



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1966 of 2026

Mr.M.Vadivel

..Appellant

.VS.

1.Mr.K.Selvam

2.The Manager,
TATA AIG General Insurance Co., Ltd.,
Regd. Office, Peninsula Corporate Park,
Piramal Tower, 9th Floor, Ganapatrao Kadam Marg,
Lower Parel, Mumbai – 400 013

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, challenging the fair order dated 09.08.2021 made in MCOP No.527 of 2015 on the file of the Motor Vehicle Accident Claims Tribunal, Additional Special Court, Krishnagiri.

For Appellant : Mr.S.P.Yuvaraj

For Respondent : Mr.E.Rajadurai for
M/s.M.B.Gopalan Associates for R2



JUDGMENT

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This appeal has been filed challenging the Award passed by the MACT, Additional Special Court, Krishnagiri in MCOP No.527 of 2015 dated 09.08.2021, wherein, the appellant/claimant has sought for enhancement of compensation.

2.Heard Mr.S.P.Yuvaraj, learned counsel appearing on behalf of the appellant and Mr.E.Rajadurai, learned counsel appearing on behalf of the 2nd respondent.

3.The case of the claimant is that, on 02.09.2013, when he was walking on the left hand side of the Kanthikuppam-Varattanapalli road, the two wheeler belonging to the 1st respondent was driven in a rash and negligent manner and dashed against the claimant. As a result of which, the claimant sustained a fracture of both bones of the right leg and also a laceration over the right forearm. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4.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 offending vehicle.

5. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.2,34,871/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Transportation Charges	3,000
Extra Nourishment & Attender Charges	6,000
Pain and sufferings	35,000
Loss of amenities	10,000
Loss of Income	26,000
Disability (35 x 3000)	1,05,000
Medical Bills	49,371
Damages to Clothes	500
Total	2,34,871

6. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

7. Aggrieved by the same, the claimant has filed the present appeal before this Court seeking for enhancement of compensation.



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8. The main ground that was urged before this Court is that the claimant was a coconut tree tapper by profession and he sustained fracture of both bones of the right leg and the Medical Board had assessed partial permanent disability of 35% and the Tribunal, without considering the fact as to whether the injury would have led to functional disability, considering the avocation of the appellant and went wrong in applying the percentage method and fixed lesser compensation under the head of disability. It is further submitted that the compensation that has been fixed under the other heads are also on the lower side which requires the interference of this Court.

9. In the case in hand, the claimant was aged about 28 years at the time of the accident and the Medical Board had assessed 35% partial permanent disability. There is no material before this Court to show that the appellant suffered any functional disability warranting the application of multiplier method. Therefore, the Tribunal was right in applying the percentage method and fixing a sum of Rs.3,000/- per percentage for an accident which took place in the year 2013.



10. Having rendered the above finding, this Court while carefully assessing the compensation fixed under various heads, is of the opinion that it is on the lower side and requires enhancement.

11. In view of the above, the compensation under the head of transportation expenses is enhanced to Rs.7,500/-. The compensation under the head of extra nourishment is enhanced to Rs.25,000/-. The compensation under the head of pain and sufferings is enhanced to Rs.50,000/-. The compensation under the head of loss of amenities is enhanced to Rs.25,000/- and the compensation for loss of income is enhanced to Rs.50,000/- (5 months x Rs.10,000). The compensation fixed under the other heads are fair and proper and it does not require the interference.

12. In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Transportation Charges	7,500
Extra Nourishment & Attender Charges	25,000
Pain and sufferings	50,000



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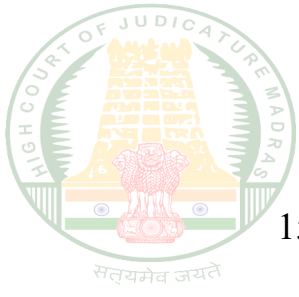


Loss of amenities	25,000
Loss of Income (5 x 10000)	50,000
Disability (35 x 3000)	1,05,000
Medical Bills	49,371
Damages to Clothes	500
Total	3,12,371

13.The above compensation is liable to be paid along with interest at the rate of 7.5% per annum.

14.It is brought to the notice of this Court that the Insurance Company had already deposited the entire compensation amount along with interest. Hence, there shall be a direction to the 2nd respondent/Insurance Company to deposit the enhanced compensation amount along with accrued interest, within a period of four weeks from the date of receipt of copy of this order.

14.Insofar as the enhanced compensation of Rs.77,500/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay period of 1181 days as was ordered by this Court in C.M.P.No.26225 of 2025, dated 09.06.2026. The Tribunal has applied the principle of pay and recovery and the same is sustained.



15. In the result, this Civil Miscellaneous Appeal is Partly Allowed in

the above terms. No Costs.

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01.07.2026

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

SSR

To

The Motor Accident Claims Tribunal, Additional Special Court, Krishnagiri.



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N. ANAND VENKATESH., J

SSR

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