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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2026

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THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.M.A.No.3604 of 2026

K.Sarangapani ... Appellant

Vs.

1. J.Arivuselvam

2. The Branch Manager,
Reliance General Insurance Company Limited,
NTG Complex,
No.14, Ramasamy Street,
West Tambaram, Chennai – 600 045. ...Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 19.06.2023 passed in MCOP No.7 of 2012 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Thiruvarur.

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For Appellant : Mr.M.Tamizavel

R1 : No appearance

For R2 : Mr.P.Suresh Srinivasan

JUDGMENT

The unsuccessful claimant has preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The claim petition has been filed under Section 140 and 166 of the Motor Vehicles Act, for the injuries sustained by the claimant in a road accident that took place on 09.06.2011.

3. According to the claimant, on 09.06.2011 at about 04.00 pm, the claimant was riding his TVS Star City motorcycle bearing Registration No TN 51 C 3579 towards Sannanallur Bazaar to Mudikondan main road from south to north direction. When the claimant came near the left side of Periya Pidari Amman Kovil, a Tata Ace bearing Registration No TN 50 H 1695 came from opposite direction in a rash and negligent manner and dashed on

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the claimant's two wheeler, as a result of which, the claimant fell down and got grievous injuries on his right leg and right leg knee and also sustained multiple injuries all over his body.

4. The first respondent did not appear before the Tribunal and he was called absent and was set *ex parte.*

5. The second respondent therein has filed a counter statement wherein they denied the manner of accident. It is also stated that the accident was not due to negligence of the first respondent's driver but due to the claimant himself.

6. Before the Tribunal, on behalf of the claimant, the claimant was examined himself as PW1, one Dr.Ansari was examined as PW2 and Ex.P1 to Ex.P14 were marked. On behalf of the second respondent, no witness was examined and no documents were marked. The disability certificate issued by the Medical Board was marked as Ex.C1.

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7. Upon appreciation of evidence adduced on either side, the Tribunal came to a conclusion that the accident had occurred only to due to rash and negligent act of the driver of the offending vehicle.

8. With regard to quantum of compensation, the Tribunal considering the nature of injuries sustained by the claimant and the claimant also appeared before the Medical Board and the Medical Board assessed the disability of the claimant as 24% of partial permanent disability and adopted percentage method and awarded compensation of Rs.72,000/- under the head permanent disability. The Tribunal also awarded compensation under various heads as hereunder :

S.No	***Heads***	***Amount awarded by the Tribunal***
1.	Disability	72,000/-
2.	Pain and sufferings	50,000/-
3.	Loss of income	18,000/-
4.	Attender charges	12,000/-
5.	Loss of amenities	10,000/-
6.	Loss of cloths & others	500/-
7.	Medical charges	2,500/-
8.	Extra nourishment	10,000/-

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S.No	*Heads*	*Amount awarded by the Tribunal*
9.	Transportation	1,000/-
	Total	**Rs.1,76,000/-**

9. Aggrieved over the same, the claimant has preferred this present appeal seeking for enhancement of compensation.

10. The learned counsel for the appellant / claimant would submit that the Tribunal erroneously concluded that 24% locomotor disability will not prevent the claimant in perform his duty at co-operative societies as well as coolie. The injuries sustained by the claimant certainly would affect his day-to-day activities which leads to loss of earning capacity. The injuries sustained by the claimant would also lead to functional disability. The Tribunal ought to have adopt the multiplier method. The compensation awarded by the Tribunal under other heads also very meagre and hence prays to enhance the compensation.

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11. Per contra learned counsel for the second respondent / Insurance Company would submit that upon appreciation of evidence adduced on either side, considering the nature of injuries sustained by the claimant and considering the disability assessed by the medical board, the Tribunal had rightly awarded compensation, which does not require any interference by this Court.

12. Heard learned counsel for the appellant, learned counsel for the second respondent and perusal the materials available on record.

