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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3735 of 2026

CNR: {HCMA010389182026}

Case QR

Karthikeyan
S/o. Chinnusamy,
No.3/196, Kallakadu,
Zamin Elampillai Post,
Paramathi Velur (Taluk),
Ellampalli, Namakkal.

..Appellant(s)

Vs.

1. Jayaram,

2. The Branch Manager,
   SBI Gen.Ins.Co.Ltd.,
   Penumadu Towers,
   Third Floor, #20-3-124,
   Yerramitta, Akarapalli Circle,
   Tirupati-517 501.

..Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation amount made in Judgment and Decree dated 05.01.2022 made in MCOP.No.1220 of 2020 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Court, Krishnagiri.

For Appellant(s) : Mr.S.P.Yuaraj

For R2 : Mr.P.Suresh Srinivasan

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JUDGMENT

Unsuccessful claimant has preferred this civil miscellaneous appeal seeking enhancement of compensation.

2. Claim petition has been filed under Section 166 of the Motor Vehicles Act, seeking compensation for the injuries sustained by the claimant, in a road accident.

3. According to the claimant, on 05.10.2020 at about 3.30 p.m. he had planned travel to his native place on his motorcycle bearing Registration No.TN 88 V 4162. While he was riding the said motorcycle slowly and cautiously near the Malayandhalli Flyover situated on the Krishnagiri - Dharumpauri National Highway Road, a Toyota Etios Car bearing Registration No.AP 03-TV 1009 driven by its driver in a rash and negligent manner, dashed against the claimant's two wheeler. As a result of the accident, the claimant sustained injuries all over his body.

4. The first respondent remained *ex parte* before the Tribunal.

5. The second respondent/Insurance Company has filed a counter statement denying the manner of the accident.

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6. Before the Tribunal, on behalf of the claimant, the claimant himself was examined as P.W.1, and Exs.P1 to P8 were marked. The Disability Certificate issued by the Medical Board was marked as Ex.C.1. On behalf of the second respondent, no witness was examined and no document was marked.

7. Upon appreciation of evidence adduced on either side, the Tribunal found that the accident had occurred due to the rash and negligent act of the driver of the offending vehicle. The Tribunal further held that the first respondent being the owner of the offending vehicle and the second respondent being its insurer are liable to pay compensation to the claimant. The claimant was examined by the Medical Board, which assessed his permanent disability at 30%. In the absence of proof of loss of earning capacity, the Tribunal adopted the percentage method and fixed a sum of Rs.4,000/- per percentage of disability, thereby awarding a sum of Rs.1,20,000/- under the head of permanent disability. The Tribunal also awarded compensation under various other heads, as detailed hereunder :-

S.No.	Heads of Compensation	Amount awarded by the Tribunal
1	Permanent disability	Rs.1,20,000/-
2	Medical expenses	Rs. 71,709/-
3	Pain and suffering	Rs. 25,000/-
4	Transport Expenses	Rs. 15,000/-

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5	Extra nourishment	Rs. 10,000/-
6	Damage to clothes	Rs. 5,000/-
	Total	Rs2,46,709/-

8. Aggrieved over the same, the claimant has preferred the present appeal seeking enhancement of compensation.

9. The learned counsel for the appellant/claimant would submit that the Medical Board had assessed the permanent disability of the claimant at 40%. However, without assigning any valid reasons, the Tribunal arbitrarily reduced the disability to 30%. It is further contended that the adoption of the percentage method is not proper. The Tribunal also failed to consider that owing to the functional disability suffered by the claimant, he was unable to perform his day-to-day activities as he had done before the accident. Therefore, the Tribunal ought to have adopted the multiplier method, taking into account the nature of injuries sustained by the claimant,. It is also contended that the compensation awarded under the other heads is meagre and requires enhancement.

10. Per contra, the learned counsel appearing for the second respondent/Insurance Company would submit that, in the absence of proof of functional disability and loss of earning capacity, the Tribunal has rightly adopted the percentage method for awarding compensation under the head of

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permanent disability. It is further submitted that the compensation awarded under the other heads is just and reasonable and does not warrant any interference.

11. This Court has considered the submissions made on either side and perused the materials available on record.

12. There is no dispute with regard to the manner in which the accident occurred and negligence has been attributed to the driver of the offending vehicle. The grievance of the appellant/claimant is that the Tribunal ought to have adopted the multiplier method instead of the percentage method, while determining the compensation under the head of permanent disability.

