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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2809 of 2025 and CMP Nos.22778 and 20118of 2024

The Manager,
National Insurance Company Ltd.,
No.66, Greams Road,
Murugesu Naicken,
1st Floor, Chennai – 600 006.

... Appellants

Vs.

1. Manthu Srinivasalu

2. Mr. A. Vijayakumar

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award passed in MACT O.P.No. 3623 of 2020 dated 20.09.2023 on the file of the Motor Vehicle Accidents Claims Tribunal, 2nd Small Causes Court, Chennai and pass orders.

For Appellants : Mr. Surekha N.B

For Respondent-1 : Mr.N. Lavanya



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JUDGMENT

The appellants have filed this appeal to set aside the award passed in MACT O.P.No. 3623 of 2020 dated 20.09.2023 on the file of the Motor Vehicle Accidents Claims Tribunal, 2nd Small Causes Court, Chennai .

2. The brief facts of the case of the appellants/claimants are as follows:

On 18.10.2020 at about 7.00 hours while the first respondent was riding the Motor Cycle bearing Registration No.AP-26-BR-0188 at Kartampadu village from Nellore to Kadapa near Nellore, Andhra Pradesh a lorry bearing Registration No.AP-39-TA-6579 belonging to the second respondent driven by its driver in a very rash and negligent manner and dashed against the first respondent. Hence, the first respondent filed a claim petition before the Tribunal seeking compensation at 35,00,000/-

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.14,77,000/- as compensation, directed the appellant to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.



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4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal had adopted multiplier method in awarding compensation under the loss of earning power and disability and failed to see that there is no document to show that the injured had taken further treatment or he had any further complications due to the injuries suffered by him. Therefore, the Tribunal ought to have awarded compensation under the head loss of earning power and disability only on percentage method. Hence prays to allow this appeal.

6. On the other hand, the learned counsel appearing for the first respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.



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7. Heard both sides and perused the materials on record.

8. On an analysis of the award of the Tribunal would go to show that the Tribunal has adopted multiplier method and awarded Rs.7,95,960/- under the head disability; Rs.1,00,000/- was awarded under the head pain and sufferings; Rs.30,000/- was awarded under the head loss of earnings during treatment; Rs.4,20,944/- towards medical expenses; Rs.1,00,000/- towards loss of amenities and Rs.10,000/- each towards Attender charges, Transportation charges and Extra nourishment. Thus the total compensation is arrived at Rs.14,77,000/-

9. While re-appreciating the facts the facts and on perusal of records, it would be appropriate to award per percentage disability for the head disability. Thus Rs.9,000/- is fixed under the head disability and 67% is taken as disability and arrived Rs.6,03,000/-(Rs.9,000 x 67%) under the head Disability. Considering the occupation of the injured he would be earning Rs.15,000/- per month and considering the injuries sustained by he injured, he would have not gone for job atleast for a period of 6 months and loss of earning is arrived at Rs.90,000/- (Rs.15,000 x 6). With regard to attender charges, Transportation charges

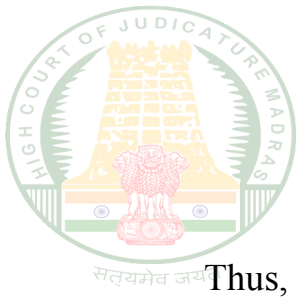


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and Extra Nourishment the same is increased to Rs.12,000/-, 15,000/- and Rs.25,000/-. The compensation awarded under other heads remains the same.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Towards Disability	7,95,960/-	6,03,000/-
2.	Towards pain and sufferings	1,00,000/-	1,00,000/-
3.	Towards loss of earning during treatment	30,000/-	90,000/-
4.	Towards Medical Expenses	4,20,944/-	4,20,944/-
5	Towards loss of amenities	1,00,000/-	1,00,000/-
6.	Towards Attender Charges	10,000/-	12,000/-
7	Towards Transportation Charges	10,000/-	15,000/-
8.	Towards Extra Nourishment	10,000/-	25,000/-
	Total	Rs.14,76,904/- rounded off to 14,77,000/-	Rs.13,65,944/- rounded off to 13,66,000/-



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Thus, the compensation awarded by the Tribunal is modified to **Rs.13,66,000/- from 14,77,000/-**, which shall carry interest at the rate of 7.5% per annum.

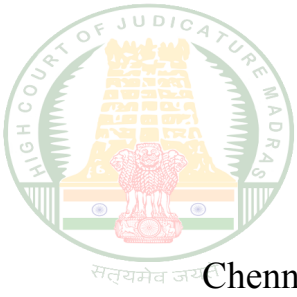
11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs. Consequently the connected miscellaneous petitions are closed.

ii. The compensation awarded by the Tribunal is modified to **Rs.13,66,000/- from 14,77,000/-**

iii. The Appellant/ Insurance Company is directed to pay the balance Court fee if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The Appellant/ Insurance Company is directed to deposit the modified compensation amount, i.e., **Rs. 13,66,000/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of MACT O.P.No. 3623 of 2020 dated 20.09.2023 on the file of the Motor Vehicle Accidents Claims Tribunal, 2nd Small Causes Court,



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Chennai within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the first respondent/claimant is at liberty to withdraw the same after following due process of law.

vi. The first respondent/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

07.08.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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To

1. The Motor Vehicle Accidents Claims Tribunal, 2nd Small Causes Court, Chennai.
2. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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C.M.A.No.2809 of 2024

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