



CMA.No.531 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.531 of 2025

Munilakshmi

... Appellant

Vs.

1. Mahesh

2. The Manager,
Shriram General Insurance Co., Ltd.,
E-8, RIICO Industrial Area, Sitapura,
Jaipur, Rajasthan 302 022.

Branch office at No.122/2B, B.R.Towers,
II Floor, Shanthi Nagar, Opp. to CSI Church,
Denkanikottai Road, Hosur 635 109.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 to enhance the compensation awarded in MCOP No.547 of 2018 on the file of the Additional District Court, Motor Accident Claims Tribunal, Hosur.

For appellant : Mr.S.P.Yuvaraj

For Respondents : Ms.R.Sree Vidhya for second respondent



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JUDGMENT

Not satisfied with the quantum of compensation awarded by the Tribunal, the claimant has come before this court by filing the present appeal.

2. The first respondent remained *exparte* before the Tribunal. Hence, notice to the first respondent is dispensed with.

3. Heard the learned counsel for the appellant and the second respondent/insurance company.

4. It is not in dispute that the appellant/claimant suffered injury in a road accident that had taken place on 30.07.2016 involving the vehicle, owned by the first respondent and insured with the second respondent and as a result of accident, she suffered fracture in her pelvis. The appellant filed a claim petition seeking compensation of Rs.15,00,000/- and based on the evidence available on records, the Tribunal awarded a sum of Rs.2,43,000/- as compensation to the claimant. Not satisfied with the quantum of compensation, the



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claimant has come before this court.

5. Both the counsel for the appellant and the second respondent have not advanced any arguments on the question of negligence and liability and therefore, the facts necessary for fixing negligence and liability have not been considered in the present appeal.

6. The learned counsel for the appellant/ claimant would submit that the claimant was employed as a coolie in a private company and due to the fracture suffered by her, she is disabled from doing any work and therefore, the Tribunal should have adopted multiplier method, while calculating compensation. He further submits that the amounts awarded under other heads like loss of income during treatment period, pain and sufferings and loss of amenities are very much on lower side.

7. The learned counsel for the second respondent/insurance company would submit that the competent Medical Board had issued disability certificate- Ex.P8, assessing the disability suffered by the claimant at 35%. He further submits that there is no evidence available



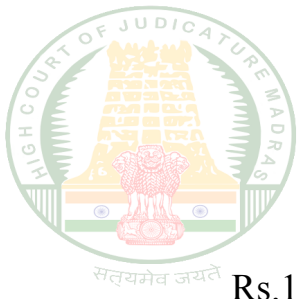
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on record to show that the disability suffered by the claimant interfered with her avocation and hence the Tribunal was justified in adopting percentage method while calculating the compensation amount.

8. As per Ex.P3 - discharge summary issued to the claimant, the Tribunal has given clarification that the claimant sustained fracture of left clavicle, fracture of left chest with left acetubal pelvis fracture and she was admitted in Srinivasa Speciality Hospital, Hosur on 01.08.2016 and discharged on 20.08.2016. The claimant was examined by the Medical Board and the disability certificate Ex.P8 was issued, assessing the disability suffered by the claimant at 35%. Since the disability suffered by the claimant was partial permanent disability and as there is no evidence to prove that the disability suffered by the claimant has affected the avocation of the claimant, the Tribunal was justified in adopting percentage method, while calculating the compensation amount.

9. The accident had occurred in the year 2016 and the Tribunal awarded a sum of Rs.5,000/- per percentage. Hence the amount of



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Rs.1,75,000/- (Rs.5000 x 35) awarded by the Tribunal towards partial permanent disability is confirmed.

10. The claimant was in hospital for nearly 20 days for treatment of fracture, as mentioned above. Therefore, the compensation awarded by the Tribunal under the head pain and sufferings is enhanced from Rs.5,000/- to Rs.20,000/-.

11. The claimant/PW1 in her evidence talked about the pain suffered by her during walking, sitting etc. Taking into consideration the above aspects, a sum of Rs.5,000/- awarded by the Tribunal towards loss of amenities is enhanced to Rs.30,000/-.

12. The accident had occurred in the year 2016. The claimant in her claim petition had stated that she was earning a sum of Rs.10,000/- per month. Therefore, by taking into consideration the facts and circumstances of the case and her own plea, the notional income fixed by the Tribunal at Rs.7,000/- is enhanced to Rs.10,000/- and due to the injury suffered by the claimant, she would have been kept out of work



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for nearly six months. Therefore, the amount of Rs.42,000/- awarded by the Tribunal towards loss of income is enhanced to Rs.60,000/-.

13. The compensation awarded by the Tribunal under the heads extra nourishment, transportation expenses and attender charges are also enhanced from Rs.2,000/- each to Rs.5,000/- each.

14. Accordingly, the compensation awarded by the Tribunal is revised as under:

Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Partial permanent disability	1,75,000	1,75,000	confirmed
2.	Future medical expenditure	10,000	10,000	confirmed
3.	Pain and sufferings	5,000	20,000	enhanced
4.	Loss of amenities	5,000	30,000	enhanced
5.	Extra nourishment	2,000	5,000	enhanced
6	Transportation expenses	2,000	5,000	enhanced
7	Attender charges	2,000	5,000	enhanced
8	Partial loss of income	42,000	60,000	enhanced
	Total	2,43,000	3,10,000	67,000



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15. With the above modifications, **this Civil Miscellaneous Appeal is partly allowed** and the compensation awarded by the Tribunal at Rs.2,43,000/- is hereby enhanced to **Rs.3,10,000/-** together with interest at 7.5% per annum (**excluding the default period of 504 days, as per the order passed by this court in CMP No.23668 of 2024, dated 13.02.2025**) from the date of petition till the date of deposit.

16. The **second respondent** is directed to deposit the compensation amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of **four weeks** from the date of receipt of a copy of this judgment. On such deposit being made, the appellant/ claimant shall be permitted to withdraw the compensation amount along with interest and costs, less the amount if any, already withdrawn, by making formal application before the Tribunal. There shall be no order as to costs.

24.02.2025

Index:Yes/No
Internet:Yes/No
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To

1. The Additional District Court,
Motor Accident Claims Tribunal,
Hosur.



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S.SOUNTHAR, J.

mst

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