



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A. No. 2517 of 2023

G.Senthilkumar
S/o.Ganesan,
No.343/2, Ambedkar 2nd Street,
Kunnathur Village,
Manamai Post,
Kalpakkam Via.,
Kanchipuram District.

..Appellant(s)

Vs

1. P.Dom,
S/o.P.Innaya Naidu,
Chinnapar Street,
Molachur Village Milachur,
Sriperumbudur,
Chennai 56.
2. Shriram General Insurance Co.Ltd.,
No.66, Thirumalai Pillai Road,
T.Nagar,
Chennai 17.
3. C.Murugan.
S/o.Chinnapaiyan.
No.49B, Vathiyur,
Ozhakolpattu
Kanchipuram District.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 25-07-2022 in M.C.O.P.No.1584 of 2015 on the file of the learned Special Sub Court No.1, Motor Accident Claims Petition, Small Causes Court, Chennai.



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For Appellant(s) : Ms.Ramya V.Rao

For Respondent(s): Ms. C. Bhuvana Sundari
for R2

R1 and R3 – Notice Dispensed With

Judgment

The petitioner filed the claim petition under Section 166 of the Motor Vehicles Act and Rule 3 of the Motor Vehicles Rules, seeking compensation of Rs.40,00,000/- for the injuries sustained in a motor accident that occurred on 04.08.2014 at about 7.00 a.m..

2.According to the petitioner, while he was riding his motorcycle near Atomic Scientist Housing on the Kunnathur–Anupuram Road, a lorry bearing Registration No. TN-20-AP-5040, driven in a rash and negligent manner from the opposite direction, hit the petitioner’s motorcycle. Due to the impact, the petitioner sustained grievous injuries all over the body. The first and third respondents are the owners of the lorry, and the second respondent is the insurer, and therefore they are liable to pay compensation.

3.The first and third respondents remained absent and were set ex parte on 16.07.2015. The second respondent Insurance Company filed a counter statement, denying the manner of accident, negligence of the driver, involvement of the vehicle, injuries sustained, age, income, treatment, and



disability of the petitioner. The insurer also put the petitioner to strict proof of all allegations and sought permission to raise all defences available under the Motor Vehicles Act.

4. After considering the oral and documentary evidence, the Tribunal awarded a sum of Rs.1,94,000/- towards compensation. Aggrieved over the same, the claimant filed this appeal for enhancement.

5. The appellant sustained compound Grade III B fracture of both bones of the right leg and medial malleolus fracture, for which he underwent two surgeries and was treated as an inpatient from 04.08.2014 to 13.08.2014. The Medical Board assessed permanent disability at 20%. The appellant had incurred medical expenses of Rs.1,81,610/-, and the original medical bills were handed over to the Insurance Company during Pre-Lok Adalat settlement talks. However, the Insurance Company misplaced the original bills. Despite this, the learned Tribunal rejected the xerox copies of the bills and failed to consider that the documents were lost while in the custody of the Insurance Company. The Tribunal also failed to properly appreciate that the appellant was working as a JCB operator, a job requiring full physical fitness. Due to the injuries and resulting limping and shortening of limb, the appellant has suffered difficulty in performing his work. Therefore, the multiplier method ought to have been applied. Further, the Tribunal granted very low amounts under pain and



suffering, transportation, extra nourishment and attender charges, and failed to award compensation under the head of loss of amenities. The Tribunal also wrongly calculated loss of income for only three months at Rs.9,000/- per month, whereas the appellant was earning Rs.15,000/- per month and required at least nine months to recover. Thus, the total compensation of Rs.1,94,000/- awarded by the Tribunal is grossly inadequate, unjust and not commensurate with the injuries sustained, and therefore requires enhancement by this Hon'ble Court.

6.Per contra, the learned counsel appearing for the 2nd respondent would submit that this is a very reasonable award and does not warrant a reconsideration. The compensation amount claimed is excessive.

7.The Tribunal awarded a total compensation of Rs.1,94,000/-, which is grossly inadequate considering the nature of injuries sustained by the appellant. The appellant sustained Compound Grade III B fracture of both bones of the right leg along with medial malleolus fracture, and underwent two surgeries on 04.08.2014 and 09.08.2014. The Medical Board assessed permanent disability at 20%. The Tribunal calculated disability compensation by adopting Rs.4,000/- per percentage, awarding only Rs.80,000/-, which is not in accordance with settled principles of law. The appellant was working as a JCB operator, a profession that requires full physical fitness and mobility. Due to the fracture,



shortening of limb and resulting limp, the disability directly affects his earning capacity. Therefore, the disability ought to have been assessed as functional disability affecting earning capacity, and compensation should be calculated by adopting the multiplier method. Considering the monthly income of Rs.9,000/- with 40% addition towards future prospects, multiplier 18 applicable for the age of 19 years, and 10% functional disability, the compensation under this head works out to Rs.2,72,160/-. Further, the amounts awarded under pain and suffering, transportation, extra nourishment and attender charges are very meagre considering the grievous fractures, surgical procedures and period of hospitalization. Hence, a sum of Rs.50,000/- is awarded by this Court towards pain and sufferings and a sum of Rs.10,000/- is granted for Transportation charges. Further, a sum of Rs.20,000/- is granted for extra nourishment and a sum of Rs.15,000/- is awarded for future medical expenses. The Tribunal also failed to award any compensation under the head loss of amenities, though the appellant would certainly suffer difficulty in walking, standing and performing his work as before due to the permanent disability. Hence, a sum of Rs.30,000/- is granted by this Court under the head of loss of amenities. Therefore, the just and reasonable compensation payable to the appellant would be Rs.4,17,160/-, instead of Rs.1,94,000/- awarded by the Tribunal, and the compensation requires enhancement accordingly.



<u>S.No</u>	<u>Heads of Compensation</u>	<u>Amount (Rs.)</u>
1	Disability (Rs.9,000 + 40% FP × 12 × 18 × 10/100)	-Rs.2,72,160/-
2	Loss of Income	-
3	Pain and Sufferings	-Rs.50,000/-
4	Transportation	-Rs.10,000/-
5	Extra Nourishment	-Rs.20,000/-
6	Attendant Charges	-Rs.20,000/-
7	Future Medical Expenses	-Rs.15,000/-
8	Loss of Amenities	-Rs.30,000/-
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	Total	-Rs.4,17,160/-
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8. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.4,17,160/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.1584 of 2015 on the file of the learned Special Sub Court No.1, Motor Accident Claims Petition, Small Causes Court, Chennai, within a period of four weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimant is permitted to withdraw the entire award



amount with proportionate accrued interest and costs by making necessary applications.

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The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MPS

To

1.The Special Sub Court No.1,
Motor Accident Claims Petition,
Small Causes Court,
Chennai.

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



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K.GOVINDARAJAN THILAKAVADI J.

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