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CMA No. 2062 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2062 of 2026

Pommi
W/o.Ravichandran,
No.41, Vivekannantha Cross Street,
Thiru Vi Ka Nagar,
Hasthinapuram,
Chittlapakkam,
Alandur, Chennai 64

..Appellant(s)

Vs

1. R.Mageshwaran
S/o.Ramasay,
No.19/41, Syful Mulk Street,
Pudupet, Anna Road,
Chennai 600 002
2. The Manager
The Reliance General Insurance company Ltd.,
Reliance House,
No.6, 4th Floor,
Haddows Road,
Nungambakkam,
Chennai-6
Now office at.
M/s. Reliance General Insurance Company Ltd.,
No.10 and 11, Chennai Citi Center
No.13, 5th Floor, Dr.Radhakrishnan Salai,
Mylapore,
Chennai 4.

..Respondent(s)



Civil Miscellaneous Appeal filed to enhance the award passed by the VI Court of Small Causes, (Motor Accident Claims Tribunal), Chennai on 10.03.2025 in MCOP.No.4389 of 2021 and thus render justice.

For Appellant(s): Mr.K.Ayyadurai

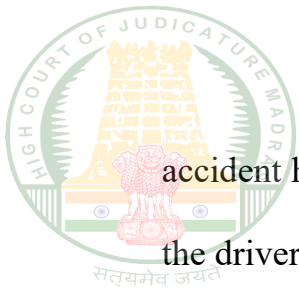
For Respondent(s): M/s.P.Suresh Srinivasan For R2

Judgment

This Civil Miscellaneous Appeal has been filed by the claimant against the award passed by the VI Court of Small Causes, (Motor Accident Claims Tribunal) in MCOP No.4389 of 2021 dated 10.03.2025 wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.

2. The case of the claimant is that on 27.09.2021, the claimant was travelling as a pillion rider on a two wheeler near Peruvayal, Ponneri and at about 15.45 hours, the offending vehicle, which was a goods van was driven in a rash and negligent manner. As a result of which, it dashed against the two wheeler and the claimant was thrown out of the vehicle and she sustained fracture on the right hand, fracture on the right leg, head injuries and multiple injuries all over her body. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for compensation.

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 solely due to the rash and negligent driving on the part of the driver of the offending vehicle.

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4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.4,45,500/- under various heads as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Part disability	Rs.2,40,000/-
2.	Pain and sufferings	Rs.75,000/-
3.	Medical Expenses	Nil
4.	Attendant charges	Rs.15,000/-
5.	Transportation	Rs.27,500/-
6.	Loss of income	Rs.48,000/-
7.	Loss of Amenities	Rs.20,000/-
8.	Extra Nourishment	Rs.20,000/-
	Total	Rs.4,45,500/-

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

6. Heard Mr.K.Ayyadurai, learned counsel for appellant/claimant and Mr.P.Suresh Srinivasan, learned counsel for 2nd respondent.



7. This Court carefully considered the submissions made on either side and the materials available on record.

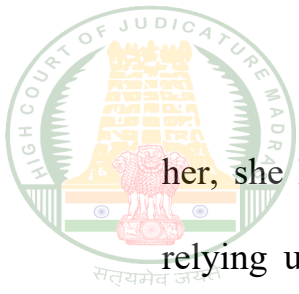
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8. This Court also carefully went through the award passed by the Tribunal.

9. The learned counsel for the appellant submitted that the claimant appeared before the Medical Board and that the disability was assessed by the Medical board at 30%. The learned counsel further submitted that the claimant was a woman engaged in selling fish and due to the injuries sustained by her, she suffered functional disability resulting in loss of her earning capacity and therefore, the Tribunal ought to have adopted the multiplier method. The learned counsel further submitted that the compensation fixed under the other heads is also on the lower side and it requires the interference of this Court.

