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CMA No. 1514 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1514 of 2024

1. BHAVANIDHARAN

S/o. Palani, Nadupatti Village,
Akkamanhalli Post, Dharmapuri
District

Appellant(s)

Vs

1. R.Ramakrishnan

S/o. P Rajappan, No.2/207,
Kalanikatanoor Village, nagarkoodal
Post, Dharmapuri District

2.The national Insurance Company
Ltd.,

Branch Office No.1/3-51, ASTC Head
Office Near, Salem Main Road,
Dharmapuri District

Respondent(s)



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PRAYER

To allow the CMA by setting aside the Judgment and decree made in MCOP No.759/2014 dt. 26.08.2022 on the file of the Motor Accident Claims Tribunal the Principal Subordinate Judge) Dharmapuri and enhance the award amount and thus render justice.

CMA No. 1514 of 2024

For Appellant(s): Mr.S.Sathiaseelan

For Respondent(s): R1 - Exparte Ms.N.B.Sureka For
R 2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to aside the Judgment and decree made in MCOP No.759/2014 dt. 26.08.2022 on the file of the Motor Accident Claims Tribunal the Principal Subordinate Judge) Dharmapuri(in short "tribunal") and enhance the award amount.

2. On 17.02.2014 at about 08.30 a.m., the claimant and his aunty were ridding in the Hero Honda Splendor motorcycle bearing registration No. TN 29 AC 4339 at the Dharmapuri-Morapur main road, when the claimant was trying to turn the bike, the unregistered Hero Honda Splendor pro bike dashed against



the claimant, due to which the claimant sustained grievous injuries. Thereafter

the claimant filed the petition before the tribunal claiming compensation. The

second respondent contested the case by filing counter. After considering the

oral and documentary evidence the tribunal awarded compensation. Challenging

the quantum of compensation the claimant filed this appeal.

3. The learned counsel for the appellant/claimant submits that the claimant has sustained 30% permanent disability but the tribunal has awarded Rs.3,000/- per percentage of disability without applying multiplier method. To substantiate his claim the learned counsel relied the judgements of the Supreme Court reported on 2023 (3) SCC 439 in the case of Sidram Vs. United India Insurance Company Ltd.

113. Before we close this matter, it needs to be underlined, as observed in [Pappu Deo Yadav](#) (supra) that Courts should be mindful that a serious injury not only permanently imposes physical limitations and disabilities but too often inflicts deep mental and emotional scars upon the victim. The attendant trauma of the victim's having to live in a world entirely different from the one she or he is born into, as an invalid, and with degrees of dependence on others, robbed of complete personal choice or autonomy, should forever be in the judge's mind, whenever tasked to adjudge compensation



claims. Severe limitations inflicted due to such injuries undermine the dignity (which is

now recognized as an intrinsic component of the right to life under [Article 21](#)) of the

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individual, thus depriving the person of the essence of the right to a wholesome life which she or he had lived, hitherto. From the world of the able bodied, the victim is thrust into the world of the disabled, itself most discomfiting and unsettling. If courts nit-pick and award niggardly amounts oblivious of these circumstances, there is resultant affront to the injured victim. [See: [Pappu Deo Yadav](#) (supra)]

4. Further, he relied another judgement in the case of Sandeep Khanuja Vs Atul Dande and another reported 2017 3 SCC 351:

We may observe at the outset that it is now a settled principle, repeatedly stated and restated time and again by this Court, that in awarding compensation the multiplier method is logically sound and legally well established. This method, known as 'principle of multiplier', has been evolved to quantify the loss of income as a result of death or permanent disability suffered in an accident. Recognition to this principle was given for the first time in the year 1966 in the case of [Municipal Corporation of Delhi v. Subhagwanti & Ors.](#)[1] Again, in [Madhya Pradesh State Road Transport Corporation, Bairagarh, Bhopal v. Sudhakar & Ors.](#)[2], the Court referred to an English decision while emphasising the import of this principle in the following manner:

“4. A method of assessing damages, usually followed in England, as appears from [Mallet v. McMonagle](#)[3], is to calculate the net pecuniary loss upon an annual basis and to “arrive at the total award by multiplying the figure assessed as the amount of the annual ‘dependency’ by a number of ‘year's purchase’ that is the number of years the benefit was expected to last, taking into consideration the imponderable factors in fixing either the multiplier or the multiplicand...” While applying the



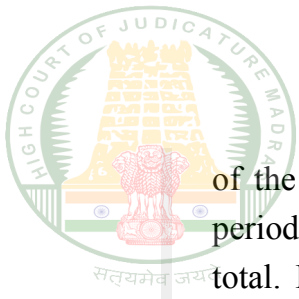
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multiplier method, future prospects on advancement in life and career are taken into consideration. In a proceeding under [Section 166](#) of the Act relating to death of the victim, multiplier method is applied after taking into consideration the loss of income to the family of the deceased that resulted due to the said demise. Thus, the multiplier method involves the ascertainment of the loss of dependency or the multiplicand having regard to the circumstances of the case and capitalising the multiplicand by an appropriate multiplier. The choice of the multiplier is determined by the age of the deceased or that of the claimant, as the case may be. In injury cases, the description of the nature of injury and the permanent disablement are the relevant factors and it has to be seen as to what would be the impact of such injury/disablement on the earning capacity of the injured. This Court, in the case of [U.P. State Road Transport Corporation & Ors. v. Trilok Chandra & Ors.](#)[4] justified the application of multiplier method in the following manner: “13. It was rightly clarified that there should be no departure from the multiplier method on the ground that [Section 110-B](#), Motor Vehicles Act, 1939 (corresponding to the present provision of [Section 168](#), Motor Vehicles Act, 1988) envisaged payment of ‘just’ compensation since the multiplier method is the accepted method for determining and ensuring payment of just compensation and is expected to bring uniformity and certainty of the awards made all over the country.” The multiplier system is, thus, based on the doctrine of equity, equality and necessity. A departure therefrom is to be done only in rare and exceptional cases.

