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CMA No. 1847 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1847 of 2022

Chandrababu

Appellant

Vs

1. A.Kalaiarasan

2.The New India Assurance CO.Ltd.,
No.45, Moore Street, V Floor,
Chennai-1

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the Judgment and Decree dated 15.11.2021 made in MACT.O.P.No. 2533 of 2015, on the file of the Special Court II (Motor Accidents Claims Tribunal) Chennai.

For Appellant: Mr. N.M.Muthurajan

For Respondents: Mr.T.Jayaraman For R2
R1 - Exparte



JUDGMENT

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The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.2533 of 2015, dated 15.11.2021 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 21.08.2014 at about 12.30 hours, the petitioner was travelling as a pillion rider in a two wheeler bearing Regn. No. TN-85-6448 from Guindy to Chrompet along GST Road, north to south direction, and one Nandhakumar was riding his two wheeler and when they were waiting for traffic signal at Areva Signal point, Pallavaram, at that time, a lorry bearing Regn. No. TN-73-0496 driven by its driver in a rash and negligent manner, dashed on the two wheeler and caused accident. Due to which, the petitioner fell down and sustained injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.55,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion



that the accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent. Having come to such a conclusion,

the Tribunal fixed the total compensation payable at Rs.5,17,800/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	1,00,000
2.	Pain and sufferings	40,000
3.	Transportation	5,000
4.	Medical expenses	3,24,700
5.	Extra nourishment	10,000
6.	Attender charges	11,100
7.	Loss of amenities	27,000
	Total	5,17,800

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The claimant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.



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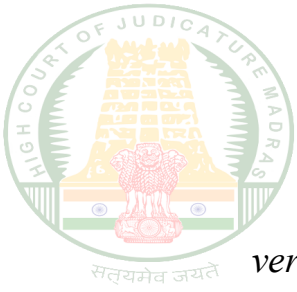
6. The learned counsel for appellant would submit that the appellant sustained grievous fractures all over the body and even after treatment, he was affected with functional disability and the medical board had certified the disability as 25% of permanent disability, but the tribunal has erroneously fixed a sum of Rs.4000/- per percentage of disability. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent raised objections stating that there is no supporting document to prove the permanent disability. Hence, the tribunal has rightly fixed the compensation, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.

9. Considering both side submissions, the fact reveals that as per Ex.P2 discharge summary, the appellant suffered with following injury :-

*Comminuted displaced fracture of ilateral iliac bones
involving sacrioliac joint articulating surace.*



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Undisplaced fracture of left sacral ala and S1 to S4 vertebral lateral mass.

Displaced fracture of right superior and inferior pubic rami.

Dislocation of pubic symphysis with widened pubic symphysis and perivesical hamatoma, left inguinal abdominal wall hamatoma.”

The aforesaid injuries are grievous injuries and medical board had assessed the disability as 25% of permanent disability. Till date, he is taking treatment according to the appellant. Further, due to the injury sustained in the accident, he lost his matrimonial life according to the appellant. So, the disability fixed by the tribunal as such is sustainable one, which needs no interference.

10. Admittedly, the accident was happened in the year 2014, he had sustained aforesaid grievous injuries, he was aged about 36 years and due to the injuries sustained in the accident, he lost his matrimonial life and also suffered with total loss of earning power and depending upon his brother's income. Considering that, this court is inclined to apply the multiplier of 16 and also 40% of future prospects is to be arrived.



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11. Furthermore, on perusal of records, he was worked as a Supervisor in a Avineshwaran Craft Co. and earned a sum of Rs.15,000/- per month at the time of accident, which was happened in the year 2014. The tribunal had fixed only a sum of Rs.9,000/- towards notional monthly income. Therefore, considering his age, considering the cost of living at that time as well as considering his income, this Court is inclined to enhance the notional income from Rs.9,000/-to Rs.12,000/- per month.

12. On seeing the facts, he had sustained grievous injuries and also took treatment for more than 37 days in a private hospital, as a result of which, he sustained severe pain and suffering. Considering that, the sum awarded for pain and suffering is to be increased from Rs.40,000/- to Rs.1,00,000/- and the transportation charges is also enhanced from Rs.5,000/- to Rs.10,000/-. Considering the fact that during the treatment period, he required an attender, the same is enhanced from Rs.11,100/- to Rs.18,000/-. As he had suffered with grievous injuries due to the accident, he was in need of more nourishment. Hence, this Court is inclined to enhance the sum awarded towards extra nourishment from Rs.10,000/- to Rs.25,000/-. The compensation



that has been fixed under the head of medical expenses is reasonable and does not require the interference of this Court.

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13. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Permanent Disability Rs.12,000/- (add 40% future prospects) =12000 + 4800 = 16800 16800 x 12 x 16 (multiplier) = Rs.32,25,600 Rs. 32,25,600/- x 25% = Rs.8,06,400/-	1,00,000	8,06,400	enhanced
2.	Pain and sufferings	40,000	1,00,000	enhanced
3.	Transportation	5,000	10,000	enhanced
4.	Medical expenses	3,24,700	3,24,700	confirmed
5.	Extra nourishment	10,000	25,000	enhanced
6.	Attender charges	11,100	18,000	enhanced
7.	Loss of earnings	27,000	nil	
	Total	5,17,800	12,84,100	enhanced

14. The compensation awarded by the tribunal at Rs.5,17,800/- is enhanced to Rs.12,84,100/-. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already



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deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the appellant is permitted to withdraw the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

15. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

14-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special Sub-Court-II, Court of Small Causes, Chennai.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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