



WEB COPY

CMA No. 3383 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3383 of 2024

AND

CMP NO. 28455 OF 2024, CMP NO. 10057 OF 2025

1. B Hameed Basha

No. 49-B, Chinnappan Street,
Manjakuppam, Cuddalore- 607 001.

2. The National Insurance Co Ltd

No. 165, Nethaji Road, Manjakuppam,
Cuddalore

Appellant(s)

Vs

1. K Kalaiyarasan

No.13/12, Pattai Street,
Abatharanapuram, Vadalur Post,
Kurinjpadi Taluk

Respondent(s)

CMA No. 3383 of 2024

PRAYER

To set aside the order in MCOP.No.666/2018 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge at Cuddalore dated 22-02-2024 and thus render justice



CMA No. 3383 of 2024

WEB COPY

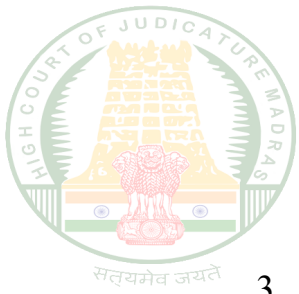
For Appellant(s): Mr.M.Krishnamoorthy

For Respondent(s): Mr.Neethidurai

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the order in MCOP.No.666/2018 on the file of the Motor Accidents Claims Tribunal, Special Subordinante Judge at Cuddalore.

2. On 11.10.2017 at about 09.15 p.m., while the claimant was riding his motorcycle bearing registration No. TN 31 C 9437 at his extreme left side of the main road near collector bungalow, the first respondent's vehicle bearing registration No. PY 01 AG 2805 came at a very high speed in a rash and negligent manner dashed against the claimant due to which he sustained injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The respondents/appellants herein contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a compensation of Rs.24,12,043/-. Challenging the award passed by the tribunal the appellant filed this appeal.



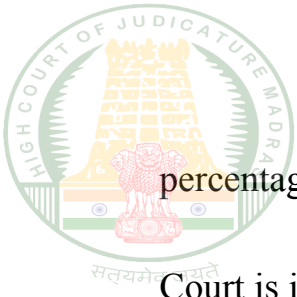
WEB COPY

3. The learned counsel for the appellant submits that the without any medical proof the tribunal has adopted multiplier method. Neither, the claimant sustained any permanent disability nor any amputation without which the tribunal has adopted multiplier method. Hence, he prays to set aside the award passed by the tribunal.

4. The learned counsel for the claimant submits that the claimant has sustained grievous injuries therefore the tribunal rightly adopted multiplier method and awarded compensation which needs no interference. Hence, he prays to dismiss this appeal.

5. Heard the submissions of the learned counsel for the parties and perused the materials available on records.

6. On perusal of the records, the facts reveal that the claimant has taken treatment only for two days and also he has not produced any medical record to prove that he has taken treatment further. As per medical records, it clearly reveals that he sustained fracture and as per Ex.C1 medical assessed 57.2% partial permanent disability therefore the tribunal ought to have adopted per



percentage method but erroneously adopted multiplier method. Hence, this

Court is inclined to set aside the award passed by the tribunal.

WEB COPY

7. Further, as per Ex.C1/disability certificate the claimant sustained 57.2% disability. Hence, this Court is inclined to take 57% disability and also considering the cost of living at the time of the accident this Court is inclined to fix Rs.6,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.3,42,000/- under the head of disability.

8. The claimant is an advocate by profession therefore this Court is inclined to fix Rs.25,000/- as income of the claimant. Due to the said accident the claimant would have lost his earnings for six months. Accordingly, the claimant is entitled to Rs.1,50,000/- under the head of loss of earnings for six months. The claimant sustained greivous injuries hence he requires nourishment. Therefore, this Court is inclined to fix Rs.15,000/- for extra nourishment. Further, the tribunal awarded very less amount for transportation hence this Court is inclined to enhance the amount awarded for transportation from Rs.5,000/- to Rs.10,000/-. Except above modification, the award passed by the tribunal in other heads remain unchanged.



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

WEB COPY

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	Nil	Rs.1,50,000/-
3.	Medical Expenses	Rs.78,321/-	Rs.78,321/-
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.10,000/-	Rs.10,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.85,000/-	Rs.85,000/-
9.	For disability	Rs.21,23,722/-	Rs.3,42,000/-
10	Total	Rs.24,12,043/-	Rs.7,90,321/-

Rounded off to Rs.7,90,300/-

10. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.7,90,300/-. The second appellant 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.666/2018 on the file of the Motor Accidents Claims Tribunal, Special Subordinante Judge at Cuddalore , within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the claimant is permitted



to withdraw the award amount by making formal application before the

Tribunal. The second respondent is permitted to withdraw the excessive amount

deposited before the tribunal.

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

08-08-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accidents Claims Tribunal, Special Subordinate Judge at Cuddalore.

2. The Section officer, V.R Section, High Court, Madras.



WEB COPY

CMA No. 3383 of 2024





WEB COPY

CMA No. 3383 of 2024



T.V.THAMILSELVI J.

pbl

**CMA No. 3383 of 2024
AND CMP NO. 28455
OF 2024,CMP NO.
10057 OF 2025**

08-08-2025