



C.M.A(MD)No.1164 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

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THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

C.M.A(MD)No.1164 of 2024

Kumaramurugan

... Appellant/Petitioner

-Vs-

1.S.Poongodi

2.United India Insurance Company Limited,
KMR Complex,
Mettur Main Road, Bhavani,
Erode District 638 301.

... Respondents/Respondents

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act, 1998, as against the fair and decreetal order dated 31.10.2022 passed in MCOP No.393 of 2020 by the learned Motor Accident Claims Tribunal cum Special Subordinate Judge, Dindigul.

For Appellant
For R2

: Mr.D.Boopal
: Mr.C.Jawahar Ravindran



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J U D G M E N T

Being aggrieved by the Award dated 31.10.2022 passed in MCOP No.393 of 2020 by the Motor Accident Claims Tribunal/Special Subordinate Judge, Dindigul, this Civil Miscellaneous Appeal is preferred by the claimant for enhancement of compensation.

2.Heard the arguments of the learned counsel for the appellant and the learned counsel for the second respondent/Insurance Company.

3.Upon consideration, the Tribunal fixed notional income of the appellant at Rs.6,500/- by adopting multiplier method for 60% of the functional disability, for loss of income, an amount of Rs.7,95,600/- was granted. For extra nourishment and for attender charges, a sum of Rs. 10,000/- was granted under each head. For Transport expenses and for loss of amenities, a sum of Rs.20,000/- and 30,000/- were granted respectively. For pain and sufferings, sum of Rs.75,000/- was granted and for damage and clothes, a sum of Rs.5,000/- was granted. In all, a sum of Rs.9,45,600/- was granted by the Tribunal as compensation.



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4.The learned counsel for the appellant would vehemently argue that the petitioner was working as a agricultural coolie and earning a sum of Rs.20,000/- per month at the relevant point of time and the Tribunal has fixed his monthly income at Rs.6,500/- per month is very less and sought for enhancement of compensation.

5.It has come on record through the evidence of P.W.1/claimant that he was working as an agricultural coolie at the relevant point of time and earning a sum of Rs.20,000/- per month. The date of accident is 23.03.2020. As per Ex.P.8-copy of the Transfer Certificate is enclosed with the copy of the degree certificate, wherein his date of birth is mentioned as 31.05.1992 in the transfer certificate. At the relevant point of time, the age of the petitioner was 27 years. In consideration of the above said details, the notional income of the claimant is safely fixed at Rs.13,000/- per month. The Tribunal has fixed the functional disability at 60% and invoked multiplier method to compute the loss of future income, which cannot be found fault with. Based on the aforesaid details, the loss of future income is computed as follows: $13,000/- \times 17 \times 12 \times 60/100 = 15,91,200/-$.



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6.As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and it needs no interference. The compensation awarded by the Tribunal is reworked and tabulated hereunder:

S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of future Income	Rs.7,95,600/-	Rs.15,91,200/-	Enhanced
2	For Transportation charges	Rs.20,000/-	Rs.20,000/-	Confirmed
3	For extra nourishment	Rs.10,000/-	Rs.10,000/-	Confirmed
4	For damages to clothing and articles	Rs.5,000/-	Rs.5,000/-	Confirmed
5	For pain and sufferings	Rs.75,000/-	Rs.75,000/-	Confirmed
6	For Attender charges	Rs.10,000/-	Rs.10,000/-	Confirmed
7	For loss of amenities	Rs.30,000/-	Rs.30,000/-	Confirmed
	Total	Rs.9,45,600/-	Rs.17,41,200/-	Enhanced by Rs.7,95,600/-

For IT deduction at 10%, Rs.79,560/-

Rounded off to Rs.17,41,000/-



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7. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.9,45,600/- to Rs.17,41,000/-.

(iii) The Insurance Company/second respondent is directed to deposit the enhanced compensation amount i.e., Rs.17,41,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.393 of 2020 on the file of Motor Accidents Claims Tribunal cum Special Subordinate Court Dindigul, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant/appellant is permitted to withdraw the award amount along with interest and costs as apportioned by the Tribunal, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The claimant/appellant is directed to pay the Court fee for the enhanced compensation amount, if required.



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(vi) The Tribunal shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

(vii)No costs.

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NCC:Yes/No

Index:Yes/No

Internet::Yes/No

To

1.The Motor Accident Claims Tribunal
cum Special Subordinate Court,
Dindigul.



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R. KALAIMATHI,J.

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