

C.M.A(MD)No.606 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 03.06.2026

PRONOUNCED ON:25.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.606 of 2026

Marimuthu : Appellant/Petitioner

Vs.

1.Amalraj

2.The Branch Manager,
United India Insurance Company Limited,
LIC Building,
Gandhiji Road,
Thanjavur.

: Respondents /Respondents

(Memo presented before the Court
on 03.06.2026 to the effect that notice
to R.1 is dispensed with, as he was
get exparte before the Tribunal, vide
order dated 03.06.2026)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act,1988 against the judgment and decree passed in
M.C.O.P.No.181 of 2020, on the file of MACT (Special Subordinate
Judge), Thanjavur, dated 21.11.2022.



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For Appellant : Mr.A.Sivasubramanian

For Respondents :Mr.I.Robert Chandrakumar
for R.2

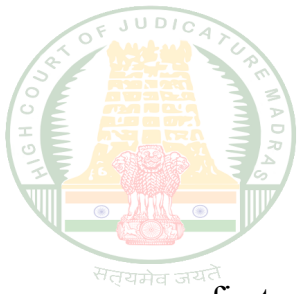
: R.1 – dispensed with

JUDGMENT

This Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.181 of 2020, dated 21.11.2022, on the file of the Motor Accident Claims Tribunal / Special Subordinate Court for MCOP cases, Thanjavur.

2. The appellant/claimant, who was awarded with compensation of Rs.17,99,570/- with interest and costs payable by the second respondent / Insurer, for the disability suffered by him, consequent to an accident occurred on 01.01.2020, challenged the quantum of compensation awarded at by the Tribunal and claimed enhancement of the same.

3. The learned Counsel for the appellant would submit that the first respondent – owner of the vehicle remained exparte and since the appeal has been filed challenging the quantum of compensation, notice to the



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first respondent may be dispensed with. The learned Counsel filed a memo to the said effect. The said memo is recorded.

4. By consent of both parties, the Civil Miscellaneous Appeal is taken up for final disposal.

5. The learned Counsel for the appellant/claimant would mainly contend that the claimant was doing agricultural work and was earning Rs.35,000/-p.m., that but the Tribunal fixed the notional monthly income at Rs.7,000/- and that the Tribunal failed to consider the judgment of the Division Bench of this Court in *Aandal and another Vs. Abhinav Kannan and others* reported in **2019(1) TNMAC 54 (DB)**.

6. The learned Counsel would further submit that the claimant's left leg was amputated and suffered serious bone injuries on his right leg also, that the Tribunal failed to consider the period of inpatient treatment and out-patient treatment, granted a meagre amount of Rs.10,000/- towards attendant charges, Rs.20,000/- towards extra nourishment and Rs.15,000/- for transport expenses. The learned Counsel would further



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submit that the Tribunal failed to award any amount for fixing of artificial leg and that the Tribunal ought to have taken the functional disability at 100%, as the claimant is not in a position to do any work as before, but fixed 85% of functional disability, as per the disability certificate issued by the medical board.

7. The learned Counsel for the second respondent / Insurer would submit that the Tribunal, in the absence of any evidence to prove the income of the injured, has rightly fixed the notional monthly income at Rs.7,000/-, that the Tribunal, taking note of the disability sustained, has rightly fixed the functional disability at 85% and granted the amounts which are reasonable and that therefore, the total compensation awarded at Rs.17,99,970/- is liable to be confirmed.

8. It is pertinent to mention that the claimant in his petition as well as in evidence has stated that he was doing agricultural work prior to the accident. The Tribunal has rightly observed that the claimant cannot be expected to produce any documents to prove his income. But at the same time, without any basis, fixed the notional monthly income at Rs.7,000/-.



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As rightly pointed out by the learned Counsel for the appellant/claimant, the Hon'ble Supreme Court in ***Syed Sadiq Vs. United India Insurance Co., Ltd.***, reported in ***2014(1) TNMAC 459***, has fixed the monthly income at Rs.6,500/- for a vegetable vendor, who sustained injuries in the accident occurred in the year 2008.

9. The learned Counsel for the appellant placed reliance on the judgment of the Division Bench of this Court in ***Aandal and another Vs. Abhinav Kannan and others*** reported in ***2019(1) TNMAC 54 (DB)***, wherein the Division Bench, by taking the notional income of Rs.6,500/- fixed by the Hon'ble Apex Court in ***Syed Sadiq Vs. United India Insurance Co., Ltd.***, during the year 2008, has calculated the notional income of the deceased by applying the cost of inflation index issued by the Central Board of Direct Tax and fixed the notional monthly income of the deceased. As per the above index, the cost of inflation index for the year 2007-2008 is 129 and for the year 2020 – 2021 is 301. Applying the above, the notional income of the claimant is assessed at Rs.15,167/- (Rs.6500x301/129).

