



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1215 of 2023

Sakthivel

Appellant

Vs

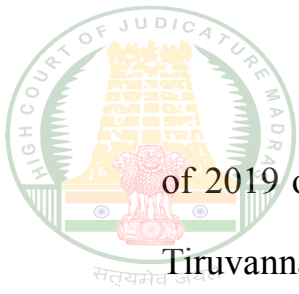
1. Om Sakthi Construction
No.11, Annai Velanganni St, Kamaraj
Nagar, Pondicherry 605011.

2.The Divisional Manager
National Insurance Co Ltd, No.9,
Infantry Road, Near Alangar Theatre,
Vellore 632 001.

3.The Branch Manager
National Insurance Co Ltd., No.111A,
Ganesh Lodge Complex, Big St,
Tiruvannamalai.

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles
Act, praying to set aside the award dated 13-02-2023 made in MACTOP No.724



of 2019 on the file of the Motor Accident Claims Tribunal, Special Sub Court,
Tiruvannamalai.

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For Appellant: Ms.N.Lavanya for
Mr.A.G.F. Terry Chella Raja

For Respondents: Mr.R.Prem Chander for R2
R3 – left
R1 - exparte

JUDGMENT

The claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.724 of 2019, dated 13.02.2023 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 10.07.2019 at about 11.30 hours, as per the direction of 1st respondent, the petitioner and two others were doing road work near Kannivakkam bus stop at Kancheepuram District, at that time, the driver of 1st respondent cravel filling grade vehicle bearing Regn. No. PY-05 R-2163 drove the said vehicle and came on reverse in a rash and negligent manner and dashed on the petitioner and caused an accident. Due to which, the petitioner 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.5,00,000/-.

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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.3,43,988/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Permanent Disability (30%) (Rs.5000 x 3)	1,50,000
2.	Pain and sufferings	50,000
3.	Extra nourishment	15,000
4.	Medical expenses	2,088
5.	Attender charges	15,000
6.	Transportation expenses	9,900
7.	Loss of income during the treatment period	27,000
8.	Loss of amenities	75,000
	Total	3,43,988



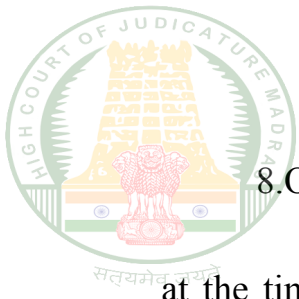
4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

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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.

6. The learned counsel for appellant argues that due to the injury sustained in the accident happened on 10.07.2019, the petitioner's left legs toes were amputated, due to which, he was not able to do his mason work and he sustained permanent disability. Therefore, the multiplier method ought to have been applied by the tribunal and the tribunal has fixed only a sum of Rs.5000/- per percentage of disability as such is erroneous one and prayed for enhancement of compensation.

7. The learned counsel for 2nd respondent insurance company argues that the award passed by the tribunal under various heads is well-reasoned one, which needs no interference. Hence, he raised strong objections and prayed to dismiss this appeal.



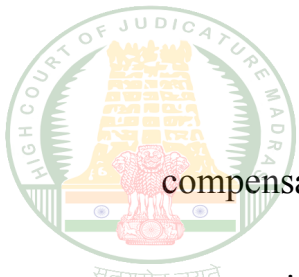
8. On perusal of award passed by the Tribunal below, the fact reveals that

at the time of accident, the claimant was working as mason in 1st respondent construction company. So, the loss of income was fixed for three months.

Furthermore, the tribunal has awarded a sum of Rs.5000/- per percentage of disability. By relying the discharge summary, the learned counsel for respondent would submit that only 23 days, he is in hospital, but however on seeing the grievous injury, this Court is inclined to enhance the loss of income as six months. The accident was happened in the year 2019 and he was aged about 44 years. Therefore, on considering the cost of living, this Court is inclined to enhance the notional income from Rs.9000/- per month to Rs.15,000/- per month. Considering the 30% of permanent disability, this court is inclined to enhance the sum awarded as Rs.5000/- per percentage to Rs.7000/- per percentage. On seeing the facts, he has undergone surgeries during the treatment period and also took treatment as outpatient for some days in various hospitals.

Hence, the transportation charges is enhanced from Rs.9,900/- to Rs.10,000/.

Considering the fact that during the treatment period, the petitioner required an attender, the attender charges is enhanced from Rs.15,000/- to Rs.50,000/-. The



compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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9. 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 (in Rs.)
1.	Permanent Disability/loss of earning during the treatment period (30% x Rs.7000 = Rs.2,10,000/-) /(Rs.15,000 x 6 = Rs.90,000/-)	3,00,000
2.	Pain and sufferings	50,000
3.	Extra nourishment	15,000
4.	Medical expenses	2,088
5.	Attender charges	50,000
6.	Transportation expenses	10,000
7.	Loss of amenities	75,000
	Total	5,02,088 Rounded off 5,02,090

10. The compensation awarded by the tribunal at Rs.3,43,988/- is enhanced to Rs.5,02,090/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.5,02,090/-, less the amount



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already 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 this judgment. 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.

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

10-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special Subordinate Court, Tiruvannamalai.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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