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CMA No. 1350 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1350 of 2025

M.Radhakrishnan
S/o P. Marimuthu, Mullai Nagar,
2nd Street, Karumarampalayam,
Tiruppur.

..Appellant(s)

Vs

1. Baiju
Res at Karthiga House, Beemanadu(Post),
Allanallur, Kerala State.
2. The New Assurance Company Limited
Obli Towers, No 594, T.B.Road,
R.S Puram, Coimbatore -2.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under section 173 of the Motor Vehicles Act, 1988. seeking to enhancement of compensation in the Judgment and decree dated 08.08.2019 made in MCOP No.763 of 2016 on the file of MACT/Chief Judicial Magistrate Court at Tiruppur.

For Appellant(s): Mr. Ma.P.Thangavel

For Respondent(s): M/S.R.NEETHIPERUMAL FOR R2

R1 – Signed – No appearance



JUDGMENT

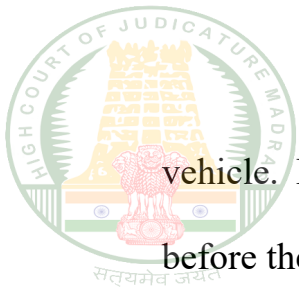
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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruppur in M.C.O.P.No.763 of 2016, dated 08.08.2019, wherein the claimant has sought for enhancement of compensation.

2. The case of the claimant is that on 09.01.2016, the claimant was riding a two-wheeler on Pungampalayam – Marudhur Road, and at about 11.30 p.m., when the two-wheeler was going near Velliankadu road, the offending vehicle, which was a Bolero Van and which was driven by the first respondent in a rash and negligent manner, as a result of which, it dashed on the two-wheeler and the claimant sustained the following injuries:

- “1.Crush injury with skin avulsion on right lateral aspect of face and scalp – exposing pulsating brain.*
- 2.Part of brain and brain extruding out orbit and orbital felt exposit – pupil of right eye dilated.*
- 3.Abrasion over right hand 5x5cm.*
- 4.Laceration over right knee radial aspect 4x3x2cm.*
- 5.Abrasion over right foot at great toe 5x5cm.*
- 6.abrasion 4x4cm dorsum left foot.*
- 7.Abrasion right buttock.”*

The claimant underwent treatment as an in-patient for 51 days and an FIR came to be registered in Crime No.9 of 2026 against the driver of the offending



vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal.

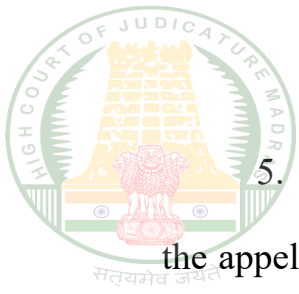
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3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. The Tribunal having rendered the above finding, fixed the total compensation at Rs.18,25,321/- under the following heads:

Sl. No.	Head	Amount
1.	Annual income of the petitioner	Rs.78,000/-
2.	Add Future Prospects at 50%	Rs.1,17,000/-
3.	Multiplier '18'	Rs.21,06,000/-
4.	Deducted 50% towards personal expenses	Rs.10,53,000/-
5.	Pain and Sufferings	Rs.50,000/-
6.	Loss of amenities	Rs.25,000/-
7.	Medical expenses	Rs.6,61,821/-
8.	Nutritional expenses	Rs.10,000/-
9.	Attender charges	Rs.15,000/-
10.	Transport expenses	Rs.10,000/-
11.	Damages to clothes	Rs.500/-
	Total Award amount	Rs.18,25,321/-

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.



5. Heard, Mr. Ma.P.Thangavel, learned counsel appearing on behalf of the appellant and M/s.R.Neethiperumal, learned counsel appearing on behalf of the second respondent.

6. This Court carefully considered the submissions made on either side and the materials available on record. This Court carefully went through the award passed by the Tribunal.

7. The main ground that was urged on the side of the appellant is that the permanent disability was assessed by the doctor as 71.05%, whereas the Tribunal has fixed only 50% as functional disability. The other ground raised is that the compensation fixed by the Tribunal under various heads is on the lower side and it requires enhancement.

