



## IN THE HIGH COURT OF JUDICATURE AT MADRAS

| Date of Reserving the Judgment | Date of Pronouncing the Judgment |
|--------------------------------|----------------------------------|
| 10.12.2025                     | 10.02.2026                       |

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN  
AND  
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**CMA No. 2686 of 2022**

Sekar

Petitioner/Appellant

Vs

1.Krishnan

2.The Branch Manager,  
IFFCO TOKIO General Insurance Co., Ltd.,  
No.28, North Usman Road, T.Nagar,  
Chennai – 600 017.

Respondents

**Prayer:**

Civil Miscellaneous Petition filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree made in MCOP.No.105 of 2019, dated 20.01.2020, on the file of the Motor Accidents Claims Tribunal, Additional District and Sessions Court, Krishnagiri.

For Appellant(s): Mr.V.Kumaravelan



For Respondent(s): Mr.J.Michael Visuvasam for R2

R1 - No such person

### **JUDGMENT**

**(Judgment of the Court was made by K.KUMARESH BABU., J.)**

The present Civil Miscellaneous Appeal has been filed challenging the judgment and decree dated 20.01.2020 passed in M.C.O.P. No.105 of 2019 on the file of the Motor Accident Claims Tribunal, Additional District and Sessions Court, Krishnagiri, seeking to set aside the same.

2) The case of the appellant is that on 25.04.2008, he was travelling from Vellore to Chennai on his Splendor motorcycle bearing Registration No. TN-23-AB-7417. While so, a TATA ACE vehicle bearing Registration No. TN-21-AB-6546, driven by the 1st respondent in a rash and negligent manner and at an uncontrollable speed, approached from the opposite direction without observing traffic rules and dashed against the appellant's motorcycle near Baluchetty Chatram, G.W.B. Road, Chindhadhiri Medu Junction Road, resulting in the accident. Due to the impact, the appellant sustained major fractures in both legs and multiple grievous injuries all over his body, resulting in permanent disability. Consequently, the appellant filed a claim petition in M.C.O.P. No.105 of 2019 before the Motor Accident Claims Tribunal, Krishnagiri, claiming a



compensation of Rs.50,00,000/-. The Tribunal, by judgment and decree dated 20.01.2020, awarded a sum of Rs.30,28,400/-, aggrieved by which the present appeal has been preferred by the claimant as the compensation is inadequate.

3) Heard Mr. V. Kumaravelan, learned counsel appearing for the appellant, and Mr. J. Michael Visuvasam, learned counsel appearing for the 2nd respondent.

4) The learned counsel for the appellant submitted that the claim of Rs.50,00,000/- was itself modest considering the nature of injuries sustained. However, the Tribunal arbitrarily disallowed compensation under several legitimate heads, namely, loss of income during treatment period, extra nourishment, pain and suffering, attendant charges, loss of amenities of life, loss of expectation of life, damage to clothing and articles and loss of care and guidance to family, which is contrary to settled principles of law.

5) It was further contended that the Tribunal erred in fixing the monthly income of the appellant at Rs.13,000/-, despite the deposition of P.W.2, the authorized representative of the employer, and Ex.P28 – Salary Certificate, which establish the appellant's monthly income as Rs.18,000/-. The learned counsel submitted that the Tribunal also failed to consider the fact that the



appellant had undergone 18 surgeries and was hospitalized for 510 days as an inpatient across 24 admissions, clearly demonstrating the gravity of injuries and the necessity for prolonged treatment and future medical expenses.

6) The learned counsel further submitted that the appellant was aged about 33 years at the time of the accident and employed in a private company, and therefore the Tribunal erred in denying future prospects, contrary to settled law. According to him, the compensation awarded is grossly inadequate and warrants interference.

7) Countering the arguments of the learned counsel for the appellant, the learned counsel for the 2nd respondent submitted that the compensation awarded by the Tribunal is just and reasonable. He pointed out that the appellant himself had mentioned his monthly income as Rs.13,000/- in the claim petition and had neither amended the claim petition nor rectified the alleged error during the course of trial. Hence, the appellant cannot now contend that his income was Rs.18,000/-. He therefore prayed for dismissal of the appeal.

8) We have considered the rival submissions and perused the materials



available on record.

