



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM:

THE HON'BLE MRS. JUSTICE R. KALAIMATHI

C.M.A.Nos.155 & 1916 of 2025 &
CMP.No.16779 of 2025

CMA.No.155 of 2025:

Premnivas

... Appellant

Vs.

1. D. Srinivasan

2.The Manager,
The United India Insurance Co.Ltd.,
Silingai Building,
No.134, Greams Road,
Chennai 600 006

.. Respondents

CMA.No.1916 of 2025:

The Manager,
The United India Insurance Co.Ltd.,
Silingai Building,
No.134, Greams Road,
Chennai 600 006

.. Appellant

Vs

1.Premnivas

2.D.Srinivasan

.. Respondents



Prayer in CMA.No.155 of 2025 : Civil Miscellaneous Appeal filed under sec.173 of Motor Vehicles Act, to modify the impugned order dated 30.10.2023 in MCOP.No.4992 of 2017 on the file of II Small causes Court, Chennai by adequately enhancing the compensation awarded under various heads.

Prayer in CMA.No.1916 of 2025 : To set aside the order dated 30.10.2023 in MCOP.No.4992 of 2017 on the file of II Judge, Court of Small Causes Court, Chennai.

For Appellant : Mr.K. Balaji for
Mr.S.Ravikumar

For Respondents : Mr.P.Sankaranarayanan for R2

COMMON ORDER

The claimant herein has preferred CMA.No.155 of 20205 against the Award dated 30.10.2023 passed in MCOP.No.4992 of 2017 on the file of II Small Causes Court, chennai for enhancement of compensation awarded by the Tribunal.

2. The Insurance Company has preferred CMA.No.1916 of 2025 against the Award dated 30.10.2023 passed in MCOP.No.4992 of 2017 on the file of II Small Causes Court, chennai for modification of comeptions awarded by the Tribunal.

3. The parties are indicated as per their litigative status and ranking before



the Tribunal.

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4. Learned counsel for the appellant/claimant would argue that the claimant was a Mechanical Engineer and he was working as a part-time Instructor/ Officer in IAS Academy and also doing business in the name and style of 'Origin Advertising Agency' and was earning a sum of Rs.34,000/- + Rs. 80000/-. But the Tribunal fixed the notional income of the claimant at Rs.12,000/-, which is very less and hence, he sought for enhancement of compensation.

5. Learned counsel for the 2nd respondent/Insurance Company would contend that in the absence of concrete evidence as to the avocation of the claimant, the Tribunal has fixed the income at Rs.12,000/- and the same is reasonable and therefore, sought for dismissal of the appeal. The learned counsel would further contend that the claimant has not marked continuous treatment records and the same would go to show that he does not suffer from any disability. For the fore arm fracture suffered by the claimant, invocation of multiplier method for computing the compensation towards disability is not tenable in law.



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6. The claim petition was filed claiming compensation of Rs.20,00,000/-.

The compensation granted by the Tribunal under various heads are as follows:

S.No.	Heads	Amount
1	Towards Disability	Rs. 8,56,800/-
2	Towards pain and sufferings	Rs. 25,000/-
3	Towards loss of earning during treatment	Rs. 12,000/-
4	Towards Medical Expenses	Rs. 2,72,570/-
5	Towards future medical expenses	Rs. 1,50,000/-
6	Towards Loss of Amenities	Rs. 25,000/-
7	Towards Attender Charges	Rs. 5,000/-
8	Towards Transportation charges	Rs. 5,000/-
9	Towards Extra Nourishment	Rs. 5,000/-
	Total	Rs.13,56,370/-

7. It is the evidence of PW1/claimant that he was working as a part time Instructor/Officer in the Officers IAS Academy. Ex.P9 is the copy of degree certificate of the claimant issued by the Anna University. Ex.P.10 is the Employment Identity Card issued by Officers IAS Academy to prove that he was working as faculty member in the said IAS Academy. Ex.P.11 is the certificate of registration issued by the Commercial Taxes Department in the name of the claimant. The claimant has completed degree of bachelor in Mechanical Engineering in April 2012. In connection with Ex.P.10 employment card, no person is examined to prove the said fact.

