Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 1855 of 2024

CNR: {HCMA010679642024}

Seeni Muthupandian.A ..Appellant(s)

Vs.

1. Sreenadha Reddy

2. IFFCO TOKIO General Insurance Co Ltd.,
   No. 128, 4th Floor, IFFCO Bhavan,
   Habibullah Road, T.Nagar, Chennai 17. ..Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to allow the appeal and enhance the compensation in M.C.O.P. No.1738 of 2020 on the file of the Motor Accidents Claims Tribunal / V Court of Small Causes, Chennai.

For Appellant(s) : Mrs.Ramya V.Rao

For R1 : Notice dispensed with
For R2 : Mr.K.Poomalai

JUDGMENT

Unsuccessful claimant has preferred the present Civil Miscellaneous Appeal seeking enhancement of compensation.

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2. Claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 and Rule 43 of M.A.C.T ruels, seeking compensation for the injuries sustained by him, in a road accident.

3. According to the claimant, on 08.08.2020 at about 2.30 p.m., he was riding a motorcycle bearing Registration No. TN 02 BD 5230 in front of the Egmore Post Office, at that time, a car bearing Registration No. TN 07 BP 8920, came from the opposite direction on the same road, was driven in a rash and negligent manner and hit the claimant's two-wheeler. Due to the impact, the claimant sustained multiple injuries all over his body.

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

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

6. Before the Tribunal, on behalf of the claimant, the claimant himself was examined as P.W.1 and Exs.P1 to P17 were marked. On the side of the second respondent, one witness was examined as RW1 and Exs.R1 to R3 were marked. Disability certificate issued by the Medical Board was marked as Ex.C1.

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7. Upon appreciation of the evidence adduced on either side, the Tribunal found that the accident had occurred due to the rash and negligent driving of the driver of the offending vehicle. The Tribunal further found that the driver of the first respondent's vehicle did not possess a valid driving licence at the time of the accident and had thereby violated the terms and conditions of the insurance policy and the provisions of the Motor Vehicles Act. Hence, the Tribunal directed the second respondent/Insurance Company to pay the compensation to the claimant, with liberty to recover the same from the first respondent, being the owner of the offending vehicle. As regards the quantum of compensation, the claimant appeared before the Medical Board for assessment of his disability. The Medical Board assessed his permanent disability at 16%. The Tribunal fixed a sum of Rs.5,000/- for each percentage of disability and accordingly awarded a sum of Rs.80,000/- under the head of permanent disability. The Tribunal also awarded compensation under various other heads, as detailed below :-

S.No.	Heads of Compensation	Amount awarded by the Tribunal
1	Disability	Rs 80,000/-
2	Medical expenses	Rs.2,74,626/-
3	Future medical expenses	Rs. 20,000/-
4	Loss of income	Rs. 20,000/-
5	Mental agony	Rs. 15,000/-

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6	Transportation expenses	Rs. 10,000/-
7	Nutrition expenses	Rs. 1,000/-
8	Damages to clothes	Rs. 1,000/-
9	Attender charges	Rs. 3,000/-
10	Loss of amenities	Rs. 30,000/-
	Total	Rs.4,83,626/- rounded off to Rs.4,83,700/-

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

9. The learned counsel appearing for the appellant/claimant would submit that the claimant was working as a driver by profession and had sustained fractures in both legs, crush injury, hip injury and multiple injuries all over his body. The Medical Board assessed his permanent disability at 16%. However, the Tribunal fixed only a sum of Rs.5,000/- per percentage of disability, which is meagre and warrants enhancement. Further, the Tribunal ought to have considered that the accident took place on 08.08.2020 and the notional monthly income of the claimant could not be fixed at less than Rs.20,000/-. However, the Tribunal fixed the notional monthly income at Rs.10,000/- and awarded compensation towards loss of income only for a

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period of two months, which is inadequate. Hence, the learned counsel seeks enhancement of the compensation awarded under the relevant heads.

