



WEB COPY



CMA.No.484 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.484 of 2023

Murugesan, S/o. Sivasami Udayar,
Residing at Mangalamedu,
Veppanthattai Taluk,
Perambalur District.

...Appellant

Vs

1. P.Manikanda Parameswaran
S/o.Parameswaran, No.46A,
Annai Illam, No.12, Srinivasan Street,
LIC Colony Extension, Pammal,
Chennai-75.
2. HDFC ERGO General Insurance Co.Ltd.,
No.35, Rahul Street, Immanuvel Nagar,
Pudhur, Chennai.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act as amended by Act 54 of 1994 against the order dated 04.9.2013 made in MCOP.No.614 of 2011 on the file of the Motor Accident Claims Tribunal (Sub-Court), Perambalur.



WEB COPY



CMA.No.484 of 2023

For Appellant:

M/s.Royan Law Associates

For Respondents:

Mr.G.Surya Narayanan for R1

Mr.T.K.Premkumar for R2

JUDGMENT

This is an appeal filed by the appellant - claimant against the award dated 04.9.2013 in MCOP.No.614 of 2011 on the file of the Motor Accidents Claims Tribunal (Sub-Court), Perambalur wherein he is seeking for enhancement of compensation.

2. Heard the learned counsel for the appellant – claimant and the respective learned counsel appearing for the respondents.

3. The case of the appellant – claimant is as follows:

(i) On 18.8.2011, the appellant – claimant was walking on the left side corner of Chennai – Trichy Main Road and at about 7.50 PM, the offending vehicle, which was a car and which was belonging to the first respondent, was driven in a rash and negligent manner and dashed on the appellant – claimant, resulting in sustaining the following injuries:



CMA.No.484 of 2023

WEB COPY

*"Grade III C fracture both bones right leg
and pelvis fracture with diathesis."*

(ii) The appellant – claimant underwent treatment as an inpatient for 23 days in three spells and three surgeries were also performed. It was under those circumstances, the claim petition came to be filed before the Tribunal below. The first respondent was the driver-cum-owner of the offending vehicle whereas the second respondent is its insurer.

(iii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the 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.

(iv) The Tribunal below, on considering the nature of injuries suffered by the appellant – claimant and also the disability certificate issued by the doctor, came to the conclusion that the appellant – claimant suffered functional disability and hence, applied the multiplier method by calculating the compensation under the head 'disability'. Further, the Tribunal below fixed the total compensation amount at Rs.4,98,585/- under the following heads:



WEB COPY



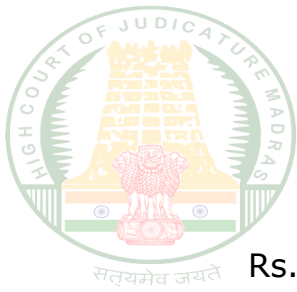
CMA.No.484 of 2023

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
<i>Pecuniary Loss</i>		
1	<i>Loss of income for 52 weeks</i>	<i>Rs. 36,000/-</i>
2	<i>Loss due to partial permanent disability</i>	<i>Rs. 1,65,000/-</i>
3	<i>Medical bills (Ex.P.11 & Ex.P.12 series)</i>	<i>Rs. 2,55,685/-</i>
4	<i>Transportation (Ex.P.13 series)</i>	<i>Rs. 11,900/-</i>
<i>Non Pecuniary Loss</i>		
1	<i>Pain & suffering</i>	<i>Rs. 25,000/-</i>
2	<i>Extra nourishment</i>	<i>Rs. 5,000/-</i>
	<i>Total</i>	<i>Rs. 4,98,585/-</i>

(v) The above total compensation was directed to be paid by the respondents herein jointly and severally together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit. Aggrieved by that, the above appeal has been filed by the appellant – claimant seeking for enhancement of compensation.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

5. The Tribunal below, while calculating the compensation under the head 'disability', fixed the notional monthly income at



CMA.No.484 of 2023

WEB COPY

Rs.3,000/- . Considering the fact that the accident had taken place in 2011, this Court is inclined to fix the notional monthly income at Rs.6,000/-. Accordingly, the compensation under the head 'loss due to partial permanent disability' is calculated as follows:

"Rs.6,000/- X 12 = Rs.72,000/-;

46% of loss of earning capacity : Rs.33,120/-;

Loss of future earning capacity at multiplier of 10 =

Rs.33,120/- X 10 = Rs.3,31,200/-."

6. The Tribunal below also granted compensation under the head 'loss of income'. This finding of the Tribunal below is unsustainable since the compensation has already been granted under the head 'loss due to partial permanent disability' by invoking the multiplier method. **Hence, the compensation given by the Tribunal below to the tune of Rs.36,000/- under the head 'loss of income for 52 weeks' is hereby set aside.**

7. As stated supra, the appellant – claimant underwent three surgeries and was taking treatment as an inpatient in three different spells for a total period of 23 days. Hence, this Court is inclined to enhance the compensation under the heads 'pain and suffering' to



CMA.No.484 of 2023

WEB COPY

Rs.50,000/- and 'extra nourishment' to Rs.20,000/-.

8. In the light of the above discussions, the above civil miscellaneous appeal is partly allowed and the award dated 04.9.2013 made in MCOP.No.614 of 2011 on the file of the Tribunal below is modified as follows:

<i>S.No.</i>	<i>Head</i>	<i>Amount awarded by the Tribunal below</i>	<i>Amount awarded by this Court in this appeal</i>
<i>Pecuniary Loss</i>			
1	<i>Loss of income for 52 weeks</i>	<i>Rs. 36,000/-</i>	<i>-----</i>
2	<i>Loss due to partial permanent disability</i>	<i>Rs. 1,65,000/-</i>	<i>Rs. 3,31,200/-</i>
3	<i>Medical bills (Ex.P.11 & Ex.P.12 series</i>	<i>Rs. 2,55,685/-</i>	<i>Rs. 2,55,685/-</i>
4	<i>Transportation (Ex.P.13 series)</i>	<i>Rs. 11,900/-</i>	<i>Rs. 11,900/-</i>
<i>Non Pecuniary Loss</i>			
1	<i>Pain & suffering</i>	<i>Rs. 25,000/-</i>	<i>Rs. 50,000/-</i>
2	<i>Extra nourishment</i>	<i>Rs. 5,000/-</i>	<i>Rs. 20,000/-</i>
	<i>Total</i>	<i>Rs. 4,98,585/-</i>	<i>Rs. 6,68,785/-</i>

The respondents are directed to deposit the above total compensation amount of Rs.6,68,785/- as awarded by this Court in this appeal jointly and severally 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 weeks from the date of receipt of a copy of this judgment. It is made clear that the appellant – claimant



CMA.No.484 of 2023

WEB COPY

will not be entitled to interest (i) for a period of 350 days in filing the appeal as per the order passed by this Court dated 23.1.2020 and (ii) for a period of 2835 days in paying the deficit court fees as per the order passed by this Court dated 02.1.2023. No costs.

14-07-2026

To

1.The Motor Accidents Claims Tribunal
(Sub-Court), Perambalur.

2.HDFC ERGO General Insurance Co Ltd.,
No.35, Rahul Street, Immanuvel Nagar,
Pudhur, Chennai.

RS



WEB COPY



CMA.No.484 of 2023

N.ANAND VENKATESH,J

RS

C.M.A.No.484 of 2023

14-07-2026

Page 8 of 8