

C.M.A(MD)No.545 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 24.06.2025

Pronounced on : 26.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.545 of 2025

Ponnar : Appellant/Petitioner

Vs.

1.Chandrasekar

2.Nesta

3.The Divisional Manager,
United India Insurance Co.Ltd.,
Divisional Office,
No.4 Promenade Road,
Cantonment, Trichy – 1.

4.Senthilkumar : Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree, dated 02.04.2024 passed in M.C.O.P.No.126 of 2021 on the file of the Motor Accident Claims Tribunal/Special District Court No.I to deal with MCOP cases, Tirchirappalli.



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For Appellant : Mr.P.Rajalingam

For Respondents : Mr.AS.Mathialagan, for R3.

J U D G M E N T

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.126 of 2021, dated 02.04.2024 on the file of the Motor Accident Claims Tribunal/Special District Court to deal with MCOP cases, Tirchirappalli.

2.The appellant/claimant, who was awarded compensation of Rs.3,75,927/- with interest at 7.5% per annum for the disability suffered by him, consequent to an accident occurred on 04.01.2024, challenged the quantum of compensation awarded at by the Tribunal and claimed the enhancement of the same.

3.For sake of convenience and brevity, the parties will herein after be referred as per their status/ranking before the trial Court.

4.The learned counsel for the appellant/claimant would submit that the claimant sustained multiple grievous injuries all over the body; that he suffered fracture of upper and lower jaw and lower row of teeth have fallen

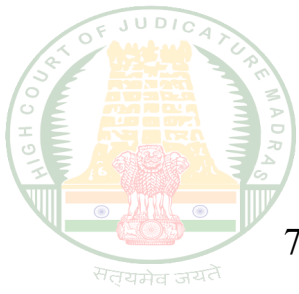


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out and that he was aged 21 years at the time of accident and that he is working as an electrician and he is getting monthly income of Rs.30,000/-.

5. It is evident from Ex.P.7/Discharge summary that he was admitted on 05.01.2021 and discharged on 20.01.2021 and again he was admitted on 17.02.2021 and was discharged on 19.02.2021. The Medical Board has issued disability certificate under Ex.C1 fixing disability at 10%. As rightly contended by the learned counsel for the insurer, the claimant has not shown that he suffered permanent or functional disability. Considering the medical evidence available on record, the decision of the Tribunal in adopting percentage method instead of multiplier method, cannot be found fault with.

6. No doubt, the Tribunal awarded Rs.5,000/- per percentage of disability. Since the accident was occurred in the year **2021**, this Court is inclined to award Rs.10,000/- per percentage of disability and as such, the claimant is entitled to get **Rs.1,00,000/-** towards disability compensation.



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7.The Tribunal considering the medical bills produced rightly awarded **Rs.2,46,427/-** towards medical expenses. The Tribunal also awarded **Rs.50,000/-** towards pain and sufferings and **Rs.20,000/-** for extra nourishment and **Rs.9,500/-** towards attender charges.

8.As rightly pointed out by the learned counsel for the claimant, the Tribunal has not awarded any amount towards loss of income for the treatment period and also for transportation charges. Though the claimant has alleged that he is working as an electrician and is getting salary **Rs.30,000/-**, he has not produced any iota of evidence to substantiate his claim. Considering the age and in the absence of any evidence/material to show the avocation and income, this Court notionally fixed the monthly income at **Rs.15,000/-**.

9.As already pointed out, the petitioner had taken inpatient treatment initially for 16 days and subsequently for three days. Considering the period of inpatient treatment and the nature of injuries suffered, this Court awards **Rs.45,000/-** for loss of income for three months. Considering the nature of injuries, consequent disability sustained and inpatient treatment period and other attending circumstances, this Court is inclined to award **Rs.15,000/-**



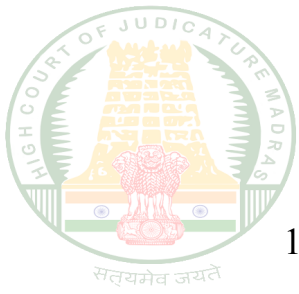
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for transportation; **Rs.25,000/-**; for attender charges and Rs.25,000/- for extra nourishment.

10.Considering the above, this Court decides that the claimant is entitled to get compensation under the various heads as follows:

Head of compensation	Amount awarded by the tribunal	Amount confirmed/modified by this Court
Permanent disability	Rs. 50,000/-	Rs.1,00,000/-
Medical expenses	Rs.2,46,427/-	Rs.2,46,427/-
Pain and sufferings	Rs. 50,000/-	Rs. 50,000/-
Extra nourishment	Rs. 20,000/-	Rs. 25,000/-
Attender charges	Rs. 9,500/-	Rs. 25,000/-
Transportation Charges	-	Rs. 15,000/-
Loss of income (three months)	-	Rs. 45,000/-
Total	Rs.3,75,927/-	Rs.5,06,427/-

Considering the other facts and circumstances, this Court further decides that the parties are to be directed to bear their own costs and the above point is answered accordingly.



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12.In the result, the Civil Miscellaneous Appeal is partly allowed and

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the compensation amount is enhanced from **Rs.3,75,927/- to Rs.5,06,427/-**

with interest at 7.5% per annum, from the date of petition till the date of realization and costs, excluding the default period if any. The third respondent/Insurer is directed to deposit the enhanced award amount, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order and on such deposit, the claimant is permitted to withdraw the award amount with accrued interest and costs, less amount already withdrawn, if any, on due application before the Tribunal.

The parties are directed to bear their own costs.

26.08.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

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To

- 1.The Motor Accident Claims Tribunal/
Special District Court No.I to deal with MCOP cases,
Tirchirappalli.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Pre-delivery order made in
C.M.A(MD)No.545 of 2025

26.08.2025