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C.M.A.No.513 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM

THE HONOURABLE DR. JUSTICE **G.JAYACHANDRAN**

and

THE HONOURABLE MR. JUSTICE **MUMMINENI SUDHEER KUMAR**

C.M.A. No.513 of 2025

and

C.M.P. No.3681 of 2025

The Manager,
United India Insurance Company Limited,
Motor Claims III Party HUB,
Silingi Building, 4th Floor,
No.136, Greams Road, Chennai – 600 006.

.. Appellant

vs.

1.Tamilarasan
2.Best Tracks Shipping Logistics
Private Limited,
PART II, No.103, 2nd Floor,
Lingi Chetty Street,
Chennai – 600 001.

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1998 against the judgment and decree dated 20.03.2023 made in M.C.O.P. No.1249 of 2020 on the file of the Motor Accidents Claims Tribunal, Chennai (II Small Causes Court, Chennai).



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For Appellant : Mr.T.K.Premkumar

For Respondents : No appearance

JUDGMENT

(Judgment of the Court was delivered by **DR.G.JAYACHANDRAN, J.**)

This appeal is filed by the insurance company, being aggrieved by the quantum of compensation awarded by the Motor Accidents Claims Tribunal (II Small Causes Court), Chennai.

2. The facts in brief are as follows:

On 11.01.2020, at about 05.20 a.m., when the claimant/first respondent was walking along Adani Port Toll Gate, Kattupalli Village, a lorry bearing Registration No.TN 04 AP 5619 carrying cargo to the port dashed against the claimant, in which the claimant sustained 40% permanent disability. Hence, claim petition was filed against the owner of the lorry and the insurance company which has indemnified the vehicle from third party claim. Though the claim petition sought Rs.49,00,000/- as compensation, the Tribunal, on considering the



evidence regarding the earning capacity of the claimant, the injuries sustained by him and the age, had computed the compensation as follows:

Sl. No.	Heads	Amount
1	Towards Disability	Rs.12,09,600/-
2	Towards Pain and Sufferings	Rs.50,000/-
3	Towards Loss of Earning during treatment	Rs.30,000/-
4	Towards Medical Expenses	Rs.11,18,357/-
5	Towards Loss of Amenities	Rs.50,000/-
6	Towards Attender Charges	Rs.20,000/-
7	Towards Transportation Charges	Rs.20,000/-
8	Towards Extra Nourishment	Rs.20,000/-
	Total	Rs.25,17,957/-

The above said compensation with 7.5% interest from the date of petition till realisation was awarded by order dated 20.03.2023. The appeal is preferred on the following grounds:

(i) The place of accident is not a public road but a notified port area where the public have restricted permission to enter. Hence the accident cannot be construed as a road traffic accident.



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(ii) The Tribunal after applying the multiplier ought not to have awarded any compensation for the temporary loss of earning which is Rs.30,000/-.

(iii) Though the medical report indicates that the claimant has suffered 40% disability, there is no evidence to show that disability has impact on his earning capacity permanently. Therefore, the tribunal ought not to have applied multiplier method.

3. Though service was completed, the claimant had not entered appearance through counsel. There is no representation for the second respondent also.

4. The claimant had proved that the accident had occurred due to the rash and negligent driving of the driver of the lorry bearing Registration No.TN 04 AP 5619 and the place of accident is not denied but in the appeal, it is contended that it is not the public road, hence



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Motor Vehicles Act will not apply. This Court is unable to countenance the said argument. Port area is not a private place but only restricted public premises. Access to public is not prohibited but only restricted. Therefore, the definition of 'public place' squarely applies to the place of accident. This issue is no more *res integra* in view of the conclusive decision of a Full Bench of this Court rendered in **United India Insurance Co. Ltd., Vs. Parvathi Devi and Others** reported in **1999 ACJ 1520 (Mad) (FB)**, wherein the Division Bench, following the Full Bench judgment of the Bombay High Court, while answering the reference '*Whether the expression 'public place' for the purpose of chapter VIII of the Motor Vehicles Act, 1939 will cover all places including those of private ownership where members of the public have an access whether free or controlled in any manner whatsoever? or Whether it will cover only places where any member of the public would have access as of right to those places, whether public or private?*' held that the expression 'public place' for the purpose of Chapter VIII of the Motor Vehicles Act, 1939 will cover all places including those of private ownership where members of the public have an access whether free or controlled in any manner whatsoever.



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5. The definition of 'public place' as found in the Motor Vehicles Act, 1939 is identical to the definition in the Motor Vehicles Act, 1988.

Therefore, the decision of the Full Bench of this Court holds good to the facts of the case in hand also.

6. The other point for consideration is whether application of multiplier is appropriate in the present case. It is well settled by a catena of judgments that in case of permanent disability which has caused perpetual disability in the earning capacity, it is always appropriate to apply multiplier rather than fixing compensation based on the percentage of disability. In this case, the disability certificate which is marked as Ex.C1 indicates that the claimant has sustained locomotor + eye injury. He had been admitted in Apollo Hospital as inpatient from 11.01.2020 to 25.01.2020 and later on admitted in the Government Stanley Hospital for a further period of one month. Disability suffered is assessed at 40%. As a contract labourer in the port, the injury has permanently disabled him to earn to the fullest potential. Therefore, the Tribunal has rightly applied multiplier and this Court finds no error in it.



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7. The point left is whether after applying multiplier, the claimant is entitled for compensation towards temporary loss of earning during the period of treatment.

8. This Court is of the view that compensation for the temporary loss of income is not warranted, however, multiplier is applied and compensation was awarded for the period including the period of treatment. Hence from out of the award of Rs.25,18,000/-, Rs.30,000/- is deducted as excess and the award of Rs.24,88,000/- with 7.5% interest from the date of petition till the date of realisation is confirmed. The appellant is directed to deposit the award amount, less the amount already deposited, if any, to the credit of M.C.O.P.No.1249 of 2020 on the file of the Motor Accidents Claims Tribunal (II Small Causes Court, Chennai) within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the claimant is entitled to withdraw the entire amount deposited by filing appropriate application before the Tribunal.



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9. The civil miscellaneous appeal is partly allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[G.J., J.] [M.S.K., J.]
22.09.2025

Index:Yes/No
Neutral Citation:Yes/No
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To

The Motor Accidents Claims Tribunal
(II Court of Small Causes), Chennai.



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**DR.G.JAYACHANDRAN, J.
and
MUMMINENI SUDHEER KUMAR, J.**

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