10. Per contra, the learned counsel appearing for the second respondent/Insurance Company would submit that, considering the nature of the injuries sustained by the claimant and the period of inpatient treatment, the Tribunal rightly fixed a sum of Rs.5,000/- per percentage of disability and awarded compensation accordingly. The Tribunal has also rightly assessed the compensation under the head of loss of income. Therefore, the award passed by the Tribunal 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 of the accident and the negligence fixed on the part of the driver of the offending vehicle. A perusal of Ex.P3/Discharge Summary reveals that, immediately after the accident, the claimant was admitted to Apollo Hospital and underwent inpatient treatment for five days, from 08.08.2020 to 12.08.2020. He had also undergone further treatment at the said hospital, as reflected in the Discharge summary. The claimant subsequently appeared before a duly constituted Medical Board at

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Government Royapettah Hospital, Chennai for assessment of his disability, and the Medical Board assessed his permanent disability at 16%. In the absence of any evidence to establish the functional disability or the actual loss of earning capacity, the Tribunal adopted the percentage method and awarded compensation at the rate of Rs.5,000/- per percentage of disability.

13. However, this Court is of the view that the amount fixed by the Tribunal towards permanent disability is inadequate. The accident occurred in the year 2020. At the time of the accident, the claimant was aged about 33 years and was working as a driver by profession. Considering the nature of the injuries sustained by him and the permanent disability assessed by the Medical Board, a sum of Rs.5,000/- fixed by the Tribunal for each percentage of disability appears to be meagre. Hence, this Court is inclined to enhance the compensation to Rs.10,000/- per percentage of disability. Accordingly, the compensation under the head of permanent disability is enhanced to Rs.1,60,000/- (Rs.10,000/- × 16%).

14. It is relevant to note that the claimant had sustained fractures in both legs, a crush injury and multiple injuries all over his body. He was admitted as an inpatient from 08.08.2020 to 12.08.2020. Considering the nature of the injuries and the treatment undergone by the claimant, a sum of Rs.20,000/-

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awarded by the Tribunal towards future medical expenses is inadequate. Hence, this Court is inclined to enhance the compensation under the said head to Rs.40,000/-.

15. As regards the loss of income, the Tribunal fixed the monthly income of the claimant at Rs.10,000/- and awarded compensation for a period of two months. In the absence of documentary proof of the actual monthly income, the notional income fixed by the Tribunal is very meagre. Considering the fact that the accident occurred in the year 2020, the age of the claimant and his avocation as a driver, this Court is inclined to fix the notional monthly income at Rs.18,000/-. Further, considering the nature of the injuries sustained and the period required for recovery, the claimant would not have been in a position to attend to his regular work for a period of six months. Accordingly, a sum of Rs.1,08,000/- (Rs.18,000/- × 6 months) is awarded under the head of loss of income.

16. The Tribunal awarded a sum of Rs.15,000/- towards pain and suffering, which is also inadequate, considering the nature of injuries sustained by the claimant. Hence, the same is enhanced to Rs.50,000/-. Further, the compensation awarded under the heads of transportation expenses, extra nourishment and attendant charges is also inadequate. Considering the nature of

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the injuries and the treatment undergone by the claimant, this Court is inclined to award a sum of Rs.20,000/- towards transportation expenses, Rs.20,000/- towards extra nourishment and Rs.15,000/- towards attendant charges. Further, a sum of Rs.30,000/- awarded under the head of loss of amenities is also inadequate. Hence, this Court is inclined to enhance the compensation under the said head to Rs.50,000/-.

17. It is also relevant to note that the Tribunal has awarded compensation under the head of mental agony. However, considering the nature of injuries sustained by the claimant and the compensation awarded under the other relevant heads, this Court is not inclined to award any further compensation under the said head.

18. 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	Disability	Rs 1,60,000/-
2	Medical expenses	Rs. 2,74,626/-
3	Future medical expenses	Rs. 40,000/-
4	Loss of income	Rs. 1,08,000/-
5	Pain and suffering	Rs. 50,000/-
7	Transportation expenses	Rs. 20,000/-

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8	Nutrition expenses	Rs. 20,000/-
9	Damages to clothes	Rs. 1,000/-
10	Attender charges	Rs. 15,000/-
11	Loss of amenities	Rs. 50,000/-
	Total	Rs. 7,38,626/- rounded off to Rs.7,39,000/-

19. In the result,

i) The Civil Miscellaneous Appeal is partly allowed.

ii) The compensation amount awarded by the Tribunal by enhancing from Rs.4,83,626/- to Rs.7,39,000/- 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.1738 of 2020 on the file of the Motor Accident Claims Tribunal/ V Court of Small Causes, Chennai and thereafter, they are at liberty to recover the same from the first respondent /owner of the vehicle in the manner known to law.

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

v) The 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.

30.10.2026

Index : Yes/No
Internet : Yes/No
Speaking : Non Speaking Order
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M.JOTHIRAMAN, J.

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