



C.M.A.No.61 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.11.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.M.A.No.61 of 2021

R.Gurunathan

.... Appellant

V.

1. B. Narayanamoorthy
No.1, Cholan Street, Ondikuppam
Manavala Nagar,
Thiruvallur District – 602 002.
2. Bajaj Allianz General Insurance Co. Ltd.,
Bhagavathi Palace II Floor, J Block,
No.13, 3rd Avenue, Anna Nagar West,
Chennai – 600 102.
3. Manonmani
W/o Appusivamani
No.22/1, 1st Cross Chamarajpet,
Bangalore – 18.
4. National Insurance Co. Ltd.,
D.O.II. No.16, State Bank Road,
Coimbatore – 641 018.

.... Respondents



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Prayer: Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 10.04.2019 made in M.C.O.P.No.2623 of 2009 on the file of the Motor Accidents Claims Tribunal, Special Sub Court No.1, Small Causes Court at Chennai.

For Appellant :Ms.K.Ponmani
for Mr.P.Karunakaran

For Respondents :Mr.G.Vasudevan – R2
Ms.R.Sreevidhya - R4
R1 & R3 – set exparte

J U D G M E N T

Dr.G.Jayachandran, J.

This Civil Miscellaneous Appeal is filed by the claimant seeking enhancement of compensation being not satisfied with award dated 10.04.2019 passed by the Motor Accident Claims Tribunal, Special Sub Court No.1, Small Causes Court at Chennai. directing the second respondent Bajaj Allianz General Insurance Co. Ltd. to pay compensation of Rs.2,00,100/- for the injuries sustained by the claimant in the road accident occurred on 23.07.2008.

2. The case of the claimant is that when he was riding his two wheeler from Vellavedu to Poonamallee, a lorry which is proceeding towards



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Poonamallee hit when he was trying to negotiate a bus coming in the opposite direction. In the said accident, he sustained grievous injuries.

Therefore, he sought for compensation of Rs.35.00 lakhs, alleging that the injury has impaired his earning capacity as a staff in a private bank and further a fracture in the neck has caused permanent disability of 21%.

3. The Tribunal after taking note of the oral evidence of the claimant that he is facing pain on his right leg, difficulty in walking, standing for a long time, disability in climbing stairs and squatting had awarded a sum of Rs.2,00,100/- as under:

1. Disability	:	Rs. 63,000/-
2. Pain and Sufferings	:	Rs. 20,000/-
3. Transportation	:	Rs. 3,000/-
4. Medical Expenses	:	Rs. 43,750/-
5. Extra Nourishment	:	Rs. 10,000/-
6. Attender Charges	:	Rs. 5,000/-
7. Loss of Earnings	:	Rs. 35,357/-
8. Loss of future prospects	:	<u>Rs. 20,000/-</u>

Total Compensation is fixed at: Rs.2,00,107/-

Rounded off to : Rs.2,00,100/-

4. Learned counsel appearing for the appellant submits that the petitioner is not able to continue his job and he was forced to resign which is



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reflected in Ex.P.11. Hence, multiplier should have been applied for the loss of income and not a standard income of Rs.3,000/- per percentage. That apart, he also contends that there is ample evidence to show that the injury has caused 21% permanent disability and the claimant is facing difficulty in carrying on his day-to-day activities which has a direct impact on his quality of life and future prospects.

5. Learned counsel for the second respondent/Insurance Company submits that the petitioner has resigned the job on his own for personal reasons and not because of the injury sustained, which could be easily found from the resignation letter, marked as Ex.P.11. Though the accident took place in the month of July, 2008, he has resigned the job only in the year 2010 which would show that there is no relevancy between the resignation and the injury. Further he submits that there is no legal evidence to show that 21% disability has caused any loss in his earning capacity.

6. This Court has considered the rival submissions and the evidence adduced by the claimant. It is well found that he was working as a Sales Manager in HDFC Bank, Tiruvallur earning a sum of Rs.40,000/- per month at the time of accident. The accident was found to be due to the negligence



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of the driver of the bus bearing Registration No.TN 20 AH 2589 insured with the second respondent.

7. The Medical Board after assessing the injuries had opined the disability percentage as 21%. The nature of the injury as per the medical record reveals that the claimant has sustained compound fracture Grade 3 A Ipsilateral right lower limb injury with fracture neck of femur comminuted fracture patella and spiral comminuted fracture tibia (Schatzker Type VI) and the injury appears to be grievous in nature.

8. The claimant being a sales manager in a bank and proved to have earning around Rs.40,000/- per month by producing appointment order, salary certificate and bank statement, is not continuing in that job after two years of the accident. His disability of 21% is also well founded through the medical record.

9. In the said circumstances, this Court is of the view that the Tribunal ought to have paid just compensation under the head 'disability' as well as 'loss of future prospects'. Hence, we enhance the compensation under the head 'disability' from Rs.63,000/- to Rs.1,05,000/- and under the head 'loss of future prospects' from Rs.20,000/- to Rs.40,000/-. The award of the



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Tribunal in all other respects stands confirmed.

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10. As a result, ***the modified award of compensation to the claimant is as below:***

1. Disability	:	Rs.1,05,000/-
2. Pain and Sufferings	:	Rs. 20,000/-
3. Transportation	:	Rs. 3,000/-
4. Medical Expenses	:	Rs. 43,750/-
5. Extra Nourishment	:	Rs. 10,000/-
6. Attender Charges	:	Rs. 5,000/-
7. Loss of Earnings	:	Rs. 35,357/-
8. Loss of future prospects	:	<u>Rs. 40,000/-</u>

Total Compensation is fixed at: Rs.2,62,107/-

Rounded off to : Rs.2,62,100/-

11. In the result, ***C.M.A.No.61 of 2021 filed by the Claimant/appellant is partly allowed with costs and the claimant is entitled for the modified award of Rs.2,62,100/- as compensation.*** The second respondent/Insurance Company is directed to deposit the modified award amount with interest at the rate of 7.5% p.a. from the date of filing of the petition till the date of realisation within a period of eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited if any before the Court. Upon deposit, the claimant is permitted to



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withdraw the modified award amount, less the amount, if any, already
withdrawn on filing an appropriate petition before the trial Court.

(Dr.G.J.J.) & (M.S.K.J.)
05.11.2025

Index:yes/no
Internet:yes
Speaking order/non speaking order
Neutral citation:yes/no
sl

To

1.The Motor Accidents Claims Tribunal, Special Sub Court No.1, Small Causes Court at Chennai.

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and
MUMMINENI SUDHEER KUMAR, J.

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4. Manonmani



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