



C.M.A.No.2463 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.No.2463 of 2025

Vinothkumar

... Appellant

VS.

1.Jayachandraraju
2.Reliance General Insurance Company Limited,
No.254, 6th Avenue,
Opposite to GRT Malligai,
Anna Nagar, Chennai 600 040,
now Present address
Reliance General Insurance Company Limited,
Building No.(10 & 11)
Chennai City Center, No.13, 5th Floor,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004
(No relief sought against the 1st respondent.
Hence notice may be dispensed with)

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to enhance award dated 17.07.2023 in M.C.O.P.No.282 of 2013 on the file of the Motor Accident Claims Tribunal / Subordinate Judge, Ranipet, Vellore District.



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For appellant : Mr.C.Prabhakaran
For R1 : No Appearance
For R2 : Mr.P.Suresh Srinivasan

J U D G M E N T

The claimant, who suffered head injury in the road accident that occurred on 04.07.2013, has preferred this Civil Miscellaneous Appeal for enhancement of compensation against the Award dated 17.07.2023 passed in M.C.O.P.No.282 of 2013 by the Motor Accident Claims Tribunal / Subordinate Judge, Ranipet, Vellore District.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The details of the claimant's case are given hereunder in brief :

The claimant sustained head injury in a road traffic accident on 04.07.2013 at about 10.00 p.m., while he was riding his two wheeler bearing Reg.No.TN 73 W 2001, proceeding from Banavaram to Sholinghur, when he was nearing at Banavaram Petrol bunk, the driver of the Eicher Van bearing Reg.No.TN 73 A 3789 came in a rash and negligent manner and hit the



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above said motorcycle, caused the accident. Due to the rash and negligent driving of the first respondent's driver, the accident happened. The owner of the said vehicle, the first respondent and the insurer, second respondent are jointly and severally liable to pay compensation to the claimant.

4. On behalf of the second respondent, the above said details are counteracted by filing a counter. The details of the counter are given hereunder in brief:

The claimant is put to strict proof of age, accident, income, nature of the injuries sustained by him and mode of treatment, disability etc. The manner of the accident as narrated by the claimants is denied. The accident did not occur due to the rash and negligent of the Eicher Van driver. The claimant was guilty of contributory negligence by carrying two pillion riders on the said two wheeler. The first respondent's goods carriage vehicle was plied without a valid fitness certificate at the relevant point of time, and the same expired long before the accident.

5. Upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, the Tribunal granted



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compensation for a sum of Rs.5,26,830/- with interest at the rate of 7.5% p.a. from the date of filing of the claim petition, excluding the period of default, if any.

6. The compensation granted by the Tribunal under various heads are given hereunder:

S.No.	Description	Amount awarded by the Tribunal(Rs.)
1	For loss of Income during treatment period	36,000/-
2	For transport charges	5,000/-
3	For extra nourishment	5,000/-
4	For attender Charges	5,000/-
5	For damages to clothes and articles	5,000/-
6	For medical expenses	1,55,830/-
7	For loss of amenities	5,000/-
8	For pain and sufferings	40,000/-
9	Compensation for continuing partial permanent disability	2,70,000/-
	Total	5,26,830/-

7. It is deducible from the evidence of P.W.1, the injured, that he sustained head injury on account of the accident and was hospitalized as an



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inpatient at CMC Hospital Vellore for about 10 days(from 05.07.2013 to 15.07.2013). The District Medical Board, Vellore, has assessed his disability at 90%. The Tribunal granted for loss of income by calculating at Rs.3,000/- per percentage and granted a sum of Rs.2,70,000/-.

8. Ex.P.2, Ex.P.3 are the treatment records of the claimant. It explicates that the claimant sustained serious head injury in the motor vehicle accident that took place on 04.07.2013 while he was riding his two wheeler, first respondent's Eicher Van bearing Registration No.TN 73 A 3789 which hit upon him, thereby accident occurred. The claimant' father has been examined as P.W.1. He would depose that due to the head injury sustained by his son/claimant, he is lying on the bed and is not in a position to do any work. It was claimed that he was working as Manager in Apollo Pharmacy, Thirumullaivoyal and earning a sum of Rs.15,000/- per month.

9. To substantiate the same, no document is marked to prove the monthly income of the claimant. Ex.P.6 to Ex.P.11 are the Education Certificates of the claimant. Therefore, notional income of the claimant is fixed at Rs.7,000/- per month. As per the medical records, the claimant is aged about 24 years at the relevant point of time.



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10. Though the medical Board has fixed the disability at 90%, in consideration of the medical records, functional disability is fixed as 100%. As the disability of 90% was fixed by the Medical Board, the effects of the head injury are headache, giddiness, forgetfulness, incoherence in speech etc.. Therefore, as stated by the father of the claimant, the claimant would not be in a position to attend to or do his day-to-day work.

