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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2101 of 2025

Jai Ganesh

... Appellant

Vs.

1. Guna Sekar

2. United India Insurance Company Limited,
3rd Party Claims Office, No.143,
Shillingi Buildings, Greaves Road, Chennai – 600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 08.01.2024 made in M.A.C.TO.P.No.5678 of 2016 on the file of Motor Accident Claims Tribunal, in the Court of Special Sub Judge-II, Court of Small Causes, Chennai so far as granting the lower amount of Rs.1,84,000/- and enhance the award amount and pass orders.

For Appellant : Mr.K. Ayyadurai
For Respondent-2 : Mr.T.K. Prem Kumar



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JUDGMENT

The appellant had filed this appeal to enhance the award dated 08.01.2024 made in M.AC.T.O.P.No.5678 of 2016 on the file of Motor Accident Claims Tribunal, in the Court of Special Sub Judge-II, Court of Small Causes, Chennai

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

On 22.04.2016 at about 15.00 hours when the appellant was travelling as a passenger in a car bearing Reg.No.TN-22-Cs-0245, the driver of the car drove the car in a rash and negligent manner and dashed against the center median. As a result of which the appellant sustained grievous injuries. Since the accident happened only due to the driver of the car, the appellant filed a claim petition against the first respondent/owner of the car and the second respondent/insurer of the car before the Tribunal claiming compensation at Rs.25,00,000/- .

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,84,000/- as compensation, directed the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per



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annum from the date of petition till the date of realisation.

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

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.9,000/- as monthly income of the appellant as he was earning Rs.20,000/- per month at the time of accident. He further submitted that the Tribunal ought to have adopted multiplier method instead of per percentage for arriving compensation under the head disability. Hence prays to enhance the compensation by allowing this petition.

6. 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 interfered.



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7. Heard both sides and perused the materials available on record.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.40,000/- towards disability; Rs.50,000/- towards Pain and Suffering; Rs.27,000/- towards Loss of Income; Rs.32,500/- towards Medical Expenses; Rs.14,500/- towards Attendant Charges/- Rs.20,000/- towards Transportation; Rs.10,000/- towards loss of amenities; Rs.10,000/- towards Extra Nourishment.

9. Considering the occupation of the appellant, the monthly income of the appellant is enhanced to Rs.12,000/- and as per the dictum laid by the Hon'ble Apex Court, 40% is to be added towards future prospects and considering the age of the injured the correct multiplier to be adopted is Rs. "18".

Calculation

Monthly Income = Rs.12,000/-

40% Future Prospects = $12,000 + 4,800 = 16,800/-$



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Disability

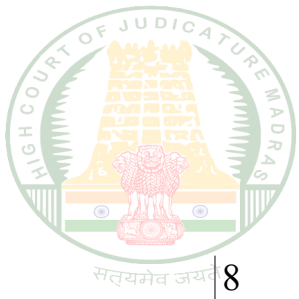
$$= \text{Rs.}16,800 \times 12 \times 18 \times 8/100$$

$$= \text{Rs.}2,90,304/-.$$

With regard to pain and sufferings the same is enhanced to Rs.50,000/-;
Loss of income is enhanced to Rs.36,000/- (Rs.12,000 x 3); Taking note of the medical receipts the head Medical Expenses is enhanced to Rs.41,500/- and Extra Nourishment is enhanced to Rs.20,000/- The amount awarded under other heads remains intact.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Part Disability	Rs.40,000/-	Rs.2,90,304/-
2.	Pain and Suffering	Rs.40,000/-	Rs.50,000
3.	Loss of Income	Rs.27,000/-	Rs.36,000/-
4.	Medical Expenses	Rs.32,500/-	Rs.41,500
5	Attendant Charges	Rs.14,500/-	Rs.14,500/-
6	Transportation	Rs.10,000/-	Rs.10,000/-
7	Loss of Amenities	Rs.10,000/-	Rs.10,000/-



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8	Extra Nourishment	Rs.10,000/-	Rs..20,000/
	Total	Rs.1,84,000/-	Rs. 4,72,304/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs..1,84,000/- to Rs.4,72,304/-**, which shall carry interest at the rate of 7.5% per annum.

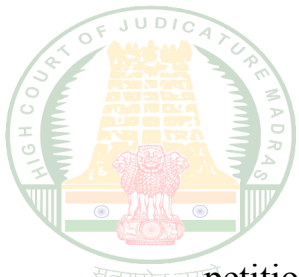
11. In the result:

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 from **Rs..1,84,000/- to Rs.4,72,304/-**.

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/United India Insurance Company Limited,, is directed to deposit the enhanced compensation amount, i.e., **Rs.4,72,304/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim



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petition till the date of deposit, to the credit of **M.A.C.TO.P.No.5678 of 2016 on the file of Motor Accident Claims Tribunal, in the Court of Special Sub Judge-II, Court of Small Causes, Chennai** 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.

05.08.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Court of Special Sub Judge-II, Court of Small Causes, Chennai.
2. United India Insurance Company Limited,
3rd Party Claims Office, No.143,
Shillingi Buildings, Greaves Road, Chennai – 600 006.
3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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