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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1956 of 2025

Vikneshkumar

... Appellant

Vs.

1. Arivazhagan

2. The Cholamandalam M.S.

General Insurance Company

Having Office at 2nd Floor, N.S.Bose Road,

Chennai

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation amount and fix the entire liability on 2nd respondent made in order dated 17.11.2023 made in M.C.O.P.No.191 of 2019 on the file of the Motor Vehicle Accident Claims Tribunal, Subordinate Court, Karaikal .

For Appellant

: Mr.S.P. Yuvaraj

For R2

: Mr.D. Hari Krishnan

for R1 Notice dispensed with

JUDGMENT

The appellant has filed this appeal against the award passed in M.C.O.P.No.191 of 2019 on the file of the Motor Vehicle Accident Claims Tribunal, Subordinate Court, Karaikal dated 17.11.2023.



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2. The brief facts of the case of the appellant/claimant is as follows:

On 26.03.2017 when the appellant was riding his motor cycle bearing Reg.No.PY02-Q-5328 opposite to S.L.M. Thirumana mandapam, the first respondent drove his car bearing Reg No.PY01 BG 7249 on the same direction without closing the door of the car. As the result, the appellant was fallen down and sustained severe grievous injuries. The accident has occurred only due to the rash and negligent driving of the driver of the car. Therefore, the appellant has filed M.C.O.P.No.191 of 2019 on the file of the Motor Vehicle Accident Claims Tribunal, Subordinate Court, Karaikal seeking compensation.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.20,27,628/- as compensation, directing the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.



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4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr.S.P. Yuvaraj, for the appellant and Mr.D. Hari Krishnan , learned counsel appearing for the second respondent.

6. The learned counsel for the appellant contended that the appellant was working as a Bio-medical Technician and earning a sum of Rs.37,000/- per month. However, the Tribunal fixed the monthly notional income of the appellant as only Rs. 8,000/-. Hence, the learned counsel prayed for enhancement of the compensation.

7. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be disturbed.



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8. The appellant was working as a Bio-medical Technician in a Private institution. It is pertinent to point out that the accident took place in the year 2020 and in the facts and circumstances, this Court is of the opinion that fixing the notional monthly income of the deceased at Rs.15,000/- would meet the ends of justice.

9. As per the decision of the Hon'ble Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi and Others***, reported in 2017 (2) TN MAC 601, 40% is to be added towards future prospects, taking note of the age of the appellant at the time of the accident. As per the judgment in ***Sarla Verma & Others v. Delhi Transport Corporation & Another***, (2009) 6 SCC 121, the appropriate multiplier is 18, taking note of the age of the appellant at the time of the accident. Further, the accident occurred in the year 2017; therefore, the notional income of the appellant is enhanced to Rs.15,000/- and the calculation is as follows.

10. Calculation:

- Notional Income: Rs. 15,000/-
- 40% Future Prospects: Rs. 15,000 + 6,000 = Rs. 21,000/-
- Income of the petitioner per year (12x21,000) = Rs.2,52,000/-



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- After applying the multiplier method (Rs.2,52,000 x 18) =

Rs.45,36,000/-

- For 70% of functional disability = Rs.31,75,200/-

11. Apart from the above modification, the amount awarded under other heads needs no interference. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amount awarded by this Court:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Future loss of earnings (70% functional disability)	16,93,440/-	31,75,200/-
2.	Loss of amenities	50,000/-	50,000/-
3.	Pain and sufferings	50,000/-	50,000/-
4.	Attender Expenses	50,000/-	50,000/-
5.	Transport Expenses	25,000/-	25,000/-
6.	Nutrition Expenses	25,000/-	25,000/-
7.	Damage to the dress	1,000/-	1,000/-
8.	Medical Expenses	3,08,480/-	3,08,480/-
9.	Loss of marriage prospects	50,000/-	50,000/-
	Total	Rs.20,27,628/-	Rs.37,34,680/-
	Contributory negligence	Rs.2,25,292/-	Rs.3,73,468/-
	90% of the award amount	Rs.20,27,628/-	Rs.33,61,212/-
	Amount awarded by this Court		Rs.33,61,212/-



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Thus, the compensation awarded by the Tribunal is enhanced to **Rs.33,61,212/- from Rs. Rs.20,27,628/-**, which shall carry interest at the rate of 7.5% per annum.

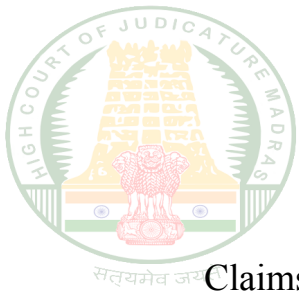
12. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced to **Rs.33,61,212/- from Rs.20,27,628/-**.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent/ The Cholamandalam M.S.General Insurance Company, is directed to deposit the enhanced compensation amount, i.e., **Rs.33,61,212/-** (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P.No.191 of 2019 on the file of the Motor Vehicle Accident



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Claims Tribunal, Subordinate Court, Karaikal within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

25.07.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Vehicle Accident Claims Tribunal,
Subordinate Court, Karaikal .
2. The Cholamandalam M.S.
General Insurance Company
Having Office at 2nd Floor, N.S.Bose Road, Chennai
2. Universal Somp General Insurance Company Ltd.,
Plot No.1, Kairasi Nagar, Vayaloor Road,
Thriuchirappalli-620 102.
3. The Section Officer, V.R. Section, High Court, Madras.



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T.V.THAMILSELVI, J.

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