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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3709 of 2026

CNR: {HCMA010699552022}

Siva

Case QR

..Appellant(s)

Vs

1. Karunagaran

2. The Divisional Manager
   The Oriental Insurance Company Ltd.,
   Hub 3rd Party Claims,
   Vijayalakshmi complex,
   First Floor, No.32/13,
   Face No.2, Sathuvachari, Vellore.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to enhance and to set aside the award dated 12.10.2017 and made in MACT OP No.151 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai.

For Appellant(s): Ms. M.Malar
For Respondent(s): Mr. S. Senthilkumar, for R2

JUDGMENT

Unsuccessful claimant has preferred this Civil Miscellaneous Appeal seeking enhancement of compensation, vide award dated 12.10.2017 made in MACTOP.No.151 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai.

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2. The claim petition has been filed under Section 166 of the Motor Vehicles Act, seeking compensation for the injuries sustained by the minor claimant in a road accident. According to the claimant, on 07.04.2016 at about 7.00 p.m., one Pachiyappan (another claimant in MCOP No.152/2017) was riding his Motor Cycle bearing Registration No.TN-25-T-9414 along with the claimant in MCOP No.151 of 2017 as a pillion rider at the extreme left side of Aranji Kumarakudi Road, near one Kuppusamy's House at Sampanthanur Village, at that time, the driver of the Tractor bearing Registration No.TN-46-H-1092 came in the opposite direction, drove the same in a rash and negligent manner and dashed against the two wheeler, due to the accident the claimant sustained multiple injuries all over the body.

3. The first respondent, was called absent and set exparte before the Tribunal.

4. The 2nd respondent therein / Insurance Company has filed a counter statement denying the manner of accident.

5. Before the Tribunal, the joint trial was conducted and the evidence was recorded in MCOP No.151 of 2017. On behalf of the claimants, the claimant in MCOP No.152 of 2017 was examined as P.W.1, the father of the minor claimant in MCOP No.151 of 2017 was examined as P.W.2 and Exs.P1

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to P14 were marked. Disability Certificate issued by the Medical Board in the name of Minor Siva was marked as Ex.C1 and Disability Certificate issued by the Medical Board in the name of Pachiyappan was marked as Ex.C2. On the side of the second respondent, R.W.1 was examined and Ex. R1 was marked.

6. Upon appreciation of evidence adduced on either side, the Tribunal found that the accident occurred due to the rash and negligent driving of the offending vehicle. With regard to quantum of compensation, the claimant has appeared before the Medical Board and the Medical Board assessed the disability of the claimant as 25% disability and in the absence of proof of functional disability, the Tribunal has fixed a sum of Rs.3,000/- per disability, accordingly, awarded compensation under the head of disability for a sum of Rs.75,000/-. The Tribunal has also awarded compensation under various heads as tabulated hereunder:

Sl. No.	**Heads of Compensation**	**Amount awarded by the Tribunal (Rs.)**
1	Disability (25%)	75,000/-
2	Pain and sufferings	20,000/-
3	Medical Expenses	41,400/-
4	Future Medical Expenses	30,000/-
5	Extra Nourishment	5,000/-
6	Loss of earning during the treatment period	10,000/-
	Total	**1,81,400/-**

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Being aggrieved over the same, the claimant has preferred the present Civil Miscellaneous Appeal, seeking enhancement of compensation.

7. The learned counsel appearing for the appellant /claimant would submit that the Tribunal failed to consider the injuries sustained by the claimant, Swelling and deformity at the right thigh and suspected fracture at the right femur and multiple injuries all over the body. The Tribunal fixing a sum of Rs.3,000/- per disability appears to be meager and the same has to be enhanced. The compensation awarded by the Tribunal on all other heads appears to be very meager and the same has to be enhanced.

8. *Per contra*, learned counsel appearing for the 2nd respondent / Insurance Company would submit that upon appreciation of evidence adduced on either side and considering the nature of injuries sustained by the claimant, the Tribunal has rightly upheld percentage method, fixing a sum of Rs.3,000/- per disability and awarded compensation, which does not require any interference. The Tribunal also awarded compensation under various other heads, which does not require any interference.