8. Based on these documents what is the income he had been drawing, is



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not established. Date of accident is 17.03.2017. In consideration of the above said documents and the evidence of PW1, his monthly income is fixed as Rs.25,000/-. As per Ex.P.3 and Ex.P.4 discharge summary issued by Prasanth Super Speciality Hospital, Velacherry, he had suffered head injury, galeazzi fracture on right fore arm. He underwent surgery on 11.04.2017 and Open Reduction Internal fixation was done for the right fore arm fracture. He was admitted as an inpatient in the said hospital from 10.04.2017 to 15.04.2017. The Medical Board assessed his disability as 25%. He being a Mechanical Engineer, having fixed implants over the right fore arm, the same would definitely create a negative impact on his career. The Tribunal has chosen to adopt the multiplier method for granting compensation.

9. Under what circumstances, the multiplier method may be invoked in injury cases is dealt with by the Apex Court in ***Raj Kumar vs Ajay Kumar*** reported in ***[(2011) 1 SCC 343]***. The principles which are summarized by the Apex Court in the said case is given hereunder:

“(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.

(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage



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of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).

(iii) The doctor who treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.

(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors."

10. In consideration of the injuries suffered by the claimant, and considering the fact that he is a Mechanical Engineer, the tribunal has invoked multiplier method by fixing functional disability at 25% for the whole body and the same cannot be found fault with.



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11. For computing disability suffered, the following formula emerges:

$$\text{Rs.}25000 \times 12 \times 17 \text{ m} \times 25\% = \text{Rs.}12,75,000/-$$

12. In consideration of the age, avocation, disability suffered and nature of the injuries sustained, for extra nourishment, for attender charges, for loss of amenities, and for transport charges, a sum of Rs.10,000/- is granted under each head in addition to the amount already granted by the Tribunal.

13. For pain and sufferings, a sum of Rs.10,000/- is granted, in addition to the amount already granted by the Tribunal. As regards other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and it does not warrant any interference by this Court. Towards loss of income during treatment period, a sum of Rs.75,000/- is granted.

14. The amounts awarded by this Court, as mentioned supra is re-worked and tabulated hereunder:



S.No.	Heads	Compensation granted by the Tribunal (in Rs.)	Compensation granted by the High Court (in Rs.)	Remarks
1	Towards disability	8,56,600/-	12,75,000/-	Enhanced
2	For Pain and Sufferings	25,000/-	40,000	Enhanced
3	For Loss of earning during treatment period	12,000/-	Rs.75,000/-	Enhanced
4	For Medical Expenses	2,72,570/-	2,72,570/-	Confirmed
5	For Future Medical Expenses	1,50,000/-	1,50,000/-	Confirmed
6	For Loss of amenities	25,000/-	35,000/-	Enhanced
7	For Attender Charges	5000/-	15,000/-	Enhanced
8.	For Transport Charges	5000/-	15,000/-	Enhanced
9.	For Extra Nourishment	5000/-	15,000/-	Enhanced
	Total	13,56,370/-	18,92,570/-	enhanced

15. A sum of Rs.18,92,570/- is awarded as compensation for the claimant/appellant in C.M.A.No.155 of 2025 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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16. In the result,

- C.M.A.No.155 of 2025 filed by the claimant is partly allowed. No costs.
- C.M.A.No.1916 of 2025 filed by the Insurance Company is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.
- The compensation awarded by the Tribunal is enhanced from **Rs.13,56,370/- to Rs.18,92,570 /-.**
- The 2nd respondent /Insurance company is directed to deposit the enhanced compensation of **Rs.18,92,570/-** awarded by this Court to the credit of MCOP.No.4992 of 2017 on the file of II Small Causes Court, Chennai, along with interest at the rate of 7.5% per annum from the date of petition, till the date of realisation, (excluding the period of default, if any) less the amount, if any deposited, within a period of eight weeks from the date of receipt of a copy of this judgment.
- On such deposit, 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 relevant application before the Tribunal.
- The claimant is directed to pay the court fee for the enhanced



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compensation amount, if required. The Tribunal shall disburse the enhanced amount upon production of the certified copy showing proof of payment of Court Fee by the claimant/appellant.

msr
Index:Yes/No
Internet:Yes

24.11.2025

To

The II Small Causes Court, Chennai.



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R. KALAIMATHI, J.

msr

**C.M.A.Nos.155 & 1916 of 2025 &
CMP.No.16779 of 2025**

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