In the last few years, law in this aspect has been straightened by this Court by removing certain cobwebs that had been created because of some divergent views on certain aspects. It is not even necessary to refer to all these cases. We find that the principle of determination of compensation in the case of permanent/partial disablement has been exhaustively dealt with after referring to the relevant case law on the subject in the case of [Raj Kumar v. Ajay Kumar & Ors.](#)[5] in the following words:

“Assessment of future loss of earnings due to permanent disability

8. Disability refers to any restriction or lack of ability to perform an activity in the manner considered normal for a human being. Permanent disability refers to the residuary incapacity or loss of use of some part of the body, found existing at the end of the period of treatment and recuperation, after achieving the maximum bodily improvement or recovery which is likely to remain for the remainder life of the injured. Temporary disability refers to the incapacity or loss of use of some part



of the body on account of the injury, which will cease to exist at the end of the period of treatment and recuperation. Permanent disability can be either partial or total. Partial permanent disability refers to a person's inability to perform all the duties and bodily functions that he could perform before the accident, though he is able to perform some of them and is still able to engage in some gainful activity. Total permanent disability refers to a person's inability to perform any avocation or employment related activities as a result of the accident. The permanent disabilities that may arise from motor accident injuries, are of a much wider range when compared to the physical disabilities which are enumerated in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ("the Disabilities Act", for short). But if any of the disabilities enumerated in Section 2(i) of the Disabilities Act are the result of injuries sustained in a motor accident, they can be permanent disabilities for the purpose of claiming compensation.

5. By submitting the above judgements, the learned counsel for the appellant/claimant submits that without considering the nature of the injury the tribunal has passed the award and also it awarded very less amount in other heads. Hence, the learned counsel prays to enhance the compensation.

6. The learned counsel for the second respondent raised strong objection stating that at the time of the accident the claimant was minor and he driven the motorcycle without valid driving licence and he himself invented the accident. Further, the claimant has sustained simple fracture which is partial disability therefore the tribunal has fixed Rs.3,000/- per percentage of disability. Hence,



he prays to dismiss this appeal.

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7. Heard, the submissions of the learned counsel for the appellant/claimant and the respondent and perused the materials available on records.

8. On perusal of the records, the fact reveal that the claimant was minor at the time of the accident, who has sustained injuries and taken in-patient for only 5 days in the hospital and he has sustained partial disability. Hence, this Court is not inclined to adopt multiplier method. However, the accident was happened in the year 2014 but the tribunal has fixed only Rs.3,000/- per percentage of disability which is erroneous. Considering the year of the accident, this Court is inclined to fix Rs.4,000/- per percentage of disability. Accordingly the claimant is entitled to Rs.1,20,000/- for 30% disability. Further, the tribunal has fixed Rs.6,000/- as notional of the claimant, which is very less hence this Court is inclined to fix Rs.9,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.54,000/- under the head of loss of income for six months. The tribunal has failed to award compensation for pain and sufferings and loss of amenities, hence this Court is inclined to fix Rs.20,000/- for pain



and sufferings, and Rs.50,000/- for loss of amenities and Rs.15,000/- for attender charges. Further, the tribunal has awarded Rs.3,000/- for greivous injuries which is unwarranted and ordered to be deleted. Except above modification, order 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:-

S.N o.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Nil	Rs.20,000/-
2.	Loss of Income	Rs.24,000/-	Rs.54,000/-
3.	Medical Expenses	Rs.80,886/-	Rs.80,886/-
4.	Transportation expenses	Rs.24,160/-	Rs.24,160/-
5.	Extra Nourishment	Rs.25,000/-	Rs.25,000/-
6.	Attender charges	Rs.10,000/-	Rs.10,000/-
7.	Greivous injuries	Rs.3,000/-	Nil
8.	Lost of amenities	Nil	Rs.50,000/-
9.	For permanent disability	Rs.90,000/-	Rs.1,20,000/-
10	Total	RS.2,57,046/-	Rs.3,84,046/-

Rounded off to Rs.3,84,100/-



10. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 3,84,100/-**. 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.759/2014 on the file of the Motor Accident Claims Tribunal the Principal Subordinate Judge) Dharmapuri, 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.

11. 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

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S/o. P Rajappan, No.2/207,
Kalanikatanoor Village, nagarkoodal
Post, Dharmapuri District

2.The national Insurance Company

Ltd.,
Branch Office No.1/3-51, ASTC Head
Office Near, Salem Main Road,
Dharmapuri District.

3. The Motor Accident Claims Tribunal
(the Principal Subordinate Judge)
Dharmapuri.

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



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T.V.THAMILSELVI J.

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