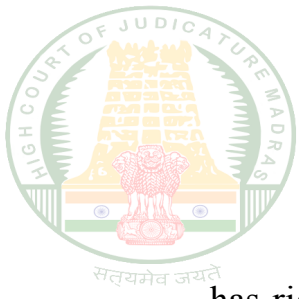


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10. The Tribunal, considering the evidence available, has fixed the age of the claimant at 53 years at the time of accident and the same is not disputed by the Insurer. As per the judgment of the Hon'ble Supreme Court in *National Insurance Company Ltd., Vs. Pranay Sethi and others* reported in **2017(2) TNMAC 609**, if the deceased was self employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years, an addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. Considering the above and the age of the claimant, 10% of the income should be added towards future prospects and after such addition, the monthly income is determined at Rs.16,684/- (Rs.15,167/- + Rs.1,517/-).

11. It is not in dispute that the medical board, upon examining the claimant, has fixed the disability at 85% and the Tribunal, taking note of the amputation of the left leg and the bone injuries on the right leg and taking note of the avocation of the claimant, has fixed the notional disability at 85% and the same cannot be found fault with. The Tribunal



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has rightly applied the multiplier of “11” and hence, the loss of earning capacity is arrived at Rs.18,71,945/- (Rs.16,684/-x12x11x85%).

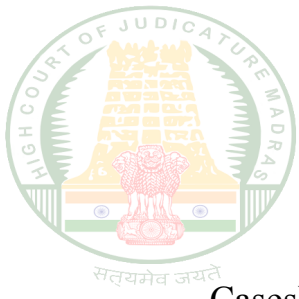
12. The Tribunal, taking note of the medical bills produced and also the artificial leg to be fixed for the claimant, has awarded a sum of Rs.6,43,630/- and the same cannot be faulted. The Tribunal has also awarded a sum of Rs.1,50,000/- for pain and suffering, Rs.20,000/- for extra nourishment, Rs.10,000/- for attendant charges, Rs.20,000/- for loss of income, Rs.75,000/- for loss of amenities, Rs.2,000/- for loss of clothes and articles, Rs.15,000/- towards transportation expenses.

13. Considering the nature of injuries and the consequent disability sustained, the period of treatment and other attending circumstances, the amounts awarded towards extra nourishment, attendant charges and transportation appears to be on lesser side and hence, this Court is inclined to award a sum of Rs.50,000/- for extra nourishment, Rs.30,000/- for attendant charges, Rs.30,000/- for transportation and the amounts awarded under other heads are reasonable and does not require any enhancement. Hence, the claimant is entitled to get total compensation of Rs.28,72,575/- as follows:



Sl. No	Description	Amount awarded by the Tribunal Rs.	Amount awarded by this Court Rs.	Award confirmed or enhanced or granted
1	For disability	8,63,940/-	18,71,945/-	enhanced
2	For pain and sufferings	1,50,000/-	1,50,000/-	confirmed
3	For extra nourishment	20,000/-	50,000/-	enhanced
4	For attendant charges	10,000/-	30,000/-	enhanced
5	For loss of income	20,000/-	20,000/-	confirmed
6	For loss of amenities	75,000/-	75,000/-	confirmed
7	For loss of clothes and articles	2,000/-	2,000/-	confirmed
8	For transportation	15,000/-	30,000/-	enhanced
9	For medical expenses	6,43,630/-	6,43,630/-	confirmed
	Total	Rs. 17,99,570/-	Rs. 28,72,575/-	enhanced

14. In the result, the Civil Miscellaneous Appeal is partly allowed. The compensation awarded by the Tribunal to the claimant is enhanced from **Rs.17,99,570/- to Rs.28,72,575/-** together with interest at 7.5%pa., from the date of petition till the date of realization and with costs. The second respondent – Insurance Company is directed to deposit the entire award amount along with accrued interest and costs, to the credit of above said M.C.O.P.No.181 of 2020, on the file of the Motor Accident Claims Tribunal / Special Subordinate Court (To deal with MCOP



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Cases), Thanjavur, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this Judgment and on such deposit, the claimant is entitled to withdraw entire award amount along with interest and costs on due application before the Tribunal. This Court, in C.M.P.(MD)No.15906 of 2025, while condoning the delay in filing the appeal, specifically directed that the claimant shall not be entitled to interest for the delay period of 926 days in preferring the appeal. Accordingly, the claimant shall not be entitled to interest on the enhanced compensation for the said delay period of 926 days. In the facts and circumstances of the case, the parties are directed to bear their own costs.

25.06.2026

NCC : Yes : No
Index : Yes : No
Internet : Yes : No
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To

1. The Motor Accident Claims Tribunal /
Special Subordinate Court
(to deal with MCOP Cases) Thanjavur.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

SSL

PRE-DELIVERY JUDGMENT MADE IN

C.M.A(MD)No.606 of 2026

25.06.2026