Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 1804 of 2023

CNR: {HCMA010175292023}

Ranganathan (Died)

1. Siva

2. Sundaramoorthy

3. Sivaraman

..Appellant(s)

Vs

1. M/s.Sri Vasavi Tractors,
   No.455, C.C.Road,
   Near Housing Board,
   Polur.

2. The Divisional Manager
   United India Insurance Company Limited,
   No.46, Katpadi Road, Vellore.

3. The Divisional Manager
   United India Insurance Company Limited,
   No.95, New No.88, Big Street, Tiruvannamalai.

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 20.07.2022 made in in M.C.O.P.No.129 of 2020 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai.

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For Appellant(s): Mr.F.Terry Chella Raja

For Respondent(s): No appearance for R1
Mr.M.B.Raghavan for
M/s.M.B.Gopalan Associates
for R2 and R3

J U D G M E N T

The appellants have filed this Civil Miscellaneous Appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai, in M.C.O.P.No.129 of 2020, vide award dated 20.07.2022.

2. The claim petition has been filed by one Ranganathan under Section 166 of the Motor Vehicles Act, 1988, r/w. Rule 3 of Tamil Nadu Motor Accident Claims Tribunal Rules, 1989. However, after pronouncement of the award by the Tribunal, the said Ranganathan died and his legal heirs have come before this Court by way of filing this Civil Miscellaneous Appeal.

3. The facts of the case are that on 07.01.2020 at about 10.15 a.m., the original claimant/deceased was going in his bicycle on the left side of the mud road on Chetpet to Vandhavasi road in order to go to his house after finishing his work at his land. While he was going near Thiruvalluvar Handloom Association Building at Nedungunam Village, the driver of the Bolero Jeep bearing Reg.No.TN 09 BK 5863 belonging to the first respondent drove the

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vehicle from backside in a rash and negligent manner and dashed against the original claimant, due to which, the original claimant sustained grievous injuries all over his body. The first respondent is the owner of the offending vehicle and the second respondent is the insurer of the offending vehicle and the third respondent is the branch office of the second respondent Insurance Company.

4. The first respondent was set *ex-parte* before the Tribunal.

5. The second and third respondents have filed a counter statement denying the manner of accident.

6. On the side of the original claimant, the original claimant himself examined as P.W.1 and Ex.P1 to Ex.P8 were marked. On the side of the respondents, no witness was examined and no document was marked. Ex.C1/Disability Certificate issued by the Medical Board was marked as Court document.

7. On appreciation of evidence adduced on either side, the Tribunal held that due to rash and negligent driving of the driver of the first respondent's Bolero Jeep, the accident occurred. With regard to the quantum of compensation, the original claimant has appeared before the Medical Board to assess the disability and the Medical Board has assessed the disability of the

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original claimant/deceased as 80% and issued Disability Certificate which was marked as Ex.C1. Considering the age of the original claimant/deceased, the Tribunal has fixed the monthly income as Rs.7,000/- and considering the nature of injuries sustained by the original claimant and the disability of the original claimant, the Tribunal has decided to adopt the multiplier method and as per the judgment of the Hon'ble Supreme Court of India in the case of ***Sarla Verma and others vs. Delhi Transport Corporation and another*** reported in ***2009 (2) TNMAC 1 (SC),*** the multiplier "5" was adopted and since the age of the original claimant was 70 years at the time of accident, no future prospects was added and accordingly, a sum of Rs.3,36,000/- (Rs.7,000/- * 12 * 5 * 80%) was awarded under the head of loss of functional disability and also the following compensation was awarded under the other heads:-

S.No.	Heads	Amount
1	Loss of functional disability	Rs.3,36,000/-
2.	Pain and sufferings	Rs.50,000/-
3	Extra-nourishment	Rs.25,000/-
4	Medical Expenses	Rs.76,197/-
5	Attender charges	Rs.25,000/-
6	Transportation Expenses	Rs.25,000/-
7	Loss of amenities	Rs.1,00,000/-

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	Total	Rs.6,37,197/-

8. Aggrieved by the same, the legal heirs of the original claimant/deceased have preferred this appeal seeking enhancement of compensation.

9. The learned counsel appearing for the appellants would submit that the Tribunal failed to consider the occupation and income of the original claimant, who died after the pronouncement of the award by the Tribunal. At the time of accident, the original claimant/deceased was aged about 60 years and doing milk business and agriculturist and earned a sum of Rs.25,000/- per month. While so, a sum of Rs.7,000/- fixed as monthly income of the original claimant/deceased is not sustainable one. Further, the original claimant/deceased has appeared before the Medical Board and the Medical Board has assessed the disability of the original claimant/deceased as 80%, however, the Tribunal failed to consider the loss of earning capacity as 100% by considering the age and disability of the original claimant/deceased. The compensation awarded under the other heads is also very meager and the same has to be enhanced.

