



WEB COPY

CMA No. 3066 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

AND

THE HON'BLE MRS.JUSTICE N. MALA

CMA No. 3066 of 2023

J. Chandran

..Appellant(s)

Vs

1. John Britto.C
S/o. Gasper, No.17/4, Thomas Road,
T.Nagar, Chennai-17
2. Franklin
S/o. Arrockiya Dass, No.8/9, Pycraft Nagar,
Thousand Light, Chennai-18
3. Reliance General Insurance Co.Ltd.,
No.Reliance House, 6th Floor, Haddows
Road, Nungambakkam Chennai-06

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 praying to set aside the award and enhance the compensation amount made in judgment and decree dated 06-06-2023 made in MCOp.No.2921/2018 on the file of the Motor Accident Claims Tribunal, V Court of Small Causes, Chennai by allowing this CMA.



WEB COPY

CMA No. 3066 of 2



For Appellant(s): Mr.S.P.Yuaraj

For Respondent(s): Mr.P.Suresh Srinivasan – R3

R2 – Served – No appearance

Not ready in notice – R1

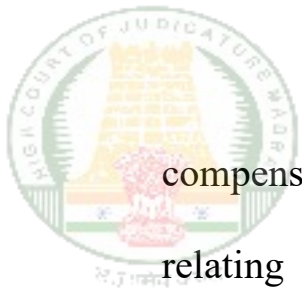
Judgment

(Judgment of the Court was delivered by P.T.Asha J.)

Seeking enhancement of the compensation, the petitioner is before this Court.

2. The short facts are as follows:-

The petitioner, who is a lawyer by profession, had sustained injuries on account of the rash and negligent driving by the driver of the 2nd respondent two-wheeler namely Honda Dio bearing Registration No.TN-07-CK-8808. The contention of the petitioner is that on 29.01.2018 at about 11.00 hrs when the petitioner was waiting on the left side of the Velacherry Main Road, Guindy to proceed to the Court, the said two wheeler came on the wrong side and hit the petitioner causing grievous injuries to him. He has claimed a sum of Rs.28,80,000/- as



compensation. The petitioner would state that as against the column relating to income, the petitioner has stated that he earns a sum of Rs.25,00,000/- p.a.

3. The respondents 1 and 2 had remained *ex parte*. The 3rd respondent -Insurance Company had filed their counter in which they had denied the allegations contained in the claim petition. They had also denied the manner in which the accident had been described by the petitioner. They had also stated that there is a delay of 34 days in filing the FIR. In the claim petition, the petitioner had stated that he was aged 60 years whereas the Aadhaar Card showed the age as 67 years. They had also denied the injuries sustained by the petitioner.

4. The Tribunal below held that there was negligence on the part of the Honda Dio two wheeler and on perusing the medical records assessed the partial and permanent disability at 40%. The Tribunal observed that the petitioner had not produced any document to show his income and it is only the first page of the passbook that had been marked. The bank accounts have not been provided and the Tribunal held that there is no proof to show his income. Therefore, the loss of income was fixed at



Rs.50,000/-. The functional disability was fixed at 25%. The Tribunal has also taken note of the fact that since the disability was partial and permanent, a multiplier method cannot be adopted. Ultimately, compensation of Rs.2,42,636/- had been awarded. Challenging the same, the petitioner has filed the above appeal.

5. The two points that have been urged on behalf of the petitioner are that the Tribunal has erred in assessing the disability at 25% instead of 40%. It is further contended that the income tax returns had not been taken into consideration and therefore, the fixing of the loss of income at Rs.50,000/- was without any basis.

6. Heard the learned counsel for the appellant and learned counsel for the respondent-3 and perused the materials available on record.

7. The Tribunal has clearly observed that the injury was a crush injury, "Fracture medial lip of upper tibia and fracture head of fibula right knee. The petitioner had been assessed by a private doctor, who had assessed the disability certificate of 40%. It is also seen that the petitioner had refused to have his disability assessed by the Medical Board. For



these reasons, the Tribunal has assessed the disability at 25%. It is also to be seen that the disability has not rendered the petitioner incapable of continuing with his profession. In fact, Exs.P32 to P38 would substantiate the same. The accident had taken place on 29.01.2018 and the petitioner has been continuously working as reflected in his income tax returns. The petitioner had been an inpatient for 4 days. The learned counsel for the 3rd respondent would submit that the annual income of the petitioner as shown in Ex.P38 for the year 2018 to 2019 is a sum of Rs.26,14,342/- and the Tribunal ought to have taken this into consideration for fixing his income. However, on a perusal of Exs.P32, 33, 37 and 38, it is clear that for the year in which the accident had taken place the income has been boosted to a sum of Rs.26,14,342/- whereas for all the other years, the income had fluctuated between Rs.16 Lakhs and odd to Rs.18 Lakhs and odd. Therefore, the income arrived at by the Tribunal appears to be fair. That apart, the Tribunal has taken note of the fact that there appears to be reluctance on the part of the petitioner to produce his bank statement like how he was reluctant to have himself submitted for assessment by the medical board. We see no reason to interfere with the well considered Award of the Tribunal.



8. Accordingly, the civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(P.T.A.,J.) (N.M.,J.)
13-08-2026

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

To

1. The Motor Accident Claims Tribunal,
V Court of Small Causes, Chennai .
2. The Section Officer,
V.R. Section,
High Court of Madras,
Chennai.



WEB COPY

CMA No. 3066 of 2



**P.T.ASHA J.
AND
N.MALA J.**

SRN

CMA No. 3066 of 2023

13-08-2026