9. This Court considered the submissions made on either side and perused the entire materials available on record.

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10. There is no dispute with regard to the manner of accident and the negligence fixed on the part of the rider of the offending vehicle. It is relevant to note that the claimant appeared before the Medical Board and the Medical Board assessed 25% disability and issued Ex.C1 Disability Certificate. A perusal of Ex.C1 shows that the injury sustained by the claimant is grievous in nature and due to the injury, the claimant suffered 25% disability. Considering the fact that the accident took place on 07.04.2016, nature of injury sustained by the claimant and in the absence of proof of functional disability, the Tribunal has rightly adopted percentage method, however fixation of Rs.3,000/- per disability appears to be meager. Considering the fact that the accident took place in the year 2016, at the time of accident the age of the claimant was 15 years, therefore, this Court is inclined to fix a sum of Rs.6,000/- per disability and accordingly the compensation awarded by the Tribunal under the head of disability is enhanced to Rs.6,000 x 25 = 1,50,000/-.

11. The compensation awarded by the Tribunal under the head of pain and suffering appears to be meager and this Court is inclined to enhance the same to Rs.50,000/-. A perusal of Ex.P13 issued by the Medical Officer wherein it is stated that the claimant has to undergo another surgery for removal of implant, wherein it was also assessed that the claimant has spent a sum of Rs.70,000/- for the removal of implant. However, the Tribunal awarded a sum of Rs.30,000/- towards future medical expenses, which appears to be meager,

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and this Court is inclined to award a sum of Rs.70,000/- under the head of future medical expenses. The Tribunal has awarded a sum of Rs.5,000/- for extra nourishment, which also appears to be meagre therefore, this Court is inclined to enhance the same to Rs.25,000/-.

12. The Tribunal has fixed the notional income of the claimant to a sum of Rs.10,000/- for a month. This Court, upon considering that the injuries sustained by the claimant would affect his attending the job atleast for five months, accordingly the compensation awarded under the head of loss of earning capacity is granted for 5 months @ Rs.10,000/-, accordingly a sum of Rs.50,000/- is awarded under the head of loss of income. The Tribunal failed to award compensation under the head of attender charges, this Court award the compensation for a sum of Rs.10,000/- towards attender charges.

13. Thus, the compensation now determined by this Court is tabulated hereunder:

Sl. No.	**Heads of Compensation**	**Amount awarded by this Court (Rs.)**
1	Disability (25 x Rs.6,000)	1,50,000/-
2	Pain and sufferings	50,000/-
3	Medical Expenses	41,400/-
4	Future Medical Expenses	70,000/-
5	Extra Nourishment	25,000/-

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6	Loss of earning (Rs.10,000/- x5)	50,000/-
7	Attender Charges	10,000/-
	Total	**3,96,400/-**

14. Thus, the compensation awarded by the Tribunal is enhanced to **Rs.3,96,400/-** This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

15. In the result,

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

ii. The compensation awarded by the Tribunal is enhanced to **Rs.3,96,400/-.**

iii. The appellant / claimant is directed to pay the court fee for the enhanced compensation amount, if any.

iv. The second respondent, the Insurance Company, is directed to deposit the enhanced compensation amount of Rs.**3,96,400/-**(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 to the credit of MCOP No.151 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai, within a period of six weeks from the date of receipt of a copy of this order/uploading of this order. As per order of this Court in CMP Nos.16468 of 2026 dated 15.07.2026 and CMP No.19069 of 2026 dated 26.10.2026, the claimant is not entitled for any interest on the enhanced compensation for the delay period, if any.

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v. On such deposit being made, the appellant / claimant is at liberty to withdraw the same on filing appropriate application before the Tribunal.

vi. The manner and mode of disbursement of compensation shall be as per the order of the Tribunal.

12-11-2026

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

jv

To
1. Motor Accident Claims Tribunal,
Special Sub Court,
Tiruvannamalai,

2. The Section Officer,
V.R.Section,
Madras High Court, Chennai.

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M.JOTHIRAMAN, J.

jv

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