



WEB COPY



CMA.No.423 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.423 of 2025

Lawrence @ Larens

... Appellant

Vs.

1.Veeramanikandan

2. The Branch Manager,
Shriram General Insurance Company Limited,
No.E-8, EPIP, RIICO Industrial Area,
Sitapura, Jaipur, Rajasthan 302 022.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 as against the judgment and decree dated 25.07.2018 passed in MCOP No.10 of 2015 by the Additional District Judge, Motor Accident Claims Tribunal, Hosur.

For appellant : Mr.S.P.Yuvaraj

For Respondents : Mr.R.Sreevidhya for second respondent



CMA.No.423 of 2025

WEB COPY

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 absent before the Tribunal and hence, notice to him is dispensed with.

3. Both the counsel for the appellants 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.

4. The learned counsel for the appellant would submit that before accident, the appellant/claimant was employed as a painter and he was earning a sum of Rs.20,000/- per month and due to the amputation of his right leg at below knee level, the appellant is disabled from continuing his avocation as painter. Learned counsel further submits that the amount of Rs.12,000/- fixed by the Tribunal as income of the



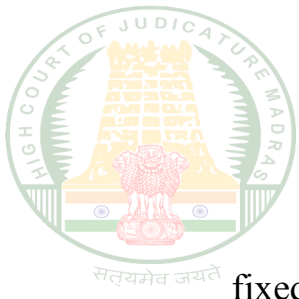
CMA.No.423 of 2025

WEB COPY

victim is very much on lower side. He also submits that having regard to the date of accident, an amount of Rs.50,000/- fixed by the Tribunal towards loss of marriage prospects is also on lower side.

5. The learned counsel for the second respondent /insurance company would submit that the claimant/appellant has not produced any documents to show that he was employed as a painter and in the absence of any material evidence to prove the income, the Tribunal was justified in fixing the monthly income of the claimant at Rs.12,000/- per month. She further submits that the claimant was aged about 34 years on the date of accident and hence, an amount of Rs.50,000/- awarded under the head Loss of Marriage Prospects is also just and reasonable.

6. In the claim petition, it was averred by the claimant that he was employed as a painter and earning a sum of Rs.20,000/- per month. In order to support the said plea, he entered the box and deposed as PW1. Even if the income of the claimant has not been proved by adducing documentary evidence, notional income can be



CMA.No.423 of 2025

WEB COPY

fixed by taking into account the year of accident. Therefore, having regard to the year of accident (2014), this court feels that it would be appropriate to fix notional income at Rs.14,000/- per month.

7. It is not in dispute that due to the accident, the right leg of the claimant was amputated below knee level. Hence, the claimant cannot continue his avocation as painter or do any other manual job. Hence, the injury suffered by him interferes with his avocation. Therefore, it would be appropriate to follow multiplier method. Based on the discharge summary Ex.P2, the Tribunal fixed the age of the claimant at 34 years. As per the law laid down by the ***Honourable Supreme Court in National Insurance Company Limited Vs. Pranay Sethi and others reported in AIR 2017 SC 5157(Special Leave Petition (Civil) No.25590 of 2014 dated 31.10.2017)***, 40% of income should be enhanced towards future prospects. Proper multiplier relevant to the age of the claimant is '16' and the disability suffered by the appellant is fixed at 60%, as per Ex.P13 disability certificate issued by the District Medical Board, Krishnagiri. Therefore, loss of earning power is fixed at Rs.22,57,920/- $[19,600 (14,000 + 5600) \times 12 \times 16 \times 60\%]$



CMA.No.423 of 2025

WEB COPY

8. As far as the future medical expenses (towards artificial limb is concerned, the Tribunal awarded only a sum of Rs.50,000/-. However, the Tribunal awarded a higher sum of Rs.1,00,000/- under the head pain and sufferings. The amount awarded under the head future medical expenses is on lower side and the amount awarded under the head pain and sufferings is on higher side. Actually the same shall be vice versa. Hence, taking into consideration the future medical expenses towards prosthetic limb, the amount under the said head is increased to Rs.1,00,000/-. The amount under the head pain and sufferings is reduced to Rs.50,000/-.

9. Taking into consideration the impact of the accident, the compensation awarded by the Tribunal towards loss of marriage prospects is enhanced from Rs.50,000/- to Rs.1,00,000/-.

10. The Tribunal awarded a sum of Rs.50,000/- under the head " discomfort, frustration and loss of social enjoyment". The said amount shall be treated as compensation under the head " loss of amenities".

11. In addition to the above mentioned sum, the Tribunal also awarded a sum of Rs.5,52,960/- towards loss of future prospects. Since



WEB COPY

future prospects already included while calculating compensation under multiplier method, above said amount under the separate head " Future Prospects" is set aside.

12. The amounts awarded by the Tribunal under other heads are confirmed.

13. Accordingly, the revised compensation awarded by this Court is tabulated as under:

Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of earning power	13,82,400	22,57,920	enhanced
2.	Medical expenses	1,73,874	1,73,874	confirmed
3.	Future medical expenses	50,000	1,00,000	enhanced
4.	Transportation charges	18,500	18,500	confirmed
5.	Nutrition charges	40,000	40,000	confirmed
6	Attender charges	50,000	50,000	confirmed
7	Pain and sufferings	1,00,000	50,000	reduced
8	Loss of amenities	50,000	50,000	confirmed
9	Loss of future prospects	5,52,960	nil	set aside
10	Loss of marriage prospects	50,000	1,00,000	enhanced
	Total	24,67,734	28,40,294	enhanced by 3,72,560



CMA.No.423 of 2025

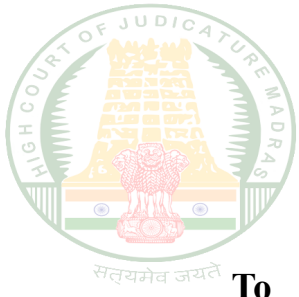
WEB COPY

14. With the above modifications, this Civil Miscellaneous Appeal is allowed and the compensation awarded by the Tribunal at Rs.24,67,734/- is hereby enhanced to **Rs.28,40,294/-** together with interest at 7.5% per annum (**excluding the interest for the default period of 2209 days**) from the date of petition till the date of deposit. The appellant is directed to pay applicable additional court fee.

15. 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, 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. No costs.

17.02.2025

Index:Yes/No
Internet:Yes/No
mst



CMA.No.423 of 2025

To
WEB COPY

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



WEB COPY



CMA.No.423 of 2025

S.SOUNTHAR, J.

mst

CMA No.423 of 2025

17.02.2025