



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1814 of 2025

ARUMUGAM,
S/o Erusagounder,
No.1/121, Veditheru, Uttandikattu Valavu,
Boominayakkanpatti,
Salem District.

...Appellant(s)

Vs

1. DHANASURIYA,
S/o Mohan

2.MAGMA HDI General Insurance Company Ltd.,
3rd Floor, Shanthi Plaza,
Brindhavan Road,
Near SKS Hospital,
Salem - 636 004.

...Respondent(s)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 20.02.2025 on the file of the learned Special Sub Judge No.1 Motor Accident Claims Tribunal, Salem



in M.C.O.P.No.535 of 2024.

For Appellant(s) : Mr.R.P. Ruban Chakravathy

For Respondent(s): R-1 - Notice dispensed with

R2 - No Appearance

JUDGMENT

The above Civil Miscellaneous Appeal arises against the Award and Decree dated 20.02.2025 on the file of the learned Special Sub Judge No.1 Motor Accident Claims Tribunal, Salem in M.C.O.P.No.535 of 2024.

2.The claimant, aged 62 years, was a Farmer earning about Rs.20,000/- per month. On 09.02.2024 about 8.15a.m., the claimant while riding his motorcycle near Pazhayur Sathiram Junction on the Muthanayakkanpatti–Salem Main Road, a two-wheeler bearing Registration No.TN 30 CY 9522, driven rashly and negligently by the 1st respondent, dashed against him. The appellant sustained grievous injuries including a right tibial plateau fracture and multiple abrasions. He was treated as an inpatient ,in the hospital from 09.02.2024 to 17.02.2024 and underwent ORIF with bicondylar plating surgery. He incurred Rs.3,50,000/- as medical expenses and claimed Rs.10,00,000/- towards



compensation for the injuries sustained by the claimant.

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3.The 2nd respondent / insurer filed a counter stating that the claimant's age, income, and nature of injury were not proved and that the accident occurred due to the claimant's own negligence and that the driver of the offending vehicle did not possess a valid driving licence. The insurer denied the quantum of medical expenses and contended that the claim was highly exaggerated.

4.After analysing the oral and documentary evidence on record, the Tribunal held that the accident occurred due to the rash and negligent driving of the 1st respondent and awarded a total compensation of Rs.4,87,716/- with 7.5% interest from the date of petition till realization, payable by the insurer.

5.Though notice has been served on the 2nd respondent, and name has been printed in the cause list, there is no appearance either in person or through pleader.

6.The learned counsel appearing for the appellant would submit that the



Tribunal erred in fixing the notional income at Rs.9,000/- despite the claimant being a healthy agriculturist aged only 62 years. The percentage of disability was correctly found at 30%, but the multiplier method should have been applied instead of a fixed rate. The award under heads, such as, pain and sufferings, Transportation charges and Extra Nourishment are on the lower side. Hence, the appellant sought for enhancement of compensation.

7. On perusal of the records, the occurrence of the accident and the involvement of vehicle No. TN 30 CY 9522 are established through Ex.P.1 – First Information Report, Ex.P.2 - Accident Register Copy and Ex.P.8 - Charge Sheet. The Ex.C.1 - Disability Certificate issued by the Medical Board assessed

the permanent disability at 30%, which remains unchallenged by the insurer. However, the Tribunal adopted a lump sum method instead of the multiplier method, which is normally applied when disability affects earning capacity. Considering the claimant's age at 62 years and the accident is of the year 2024, the notional income can be enhanced to a sum of Rs.16,000/- per month.



Therefore, the loss of income of the claimant for six months would come to Rs.96,000/- ($\text{Rs.16,000/-} \times 6 = \text{Rs.96,000/-}$). The Medical Board assessed 30% of permanent disability to the claimant and issued Disability Certificate but, the Tribunal ignored this evidence. The disability certified by the Medical Board deserves due weight unless rebutted. Accordingly, the disability of 30% is accepted by this Court. On considering the Medical records and the nature of injuries, this Court is inclined to grant compensation to the claimant for the injuries sustained due to the accident. Hence, Rs.9,000/- per percentage of disability is fixed by this Court. Hence, a sum of Rs.2,70,000/- ($\text{Rs.9,000/-} \times 30 = \text{Rs.2,70,000/-}$) is awarded towards permanent disability. This Court awards a sum of Rs.25,000/- under the head of Extra Nourishment. Further, a sum of Rs.1,000/- granted under the head of Damages to clothes is enhanced by this Court to a sum of Rs.5,000/-. In all other respects, the Award remains unaltered.

Therefore, taking into consideration the above aspects, the modified amount is as follows:



Head of Compensation	As Awarded by Tribunal (Rs.)	Modified / Enhanced (Rs.)
Pain and Sufferings	-Rs.50,000/-	-Rs.50,000/-
Loss of Income	-Rs.27,000	-Rs.96,000/-
Medical Expenses	-Rs.1,19,716	-Rs.1,19,716/-
Transport Expenses	-Rs.20,000	-Rs.25,000/-
Extra Nourishment	-Rs.20,000	-Rs.25,000/-
Attender Charges	-Rs.20,000	-Rs.25,000/-
Damage to Clothes	-Rs.1,000	-Rs.5,000/-
Loss of Amenities	-Rs.20,000	-Rs.25,000/-
Permanent Disability / Loss of earning capacity	-Rs.2,10,000	-Rs.2,70,000/-
Total Compensation	-Rs.4,87,716	Rs.6,40,716/-

Accordingly, the total compensation is enhanced to Rs.6,40,716/- with interest at 7.5% p.a. from the date of petition till the date of deposit.

8. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.6,40,716/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.535 of 2024 on the file of the learned Special Sub Judge No.1 Motor Accident Claims Tribunal, Salem, within a period of eight weeks from



the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs, by making necessary applications.

The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs.

11-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Special Sub Judge No.1
Motor Accident Claims Tribunal,
Salem.

2. The Section Officer,
VR Section,



Madras High Court.

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T.V.THAMILSELVI, J.

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