



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2026

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1968 of 2026

Mr.Srinivasan

..Appellant

.VS.

1.Mr.Sakthivel

2.Iffco Tokio General Insurance Co. Ltd
Rep. by its Manager,
No.138/2, 2nd Floor, L.M.R Shopping Complex,
Opp. M.G.M.Theater, Namakkal,
Namakkal District - 637 001
and also at Principal Officer cum Manager,
Iffco Tokio General Insurance Co. Ltd,
JH Towers, 9/4, Advaitha Ashram Road,
Salem - 636 004.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 19.12.2023 in the above MCOP No.31 of 2020 on the file of Motor Accident claims Tribunal, Additional Sub Judge, Namakkal.

For Appellant : Mr.S.Linkesad for
Mr.C.Thangarasu

For Respondents : Mr.J.Michael Visuvasam for R2



JUDGMENT

WEB COPY

This appeal has been filed challenging the Award passed by the MACT, Additional Sub Judge, Namakkal in MCOP No.31 of 2020 dated 19.12.2023, wherein, the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 02.06.2020, when he was travelling in the two wheeler at Senthamangalam-Rasipuram road, at about 10.15 a.m., the offending vehicle which was a car was driven in a rash and negligent manner and it dashed on the two wheeler. As a result of which, the claimant sustained crush injury on the right leg resulting in amputation above the knee and the claimant also sustained other injuries all over the body. 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 a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the offending vehicle.



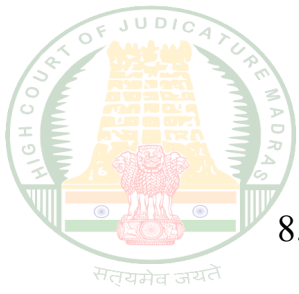
4. Having rendered the above finding, the Tribunal fixed the total compensation of Rs.40,43,718/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Permanent Disability	28,56,000
Pain and sufferings	85,000
Transportation Charges	15,000
Extra Nourishment	20,000
Medical Expenses	10,49,718
Attender Charges	18,000
Total	40,43,718

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

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

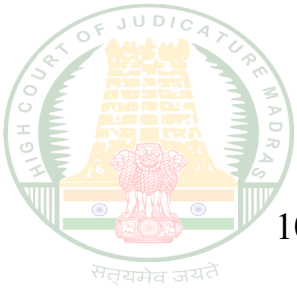
7. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the respondents.



WEB COPY

8.The main ground that was urged by the learned counsel for the appellant is that the Tribunal failed to consider the evidence of PW2 and EX.P17 which clearly established that the claimant was earning a monthly salary of Rs.27,000/-. Whereas, the Tribunal fixed the notional monthly income only at Rs.10,000/-. It is further submitted that the compensation fixed by the Tribunal under the other heads are also on the lower side and it requires enhancement. The learned counsel further submitted that the claimant had undergone amputation above the knee in the right leg and the appellant has fixed artificial limb which requires maintenance in future. But however, the Tribunal has not fixed any compensation towards future medical expenses.

9.Per contra, the learned counsel for the Insurance Company submitted that, as per the claim petition, the claimant came up with a case that he is self-employed and whereas, during the course of trial, the claimant introduced PW2 and EX.P17 which were marked on objections. The learned counsel submitted that in the absence of any valid proof of income, the Tribunal was right in fixing the notional monthly income. The learned counsel further submitted that the compensation that has been fixed under the other heads are reasonable and it does not require the interference of this Court.



WEB COPY

10.This Court has carefully considered the submissions made on either side and also the materials available on record, and this Court has gone through the Award passed by the Tribunal.

11.In the case in hand, the accident had taken place in the year 2020 and whereas, the Tribunal had fixed the notional monthly income at Rs.10,000/-. Even if the evidence of PW2 and EX.P17 is disregarded, the notional monthly income fixed by the Tribunal is on the lower side. In view of the same, this Court is inclined to enhance the notional monthly income to Rs.20,000/- per month.

12.In the light of the above findings, the compensation under the head of disability is calculated as $\text{Rs.20,000} \times 17 \times 12 \times 100\% = 40,80,000/-$.

13.Considering the nature of injury sustained by the appellant and the treatment undergone, this Court is inclined to enhance the compensation under the head of Pain and Suffering to Rs.1,00,000/-, Transportation Expenses to Rs.25,000/-, Extra Nourishment to Rs.1,00,000/- and Attender charges to Rs.50,000/-. An artificial limb is now used by the appellant and it will require future maintenance and replacement. Therefore, this Court is inclined to fix a sum of Rs.75,000/- towards future medical expenses.



WEB COPY

14. In the light of the above discussion, this Court is inclined to modify the compensation as follows:

Compensation awarded under the head	Amount (in Rs.)
Permanent Disability	40,80,000
Pain and sufferings	1,00,000
Transportation Charges	25,000
Extra Nourishment	1,00,000
Medical Expenses	10,49,718
Attender Charges	50,000
Future Medical Expenses	75,000
Total	54,79,718

15. The compensation awarded by the tribunal at Rs.40,43,718/- is enhanced to Rs.54,79,718/-. The second respondent/insurance company is directed to deposit the enhanced compensation amount of Rs.14,36,000/-, 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 six weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.14,36,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 576 days as was ordered by



WEB COPY

this Court in C.M.P.No.32830 of 2025, dated 08.06.2026. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

16.This Civil Miscellaneous Appeal is Partly Allowed in the above terms. No Costs.

01.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr

To

The Motor Accident claims Tribunal, Additional Sub Judge, Namakkal.



WEB COPY



N. ANAND VENKATESH., J

SSR

CMA No.1968 of 2026

01.07.2026