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C.M.A.No.2943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.2943 of 2025

B.Arumugam

... Appellant

vs.

1.K.Muthukumar

2.The Manager,
United India Insurance Co. Ltd.,
Third Party Service Hub,
Plot No.35, 36, 37, AR Plaza,
45 Feet Road, Balaji Nagar Extn.,
Saram, Puducherry-607 001.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Order made in M.C.O.P.No.4317 of 2018 dated 30.10.2023 on the file of the Motor Accident Claims Tribunal / Special Sub-Court, Cuddalore.

For Appellant : Ms.Ramya V.Rao

For Respondents : Mr.M.Krishnamoorthy[R2]

R1 – Notice Dispensed With

JUDGMENT

The claimant herein has preferred this Civil Miscellaneous Appeal against the Award dated 30.10.2023 made in M.C.O.P.No.4317 of 2018 on the file of the Motor Accident Claims Tribunal / Special Sub-Court, Cuddalore.



C.M.A.No.2943 of 2025

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The learned counsel for the appellant/claimant would strenuously argue that the claimant suffered fracture of both bone right leg and the disability of the claimant was fixed as 42%. The claimant was aged about 19 years and he was working as contract labour and earning a sum of Rs.20,000/- per month. The claimant undergone two surgeries. As the claimant suffered above said fracture, he is not in a position to work as a labour as he did before and sought for invocation of multiplier method for loss of income. He would further contend that notional income fixed by the Tribunal is less and for other heads, the amounts granted are inadequate and sought for enhancement of compensation.

4. Per contra, the learned counsel for the 2nd respondent/Insurance Company would argue that in consideration of oral and documentary evidence, the Tribunal has granted reasonable compensation under various heads and sought for confirmation of the same.



C.M.A.No.2943 of 2025

5. It has come on record through the evidence of PW1(injured) that he was 19 years of age at the relevant point of time and on account of the accident, he suffered fracture of both bone right leg. He was admitted at Government Hospital, Cuddalore on 03.09.2018 and got discharged on 22.09.2018. He underwent surgery on 15.09.2018, where open reduction and internal fixation of Tibia plating was done as per the discharge summary Ex.P3. Thereafter, he was again admitted at Manakula Vinayagar Medical College Hospital, Pondicherry on 30.01.2019 and discharged on 15.02.2019. The implant fixed over the right leg was removed. Claimant was 19 years of age at the relevant point of time. Implants fixed were removed in the year 2019.

6. In consideration of the above said details, his functional disability is fixed as 40%. For disability suffered Rs.8,000/- per percentage is granted and a sum of Rs.3,20,000/- is granted under the head for partial permanent disability. To substantiate the income of the claimant, no document is marked. Based on the aforesaid details, income of the claimant is fixed as Rs.14,000/- per month. As per the discharge summary as mentioned supra, he was under treatment till 15.02.2019. For loss of income during treatment period an amount of Rs.84,000/- is granted. For attender charges, a sum of Rs.10,000/- is granted in addition to the



C.M.A.No.2943 of 2025

amount already granted by the Tribunal. For pain and sufferings and loss of amenities the amounts awarded by the Tribunal is confirmed and the amounts awarded under various heads by the Tribunal appears to be reasonable and acceptable and does not warrant any interference by this Court. Therefore, the Compensation awarded by the Tribunal is reworked and tabulated as under:

<i>Sl. No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal</i>	<i>Amount awarded by this Court</i>	<i>Award confirmed or enhanced or granted or reduced</i>
1	For Partial Permanent Disability	Rs.2,10,000/-	Rs.3,20,000/-	Enhanced
2	For Pain and Sufferings	Rs.1,00,000/-	Rs.1,00,000/-	Confirmed
3	For Loss of Amenities	Rs. 75,000/-	Rs. 75,000/-	Confirmed
4	For Extra Nourishment	Rs. 15,000/-	Rs. 15,000/-	Confirmed
5	For Attender Charges	Rs. 15,000/-	Rs. 25,000/-	Enhanced
6	For Transport Expenses	Rs. 5,000/-	Rs. 15,000/-	Enhanced
7	For Loss of Income	Rs. 72,000/-	Rs. 84,000/-	Enhanced
8	For Medical Expenses	Rs. 30,799/-	Rs. 30,799/-	Confirmed
9	For Future Medical Expenses	NIL	NIL	
	Total	Rs.5,22,799/-	Rs.6,64,799/-	
	Rounded off to		Rs.6,65,000/-	



C.M.A.No.2943 of 2025

WEB COPY

7. Thus, the compensation awarded by the Tribunal is enhanced from Rs.5,22,799/- to **Rs.6,65,000/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

8. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.5,22,799/- to **Rs.6,65,000/-**.

(iii) The 2nd respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.6,65,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, **(excluding the period of default, if any)** to the credit of M.C.O.P.No.4317 of 2018 on the file before the Motor Accident Claims Tribunal, Special Sub-Court, Cuddalore, within a period of eight weeks from the date of receipt of a copy of this Judgment and then recover the same from the 1st respondent / owner of the Van bearing Registration No.TN-31-AV-5058.

(iv) On such deposit being made, the appellant/claimant is at liberty to withdraw the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing

5/7



C.M.A.No.2943 of 2025

relevant application before the Tribunal. The claimant is directed to pay the Court fee for the enhanced compensation amount, if required. The Tribunal below shall disburse the enhanced amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

18.11.2025

Index : Yes/No
Speaking / Non-speaking order
ssn

To:

1. The Motor Accident Claims Tribunal,
Special Sub-Court, Cuddalore.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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C.M.A.No.2943 of 2025

R.KALAIMATHI, J.,

ssn

C.M.A.No.2943 of 2025

18.11.2025