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10. *Per contra*, learned counsel appearing for the second respondent / Insurance Company submits that since there was no proof produced for the monthly income of the original claimant/deceased, the Tribunal has rightly fixed the monthly income of the original claimant/deceased at Rs.7,000/- per month and considering the nature of injuries sustained by the original claimant/deceased and the disability assessed by the Medical Board as 80%, the Tribunal has adopted the multiplier method and the compensation awarded under the other heads also appears to be just and reasonable and does not require any interference by this Court. To strengthen his contention, the learned counsel relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***the Oriental Insurance Company Limited vs. Kahlon @ Jasmail Singh Kahlon (deceased) through his legal representative Narinder Kahlon Gosakan and another*** reported in ***CDJ 2021 SC 551*** to show that loss of estate would include expenditure on medicines, treatment, diet, attendant, Doctor's fee, etc., including income and future prospects which would have caused reasonable accretion to the estate but for the sudden expenditure which had to be met from and depleted the estate of the injured, subsequently, deceased.

11. This Court considered the submissions made by both sides and perused the materials available on record.

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12. There is no dispute with regard to the manner of accident and negligence fastened on the driver of the first respondent's bolero jeep. It is relevant to note that the original claimant/deceased appeared before the Medical Board and the Medical Board has issued Ex.C1/Disability Certificate, wherein, the disability of the original claimant/deceased was assessed as 80%. A perusal of Ex.C1 shows that the original claimant/deceased has sustained Grade III Compound fracture, both bone left leg operated infected implant failed, above knee amputation done. Considering the nature of injuries and percentage of disability at 80% assessed by the Medical Board and also considering the surgery undergone and the duration of treatment taken by the original claimant/deceased, this Court is of the opinion that the original claimant/deceased could not able to continue his avocation as Milk Business, agricultural coolly works which was done prior to the accident and he could not able to do his day-to-day works without the help of others due to his injuries and the said injuries will affect his functional disability at the rate of 80% and it also affects his loss of earning capacity. In such circumstances, the Tribunal has rightly adopted the multiplier method to compute the compensation under the head of loss of functional disability. According to the appellants, the original claimant/deceased was doing milk business and agricultural works and earned a sum of Rs.25,000/- per month at the time of accident, however, no proof was produced before the Tribunal. But, considering the fact that the accident took place in the year 2020 and that at the time of accident, the original

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claimant/deceased was aged about 70 years, this Court is inclined to enhance the monthly income of the original claimant/deceased from Rs.7,000/- to Rs.13,000/- and accordingly, a sum of Rs.6,24,000/- (Rs.13,000/- * 12 * 5* 80%) is awarded under the head of loss of functional disability.

13. The compensation awarded by the Tribunal under the other heads, namely, "pain and sufferings, extra-nourishment, medical expenses, attender charges, transportation expenses and loss of amenities" appears to be just and proper and does not require any interference by this Court. Accordingly, the compensation awarded by the Tribunal is modified as under:

S.No	***Head of Compensation***	***Amount awarded by the Tribunal (Rs)***	***Amount awarded by this Court (Rs)***
1.	Loss of functional disability	Rs.3,36,000/-	**Rs.6,24,000/-**
2.	Pain and sufferings	Rs.50,000/-	Rs.50,000/-
3.	Extra-nourishment	Rs.25,000/-	Rs.25,000/-
4.	Medical Expenses	Rs.76,197/-	Rs.76,197/-
5.	Attender charges	Rs.25,000/-	Rs.25,000/-
6.	Transportation Expenses	Rs.25,000/-	Rs.25,000/-
7.	Loss of Amenities	Rs.1,00,000/-	Rs.1,00,000/-
	Total	Rs.6,37,197/-	**Rs.9,25,197/-**

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14. In the result, this Civil Miscellaneous Appeal is allowed in part and the compensation awarded by the Tribunal at Rs.6,37,197/- is hereby enhanced to **Rs.9,25,197/-** together with interest @ 7.5% per annum from the date of filing of claim petition till the date of deposit. The second and third respondents are directed to deposit the entire award amount now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.129 of 2020 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tiruvannamalai. On such deposit, each of the appellants are permitted to withdraw a sum of Rs.3,08,399/- now determined by this Court, along with interest and costs, by making proper application before the Tribunal. However, it is made clear that the appellants are not entitled for interest for the period of delay of 61 days as was ordered by this Court in C.M.P.No.13312 of 2023 vide order dated 24.07.2023. The appellants are directed to pay necessary Court fee, if any, on the enhanced compensation. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. There shall be no order as to costs.

30-10-2026

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

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To

1.The Motor Accident Claims Tribunal,
Special Sub Court, Tiruvannamalai.

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

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M.JOTHIRAMAN, J.

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