13. There is no dispute with regard to the manner of accident and the entire negligence fixed on the part of the driver of the offending vehicle. The only grievance of the claimant is that the Tribunal ought to have adopted multiplier method and the compensation awarded by the Tribunal under the head disability has to be enhanced. It is seen from the records that the claimant appeared before the Medical Board and the Medical Board assessed the disability of the claimant as 24% of partial permanent disability. A perusal of Ex.C1/disability certificate wherein it has been stated that the

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claimant had taken the following treatment :

"***Post Traumatic Sequelea Right Thigh***"

There is no mention about the functional disability. According to the claimant, he was doing agricultural coolie and was earning a sum of Rs.9,000/- per month. The claimant was aged about 23 years at the time of accident. It is relevant to note that in the absence of evidence of functional disability and in the absence of evidence with regard to injuries sustained by the claimant would lead loss of earning capacity, this Court is of the considered view that considering the disability assessed by the Medical Board 24% of partial permanent disability and the same will not prevent the claimant in performing his duty at Cooperative Societies as well as coolie and the Tribunal has rightly adopted percentage method. Considering the age of the claimant at the time of accident and considering the year of accident, the Tribunal has rightly fixed a sum of Rs.3,000/- per percentage of disability and accordingly, awarded a sum of Rs.72,000/- (Rs.3,000/- x 24%) under the head disability which does not require any interference. A perusal of Ex.P2/Medical legal opinion and Ex.P4/discharge summary reveals that the claimant had taken treatment as inpatient for about 47 days. The claimant

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would have been suffered a lot due to the injuries. Considering the disability percentage and the nature of injuries sustained by the claimant, the Tribunal has awarded a sum of Rs.50,000/- under the head pain and sufferings, which appears to be meagre and this Court is inclined to enhance the same to a sum of Rs.75,000/- under the head pain and sufferings.

13.1. According to the claimant, he was an agriculturist and was earning a sum of Rs.9,000/- per month at the time of accident. In the absence of proof of monthly income of the claimant, the Tribunal fixed a sum of Rs.6,000/- as notional monthly income of the claimant which is meagre. Considering the fact that the accident took place on 09.06.2011 and considering the age of the claimant, this Court is inclined to fix a sum of Rs.10,000/- as notional monthly income of the claimant. On account of the accident, the claimant would not have been in a position to attend to his work atleast for three months. Therefore, (Rs.10,000/- x 3) Rs.30,000/- is enhanced towards loss of income. The compensation awarded by the Tribunal under the head extra nourishment and transportation are appears to be meagre and the same are enhanced to Rs.20,000/- and Rs.5,000/-,

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respectively. The compensation awarded by the Tribunal under other heads are proper and reasonable which does not require any interference.

14. The following tabular column would show the amount enhanced by this Court under various heads ;

S.No	***Heads***	***Amount awarded by this Court***
1.	Disability	72,000/-
2.	Pain and sufferings	75,000/-
3.	Loss of income (Rs.10,000/- x 3)	30,000/-
4.	Attender charges	12,000/-
5.	Loss of amenities	10,000/-
6.	Loss of cloths & others	500/-
7.	Medical charges	2,500/-
8.	Extra nourishment	20,000/-
9.	Transportation	5,000/-
	Total	**Rs.2,27,000/-**

15. Thus, the compensation awarded by the Tribunal is enhanced to **Rs.2,27,000/-.** This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

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16. In the result,

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

ii. The compensation awarded by the Tribunal is enhanced to **Rs.2,27,000/-.**

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

iv. The second respondent, the United India Insurance Company Limited, Chennai, is directed to deposit the enhanced compensation amount of **Rs.2,27,000/-** (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.7 of 2012 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Thiruvarur, 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 No.9716 of 2026 dated 07.10.2026 the claimant is not entitled for any interest on the enhanced compensation for the delay period, if

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any.

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

30.10.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
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To

1. The Motor Accident Claims Tribunal
   Subordinate Court, Thiruvarur.

2.The Section Officer, VR Section, High Court, Madras.

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M.JOTHIRAMAN, J.

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