11. In such circumstances, whether the multiplier method has to be invoked for granting loss of future income is to be seen. The Hon'ble Supreme Court has given elaborate guidelines for invoking of multiplier method in injury cases in ***Raj Kumar v. Ajay Kumar*** reported in ***[(2011) 1 SCC 343]***. The principles which are summarised by the Apex Court in the said case are given hereunder:

- "(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.*
- (ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the*



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percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).

- (iii) *The doctor who treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.*
- (iv) *The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors."*

12. To put it in a nutshell, if a person suffers from permanent disability, either partially or totally, after the period of treatment and recuperation, if the disability affects his performance to attend to his duties and bodily functions depending upon the age, work or avocation and the impact and effect of the disability etc, the Court is justified in invoking the multiplier method in injury cases.



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13. Admittedly, the claimant has suffered disability at 90% which is assessed by the District Medical Board due to severe head injury on account of the road traffic accident. The claimant is not in a position to attend to day-to-day work and he is handicapped to go for work.

14. The Tribunal has fixed Rs.3000/- per percentage and granted a sum of Rs.2,70,000/-. In the given circumstances, in order to have effective justice to the injured, for computation of loss of income, the multiplier method is invoked.

15. The claimant is stated to be working as a Manager in Apollo Pharmacy and earning Rs.15,000/- per month. To substantiate the details regarding the avocation and income of the claimant, no document was marked. The date of the accident is 04.07.2013. In consideration of the above said details, the income of the claimant is fixed as Rs.7,000/- per month. The relevant multiplier to be adopted is 18m, as per the law laid down by the Hon'ble Supreme Court in **Smt.Sarla Verma & Ors., v. Delhi**



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Transport Corporation & Another reported in **2009 (2) TN MAC 1 (SC)**.

For computing the loss of future income, the following formula emerges:

$$\text{Rs.7,000/-} \times 12 \times 18 = \text{Rs.15,12,000/-}$$

Accident occurred on 04.07.2013.

16. For Transport expenses and for extra nourishment, a sum of Rs.10,000/- is granted under each head, in addition to the amount already awarded by the Tribunal. For loss of amenities, a sum of Rs.25,000/- is granted in addition to the amount already awarded by the Tribunal. In injury cases, for loss of income, if the multiplier method is invoked, then the claimant is not entitled under the head “loss of income” for the treatment period (Rs.6,000 x 6 months = Rs.36,000/-). For loss of marital prospects, a sum of Rs.50,000/- is granted. For attender charges, in consideration of the disability suffered by the claimant, a sum of Rs.50,000/- in addition to the amount already awarded by the Tribunal. For pain and sufferings undergone by the claimant on account of the head injury suffered, a sum of Rs.35,000/- is granted in addition to the amount already awarded by the Tribunal.

17. As regards the other heads, the amounts granted by the Tribunal appears to be reasonable and acceptable, and it needs no interference. The



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compensation granted by the Tribunal is reworked and tabulated as hereunder:

Sl.No.	Description	Amount Awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1	Loss of Income	36,000/-	-	Rejected
2	For Transport Expenses	5,000/-	15,000/-	Enhanced
3	For extra nourishment	5,000/-	15,000/-	Enhanced
4	For damages to clothes and articles	5,000/-	5,000/-	Confirmed
5	For medical expenses	1,55,830/-	1,55,830/-	Confirmed
6	For loss of amenities	5,000/-	30,000/-	Enhanced
7	For loss of marital prospects	-	50,000/-	Granted
8	For attender charges	5,000/-	55,000/-	Granted
9	For pain and sufferings	40,000/-	75,000/-	Enhanced
10	For disability	2,70,000/-	15,12,000/-	Enhanced
	Total	Rs.5,26,830/-	Rs.19,12,830/-	
	Rounded off as		Rs.19,12,800/-	

18. Thus, the compensation awarded by the Tribunal is enhanced from Rs.5,26,830/- to Rs.19,12,800/- which would carry interest at the rate of



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19. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed.

(ii) The Compensation awarded by the Tribunal is enhanced from Rs.5,26,830/- to Rs.19,12,800/-.

(iii) The Insurance Company / second respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.19,12,800/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, (excluding the period of default, if any) and costs to the credit of M.C.O.P.No.282 of 2013 on the file of Motor Accidents Claims Tribunal / Subordinate Court, Ranipet, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellant/claimant is permitted to withdraw the same along with interest and costs, by making necessary application before the Tribunal.



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v)The appellant/claimant is directed to pay the Court fee
for the compensation amount, if required.

R.KALAIMATHI,J.

kkd

vi)The Tribunal below shall disburse the enhanced
amount upon production of the certified copy showing
proof of payment of Court fee by the claimant. There
is no order as to costs.

24.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
kkd

To

The Motor Accident Claims Tribunal,
Subordinate Judge, Ranipet, Vellore District.

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