10. Per contra, the learned counsel for the insurance company submitted that there was absolutely no evidence before the Tribunal to establish that the claimant suffers from loss of earning capacity and therefore, it is contended that the tribunal had rightly applied the percentage method. The learned counsel further submitted that the compensation fixed by the Tribunal under the other heads is just and reasonable and it does not require the interference of this Court.

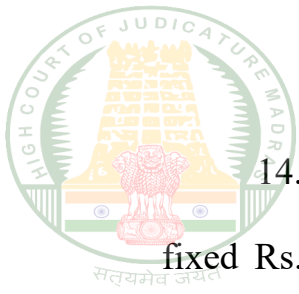
11. In the case in hand, the claimant approached the Tribunal with a specific case that she was a fish vendor and that due to the injuries sustained by



her, she had lost her earning capacity. The Tribunal considered this issue by relying upon the disability certificate marked as Ex.C1 wherein the Medical board assessed the permanent disability at 30%. The Tribunal found that there was no evidence on the side of the claimant to establish her avocation. That apart, the Tribunal also found that the claimant had not proved the functional disability warranting the application of multiplier method in this case.

12. In the considered view of this Court, the above finding of the Tribunal does not suffer from any perversity warranting the interference of this Court. However, the Tribunal has fixed only Rs.8,000/- per percentage for an accident that had taken place in the year 2021. This Court is inclined to increase the same to Rs.10,000/- per percentage. Accordingly, the compensation under the head of permanent disability is fixed at $\text{Rs.10000} \times 30 = \text{Rs.3,00,000/-}$.

13. In the case in hand, the claimant was taking treatment as an inpatient for nearly 30 days, which is evident from Ex.P2 and P3 and the treatment that was given to the claimant is also available at Ex.P10. Considering the same, this Court is inclined to enhance the compensation under the head of pain and suffering to Rs.1,00,000/-. This Court is also inclined to enhance the compensation towards attendant charges to Rs.20,000/- , Transportation charges to Rs.30,000/-, loss of amenities to Rs.25,000/- and Extra Nourishment to Rs.30,000/-.



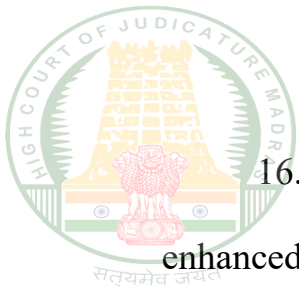
14. Insofar as the loss of income is concerned, the Tribunal had only fixed Rs.16,000/- as notional monthly income and granted for three months.

Considering the nature of the injuries sustained by the claimant and the period of treatment, this Court is inclined to fix the notional monthly income at Rs.18,000/- and grant the same for six months. Accordingly, the compensation under the head of loss of income is calculated as follows :-

$$\text{Loss of income} = \text{Rs.18,000} \times 6 = \text{Rs.1,08,000/-}$$

15. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by the Court (in Rs.)</i>
1.	Part disability	Rs.2,40,000/-	Rs.3,00,000/-
2.	Pain and sufferings	Rs.75,000/-	Rs.1,00,000/-
3.	Medical Expenses	Nil	Nil
4.	Attendant charges	Rs.15,000/-	Rs.20,000/-
5.	Transportation	Rs.27,500/-	Rs.30,000/-
6.	Loss of income	Rs.48,000/-	Rs.1,08,000/-
7.	Loss of Amenities	Rs.20,000/-	Rs.25,000/-
8.	Extra Nourishment	Rs.20,000/-	Rs.30,000/-
	Total	Rs.4,45,500/-	Rs.6,13,000/-



16. The compensation awarded by the Tribunal at Rs.4,45,500/- is enhanced to Rs.6,13,000/-. The Insurance company is directed to deposit the enhanced compensation of Rs.1,67,500/- 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 six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 179 days as was ordered by this Court in C.M.P.No.229 of 2026, dated 08.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

17. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

07-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKA

To

The VI Court of Small Causes, (Motor Accident Claims Tribunal), Chennai



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N.ANAND VENKATESH J.

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