



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.3841 of 2025

Govindhan

..Appellant

.VS.

1.R.Babu

2.M/s.National Insurance Company Ltd.,
Division Office- 1,
LRN Building, 2nd Floor,
Sarada College Road,
Salem 636 007.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order dated 09.10.2025 made in MCOP No.314 of 2025, on the file of the Motor Accident Claims Tribunal, Special Sub Court No.1, Salem.

For Appellants : Mr.S.Ram Prabu

For Respondents : Mr.C.Paranthaman for R2

JUDGMENT

This appeal has been filed against the Award passed by the MACT, Special Sub Court No.1, Salem in MCOP No.314 of 2025 dated 09.10.2025, wherein the claimant has sought for enhancement of compensation.



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2.The case of the claimant is that on 02.12.2024, he was riding a two wheeler at Salem-Namakkal National Highway and at about 04.30 p.m., when the vehicle was going near a temple, the offending vehicle which was also a two wheeler was driven in a rash and negligent manner and it dashed on the two wheeler in which the claimant was travelling. As a result of which, the claimant was thrown out of the vehicle and he sustained the following injuries:

Patella fracture with closed medial malleolus fracture left side/closed intra articular distal radius fracture (L).

3.The claimant underwent treatment as an inpatient for sixteen days and one surgery was also performed. 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 rider of the offending vehicle.

5.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.3,58,000/- under the following heads as follows:



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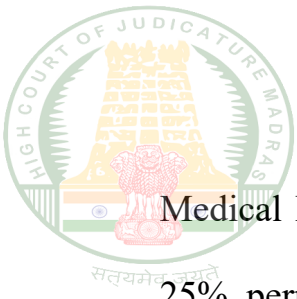
Compensation awarded under the head	Amount (in Rs.)
Pain and Sufferings	50,000
Loss of Income	27,000
Transportation Charges	20,000
Extra Nourishment	20,000
Attender Charges	20,000
Damages to Clothes	1,000
Loss of Amenities	20,000
Disability	2,00,000
Total	3,58,000

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

6.Aggrieved by the same, the present appeal has been filed seeking for enhancement of compensation.

7.Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the 2nd respondent.

8.In the case in hand, the accident had taken place in the year 2024, the Tribunal had taken into consideration, the Disability Certificate issued by the



Medical Board and it was marked as Ex.C1. The Medical Board had assessed 25% permanent disability. The Tribunal applied the percentage method and fixed Rs.8000/- per percentage. This Court is inclined to fix Rs.10,000/- per percentage and the compensation under the head of disability is fixed as Rs.2,50,000/- (10,000 x 25).

9.The claimant has undergone treatment as an inpatient for sixteen days and one surgery was also performed and the avocation of the claimant is that of a real estate agent.

10.In view of the above, this Court is inclined to enhance the compensation under the head of Pain and Sufferings to Rs.75,000/- and Extra Nourishment to Rs.25,000/-. Insofar as the loss of income is concerned, considering the nature of injuries sustained by the claimant, he would have been out of action for atleast four months. Hence, this Court is inclined to fix a monthly notional income at Rs.20,000/- for four months and the compensation is fixed at Rs.80,000/-.

11.The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

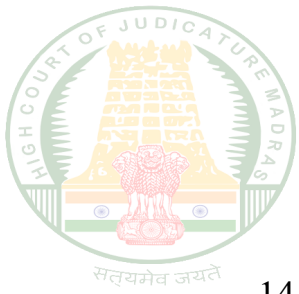


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12. In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Pain and Sufferings	75,000
Loss of Income	80,000
Transportation Charges	20,000
Extra Nourishment	25,000
Attender Charges	20,000
Damages to Clothes	1,000
Loss of Amenities	20,000
Disability	2,50,000
Rounded off	4,91,000

13. The compensation awarded by the tribunal at Rs.3,58,000/- is enhanced to Rs.4,91,000/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.4,91,000/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment.

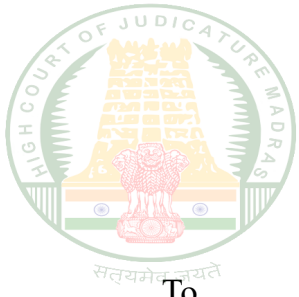


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14. In the result, this Civil Miscellaneous Appeal is partly allowed in the above terms. No Costs.

24.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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The Motor Accident Claims Tribunal, Special Sub Court No.1, Salem.



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N. ANAND VENKATESH., J

SSR

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