IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.02.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 2031 of 2025

M. Murugavel …Appellant

Vs.

1. S. Lakshmikanthan
2. S.V. Andal
3. United India Insurance Company Limited,\
   139, C.G. Complex III Floor,
   Kumaran Road, Tirupur 641 601 …Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award dated 21.12.2023 made in M.C.O.P. No.1456 of 2014 on the file of the Exclusive Motor Accident Claims Tribunal, Tirupur.

For Appellant : Mr.E.N. Kandhasamy

For Respondents : Mr. D. Bhaskaran for R3
R1 & R2 – No appearance

JUDGMENT

This appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellant / claimant for enhancement of the sum awarded in M.C.O.P.

No.1456 of 2014 on the file of the Exclusive Motor Accident Claims Tribunal, Tirupur.

2. Shortly stated, on 15.06.2014, at about 6.30 a.m., when the appellant was riding his TVS XL Super Moped bearing Registration No. TN 51-S-1730, from north to south near Sakthi Motors on Tirupur to Palladam Road, a Maruthi Car bearing Registration No.TN-76-Y-8317 belonging to the 2nd respondent, driven by the 1st respondent in a rash and negligent manner, hit the appellant's vehicle and another TVS XL moped bearing Registration No. TN-42-C-7693 from behind. Due to the said accident, the appellant suffered grievous injuries on his head and all over his body. He was treated at OMC Hospital and at Sri Kumaran Hospital, Tirupur.

3. The claimant filed the above MCOP claiming compensation of Rs.10,00,000/- for the injuries sustained by him in the said accident. The 3rd respondent / Insurance Company resisted the said claim petition by stating that the accident was occurred due to the rash and negligent riding of the appellant / claimant and that the 1st respondent did not have a valid driving licence and hence they are not liable to pay any compensation to the claimant

and prayed for dismissal of the claim petition.

4. The Claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving of the 1st respondent and that the claimant is entitled to claim compensation. After analysing the oral and documentary evidence, the tribunal awarded a compensation of Rs.2,77,696/- to the claimant and directed the 3rd respondent / Insurance Company to pay the said award amount, at the first instance, together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation, and then recover the same from the respondents 1 and 2, since the 1st respondent, driver of the 2nd respondent's vehicle, did not produce his driving license at the time of inspection of the vehicle.

5. Seeking enhancement of compensation, the present Civil Miscellaneous Appeal is filed by the appellant/claimant.

6. The learned counsel for the appellant/claimant would contend that, the appellant sustained severe permanent injuries, including a Left Frontal

Occipital Bone Fracture, an Ulna fracture and Post-Traumatic Vitreous Haemorrhage in the right eye and suffered a loss of vision in the right eye, which has led to the assessment of the Medical Board that the appellant has suffered 70% permanent disability. The Tribunal failed to consider that the appellant sustained extensive and grievous injuries affecting his eye, ear and hands, which necessitated multiple surgeries, as evidenced by the Medical records marked as Ex.P4 to Ex.P11, and erroneously awarded a consolidated sum of Rs.75,000/- towards grievous injuries suffered by the appellant. According to the learned counsel for the appellant, the Tribunal ought to have applied multiplier method to compute the loss of future earning capacity of the appellant. He further submitted that the appellant was a Senior tailor at Scholar Knit Fashions earning a sum of Rs.12,000/- per month. However, the Tribunal, without any justifiable reason, reduced the monthly income of the appellant to Rs.9,000/-. Hence, prayed for enhancement of compensation awarded by the Claims Tribunal.

7. On the other hand, the learned counsel for the 3rd respondent / Insurance Company submitted that, Dr. Sivakumar, one of the Members of Government Hospital Medical Board, who was examined as R.W.2 has

admitted that the disability Certificate has not been issued in the format as specified in the guidelines issued for assessment of disability by Government of India. The learned counsel for the Insurance Company further contended that, as per Ex.X1, the Medical test reports taken at the instance of the Medical Board before issuing disability certificate, the petitioner has not suffered any hearing impairment or visual impairment. The Tribunal has considered the materials on record and had awarded 'just compensation' which requires any interference by this Court.

8. Heard on both sides. Records perused.

9. On a perusal of the impugned order, it is seen that, the Tribunal, after analysing the evidence of R.W.2, the Medical records marked as Ex.X1 and Ex.X2 and the Disability Certificate marked as Ex.C1, has come to the conclusion that, the manner in which the disability has been allegedly assessed and the disability certificate Ex.C1 issued, is in utter disregard to the guidelines issued for assessment of disability by Government of India dated 04.01.2018 and awarded a consolidated sum of Rs.75,000/- towards the grievous injuries suffered by the petitioner.

9.1. As per Ex.P3 wound certificate, it is seen that the appellant has suffered grievous injuries, as per Ex.P4 Discharge Summary, he has sufferred Left frontal and occipital bone fracture, ulna fracture, post traumatic vitreous haemorrhage, right, multiple soft tissue injuries and as per Ex.P11 discharge summary issued by Arvind Eye Hospital, he underwent a surgery in his right eye. Considering the above facts, this Court is of the view that a sum of Rs.75,000/- awarded by the Tribunal towards the compensation for grievous injuries is disproportionate to the nature of injuries sustained by the appellant and the surgery underwent by him. Hence, this Court deems it fit to enhance the same to Rs.2,75,000/-. Considering the period of treatment, the compensation awarded under the heads of transportation, extra nourishment and damages to clothes are enhanced to Rs.20,000/-, Rs.35,000/- and Rs.7,300/- respectively.

10.The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court.

S. No.	**Description**	**Amount awarded by Tribunal (Rs.)**	**Amount awarded by this Court (Rs.)**	**Award confirmed / enhanced/granted**

1.	Loss of income for a period of 6 months	54,000/-	54,000/-	Confirmed
2.	Compensation for grievous injuries	75,000/-	2,75,000/-	**Enhanced**
3.	Transportation	10,000/-	20,000/-	**Enhanced**
4.	Extra nourishment	25,000/-	35,000/-	**Enhanced**
5.	Attender charges	10,000/-	10,000/-	confirmed
6.	Damages to clothes and articles	5,000/-	7,300/-	**Enhanced**
7.	Pain and sufferings and loss of amenities	75,000/-	75,000/-	Confirmed
8.	Medical bills	23,696/-	23,696/-	confirmed
	Total	2,77,696/-	4,99,996/- Rounded off to Rs.5,00,000/-	**Enhanced by Rs.2,22,304/-**

11. In the result,

i.The Civil Miscellaneous Appeal is partly allowed. No costs.

ii.The compensation awarded by the Tribunal is enhanced to 5,00,000/- from Rs.2,77,696/-.

iii.The appellant / claimant is directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.

iv.The Third respondent / Insurance Company is directed to deposit the enhanced compensation amount as stated above (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, at the first instance, to the credit of M.C.O.P. No.1456 of 2014 on the file of the Exclusive Motor Accident Claims Tribunal, Tirupur, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order, and then recover the same from the respondents 1 and 2.

v.The appellant/claimant is not entitled to claim any interest for the default period in filing this appeal.

vi.On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

24.02.2026

bga

Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order

To

1. The Presiding Officer,

   Exclusive Motor Accident Claims Tribunal, Tirupur.

2. United India Insurance Company Limited,\

   139, C.G. Complex III Floor,
   Kumaran Road, Tirupur 641 601

K.GOVINDARAJAN THILAKAVADI, J.

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