9) The primary contention of the appellant relates to the fixation of monthly income. It is seen that in the claim petition, the appellant stated that he was employed at Kalyani Steel Plant Products India Private Limited, Hospet Taluk, Bellary District, and mentioned his income as Rs.13,000/- per month. However, Ex.P28 – Salary Certificate and the deposition of P.W.2 indicate employment with Praxair India Pvt. Ltd., Tornakallu Village, Bellary District, from the year 2006 till the date of accident.

10) Neither the oral evidence nor the documentary evidence establishes that Praxair India Pvt. Ltd. is a subsidiary of or connected in any manner with Kalyani Steel Plant Products India Private Limited, nor is there any evidence of merger or name change. In the absence of clarification regarding the identity of the employer, this Court finds that the claim of monthly income of Rs.18,000/- is not satisfactorily substantiated. Therefore, the fixation of income at Rs.13,000/- by the Tribunal does not warrant interference.

11) The Tribunal awarded a total compensation of Rs.30,28,400/- under the following heads:



## i. Loss of Income for 60% Disability

(Rs.13,000 × 12 × 16) – Rs.24,96,000/-

## ii. Medical Expenses

– Rs.2,82,200/-

## iii. Transportation Charges

– Rs.1,50,200/-

## iv. Future Medical Expenses

– Rs.1,00,000/-

12) However, this Court finds merit in the contention of the appellant regarding the severity of injuries, prolonged hospitalization, and future medical requirements. It is also evident that the Tribunal failed to award compensation under the heads of pain and suffering, nourishment and attendant charges.

13) Considering the nature and gravity of the injuries sustained by the appellant on perusal of Ex.A5 to 8 and Ex.A10 to 21, discharge summary, Injury report Ex.A3, medical bills and applying the principles laid down by the Hon'ble Supreme Court in *Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343*, this Court is inclined to grant additional compensation. The modified compensation is tabulated hereunder.

**The Compensation allowed by this Court in comparison with the previously awarded compensation by the Claims Tribunal:**



| S.No | Heads of compensation awarded | Amount awarded by Tribunal             | Amount awarded by this Court           | Award Modified or confirmed |
|------|-------------------------------|----------------------------------------|----------------------------------------|-----------------------------|
| 1    | Loss of Income                | Rs.24,96,000<br>(13,000*100/100*12*16) | Rs.24,96,000<br>(13,000*100/100*12*16) | Confirmed                   |
| 2.   | Medical Bills                 | Rs.2,82,200                            | Rs.2,82,200                            | Confirmed                   |
| 3    | Pain and Suffering            | -----                                  | Rs.2,00,000                            | Awarded                     |
| 4    | Transport Charges             | Rs.1,50,200                            | Rs.1,50,200                            | Confirmed                   |
| 5    | Future Medical Bills          | Rs.1,00,000                            | Rs.2,00,000                            | Enhanced                    |
| 6    | Nourishment                   | -----                                  | Rs.25,000/-                            | Awarded                     |
| 7    | Attender's Charges            | -----                                  | Rs.25,000/-                            | Awarded                     |
|      | <b>Total</b>                  | <b>Rs.30,28,400/-</b>                  | <b>Rs.33,78,400/-</b>                  | <b>Enhanced</b>             |

14) Accordingly, the judgment and decree dated 20.01.2020 passed in M.C.O.P. No.105 of 2019 is modified to the extent indicated above. Except for the said enhancement, this Court does not find any other ground to interfere with the award of the Tribunal.

15) The Civil Miscellaneous Appeal is accordingly disposed of. The appellant shall be entitled to interest at the rate of 7.5% per annum from the



date of the claim petition till realization. The distribution of compensation shall be as apportioned under the respective heads. There shall be no order as to costs.

(C.V.K., J.)

(K.B., J.)  
10-02-2026

Pbn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Motor Accidents Claims Tribunal,  
Additional District and Sessions Court, Krishnagiri
2. The Section Officer,  
VR Section, High Court,  
Madras.



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CMA No. 2686 of 2022



**C.V.KARTHIKEYAN, J.  
and  
K.KUMARESH BABU, J.**

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**PRE-DELIVERY JUDGMENT  
IN  
CMA No. 2686 of 2022**

**10-02-2026**