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CMA No.1986 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1986 of 2024

Munusamy

... Appellant

Vs.

1.K.Saravanan

2.Kalaiselvam.V

3.Future General Insurance Company Limited,
9th Floor, VBC, Solitaire, 47 and 49, Bazullah Road,
T.Nagar, Chennai-600 017.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the award dated 06.11.2023 made in M.C.O.P.No.148 of 2021 on the file of the Motor Accident Claims Tribunal, in the Court of Chief Judicial Magistrate, Dharmapuri.

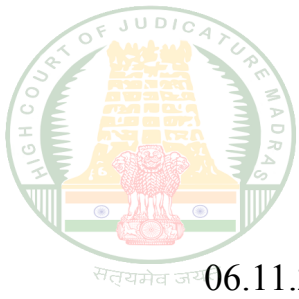
For Appellant : Mr.S.Sarath Chandran

For R3 : Mrs. C.Harini
for M/s.M.B.Raghavan

for R1 & R2 : Notice dispensed with

JUDGMENT

The appellant has filed this appeal against the award passed in M.C.O.P.No.148 of 2021 on the file of the Motor Accident Claims Tribunal, in the Court of Chief Judicial Magistrate, Dharmapuri, dated



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06.11.2023.

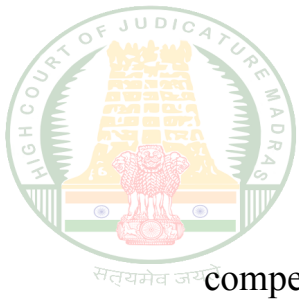
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2. Before the Tribunal, the respondents 1 and 2 remained absent and was set ex parte. The third respondent, M/s. Future General Insurance Company Ltd., resisted the claim petition on all grounds available to an insurer under Section 170 of the Motor Vehicles Act.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,52,259/- as compensation, directing the first and third respondents 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.

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

5. The learned counsel for the appellant submitted that the



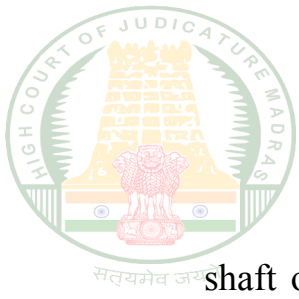
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compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He further submitted that the Tribunal failed to take note that Ex.P7- Wound Certificate and Ex.P-8, Discharge Summary clearly reveal that the claimant suffered a fracture of the shaft of the left femur bone, a fracture of the shaft of the left femur bone, a fracture of the left wrist bone, and crush injuries all over the body. Since the disability certificate was not obtained by the claimant, the Tribunal did not award any amount towards disability. The appellant aged about 36 years, sustained the aforesaid fractures due to the accident. The tribunal ought to have adopt the multiplier method. He, therefore, prayed for the enhancement of the compensation.

6. On the other hand, the learned counsel appearing for the third 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.

7. A perusal of the discharge summary shows that the claimant sustained a fracture of the shaft of the left femur bone, a fracture of the



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shaft of the left femur bone, a fracture of the left wrist bone, and crush injuries all over the body. Since the disability certificate was not obtained by the claimant, the Tribunal did not award any amount towards disability. However, considering the claimant's age (36 years at the time of the accident) and the nature of injuries, this Court is inclined to fix disability at 30% and awarded Rs.9,000/- per percentage. Accordingly, a sum of Rs. 2,70,000/- (Rs. 9,000 x 30%) is awarded towards partial permanent disability.

8. The appellant was working as lorry driver and was earning a sum of Rs. 40,000/- per month. Considering the cost of living in the year 2021, this Court reasonably fixes the monthly income at Rs. 12,000/- per month. Due to the accident, the appellant would have been unable to attend to his regular work for at least five months. Therefore, a sum of Rs. 60,000/- (Rs. 12,000 x 5 months) is awarded towards loss of income. In all other heads, the award passed by the Tribunal remains unchanged.

9. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under



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various heads:

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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	30% Permanent Disability	Nil	2,70,000
2.	Pain and Suffering	45,000	45,000
3.	Loss of Amenities	30,000	30,000
4.	Loss of Income	27,000	60,000
5.	Medical Bills	78,009	78,009
6.	Future medical bills	40,000	40,000
7.	Attender Charges	10,000	10,000
8.	Extra Nourishment	15,000	15,000
9.	Transportation Charges	4,250	4,250
10.	Damages to Clothes	3,000	3,000
	Total	2,52,259	5,55,259

Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,52,259/- to Rs.5,55,259/-, which shall carry interest at the rate of 7.5% per annum.

10. In the result:

- The Civil Miscellaneous Appeal is partly allowed. There shall be



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no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.2,52,259/- to Rs.5,55,259/-.

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 third respondent, Future General Insurance Company Ltd., is directed to deposit the enhanced compensation amount, i.e., Rs.5,55,259/- (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. 148 of 2021 on the file of the Motor Accident Claims Tribunal, in the Court of Chief Judicial Magistrate, Dharmapuri, 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.



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Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
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To

1. The Motor Accident Claims Tribunal,
Court of Chief Judicial Magistrate, Dharmapuri,
2. M/s. Future General Insurance Company Limited,
9th Floor, VBC, Solitaire, 47 and 49, Bazullah Road,
T.Nagar, Chennai-600 017.
3. The Section Officer, V.R. Section,
High Court of Madras.

T.V.THAMILSELVI, J.

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