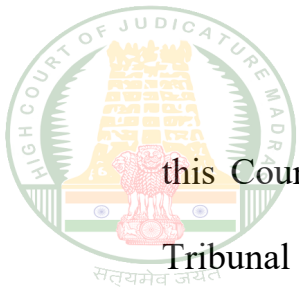
8. Per contra, the learned counsel for the second respondent – Insurance Company submitted that the assessment in this case was made by the doctor, who was examined as P.W.3 and not by the Medical Board. Therefore, it is contended that the Tribunal had properly considered the same and limited the functional disability at 50%. The learned counsel further submitted that the compensation amount that has been fixed under the other heads are just and reasonable and it does not require the interference of this Court.



9. The injuries that were sustained by the claimant has already been extracted supra. P.W.3, who is the doctor, has stated in his evidence that the claimant had sustained serious injuries and, as a result, plastic surgery had to be conducted on the face since the brain itself was exposed through the right eye and therefore considering the same, the partial permanent disability was fixed at 71.05%.

10. The Tribunal while dealing with the evidence of the doctor, took into consideration the judgment of the Apex Court and has held that, considering the nature of injuries sustained by a 17-year-old boy, the functional disability can be fixed at 50%. This finding rendered by the Tribunal does not suffer from any perversity warranting the interference of this Court.

11. The Tribunal applied the multiplier method while determining the compensation under the head of loss of earning capacity and the Tribunal has fixed the notional monthly income at Rs.6,500/- which is on the lower side. The accident had taken place in the year 2016 and the claimant in this case was a 17-year-old boy who was doing Diploma in Mechanical Engineering. As a result of the accident and the injuries sustained, the claimant has lost his eyesight in the right eye permanently and he also has a hearing problem in the right ear. This Court also takes into consideration the fact that the claimant did not possess a valid driving licence at the time of the accident. In view of the same,



this Court is inclined to fix the notional monthly income at Rs.12,500/-. The Tribunal has erroneously added 50% towards future prospects and the same is reduced to 40%. Accordingly, the compensation under the head of Loss of earning capacity is calculated as follows:

Monthly income	: Rs.12,000/-
Annual income (12,000 x 12)	: Rs.1,44,000/-
Add Future Prospects @ 40% (Rs.57,600/-)	: Rs.2,01,600/-
Multiplier @ '18' (2,01,600 x 18)	: Rs.36,28,800/-
Deducted 50% towards Personal expenses	: Rs.18,14,400/-
Total Loss of earning capacity	: Rs.18,14,400/-

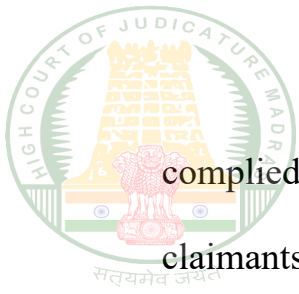
12. In the case is hand, the claimant had taken treatment as an in-patient for nearly 51 days and plastic surgery was also performed. In view of the same, this Court is inclined to increase the compensation under the head of pain and sufferings to Rs.1,00,000/-; Loss of amenities to Rs.75,000/-; Extra nourishment to Rs.35,000/-; Attender charges to Rs.25,000/- and Transport expenses to Rs.15,000/-. The compensation fixed under the other heads are retained as it is.

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



Sl. No.	Compensation awarded under the head	Amount awarded by the Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1.	Loss of Earning Capacity	Rs.10,53,000/-	Rs.18,14,400/-
2.	Pain and Sufferings	Rs.50,000/-	Rs.1,00,000/-
3.	Loss of Amenities	Rs.25,000/-	Rs.75,000/-
4.	Medical Expenses	Rs.6,61,821/-	Rs.6,61,821/-
5.	Extra Nourishment	Rs.10,000/-	Rs.35,000/-
6.	Attender Charges	Rs.15,000/-	Rs.25,000/-
7.	Transportation expenses	Rs.10,000/-	Rs.15,000/-
8.	Damages to clothes	Rs.500/-	Rs.500/-
	Total	Rs.18,25,321/-	Rs.27,26,721/-

14. The compensation awarded by the Tribunal at Rs.18,25,321/- is enhanced to Rs.27,26,721/-. The second respondent – Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, if any, together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.763 of 2016 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruppur and on such deposit, the claimant is entitled to withdraw the same on due application. 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. 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 claimants.

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

23-07-2026

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

SSI

To:

1. The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Tiruppur.

2. The Section Officer,
V.R.Section,
High Court of Madras.



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N.ANAND VENKATESH, J.

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