



WEB COPY



C.M.A.No.2281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.M.A.No.2281 of 2024

Mr.Manikumar

... Appellant

Vs

1.Jaleel

2.The Manager
The National Insurance Company Limited
No.66, 1st Floor, TP HUB
Murugesu Naicker Complex
Greens Road, Chennai – 600 006

.. Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 29.11.2023 passed in M.C.O.P.No.249 of 2020 on the file of Motor Accident Claims Tribunal, II Judge, Small Causes Court, Chennai.

For Appellant : Mr.V.Jaishankar
for Mr.R.Nandakumar

For Respondents : Mr.J.Michael Visuvasam for R2



C.M.A.No.2281 of 2024

JUDGMENT

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

The claimant is the appellant. He seeks enhancement of the compensation granted by the Motor Accident Claims Tribunal (II Court of Small Causes) at Chennai vide order dated 29.11.2023 in M.C.O.P.No.249 of 2020. As the first and second respondents therein have not challenged the award, we need not go into the issue of negligence and other aspects. This appeal is confined only to the issue of enhancement.

2. The appellant was working as an Executive at the time of accident. He was aged about 27 years at the time of accident. On account of the accident, he has suffered 100% disability. The Motor Accident Claims Tribunal had awarded a compensation of Rs.35,93,800/-, as against the claim of Rs.3 Crores sought for by the claimant.

3. We heard Mr.Jaishankar for the appellant and Mr.Michael Visuvasam for the second respondent. The first respondent, who is the owner of the lorry, remained *ex parte* before the Tribunal as well as, before this Court.



WEB COPY

4. Mr.Jaishankar urges that the MACT had taken a very conservative view while granting the compensation. He states it failed to consider the future employment aspects and earnings of the claimant. On account of the accident, the appellant has been forced to continue his treatment at the Christian Medical College, Vellore, including undergoing plastic surgery. He states that as on today, he is 100% paraplegic and he is able to move around only using the wheelchair.

5. Per contra, Mr.J.Michael Visuvasam points out that the issue of future prospects cannot be considered, as the appellant continues to be in employment as a Senior Engineer with his employer, and his salary had been increased over the period of time. He states that the enhancement should not be granted under the heads of loss of earning capacity and future prospects.

6. We have carefully considered the submissions of both sides and gone through the records.

7. We are entirely in agreement with Mr.J.Michael Visuvasam on the aspect of loss of earning capacity and future prospects. Mr.Jaishankar was called upon to produce the latest salary certificate of the appellant. He produced the same for our perusal. It shows that the appellant



continues to be in employment as Senior Engineer in the Purchase Department of his employer viz., Heat and Control (South Asia) Pvt. Ltd., Chengalpattu. Therefore, the appeal on the aspect of future prospects does not require any consideration.

8. On the other aspects as pleaded, we are in agreement with Mr.Jaishankar. The Tribunal has concluded that the claimant has suffered 100% disability and that the second respondent failed to let in any contrary evidence. Having come to the conclusion that the appellant has suffered 100% disability, the grant of Rs.5 lakhs compensation on the ground of disability in our view, is very meager. The injuries suffered by the appellant has left a life- long effect, resulting in him becoming a paraplegic. A young man, who was going around in his motorcycle, is today, entirely dependent on a wheelchair for his movement. The medical report also points out that he is suffering from cellulitis of the lower limbs, sepsis, as well as, traumatic spinal cord injuries. The ailment that the appellant is suffering from would require him to continue treatment till the time is with him no more. Further, since the appellant has become paraplegic, under the head of loss of matrimonial companionship too, he will be entitled to compensastion and we quantify



C.M.A.No.2281 of 2024

it at Rs.5,00,000/-. We are inclined to enhance the compensation on the other aspects which are tabulated hereunder:

Sl.No.	Heads	Amount (Rs.)
1	Towards Disability	15,00,000.00
2	Towards Pain and Suffering	10,00,000.00
3	Towards Loss of earning during Treatment	2,75,850.00
4	Towards Medical Expenses	24,67,900.00
5	Towards Future Medical Expenses	10,00,000.00
6	Towards Loss of Amenities	5,00,000.00
7.	Towards Attender Charges	2,00,000.00
8.	Towards Transportation Charges	2,00,000.00
9.	Towards Extra Nourishment	1,00,000.00
10	Loss of Matrimonial Companionship	5,00,000.00
	Total	77,43,750.00

In the result, the Civil Miscellaneous Appeal is allowed. The compensation of Rs.35,93,750/- awarded by the Tribunal is hereby enhanced to Rs.77,43,750/- [Rupees Seventy Seven Lakhs Forty Three Thousand Seven Hundred and Fifty only]. For the purpose of claim of interest, the amount of Rs.10,00,000/- granted under the head Future Medical Expenses will not carry interest. This is because this expenditure would arise only in future. Second respondent insurance company is directed to deposit the enhanced compensation within a period of four



C.M.A.No.2281 of 2024

weeks from the date of receipt of this judgment. On such deposit, the appellant/injured is entitled to withdraw the same on filing an appropriate application before the MACT. No costs.

(N.S.K.,J.) (V.L.N.,J.)
19.02.2026

Index: Yes/No
Neutral Citation: Yes/No
gpa

To

Motor Accident Claims Tribunal
(II Judge, Court of Small Causes)
Chennai



WEB COPY



C.M.A.No.2281 of 2024

**N.SATHISH KUMAR J.
AND
V.LAKSHMINARAYANAN J.**

gpa

C.M.A.No.2281 of 2024

19.02.2026