13. It is seen from the records that the claimant appeared before the Medical Board, which assessed his disability at 40% and issued a disability certificate which was marked as Ex.C1. On a perusal of Ex.C1, it is evident that the claimant had sustained permanent disability, resulting in restricted movements of his right hand, wrist, and elbow.

14. It is also seen from the Discharge summaries marked as Ex.P3 and Ex.P4 that the claimant had sustained injuries to his right upper limb, including a fracture of the right forearm. As a result, he experienced difficulty in lifting

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objects above his head and suffered restricted movement of his right wrist and elbow. It is relevant to note that the claimant had not suffered functional disability and in the absence of proof of loss of earning capacity, the Tribunal rightly adopted the percentage method for awarding compensation under the head of permanent disability. Therefore, the amount awarded under this head appears to be reasonable and proper and does not warrant any interference.

15. It is relevant to note that the accident occurred in the year 2020. The Tribunal had fixed a sum of Rs.4,000/- per percentage of disability, which appears to be on the lower side. Considering the fact that the claimant was aged about 44 years at the time of accident and was employed as Customer Care Executive and BPO in ALLSEC Co., Ltd., at Bangalore this Court is inclined to enhance the compensation to Rs.9,000/- per percentage of disability. Accordingly, the compensation under the head of permanent disability is recalculated as follows:-

Rs.9,000/- x 30% = Rs.2,70,000/-

16. It is also relevant to note that considering the nature of injuries sustained by the claimant and his avocation, he had undergone inpatient treatment for two days. However, the Tribunal has not awarded any compensation under the head of loss of income during the treatment period.

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According to the claimant, he was employed as Customer Care Executive and BPO in ALLSEC Co., Ltd., at Bangalore, earning a sum of Rs.25,000/- p.m. In the absence of proof of his monthly income and considering that the accident occurred in the year 2020, this Court is inclined to fix a sum of Rs.16,000/- as the claimant's notional monthly income. Taking into account, the treatment period of four months, a sum of Rs.64,000/- (Rs.16,000/- x 4 months) is awarded under the head of loss of income during the treatment period. The Tribunal has awarded a sum of Rs.10,000/- under the head of extra nourishment. This Court is inclined to enhance a sum of Rs.25,000/- was awarded under the head of pain and suffering, which is hereby enhanced to Rs.40,000/-. The compensation awarded by the Tribunal under the head of transport expenses and damage to clothes appears to be reasonable and does not warrant any interference.

17. In the light of the above discussion, the compensation awarded by the Tribunal is modified as follows :-

S.No.	Heads of Compensation	Amount awarded by this Court
1	Permanent disability (Rs.9,000/- x 30%)	Rs.2,70,000/-
2	Medical expenses	Rs. 71,709/-
3	Pain and suffering	Rs. 40,000/-
4	Transport Expenses	Rs. 15,000/-
5	Extra nourishment	Rs. 20,000/-

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6	Loss of income during the treatment period (Rs.16,000/- x 4 months)	Rs. 64,000/-
6	Damage to clothes	Rs. 5,000/-
	Total	Rs.4,85,709/- rounded off to Rs.4,86,000/-

18. In the result,

i) The Civil Miscellaneous Appeal is partly allowed.

ii) The compensation amount awarded by the Tribunal by enhancing from Rs.2,46,709/- to Rs.4,86,000/- together with interest @ 7.5% per annum from the date of filing of claim petition till the date of deposit **(except the period of default, if any).**

iii) The second respondent/ Insurance Company is directed to deposit the entire award amount now determined by this Court, **(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.1220 of 2020 on the file of the Motor Accident Claims Tribunal/ Principal Subordinate Court, Krishnagiri.

iv) On such deposit being made, the appellant/claimant is permitted to withdraw the same together with interest and cost by filing necessary application before the Tribunal.

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v) The appellant/claimant is directed to pay the Court fee, if required.

vi) The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

vii) The manner and mode of disbursement of compensation shall be as per the order of the Tribunal. There shall be no order as to costs.

17-11-2026

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

To

the Motor Accident Claims Tribunal/
Principal Subordinate Court, Krishnagiri.

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M.JOTHIRAMAN, J.

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