

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.M.A.No.3689 of 2021

Vijayamoorthi.

... Appellant/Petitioner

/versus/

1.Sadhasivam,

2. Shanthi,

3. The New India Assurance Co., Ltd.,

Sevvapettai, 17, Port Main Road,

II Floor, Salem.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow the above Civil Miscellaneous Appeal and enhance the award in the order dated 21.04.2021 made in M.A.C.T.O.P.No.848 of 2018, on the file of the Motor Vehicle Accident Claims Tribunal/Special Subordinate Judge No.I, Salem.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondents : No appearance, for R1
: Left, for R2
: Mr.K.Thirunavukkarasu, for R3

J U D G M E N T

(Order of the Court was made by G.Jayachandran, J.)

The petitioner, aged 19 years and a college student, met with an accident in which he sustained 30% disability due to degloving of the left Thigh, Knee and Leg with Gangrene, Skin Necrosis and Extensive Raw. The claim petition seeking compensation of Rs.40 lakhs was considered by the Motor Accident Claims Tribunal and on assessing the evidence placed by the claimant, awarded a sum of Rs.12,60,682/- under various heads.

2. Aggrieved by the inadequacy of the compensation, the present appeal been preferred by the claimant stating that 30% permanent disability ought to have been taken into account by applying multiplier. However, the Court below has failed to apply the multiplier.

3. Further, the Learned Counsel for the petitioner submitted that there is evidence to show that the injuries had affected the marriage prospects of the appellant/claimant, which has not been considered by the Court below.

4. The Learned Counsel appearing for the 3rd respondent/Insurance Company submitted that though the injury caused is assessed as 30% permanent disability it had not anyway affected the earning capacity of the claimant. Therefore, the Tribunal has rightly assessed the compensation at Rs.5000/- per percentage and awarded Rs.1,50,000/-, besides the medical expenses and other loss been adequately compensated.

5. This Court, after examining the evidence and the plea, find that while the Tribunal had considered various aspects and awarded compensation but failed to take into account the fact that the marriage prospects of the claimant been affected due to degloving in left Thigh, Knee and Leg with Gangrene, Skin Necrosis and Extensive Raw Area. The said loss ought to have been adequately compensated, which the Tribunal has failed to do.

6. Hence, this Court, take note of the evidence adduced by P.W.2, the Doctor who had examined the injured and opined that the injury sustained will affect the marriage prospects of the claimant, is of the view that an additional sum of Rs.5,00,000/- is to be awarded for the loss of marriage prospects.

7. Accordingly, the Appeal is partly allowed by enhancing the total compensation from Rs.12,60,682/- to Rs.17,60,682/-. The Insurance Company is directed to pay the said amount with interest at the rate of 7.5% from the date of claim petition, till the date of deposit.

8. In the result, this Civil Miscellaneous Appeal stands partly allowed. There shall be no order as to costs.

(Dr.G.J, J) & (M.S.K, J)
17.09.2025

Index :Yes/No.
Internet :Yes/No.
Neutral Citation :Yes/No.
bsm

To,
1. The Motor Vehicle Accident Claims Tribunal/
Special Subordinate Judge No.I, Salem.

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Dr.G.JAYACHANDRAN, J.
&
MUMMINENI SUDHEER KUMAR, J.
bsm

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