



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 30-06-2026**

CORAM

WEB COPY

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**Civil Miscellaneous Appeal No.1798 of 2026**

Raviteja  
S/o.Yellappa

..Appellant

Vs

1. Giribabu,  
S/o.Venkatasamy

2. The Manager,  
Bajaj Allianz General Insurance Company Ltd.,  
Golden Heights, 4th Floor,  
No.1/2, 59th Cross, 4th M Block,  
Rajaji Nagar,  
Bangalore -560 010.

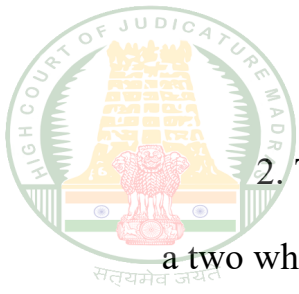
..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 30.10.2023 made in MCOP.No.1286 of 2020 on the file of the Motor Accidents Claims Tribunal, Additional Subordinate Judge, Krishnagiri.

For Appellant : Mr.S.P.Yuaraj  
For Respondents : *Ex parte* [R1]  
Mr.G.Vasudevan [R2]  
\*\*\*\*\*

**JUDGMENT**

This appeal has been filed against the judgment of the Motor Accident Claims Tribunal, Additional Subordinate Judge, Krishnagiri, passed in M.C.O.P.No.1286 of 2020 dated 30.10.2023, wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.



2. The claim petition was filed on the ground that the claimant was riding a two wheeler on 05.04.2019 and was proceeding towards the bus stand and at 8 a.m., the offending vehicle, a lorry, belonging to the first respondent, was driven in a rash and negligent manner and it hit the two wheeler as a result of which the claimant was thrown out of the two wheeler and he sustained the following injuries:

Fracture proximal tibia Rt. Compound Injury.

1. Crush injury laceration of 22x15xbone depth exposing bones muscle, tenders over the Rt Knee and Left proximal shin region.
2. Laceration of 16x4cm over the left frontal region.
3. Laceration of 6x3cm over the Rt Ear region. Fracture both bone Rt Leg and multiple injuries all over the body.

It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.5,25,000/- under



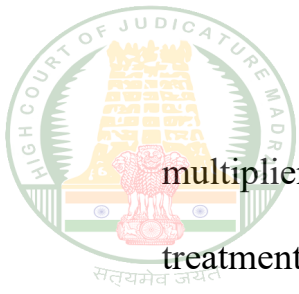
various heads as follows:

| <i><b>Sl.No.</b></i> | <i><b>Compensation awarded under the head</b></i> | <i><b>Amount (in Rs.)</b></i> |
|----------------------|---------------------------------------------------|-------------------------------|
| 1.                   | Partial Permanent Disability                      | 2,50,000/-                    |
| 2.                   | Temporary Loss of Income                          | 1,20,000/-                    |
| 3.                   | Pain and sufferings                               | 50,000/-                      |
| 4.                   | Loss of amenities                                 | 30,000/-                      |
| 5.                   | Extra nourishment                                 | 30,000/-                      |
| 6.                   | Attender charges                                  | 20,000/-                      |
| 7.                   | Medical Expenses                                  | 15,000/-                      |
| 8.                   | Transport to Hospital                             | 10,000/-                      |
|                      | <b>Total</b>                                      | <b>5,25,000/-</b>             |

The above compensation was directed to be paid along with interest at 7.5% p.a. Aggrieved by the same, the present appeal has been filed before this Court seeking for enhancement of compensation.

4. Heard learned counsel for appellant and learned counsel for second respondent.

5. The main ground urged by learned counsel for appellant is that the Medical Board has assessed partial permanent disability at 50% and the Medical Board had also opined that the disability will affect the day-to-day life of the claimant and it will also affect the earning capacity with regard to the occupation. It is, therefore, contended that the Tribunal ought to have adopted

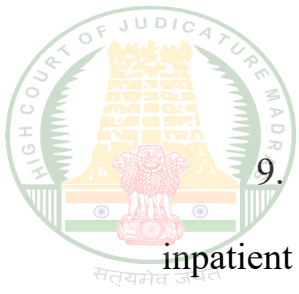


multiplier method. It is further contended that the claimant was undergoing treatment as an inpatient for nearly 111 days and the Tribunal without properly considering the same has fixed the compensation under the other heads, which is on the lower side.

6. *Per contra*, learned counsel for the second respondent insurance company submitted that the compensation fixed by the Tribunal is just and proper and it does not require the interference of this Court.

7. In the case in hand, the accident had taken place in the year 2019 and the injuries sustained by the claimant have already been extracted supra. The Medical Board had assessed partial permanent disability at 50% and the report was marked as Ex.C1. Even though the Medical Board has opined that the disability will affect the earning capacity of the injured, no evidence has been let in by the claimant how there is functional disability suffered by him. Therefore, this Court cannot mechanically apply the multiplier method.

8. Having rendered the above finding, this Court finds that the amount of Rs.5,000/- fixed by the Tribunal per percentage is on the lower side. This Court is inclined to fix Rs.10,000/- per percentage and determine the compensation payable under the head disability at Rs.5,00,000/- [50 x 10000].



9. Considering the fact that the claimant had undergone treatment as inpatient for nearly 111 days, this Court is inclined to enhance the compensation under the heads 'pain and suffering', 'extra nourishment', 'attender charges', 'transport expenses' and 'loss of income' to Rs.1,00,000/-, Rs.50,000/-, Rs.50,000/-, Rs.25,000/- and Rs.1,50,000/- respectively.

10. In the light of the above discussion, this Court modifies the compensation in the following manner:

| <i><b>Sl.No.</b></i> | <i><b>Compensation awarded under the head</b></i> | <i><b>Amount by the Tribunal (in Rs.)</b></i> | <i><b>Amount awarded by this Court (in Rs.)</b></i> |
|----------------------|---------------------------------------------------|-----------------------------------------------|-----------------------------------------------------|
| 1.                   | Partial Permanent Disability                      | 2,50,000/-                                    | 5,00,000/-                                          |
| 2.                   | Temporary Loss of Income                          | 1,20,000/-                                    | 1,50,000/-                                          |
| 3.                   | Pain and sufferings                               | 50,000/-                                      | 1,00,000/-                                          |
| 4.                   | Loss of amenities                                 | 30,000/-                                      | 30,000/-                                            |
| 5.                   | Extra nourishment                                 | 30,000/-                                      | 50,000/-                                            |
| 6.                   | Attender charges                                  | 20,000/-                                      | 50,000/-                                            |
| 7.                   | Medical Expenses                                  | 15,000/-                                      | 15,000/-                                            |
| 8.                   | Transport to Hospital                             | 10,000/-                                      | 25,000/-                                            |
|                      | <b>Total</b>                                      | <b>5,25,000/-</b>                             | <b>9,20,000/-</b>                                   |

11. The compensation awarded by the Tribunal at Rs.5,25,000/- is enhanced to Rs.9,20,000/-. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already



**N.ANAND VENKATESH, J.**

gm

WEB COPY

deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.3,95,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 393 days as was ordered by this Court in C.M.P.No.5170 of 2026 in C.M.A.Sr.No.38434 of 2025 dated 08.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

**30-06-2026**

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

To  
The Motor Accidents Claims Tribunal,  
Additional Subordinate Judge,  
Krishnagiri.

**Civil Miscellaneous Appeal No.1798 of 2026**