



C.M.A.No.87 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.A.No.87 of 2022
and C.M.P.No.562 of 2022

The Manager
United India Insurance Company Ltd.,
Bye Pass Road
Dharmapuri District

... Appellant

vs.

1.Rishikumar

2.R.Prabhu

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment dated 06.06.2018 made in M.C.O.P.No.123 of 2017 on the file of the Motor Accident Claims Tribunal (Special Sub Judge) Krishnagiri.

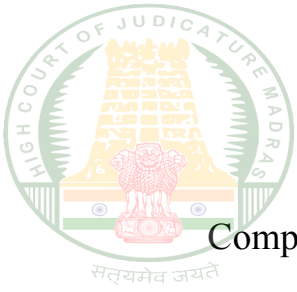
For Appellant : Mr.C.Paranthaman

For R1 : Mr.S.Murugan

For R2 : Notice Dispensed With

J U D G M E N T

Aggrieved by the quantum of compensation fixed by the Motor Accident Claims Tribunal (Special Sub Judge), Krishnagiri in M.C.O.P.No.123 of 2017, dated 06.06.2018, the Appellant/Insurance



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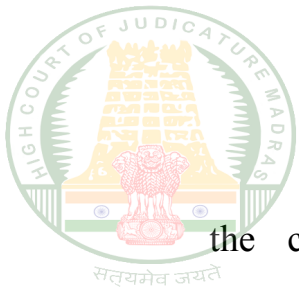
Company has come by way of this appeal.

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2. It is not in dispute that the 1st respondent/claimant suffered injuries in a road accident that had occurred on 31.07.2015 involving the bus insured with the Appellant-Insurance Corporation and belonged to the 2nd respondent herein. It was the case of the 1st respondent/claimant that when he was travelling in the bus belonged to the 2nd respondent insured with the Appellant/Insurance Company on 31.07.2015, the Driver of the bus had driven the bus in a rash and negligent manner and attempted to overtake the JCP Vehicle, the driver of the bus lost his control and as a result of the same, the bus dashed against the JCP. The claimant received multiple injuries and hence, a claim petition was laid seeking compensation of Rs.20,00,000/-.

3. Before the Tribunal, the 1st respondent/claimant was examined as PW.1 and on his behalf, 14 documents were marked as Exs.P1 to P14. On behalf of the Appellant/Insurance Company, no witnesses were examined and no documents were marked. The Disability Certificate issued by the Medical Board to the claimant marked as Ex.C1.

4. The Tribunal based on the evidence available on record, came to the conclusion that accident had occurred only due to the negligence of the driver of the bus insured with Appellant-Insurance Company and quantified



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the compensation at Rs.8,50,000/-. Aggrieved by the quantum of compensation fixed by the Tribunal, the Appellant/Insurance Company has come before this Court.

5. The learned counsel appearing for the Appellant/Insurance Company would submit that the Tribunal having applied multiplier method has committed an error in awarding Rs.50,000/- each under the heads pain and sufferings and loss of amenities and enjoyment of life. The learned counsel further submits that the Tribunal awarded interest at the rate of 9% and the same is liable to be reduced at 7.5%.

6. The learned counsel appearing for the 1st respondent-claimant would submit that having regard to the nature of the injuries and period of hospitalisation, the amount of Rs.50,000/- each awarded by the Tribunal under the heads pain and sufferings and loss of amenities and enjoyment of life are reasonable and the same need not disturbed.

7. It is seen from the award passed by the Tribunal, the Medical Board which examined the claimant has given its opinion under Ex.C1 fixing the



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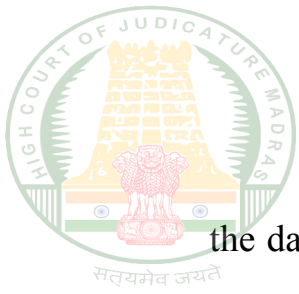
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disability of the claimant at 30%. The claimant was a Polytechnic Student at the time of accident, therefore, the Tribunal fixed the notional income at Rs.8,000/- per month and applied multiplier method. The amount under the head loss of earning power was quantified at Rs.6,05,000/-. The Tribunal also awarded Rs.90,000/- under the head medical expenses. The same is based on evidence available on record. Having regard to the disability certificate issued by the Medical Board and the nature of the fracture suffered by the claimant and the fracture of both the bones in left leg, this Court feels that the Tribunal was justified in adopting multiplier method and quantified the compensation under the head disability. However, having adopted multiplier method, the Tribunal ought not have awarded Rs.50,000/- each under the heads pain and sufferings and loss of amenities and enjoyment of life. The amount awarded under those heads are reduced to Rs.40,000/- each. The amount awarded by the Tribunal under various other heads like medical expenses, transport expenses, nutrition and attenders charges are affirmed. The amount of Rs.10,000/- awarded under the head damages to clothes is set aside. Accordingly, the award passed by the Tribunal is modified as follows:-



Sl. No.	Description	Compensation awarded by the Tribunal	Compensation awarded by this Court	Remarks
1.	Loss of Earning Power	Rs.6,05,000/-	Rs.6,05,000/-	Confirmed
2.	Medical Expenses	Rs.90,000/-	Rs.90,000/-	Confirmed
3.	Transport Expenses	Rs.30,000/-	Rs.30,000/-	Confirmed
4.	Nutrition and Attenders charges	Rs.15,000/-	Rs.15,000/-	Confirmed
5.	Pain and Sufferings	Rs.50,000/-	Rs.40,000/-	Reduced
6.	Loss of Amenities and Enjoyment of life	Rs.50,000/-	Rs.40,000/-	Reduced
7.	Damages to clothing and articles	Rs.10,000/-	-	Set aside
		Rs.8,50,000/-	Rs.8,20,000/-	Reduced by Rs.30,000/-

8. In view of the discussions made earlier, the compensation amount of Rs.8,50,000/- awarded by the Tribunal is reduced to Rs.8,20,000/-. The Tribunal awarded interest at the rate of 9%. Taking into consideration the prevailing bank rate and inflation, this Court feels it would be appropriate to direct the Appellant-Insurance Company to pay interest at the rate of 7.5% from the date of accident to the date of realisation. The Appellant/Insurance Company is directed to deposit the award amount of Rs.8,20,000/- together with interest at the rate of 7.5% per annum from the date of claim petition to



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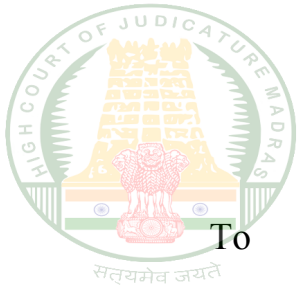
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the date of realisation, after deducting the amount already deposited, if any, to the credit of M.C.O.P.No.123 of 2017 on the file of the Motor Accident Claims Tribunal (Special Sub Judge), Krishnagiri, within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the 1st respondent/claimant is entitled to withdraw the award amount by making formal application before the Tribunal.

9. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

10.03.2025

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

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- 1.The Motor Accident Claims Tribunal
(Special Sub Judge) Krishnagiri.
- 2.The Section Officer,
VR Section,
High Court, Madras.



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S.SOUNTHAR, J.

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