



C.M.A.No.3574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3574 of 2024

Manonmani

... Appellant

Vs.

1.Balasubramani

2.M/s.United India Insurance Co. Ltd.,
Rep. by its Branch Manager,
123A, No.2 Road,
Mayiladuthurai Town and Taluk,
Nagapattinam District.

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, challenging the judgment and decree dated 18.09.2017 made in M.C.O.P.No.154 of 2016, on the file of the Motor Accidents Claims Tribunal, Additional Sub Judge, Mayiladuthurai.

For Appellant : Mr.T.Gobinath
For Respondents : Mr.D.Baskaran for R2

J U D G M E N T

This appeal has been filed against the judgment and decree dated 18.09.2017 made in M.C.O.P.No.154 of 2016, on the file of the



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Motor Accidents Claims Tribunal, Additional Sub Judge, Mayiladuthurai.

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2.The learned counsel appearing for the appellant submitted that on 06.07.2016, at about 12.00 p.m., the appellant was returning home in his bicycle after doing his green leaves business in Parasalur Main Road opposite to Rajarajan's house from East to West. At that time, the rider of the two wheeler bearing Registration No.TN 51 AX 7318, which came in the opposite direction drove the vehicle in a rash and negligent manner and dashed the appellant, due to which, the appellant sustained injuries.

3.The learned counsel appearing for the appellant further submitted that thereafter, the injured claimant/ appellant filed claim petition before the Tribunal, claiming compensation of Rs.10 Lakhs. After adjudication, the Motor Accidents Claims Tribunal awarded a sum of Rs.2,13,730/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit and proportionate costs and directed the second respondent to deposit the compensation and to recover the same from the first respondent in the manner known to law. Aggrieved by the same, the appellant claimant has filed this appeal for enhancement in compensation.



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4.The learned counsel appearing for the appellant further submitted that the appellant has filed this appeal questioning the quantum of compensation awarded by the Tribunal. The learned counsel further submitted that due to the accident, the claimant lost his vision and he is not able to continue his avocation as before and the Medical Board assessed the disability of the injured claimant as 40% and the claimant is entitled for compensation by multiplier method, however, the Tribunal without following the guidelines in the decision of the Hon'ble Apex Court reported in *(2011) 1 SCC 343 [Raj Kumar Vs. Ajay Kumar and Ors.]*, awarded a sum of Rs.3,000/- per percentage of disability and awarded a very very meagre compensation and hence, the appellant is entitled for enhancement in compensation.

5.The learned counsel appearing for the second respondent Insurance Company submitted that the Tribunal after considering all the factual aspects, awarded the compensation which is just and reasonable and hence, the impugned judgment warrants no interference.



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6.Heard the learned counsel appearing for the appellant claimant as well as the learned counsel appearing for the second respondent Insurance Company and perused the materials available on record.

7.The accident and the manner in which the accident happened are not disputed. This appeal has been filed only questioning the quantum of compensation awarded by the Tribunal. Hence, there is no need for any discussion with regard to negligence aspect.

8.The tribunal after elaborately discussing the factual aspects awarded a sum of Rs.1,20,000/- for disability, Rs.30,000/- for pain and sufferings, Rs.20,000/- for extra nourishment, Rs.10,000/- for transport expenses, Rs.32,000/- for loss of income, Rs.1,730/- for medical expenses and arrived at a total compensation of Rs.2,13,730/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit.

9.Perusal of records reveal that the claimant was doing green leaves business and due to the accident, the claimant lost his vision and he is not able to continue his avocation as before. Hence, this



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Court is of the opinion that compensation has to be awarded by applying multiplier method. The accident took place during the year 2016. Even in the absence of any income proof, this Court is of the opinion that the injured claimant could have earned a sum of Rs.12,000/- per month. Accordingly, this Court fix the monthly income of the deceased as Rs.12,000/-. Perusal of records reveal that the age of the injured claimant at the time of accident is 41 years. Hence, the correct multiplier to be adopted is multiplier 14. The Medical Board has assessed the disability of the injured claimant as 40%. This Court is of the opinion that some amount has to be awarded for future prospects. Accordingly, this Court awards 40% of income towards future prospects. Hence, the amount awarded for disability works out to Rs.11,28,960/- [$\text{Rs.12,000/-} \times 40\% = \text{Rs.4,800/-}$; $\text{Rs.12,000/-} + \text{Rs.4,800/-} = \text{Rs.16,800/-}$; $\text{Rs.16,800/-} \times 12 \times 14 = \text{Rs.28,22,400/-}$; $\text{Rs.28,22,400/-} \times 40\% = \text{Rs.11,28,960/-}$].

10.The amount awarded under the head loss of income, in the opinion is not necessary and the same is deleted. The amount awarded under the other heads, in the opinion of this Court are low and this Court is inclined to enhance the amount awarded under the other heads. Accordingly, the amount awarded for pain and sufferings



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is enhanced to Rs.1,00,000/- from Rs.30,000/-, the amount awarded for extra nourishment is enhanced to Rs.50,000/- from Rs.20,000/-, the amount awarded for transport expenses is enhanced to Rs.20,000/- from Rs.10,000/-, the amount awarded for medical expenses is enhanced to Rs.2,000/- from Rs.1,730/-. This Court is of the opinion that some amount has to be awarded for attender charges. Accordingly, a sum of Rs.50,000/- is awarded for attender charges.

11.Accordingly, the compensation amount is re-assessed as follows:

S.No.	Description	Amount Awarded by the Tribunal	Amount Awarded by this Court
1.	Disability	Rs.1,20,000/-	Rs.11,28,960/-
2.	Loss of income	Rs. 32,000/-	---
3.	Pain and sufferings	Rs. 30,000/-	Rs. 1,00,000/-
4.	Extra nourishment	Rs. 20,000/-	Rs. 50,000/-
5.	Attender charges	---	Rs. 50,000/-
6.	Transport expenses	Rs. 10,000/-	Rs. 20,000/-
7.	Medical expenses	Rs. 1,730/-	Rs. 2,000/-
	Total	Rs.2,13,730/-	Rs.13,50,960/-

12.The appellant claimant is entitled to total compensation of Rs.13,50,960/- along with interest at the rate of 7.5% p.a. from the



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date of petition till the date of deposit. The pay and recovery ordered by the Tribunal is confirmed.

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13.The civil miscellaneous appeal is partly allowed. The judgment and decree dated 18.09.2017 made in M.C.O.P.No.154 of 2016, on the file of the Motor Accidents Claims Tribunal, Additional Sub Judge, Mayiladuthurai, is modified to the above extent.

14.The second respondent Insurance Company is directed to deposit the modified/ enhanced award amount before the Tribunal within a period of six weeks from the date of receipt of a copy of this judgment, less the amount if any, already deposited. On such deposit being made, the appellant/ claimant is permitted to withdraw the modified/ enhanced award amount, along with accrued interest and costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

15.The appellant/ claimant shall not be entitled to any interest for the period of delay, if any, in filing/ representing the appeal. The appellant/ claimant is directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accidents



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M.DHANDAPANI,J.
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Claims Tribunal, Additional Sub Judge, Mayiladuthurai, shall disburse the compensation amount upon production of certified copy showing proof of payment of Court fee by the appellant/ claimant.

16.The civil miscellaneous appeal is partly allowed. No costs.

22.01.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Motor Accidents Claims Tribunal,
Additional Sub Judge, Mayiladuthurai.

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