



C.M.A(MD)No.951 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 06.08.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.951 of 2026

Mani

: Appellant

Vs.

1.Maheswari

2.United India Insurance Company Limited,
through its Branch Manager,
Having Office at No.2/60/1,
P.P.K.Building, Trivandrum Main Road,
Marthandam.

3.United India Insurance Company Limited,
through its Divisional Manager,
Having Office at D.No.1, Post office Road,
Palayamkottai, Tirunelveli -2.

: Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 (1) of Motor Vehicles Act, against the order made in M.C.O.P.No.1547 of 2021, dated 21.12.2023, on the file of the Motor Accident Claims Tribunal/Special Sub Court to deal with MOCP cases,Tiruenlveli.



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For Appellant : Mr.V.Sasikumar,

For Respondents : Mr.J.S.Murali, for R2 and R3.

J U D G M E N T

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.1547 of 2021, dated 21.12.2023, on the file of the Motor Accident Claims Tribunal/Special Sub Court to deal with MOCPCases, Tiruenlveli.

2. The appellant/claimant, who was awarded with compensation of Rs.8,50,260/- with interest and costs payable by the respondents/insurer for the disability sustained by him, consequent to an accident occurred on 25.02.2021, challenged the quantum of compensation awarded at by the Tribunal and claimed enhancement of the same.

3. The learned counsel for the appellant/claimant would submit that the right leg was amputated; that the Medical Board assessed the disability as 60% locomotor disability, but the Tribunal, without considering the same



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in proper perspective, has taken disability at 60% and applied the multiplier and that the Tribunal ought to have fixed the disability at 100%.

4.The learned counsel for the appellant would further contend that the Tribunal granted a sum of Rs.50,000/- for loss of convenience, when the appellant sustained total amputation of right leg and crush injury on his right leg, but the Tribunal failed to consider the disruption, discomfort, logistical challenges, complex procedures and disruption to daily life and that therefore, the amount awarded towards loss of convenience is liable to be enhanced.

5. He would further submit that the Tribunal, in a mechanical fashion, has only awarded Rs.50,000/- for pain and suffering, which is very much on lower side. The Tribunal has also awarded Rs.50,000/- for attendant charges and the same is liable to be enhanced. The Tribunal has awarded only Rs. 5,000/- for transportation and Rs.5,000/- for extra nourishment, which are on lower side and that therefore, the compensation awarded at Rs.8,50,260/- is liable to be enhanced. He would further submit that the claimant requires an artificial limb and would incur future medical expenses, for which financial assistance is necessary.



7. It is evident from the records that the right leg below knee was amputated and the Medical Board has assessed the locomotor disability at 60%, the Tribunal taking note of the decision Hon'ble Supreme Court in ***Raj Kumar Vs. Ajaykumar and another***, reported in ***(2011) 1 Supreme Court Cases 343*** and taking note of the entire evidence available on records, has taken 60% disability and rightly applied the multiplier method. The Tribunal, considering the evidence available on records determined the age of the claimant at 65 years and the same has not been disputed by the claimant side. Though the claimant has alleged that he was doing Egg sales



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business and was earning Rs.25,000/- per month, he has not produced any evidence to prove his income.

8. The Tribunal considering the age of the claimant, date of accident and nature of business alleged by the claimant, fixed the notional monthly income at Rs.10,000/- and the same cannot be found fault with. The Tribunal has rightly applied the multiplier of '7' and assessed the loss of earning capacity at Rs.5,04,000/- and the said assessment is very much just and reasonable. The Tribunal taking note of the medical bills under Ex.P.5 and Ex.P.6 has rightly awarded Rs.1,86,261/- towards medical expenses.

9. Now turning to the other heads, which are under challenge, the Tribunal has awarded Rs.50,000/- for loss of convenience; Rs.50,000/- for pain and sufferings ; Rs.50,000/- for attendant charges ; Rs.5,000/- for transportation charges and Rs.5,000/- for extra nourishment. Considering the nature of injuries and the consequent disability sustained which includes the amputation of right leg, period of treatment and other attending circumstances, the amount awarded by the Tribunal under the above heads are certainly on lower side and hence, this Court is inclined to enhance the



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same. Considering the amputation of right leg, this Court is inclined to award Rs.50,000/- towards further medical expenses.

10. Considering the above, this Court decides that the claimant is entitled to get compensation under the following heads:

S. No	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1	Loss of earning capacity	Rs. 5,04,000/-	Rs. 5,04,000/-	Confirmed
2	Medical Expenses	Rs. 1,86,261/-	Rs. 1,86,261/-	Confirmed
3	Loss of convenience	Rs. 50,000/-	Rs. 75,000/-	Enhanced
4	Pain and sufferings	Rs. 50,000/-	Rs. 75,000/-	Enhanced
5	Transport Expenses	Rs.5,000/-	Rs.25,000/-	Enhanced
6	Attendant charges	Rs. 50,000/-	Rs.60,000/-	Enhanced
7	Extra Nourishment	Rs. 5,000/-	Rs.25,000/-	Enhanced
8	Future medical expenses	Nil	Rs.50,000/-	Awarded
	Total	Rs.8,50,261/- rounded off Rs.8,50,260/-	Rs.10,00,261/- rounded off Rs.10,00,260/-	Enhanced by Rs.1,50,001/-



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11. Considering the other facts and circumstances of the case, this Court further decides that the parties are to be directed to bear their own costs and the above point is answered accordingly.

12. In the result, the Civil Miscellaneous Appeal is allowed and the compensation awarded by the tribunal is **enhanced from Rs.8,50,260/- to Rs.10,00,260/- (Rupees Ten Lakhs Two Hundred and Sixty Only)**. The respondent/Insurance Companies are directed to deposit the modified enhanced amount with interest at 7.5% per annum from the date of petition till the date of realization excluding the default period, if any, to the credit of M.C.O.P.No.1547 of 2021, on the file of the Motor Accident Claims Tribunal/Special Sub Court to deal with MOCP cases, Tiruenlveli, less the amount deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the award amount with accrued interests and costs, less amount already withdrawn, if any, by filing a necessary application before the Tribunal. The parties are directed to bear their own costs. The appellant is directed to pay the Court fee for the enhanced compensation, if



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any, and the Registry is directed to draft the decree only after the payment of Court fee.

06.08.2026

NCC : Yes/No

Index : Yes/No

Internet : Yes/No
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To

1.The Motor Accident Claims Tribunal/
Special Sub Court to deal with MOCP cases,
Tirunelveli.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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