



C.M.A.No.1913 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.No.1913 of 2021

Poongavanam

... Appellant

vs.

1.Thirunavukkarasu

(Since R1 remained exparte before the Tribunal
His presence may be dispensed with)

2.The Manager

Tamilnadu State Transport Corporation,
Tiruvannamalai.

3. The Manager,

Shriram General Insurance Company Ltd.,
IV Floor, No.4, Lady Desika Road,
Myalpore, Chennai-4.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to enhance award dated 31.01.2020 in M.A.C.T.O.P.No.950 of 2017 on the file of the Motor Accident Claims Tribunal / Special Subordinate Court, Tiruvannamalai.

For appellant : Mr.A.G.F.Terry Chellaraja

For R2 : Mr.C.R.Suresh Kumar

or R3 : Mrs.C.Bhuvanasundari



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J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the claimant herein against the Award dated 31.01.2020 made in M.A.C.T.O.P.No.950 of 2017 on the file of Special Subordinate Court, (to deal with MCOP.cases) Tiruvannamalai for enhancement of compensation.

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

3. The claimant herein had filed claim petition under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.20,00,000/- for the injuries sustained by him during the road traffic accident that took place on 22.04.2016.

4. Upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, the Tribunal granted compensation for a sum of Rs.3,08,000/- with interest at the rate of 7.5% p.a. from the date of filing of the claim petition.



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5. The amounts granted by the Tribunal under various heads are

given hereunder:

S.No.	Description	Amount awarded by the Tribunal(Rs.)
1	For permanent disability	1,50,000/-
2	For pain and sufferings	50,000/-
3	For loss of amenities	25,000/-
4	For extra nourishment & loss of belongings	25,000/-
5	For attender charges	20,000/-
6	For transport expenses	10,000/-
7	For loss of income during the treatment period	28,000/-
	Total	3,08,000/-

6. The learned counsel for the appellant would strenuously argue that on account of the accident, the claimant, who was 23 years old at the relevant point of time, suffered fracture of shaft of right femur and open fracture of the right elbow. She was admitted at Rajiv Gandhi Government Hospital, Chennai, where she was treated as an inpatient. He would further contend that at the first instance, the disability was assessed by the Medical Board, Tiruvannamalai Medical College Hospital at 50% and thereafter it was reassessed at 61% by the same District Medical Board.



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6.1. It is further argued that on account of the accident, the claimant, who was working as a mason helper, she is not in a position to do coolie work as she did before. He would further argue that on account of her disability, the Tribunal has not invoked the multiplier method for granting compensation for the disability suffered by her.

7. It has come on record through the evidence of P.W.1 that she suffered a fracture of right thigh and a fracture of the right elbow on account of the accident. Ex.P.3 is the Discharge Summary issued by Rajiv Gandhi Government Hospital, Chennai. As per Ex.P3 - Discharge Summary, she was admitted on 22.04.2016 and discharged only on 28.07.2016, She suffered fracture of shaft of the right femur and a fracture of the neck of femur and a Grade-III b compound comminuted fracture of the right elbow, wherein, open reduction and internal fixation has been done on 15.07.2016.

8. The District Medical Board, Tiruvannamalai Medical College Hospital, has fixed disability at 61% and it is locomotor disability. It is the evidence of P.W.1 that she is facing difficulties while walking, squatting, standing and climbing upstairs. On account of the fractures, the claimant would definitely find difficulties in squatting, walking and climbing up the



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stairs. She suffers from shortage of the right lower limb as per the disability certificate.

9. In injury cases, under what circumstances, multiplier method can be invoked, the Hon'ble Supreme Court has given elaborate guidelines in **Raj Kumar v. Ajay Kumar** reported in **[(2011) 1 SCC 343]**. The principles 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 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*



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evidence in entirety.

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(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."*

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

11. The Tribunal has fixed Rs.3000/- per percentage and granted a sum of Rs.1,50,000/-. The claimant having suffered fracture of shaft of femur (thigh bone) and neck of femur. In consideration of the above said details, in order to have full and effective justice for granting compensation for partial permanent disability suffered by the claimant, the multiplier method is invoked.



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12. In consideration of the fractures suffered by the claimant, her functional disability is fixed at 55%. The date of accident is 22.04.2016.

P.WI would state that she was working as a coolie and earning a sum of Rs.20,000/- per month. To substantiate the same, no document is marked to prove the monthly income of the claimant. Therefore, notional income of the claimant is fixed at Rs.9,000/- per month. As per the medical records, (Ex.P2 and Ex.P3) the claimant's age is taken as 23 years at the relevant point of time. 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., vs. Delhi Transport Corporation & Another** reported in **2009 (2) TN MAC 1 (SC)**. For computing the loss of future income, the following formula emerges:

$$\text{Rs.9,000/-} \times 12 \times 18\text{m} \times 55\% = \text{Rs.10,69,200/-}$$

13. For loss of income during the treatment period, a sum of Rs.45,000/- is granted (Rs.9,000 x 5 months). For loss of amenities, a sum of Rs.25,000/- is granted in addition to the amount already awarded by the tribunal. For transport expenses, a sum of Rs.10,000/- is granted in addition to the amount already awarded by the Tribunal.



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14. As regards the other heads, the amounts granted by the Tribunal appears to be reasonable and acceptable, and it does not warrant any interference by this Court. The 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	For permanent disability	1,50,000/-	10,69,200/-	Enhanced
2	For pain and sufferings	50,000/-	50,000/-	Confirmed
3	For loss of amenities	25,000/-	50,000/-	Enhanced
4	For extra nourishment and loss of belongings	25,000/-	25,000/-	Confirmed
5	For attender charges	20,000/-	20,000/-	Confirmed
6	For transport expenses	10,000/-	20,000/-	Enhanced
7	For loss of income during the treatment period	28,000/-	45,000/-	Enhanced
	Total	Rs.3,08,000/-	Rs.12,79,200/-	
	Rounded off as		Rs.12,79,000/-	



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15. Thus, the compensation awarded by the Tribunal is enhanced from Rs.3,08,000/- to Rs.12,79,000/- which would carry interest at the rate of 7.5% per annum.

16. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed.

(ii) The Compensation awarded by the Tribunal is enhanced from Rs.3,08,000/- to Rs.12,79,000/-

(iii) The Insurance Company / third respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.12,79,000/- (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.A.C.T.O.P.No.950 of 2017 on the file of Special Subordinate Court (to deal with MCOP cases), Tiruvannamalai, 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



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and costs, by making necessary application before the Tribunal.

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

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.

27.11.2025

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

To

The Motor Accident Claims Tribunal,
Special Subordinate Court, Tiruvannamalai.



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R.KALAIMATHI,J.

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