



C.M.A.No.32 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.07.2025

CORAM

**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

**C.M.A.No.32 of 2023**

M.Arunkumaran

... Appellant

..Vs..

1.A.Selvaraj

2. R.Selvaraj

3.United India Insurance Company Ltd.,  
Tiruppur

(The respondents 1 and 2 are set remained exparte before the Tribunal hence notice may be dispensed with for them) ... Respondents

**Prayer:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the judgment and decree dated 26.02.2019 made in MCOP.No.1030 of 2016 on the file of the Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Tiruppur.

For Appellant : Mr.Ma.P.Thangavel

For Respondents : R1 & R2 – Exparte  
Mr.J.Chandran for R3

**JUDGMENT**

The appellant/claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP.No.1030 of 2016, dated 26.02.2019 has preferred this appeal seeking for enhancement of compensation.



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2.The case of the claimant is that on 14.03.2016 at 9.00 a.m., the appellant was travelling in Thangam bus bearing Regn.No.TN-37-BV-1226 from Irugur to Sular, driven by the first respondent. At that time, near diamond factory from West to East direction, the first respondent drove the bus with rash and negligent manner, without adhering traffic rules and regulations, and suddenly applied the brake due to which the appellant was thrown out of the bus and sustained grievous injuries on head, fracture on right hand, right shoulder, face, spinal cord and sustained injuries all over the body. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

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 driver of the bus. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.21,98,000/- under various heads as follows:



| <i><b>Heads</b></i>     | <i><b>Award Amount(Rs.)</b></i> |
|-------------------------|---------------------------------|
| Disability              | 3,00,000/-                      |
| Medical Expenses        | 5,17,617/-                      |
| Extra Nourishment       | 50,000/-                        |
| Transportation expenses | 30,000/-                        |
| Pain and sufferings     | 2,00,000/-                      |
| Mental agony            | 1,00,000/-                      |
| Future loss of life     | 5,00,000/-                      |
| Loss of marital life    | 5,00,000/-                      |
| <b>Total</b>            | <b>21,97,617/-</b>              |

Rounded off to Rs.21,98,000/-

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 by raising the following grounds:-

(a) The Tribunal has awarded a very meagre compensation hence it has to be enhanced to meet the ends of justice.

(b) The Tribunal ought to have considered that due to the impact of the accident the claimant could not use the right hand or lift anything and he was taken treatment at



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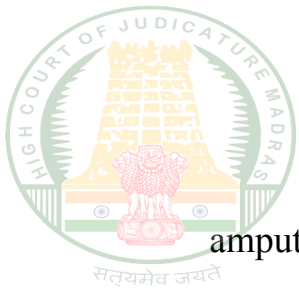
Coimbatore in different spells and underwent various surgeries as per the Ex.P4 issued by KMCH Hospital. and the photograph shown deep cut injuries as per Ex.P8. Hence the Tribunal ought to have apply multiplier method instead of granting Rs.3000/- for each percentage

(c ) The Tribunal ought to have consider that the injured was a Diploma Engineering Student in E.E.E and as per the rulings of the Hon'ble Division Bench in the case of “*The MD, TNSTC-Vs.Bharanidharan & Another* reported in *CDJ-2019-MHC-5187*” a sum of Rs.20000/- p.m., fixed for the engineering student. Hence, it ought to have add 40% towards the future prospects with proper multiplier of 18.

(d) The Tribunal ought to have awarded at least a reasonable sum towards loss of amenities, transport to hospital, attender charges, disfigurement by enhancing compensation with interest at 9% and cost.

(e) The Tribunal in respect of disability, without considering the assessment given by medical board, instead of applying multiplier method, has erroneously fixed the percentage of disability. Therefore, he seeks for enhancement of compensation.

6. The learned counsel for the 3<sup>rd</sup> respondent submitted that on the date of accident i.e., on 14.03.2016, the appellant has not sustained



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amputation. Therefore, the Tribunal has rightly fixed the fair percentage. He further submitted that there is no amputation to the allegations are bald and bereft of material particulars. It is pertinent to note that the appellant was travelled in foot board and only due to the negligent act of the appellant, the alleged accident was happened. The Contributory negligence may be applied on the appellant. The claim of compensation under different heads is baseless, imaginary and false. He further submitted that the 2<sup>nd</sup> respondent has failed to intimate the accident and also not submitted any claim form. He further sought to rely upon the terms and conditions, limits and liabilities contained in the policy issued to the 1<sup>st</sup> respondent. He further submitted that the appellant is entitled for interest, the rate of interest should be restricted as per the prevailing norms of Reserve Bank of India and Section 3 (1) read with Section 2(b) of the Interest Act. They are entitled to contest the claim under Section 170 of the Motor Vehicles Act. Therefore, the Tribunal has awarded a just and fair compensation to the appellant and the same does not need interference of this court and he sought to dismiss the appeal.

