



CMA.No.525 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.525 of 2025

G.Thinakara Pandian

... Appellant

Vs.

1.K.Uma

2.The Oriental Insurance Co.Ltd.,
Third Party Hub, Oriental House, II Floor, N.No.216,
Prakasam Salai, Broadway, Chennai 108. ... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to allow the appeal and enhance the compensation award dated 20.09.2024 in MCOP No.3024 of 2022 on the file of the Motor Accidents Claims Tribunal in the V Court of Small Causes, Chennai.

For Appellant : Mr.R.Mohan Babu
For Respondent : Mr.J.Chandran for R2

JUDGMENT

Not satisfied with the quantum of compensation fixed by the Motor Accident Claims Tribunal, the injured claimant has come before



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WEB COPY this court by way of this appeal.

2. It is not in dispute that the appellant/ claimant suffered injury in a road accident that had occurred on 22-06-2022..

3. Both the learned counsel for the Appellant as well as the second respondent/ Insurance Company have not made any arguments on the questions of negligence as well as liability. Hence, the facts necessary to decide those questions are not discussed in this appeal.

4. The 1st respondent remained ex-parte before the Tribunal. Hence, notice to him is dispensed with.

5. The learned counsel for the Appellant confined his arguments only to the question of quantum. He submitted that as per the Exhibit C1, Disability Certificate, the claimant suffered locomotor disability of 32% and due to the said disability, he lost his job. Therefore, the Tribunal should have taken the same as 100% functional disability and



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WEB COPY adopted multiplier method.

6. The learned counsel for the Second Respondent/ Insurance Company, by taking this court to the evidence of claimant as PW1, submitted that he resigned his job even prior to the accident and hence, the submission made by the learned counsel for the Appellant that he lost his job due to the disability suffered in a road accident is not acceptable. The learned counsel further submitted that there is nothing on record to suggest that the disability suffered by the claimant interfered with his avocation.

7. In the claim petition, it was stated by the claimant that he was employed as a Mechanic in Bedight Shoes company and earning a sum of Rs. 20,000/- per month. In order to prove the said fact, the employee of the company was examined as PW2. He deposed that after accident, the claimant failed to attend the duty. Exhibit P13 is the certificate issued by the employer stating that the claimant was an employee of the organization from May 2013 to June 2022. In this connection, the admission made by the claimant as PW1 assumes significance which



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WEB COPY reads as follows:-

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8. Therefore, it is clear that even as per the admission of claimant that he resigned from the job even prior to the accident. Hence, the submission made by the learned counsel for the appellant that injuries suffered by the claimant resulted in 100% functional disability and the claimant lost his job due to the accident cannot be accepted.

9. The Disability Certificate issued by the Medical Board, Exhibit C1, would indicate that the claimant suffered communitated fracture of right scapula and the locomotor disability was assessed at



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32%. However, the claimant failed to lead any acceptable evidence to prove the disability suffered by him interfered with his occupation and it resulted functional disability. Therefore, the tribunal was justified in granting compensation by adopting percentage basis.

10. In the case on hand, the accident had occurred in the year 2022. Having regard to the date of accident and the nature of injury, this Court feels that it would be appropriate to fix Rs.9000/- per percentage of the disability. Therefore, the claimant is entitled to Rs. 2,88,000/- (32 x 9000) under the head of permanent disability.

11. It is seen from Exhibit P7, Discharge Summary, immediately after the accident, the claimant was treated in a private hospital for 2 days. Thereafter, he underwent surgery in Tamil Nadu Government Multi Super Specialty Hospital as per Exhibit P8 during March 2023. Taking into consideration this fact, this Court feels that it would be appropriate to grant loss of income for 6 months at the rate of Rs.18,000/- per month. Therefore, the claimant is entitled to Rs.1,08,000/- under the head loss of income. Taking into consideration the nature of the injury and the resultant disability suffered by the



claimant, the amount awarded by the tribunal under the head loss of amenities is enhanced to Rs.40,000/- In all, the claimant is entitled to Rs.5,42,000/-.

12. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Pain and Suffering	50,000/-	50,000/-	Confirmed
2.	Attender Charges	5,000/-	5000/-	Confirmed
3.	Extra nourishment	10,000/-	10,000/-	Confirmed
4.	Transportation Expenses	5000/-	5000/-	Confirmed
5.	Permanent Disability	2,56,000/-	2,88,000/-	Enhanced
6.	Medical Expenses	36,000/-	36,000/-	Confirmed
7.	Loss of Amenities	15,000/-	40,000/-	Enhanced
8	Loss of income	45,000/-	1,08,000	Enhanced
	Total	4,22,000/-	5,42,000	Enhanced by Rs.1,20,000 /-



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13. With the above modifications, the Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.4,22,000/- is hereby enhanced to Rs.5,42,000/-. The appellant/claimant is entitled to interest at the rate of 7.5% per annum (excluding the delay period, if any) from the date of filing of the claim petition till the date of realization. The 2nd respondent /Insurance Company is directed to deposit the enhanced award amount, to the credit of MCOP.No.3024 of 2022 on the file of the Motor Accidents Claims Tribunal, V Court of Small Causes, Chennai, along with interests and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw the same along with interest and costs, less the amount if any, already withdrawn by filing a formal application before the Tribunal. No costs.

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Index:Yes/No
Internet:Yes/No
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To

1. Motor Accidents Claims Tribunal
The V Court of Small Causes, Chennai.
2. The Section Officer,
VR Section,
High Court, Madras.



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S.SOUNTHAR, J.

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