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CMA No. 1100 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1100 of 2023

Madhan @ Vel Madhan
S/o Parthiban,

..Appellant(s)

Vs

1. B. Amsavalli

2. Reliance General Insurance Co.Ltd.,
Legal Department, Reliance House,
6th floor, No.6, Haddows Road,
Nungambakkam, Chennai 600 006

..Respondent(s)

This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 To enhance the amount awarded in MCOP No.3067 of 2014 dated 18.11.2022 on the file of Motor Accident Claims Tribunal, (Special Sub Court No.2, Small Causes Court), Chennai as prayed for with interest and cost.

For Appellant(s): K. Varadha Kamaraj

For Respondent(s): Mr. G Vasudevan, for R2



JUDGMENT

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(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The claimant in MCO.P.No.3067 of 2014 has filed this appeal seeking enhancement of compensation.

2. The claimant was an occupant in a Tata Sumo Car bearing Reg.No.TN-22-BC-4728 proceeding at East Coast Road, near Manamai Samiyar Thottam, Kanchipuram District on 14.01.2014 at 15.45 hours. It was alleged that the vehicle was driven in a rash manner and capsized in the left side of the road bog ditch. Due to the said accident one person died, and three others suffered injuries. This claimant was aged 18 years. He was a skilled worker, working as a welder and earning Rs.5000/- per month. The Tribunal had fixed the notional income of Rs.9000/-. The compensation granted by the Tribunal was as follows:-

“The Tribunal fixed the notional monthly income of the claimant at Rs.9000/-, and added 40% future prospectus, and fixed the annual income at Rs.1,51,200. Applying a multiplier of ‘18’ and considering 100% functional disability, the Tribunal awarded Rs.27,21,600/- towards loss of earning



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capacity. Further amounts were awarded under various heads, namely, Rs.60,000/- towards pain and suffering, Rs.10,000/- towards transport charges, Rs.10,57,077/- towards medical expenses and Rs.10,000/- towards extra-nourishment and Rs.29,400/- towards attender charges. A total compensation of Rs.39,39,000/- was awarded.”

3. The learned counsel for the appellant drew the notice of this Court to a Judgment of a Division Bench of this Court reported in **2017 (2) TN MAC 331** in the case of ***Maruvammal /vs/ Managing Director, TNSTC Ltd., Villupuram, Kancheepuram Region***, wherein, it had been held that for arriving at the Notional Income, the same has to be taken in comparison with the rate of inflation. This method has been consistently followed by this Court by both learned Single Judges and Division Benches.

4. The injured was a skilled worker. The nature of the injuries suffered were extremely serious and they were as follows:-

RTA with Multiple Injuries

- *Diffuse Axonal Injury*



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- *Burst compression Fracture of C6 Vertebral Body with cord contusion*
- *Left Lower Radius Fracture*

Pressure Ulcers at Right Elbow and Occipital Scalp Lower Respiratory Tract Infection (Pseudomonas Aeruginosa)/ Urinary Tract Infection (Klebsiella Pneumoniae & E.Coli) Hypotyhermia.

5. It is also seen from the records that he took treatment as in patient from 16.01.2014 to 10.03.2014 and again from 10.03.2014 to 22.04.2014 in SRM Medical College Hospital and a surgery was performed on 23.01.2014. He was also referred to the Medical Board to assess his disability. A Disability Certificate was issued by the Regional Medical Board, Government Rajiv Gandhi Government General Hospital, Chennai, which was marked as Ex.C.1. The percentage of permanent functional disability was determined as 100%. The injured had also tendered evidence about the nature of the injuries suffered. The disability which he had suffered prevented him from performing any work much less the work of a welder, in which he was skilled. His whole body was totally damaged due to the accident. Both the arms and legs were paralyzed and he was unable to stand.



6. With respect to the monthly income, we would take into consideration the rate of inflation and determine it as Rs.12,000/- per month. We would also determine the loss of earning capacity at 100%. Accordingly the loss of earning capacity is calculated as follows :

Monthly income Rs.12000 + 40% future prospectus,
which is Rs.4800/- Hence, the monthly income is fixed at
Rs.16,800/-. The Annual Income would be (Rs.16800 x12)
Rs.2,01,800. Since he was aged about 18 years, the multiplier
of 18 is taken. The loss of income therefore fixed at
(Rs.2,01,800x18) Rs.36,28,800/-.

7. We hold this would be a just compensation for the loss of income for the injuries suffered and for his disability.

8. However in the appeal, enhancement is sought for attender charges. Since the injuries are permanent in nature with 100% functional disability, it is argued that attender charges should be granted for life time. In this connection, reliance is placed on the judgment of the Hon'ble Supreme Court in the case of ***Jithendran /vs/ New India Assurance Co.Ltd and another*** reported in **2021 (2) TN MAC 653 (SC)**.



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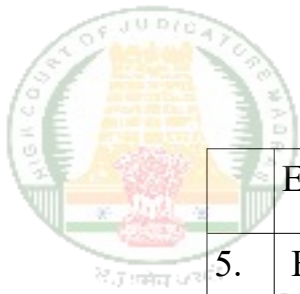
9. Even in that case, the claimant had suffered functional disability of 100%. We would grant the attender charges for life time in the following manner:-

The attender charge is determined at Rs.5,000/- per month. The future attender charges would be $\text{Rs.5,000} \times 12 = \text{Rs.60,000}$.

Applying the multiplier of 18, the additional compensation benefit under this head would be Rs.10,80,000/-.

10. Thus, the compensation awarded by the Tribunal is modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Disability	27,21,600 (9000+3600(40%)x12,x18	36,28,800 (12000+4800(40%)x12x18)	Enhanced
2.	Pain and sufferings	60,000	60,000	Confirmed
3.	Transportation	10,000	10,000	Confirmed
4.	Medical	10,57,077	10,57,077	Confirmed



	Expenses			
5.	Extra Nourishment	10,000	10,000	Confirmed
6.	Attender charges	29,400	10,80,000 (5000x12x18)	enhanced
7.	Loss of Amenities	50,000	50,000	confirmed
	Total	39,38,077	58,95,877	Enhanced by Rs.19,57,800/-
		Rounded off to Rs.39,39,000	Rounded off to Rs.58,95,880	

11. In the result,

i) the Civil Miscellaneous Appeal is allowed.

ii) The compensation of Rs.39,39,000/- awarded by the Tribunal is hereby enhanced to Rs.58,95,880/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

iii) The second respondent/Insurance Company is directed to deposit the award amount now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment in the first



instance and then recover the same from the owner of the vehicle on the same cause of action. (Pay and Recover).

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iv) On such deposit, the appellant/claimant is permitted to withdraw the entire award amount along with proportionate interest and costs, after adjusting the amount, if any, already withdrawn.

v) The appellant / claimant is directed to pay the Court fee for the enhanced compensation amount, if any, within a period of four weeks from the date of this order.

vi) There shall be no order as to costs.

(C.V.K.,J.) (K.R.S.,J.)

18-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MRP

To

The Motor Accident Claims Tribunal,
Special Sub Court No.2,
Small Causes Court, Chennai.



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