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CMA No. 2875 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2875 of 2024

1. E.Kuppan

S/o.Etti, No.54, Ambedkar Street,
Peramanur, Maraimalai Nagar,
Chengalpet District-603209

Appellant(s)

Vs

1. V.Arivand Raj

S/o.R.Venkatesan, No.179C, 4th Street,
Maduravoyal, Chennai-600095

2.Iffco Tokio General Insurance Co.
Ltd.

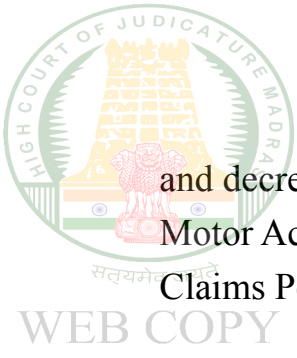
IFFCO Bhavan, 3rd Floor, NO.128,
Habibulla Road, T.Nagar, Chennai-
600017

Respondent(s)

CMA No. 2875 of 2024

PRAYER

To allow this CMA by enhancing the compensation awarded in the Judgment



and decree, dt. 15.07.2024, passed in MCOP No.3750/2021, on the file of the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai

CMA No. 2875 of 2024

For Appellant(s): Mr.K.Balaji

For Respondent(s): R1 - Dispensed With Mr. B.Siva
Kollapan For R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation awarded in the Judgment and decree, dt. 15.07.2024, passed in MCOP No.3750/2021, on the file of the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai(in short "tribunal").

2. On 14.08.2021 at about 18.00 hours, when the claimant riding his two wheeler bearing registration No. TN 19 C 8971, in GST Road, Tambaram to Chengalpet side, opposite to Godrej Iazaki Company near Fort Company at Maraimalai Nagar, at that time a lorry bearing registration No. TN 32 D 7944 driven by its driver in rash and negligent manner hit against the said two wheeler, due to which the claimant sustained multiple injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The



second respondent Insurance company contested the case by filing counter.

After considering the oral and documentary evidence, the tribunal awarded a compensation. Challenging the quantum of compensation the claimant filed this appeal.

3. The learned counsel for the appellant submits that due to the said accident the claimant sustained multiple greivous injuries and had taken treatment for 120 days and undergone three surgeries however, the claimant has not completely recovered. Further, he submits that the claimant has sustained rib fracture and blunt injury in abdomen, left temporal sub-dural hemorrhage with right parietal SAH, right maxillary lateral medial wall fracture, multiple laceration and abrasion all over the body. Further, the medical board has assessed 50% permanent disability but the tribunal instead of adopting multiplier method it had adopted per percentage method. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the claimant has not sustained any amputation which is functional disability therefore tribunal rightly awarded compensation under per percentage method which needs no

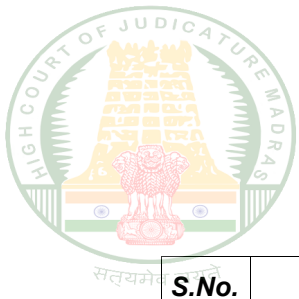


interference.

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5. On seeing the gravity of injury sustained by the claimant and also he has undergone three surgeries despite that he was not able to move as he before therefore the medical board assessed 50% permanent functional disability and also on the other side the respondent counsel pointed out that the claimant has not sustained any amputation, however the claimant sustained 50% disability hence this Court is inclined to adopt multiplier method. Further, this Court is inclined to fix 40% disability and considering the cost of living at the time of the accident this Court is inclined to fix Rs.16,000/- as notional income of the claimant. Further, the claimant is aged about 46 year hence this Court is inclined to fix 25% future prospectus. Accordingly, the claimant is entitled to Rs. 12,48,000/- { $16,000 + 4,000/- \times 12 \times 13 \times 40 / 100$ } and this Court is inclined to enhance compensation for transportation from Rs.8,000/- to Rs.12,000/-. Further, the loss of earnings is unwarranted. Accordingly, the loss of earning is deleted. Except above modification, award passed by the tribunal in other heads remains unchanged.

6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-



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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.1,00,000/-	Rs.1,00,000/-
2.	Loss of Income	Rs.75,000/-	Nil
3.	Medical Expenses	Rs.16,704/-	Rs.16,704/-
4.	Transportation expenses	Rs.8,000/-	Rs.12,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs.38,400/-	Rs.38,400/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.30,000/-	Rs.30,000/-
9.	For permanent disability	Rs.2,50,000/-	Rs.12,48,000/-
10	Total	Rs.5,28,104/-	Rs.14,55,104/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 14,55,104/-**. The 2nd respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No.3750/2021, on the file of the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The



respondent may deduct the amount, if any amount has already deposited before
the tribunal.

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8. With the above direction, the Civil Miscellaneous Appeal is partly
allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.V.Arivand Raj

S/o.R.Venkatesan, No.179C, 4th Street,
Maduravoyal, Chennai-600095

2.Iffco Tokio General Insurance Co.
Ltd.

IFFCO Bhavan, 3rd Floor, NO.128,
Habibulla Road, T.Nagar, Chennai-
600017.

3. The Section Officer, V.R Section,
High Court, Madras.

4. The Motor Accident Claims Tribunal
(Special Sub Court No.1, Motor
Accidents Claims Petitions) Small
Causes Court, Chennai



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T.V.THAMILSELVI J.
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