7. Learned counsel for the respondents submitted that due to the



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accident, the appellant sustained multiple injuries and undergone nervous grafting in the Ganga hospital Ex.P7. He further submitted that during the cross examination, PW1/injured claimant himself admitted that he has recovered completely. As per Ex.C1 disability certificate, the medical board has certified 70% partial disability.

8. The claimant was aged about 19 years at the time of accident, he was Rs.10,000/- per month by doing part time job. The doctor assessed the disability of the appellant as 70% and considering the age and nature of injuries, the Tribunal has taken the disability as 100% and fixing Rs.3000/- for each percentage, has awarded a sum of Rs.3,00,000/- towards disability. He further submitted that Doctor deposed that the injured has sustained injuries on the hand, shoulder, chest and cut injuries in Ex.B8. Due to the same, the claimant suffered his routine life, hindrance to education, loss of future life and martial life. The disability of the claimant was assessed as 70% based on cross-examination of Doctor and Ex.P3 to Ex.P8, and considering the disability at 100% and awarding Rs.3000/- for each percentage which is incorrect and hence the same needs revisit. Hence, this court fix 30% towards disability.



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9. However, on going through the records and submission made by the learned counsel for the appellant, at present, the claimant's nervous are completely affected so that he was not able to continue his EEE Diploma and discontinued his studies. He was an ITI student in 2016.

10. This Court is of the considered view that due to the nature of injuries sustained by the appellant and period treatment given in the hospital as in-patient, he was prevented from attending his work and hence this court is inclined to fix Rs.10,000/- per month for calculation of disability.

11. If Rs.10,000/- is taken as the monthly income of the claimant, after adding 40% towards future prospectus of the injured claimant and the multiplier of 18 is adopted, and disability works out to Rs.9,07,200/-  
(Rs.10000x40%=4000; 10000+4000 = 14000x30% = 4200;  
4200x12x18=Rs.9,07,200/-)

12. Heard both sides and perused the records.

13. This court is inclined to delete the sum of Rs.1,00,000/- awarded by the Tribunal under the head of mental agony and also inclined to reduce the compensation awarded under the head of loss of future loss of life and loss of marital life to Rs.1,00,000/- each.

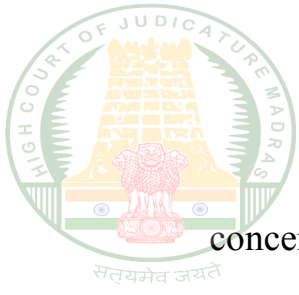


14. Insofar as the other heads such as pain and sufferings medical expenses, extra nourishment and transport expenses, are fair and just compensation, they do not call for any interference by this Court.

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

| Sl.No. | Compensation Head       | Amount in Rs.         |
|--------|-------------------------|-----------------------|
| 1.     | Disability              | 9,07,200              |
| 2.     | Medical Expenses        | 5,17,617              |
| 3.     | Extra Nourishment       | 50,000                |
| 4.     | Transportation expenses | 30,000                |
| 5.     | Pain and sufferings     | 2,00,000              |
| 6.     | Future loss of life     | 1,00,000              |
| 7.     | Marital loss of life    | 1,00,000              |
|        | <b>Total</b>            | <b>Rs.19,04,817/-</b> |

16. The compensation awarded by the Tribunal at Rs.21,98,000/- is modified to Rs.19,04,817/-. The third respondent/Insurance Company is directed to deposit the modified compensation, less the amount 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 four weeks from the date of receipt of copy of this judgment. Insofar as the enhanced compensation is



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concerned, the deficit court fee, if not paid, shall be paid by the claimant.

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The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

17.In the result, the Civil Miscellaneous Appeal is disposed of accordingly. No costs.

**23.07.2025**

(1/2)

Index: Yes/No

Internet: Yes/No

Speaking/Non-speaking Order

To

1. The Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Tiruppur.

2.The Section Officer

V.R.Section, High Court of Madras.



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**T.V.THAMILSELVI,,J**  
gv

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