



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1747 of 2026

Udayakumar
S/o. Ramesh,
Door No.5/658, Bharathiyar Nagar,
3rd Cross, Krishnagiri Town,
Taluk and District-635 001.

..Appellant(s)

Vs

1. Gurusavel
S/o. Lakshmana Naidu,
No.21/6, Lakshmanar Street , Adiperamanur,
Natrapalli, Tirupathur Taluk.
2. IFFCO TOKIA General Insurance Company Ltd
No.58A, Sri Anjaneya Tower,
2nd Floor, Pavasha Nagar,
Pondy - Villupuram Main Road,
Reddiarpalayam, Pondicherry 605 005.

..Respondent(s)

PRAYER: To set aside the portion of the order passed in MCOP.No.397 of 2022, dated 16-12-2024, on the file of the Motor Accident Claims Tribunal, (Special Sub Court, Krishnagiri to the extent of fixation of the award amount and consequently to enhance the award amount as Rs.5,00,000/- and to allow the CMA.

For Appellant(s): Mr.J. Pradeep

For Respondent(s): Mr.A.Sivapandi For R1
Mr.N.Anbumurugan For R2

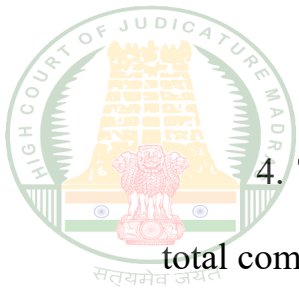


JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Special Subordinate Judge, Krishnagiri, made in M.C.O.P.No.397 of 2022, dated 16.12.2024, wherein the claimant has sought for enhancement of compensation.

2. The case of the claimant is that on 14.01.2021, the claimant was returning home in a two-wheeler at Tirupathur - Vaniyambadi NH road, and at about 21.15 hours, the offending vehicle which was a car, which belongs to the first respondent was driven in a rash and negligent manner, as a result of which, the car hit the two-wheeler and the claimant sustained *“Right Pipkin Type – IV fracture, Dislocation of Femur head with right 3rd 4th Metatarsal fracture”*. For this injury, the claimant underwent *“right uncemented total hip replacement, split skin graft for the right foot and conservative management for the right pipkin type IV 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 oral and documentary evidence came to the 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, proceeded to fix the total compensation at Rs.9,75,000/- under the following heads:

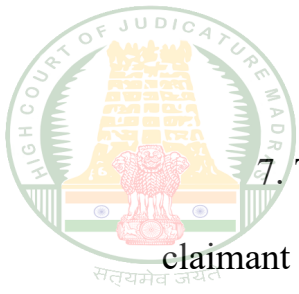
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<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	Rs.3,00,000/-
2.	Pain and Suffering	Rs.75,000/-
3.	Transportation Expenses	Rs.14,000/-
4.	Additional nourishment	Rs.13,000/-
5.	Damages to the clothes	Rs.2,000/-
6.	Loss of amenities & Attender Charges	Rs.1,00,000/-
7.	Loss of income	Rs.66,000/-
8.	Medical Expenses	Rs.3,65,000/-
9.	Future Medical Expenses	Rs.40,000/-
	Total	Rs.9,75,000/-

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

5. This Court heard the learned counsel for appellant and the learned counsel for second respondent Insurance Company.

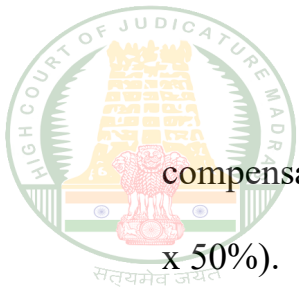
6. This Court carefully considered the submissions made on either side and the materials available on record. This Court also carefully went through the award passed by the Tribunal.



7. The main ground that was raised on the side of the appellant is that the claimant had sustained very serious injuries, which resulted in a hip replacement surgery and even the Medical Board under Ex.C1 had assessed 50% disability and the Tribunal ought to have considered the functional disability suffered by the claimant and adopted the multiplier method. Apart from this, it is also contended that the compensation that has been fixed under the other heads is on the lower side and it requires enhancement.

8. It is true that the claimant had sustained serious injuries which resulted in total hip replacement. However, even as per the employment certificate, the claimant was working in the Production Department and there is no indication that it involves any physical effort in carrying out the work. The Medical Board under Ex.C1 had assessed 50% partial permanent disability. In the absence of any functional disability suffered by the claimant, the multiplier method cannot be adopted. Therefore, the Tribunal was right in adopting the percentage method.

9. The Tribunal fixed Rs.6,000/- per percentage for an accident which took place in the year 2021. This is certainly on the lower side. This Court is inclined to fix a sum of Rs.10,000/- per percentage and accordingly, the



compensation under the head of disability is fixed at Rs.5,00,000/- (Rs.10,000/- x 50%).

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10. Considering the nature of injuries sustained and also the fact that the claimant had underwent treatment as in-patient in 3 phases, totally 22 days and considering the discharge summary marked as Ex.P3 and also the disability certificate marked as Ex.C1, this Court is inclined to enhance the compensation under the head of Pain and sufferings to Rs.1,50,000/-; Transportation expenses to Rs.20,000/-; Extra nourishment to Rs.30,000/- and Loss of income to Rs.1,50,000/- (Rs.12,500/- x 12). The compensation that has been fixed under other heads are just and proper and it does not require interference of this Court.

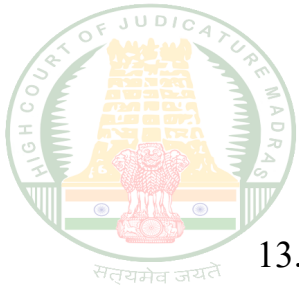
11. In the light of the above discussion, the compensation awarded by the Tribunal is modified as follows:

<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.3,00,000/-	Rs.5,00,000/-
2.	Pain and Sufferings	Rs.75,000/-	Rs.1,50,000/-
3.	Transportation Expenses	Rs.14,000/-	Rs.20,000/-
4.	Additional nourishment	Rs.13,000/-	Rs.30,000/-
5.	Damages to clothes	Rs.2,000/-	Rs.2,000/-
6.	Loss of amenities & Attender	Rs.1,00,000/-	Rs.1,00,000/-



Charges		
7. Loss of income	Rs.66,000/-	Rs.1,50,000/-
8. Medical Expenses	Rs.3,65,000/-	Rs.3,65,000/-
9. Future medical expenses	Rs.40,000/-	Rs.40,000/-
Total	Rs.9,75,000/-	Rs.13,57,000/-

12. The compensation awarded by the Tribunal at Rs.9,75,000/- is enhanced to Rs.13,57,000/-. The second 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 four (4) weeks from the date of receipt of this judgment and on such deposit, the claimant is entitled to withdraw the same on due application. Insofar as the enhanced compensation of Rs.3,82,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 110 days as was ordered by this Court in C.M.P.No.30715 of 2025 in C.M.A.Sr.No.172775 of 2025 dated 04.06.2026. 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. It is made clear that the Tribunal itself has ordered for pay and recover and the same is sustained.



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

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03-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SSI

To:

1. The Motor Accident Claims Tribunal,
Special Subordinate Judge, Krishnagiri.

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



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CMA No. 1747 of 2



N.ANAND VENKATESH, J.

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CMA No. 1747 of 2026

03-07-2026