Claims Tribunal, III Court of Small Causes, Chennai, in MACTOP No.13 of 2016 dated 29.11.2021, wherein the claimant is seeking for enhancement of compensation.

2. The case of the claimant is that on 27.08.2015, he was riding a two wheeler from Kodambakkam to Poes Garden and at about 4.15 p.m, the offending vehicle, which was a Tempo Traveller Van, was driven in a rash and negligent manner and dashed against the two wheeler. As a result of which, the claimant sustained grievous injuries. The claimant underwent treatment as an inpatient for nearly 65 days and underwent one surgery. 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 solely due to the rash and negligent driving on the part of the driver of the tempo traveller.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.3,06,750.00/- under various heads as follows :-



Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Disability 32% (32 x Rs.4000)	Rs.1,28,000/-
2.	Attender Charges	Rs. 22,750/-
3.	Loss of amenities	Rs.40,000/-
4.	Towards pain and sufferings	Rs.40,000/-
5.	Towards Extra Nourishment and Transportation	Rs.15,000/-
6.	Damages to clothes	Rs.1,000/-
7.	Loss of income for 6 months (Rs.10,000)	Rs.60,000/-
	Total	Rs.3,06,750/-
	Rounded off to	Rs.3,06,800/-

5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimant has filed this Appeal seeking for enhancement of compensation.

6. Heard Ms.N.Lavanya, learned counsel for appellant /claimant and Mr.R.Hari Shankar, learned counsel for 1st respondent and Ms.C.Harini, 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



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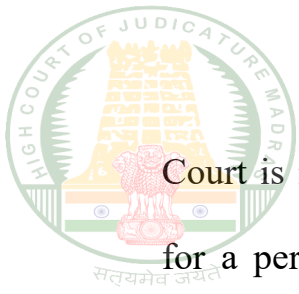
9. In the case in hand, the claimant sustained a bicondylar fracture and proximal third bone fracture of the left leg and the claimant underwent treatment as an inpatient for 65 days, during which period one surgery was performed. The Medical board assessed the disability at 32% as per the disability certificate marked as Ex.C1.

10. The Tribunal had adopted the percentage method and fixed a sum of Rs.4,000/- per percentage. This Court is inclined to fix a sum of Rs.5,000/- per percentage. Accordingly, the compensation under the head of disability is calculated as follows :-

$$\begin{aligned}\text{Disability} &= \text{Rs.5000} \times 32 \\ &= \text{Rs.1,60,000/-}\end{aligned}$$

11. This Court is inclined to enhance the compensation under the head of Attender Charges to Rs.35,000/-, Pain and Sufferings to Rs.75,000/-, and Extra Nourishment and Transportation to Rs.50,000/-.

12. Insofar as the loss of income is concerned, the claimant was working as an Assistant Director in the Cinema Industry and therefore, this



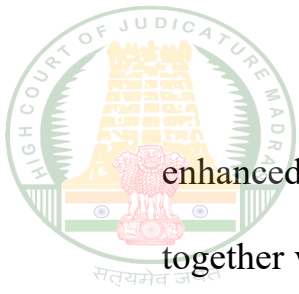
Court is inclined to fix a sum of Rs.13,000/- as the Notional Monthly Income for a period of six months. Accordingly, the loss of income is calculated as follows :-

$$\begin{aligned}\text{Loss of Income} &= \text{Rs.13,000/-} \times 6 \\ &= \text{Rs.78,000/-}\end{aligned}$$

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

<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.	Disability	Rs.1,28,000/-	Rs.1,60,000/-
2.	Attender Charges	Rs. 22,750/-	Rs.35,000/-
3.	Loss of amenities	Rs.40,000/-	Rs.40,000/-
4.	Towards pain and sufferings	Rs.40,000/-	Rs.75,000/-
5.	Towards Extra Nourishment and Transportation	Rs.15,000/-	Rs.50,000/-
6.	Damages to clothes	Rs.1,000/-	Rs.1,000/-
7.	Loss of income for 6 months	Rs.60,000/-	Rs.78,000/-
	Total	Rs.3,06,750/-	Rs.4,39,000/-
	Rounded off to	Rs.3,06,800/-	Rs.4,39,000/-

14. The compensation awarded by the Tribunal at Rs.3,06,800/- is enhanced to Rs.4,39,000/-. The Insurance company is directed to deposit the



enhanced compensation of Rs.1,32,200/-, 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. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

13-07-2026

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

RKA

To
The Motor Accident Claims Tribunal, (In the III Court of Small Causes,
Chennai).



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CMA No. 2696 of 2



N.ANAND VENKATESH J.

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