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C.M.A.No.1312 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.02.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 1312 of 2024

S. Abdul Akbar

...Appellant

Vs.

1. P. Balakrishnan

2. The Manager,

The National Insurance Company Limited,

Motor Third Party Hub, Regina Manison,

No.46, 3rd Floor, Moore Street,

Chennai 600 001.

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, to modify the Order dated 21.11.2023 made in M.C.O.P. No.2344 of 2018 on the file of the Motor Accident Claims Tribunal, VI Small Causes Court, Chennai.

For Appellant

: Mr. S. Ravi Kumar

For Respondents

: Mr.J. Michael Visuvasam for R2

R1 – Notice dispensed with.



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JUDGMENT

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This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellant/ claimant for enhancement of the sum awarded in M.C.O.P. No.2344 of 2018 on the file of the Motor Accident Claims Tribunal, VI Small Causes Court, Chennai.

2. Shortly stated, on 12.02.2018, at about 10.20 a.m., when the appellant/ claimant was riding his two wheeler bearing Registration No. TN 10 BA 1713 at Maduravoyal-Alambakkam, proceeding in south-north direction, opposite to Parvathy Ammal Thirumana Mahal, a lorry bearing Registration No.TN 22 AX 3331, driven by its driver in a rash and negligent manner, hit the two wheeler of the appellant/claimant, from behind, due to which, he sustained multiple fractures in Rib Cage including the right clavicle bone.

3. The claimant filed the above MCOP claiming compensation of Rs.10,00,000/- for the injuries sustained by him in the said accident. The claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving of the driver of lorry belonging to the 1st respondent and awarded a compensation of Rs.2,43,000/- to the appellant/claimant and directed the 2nd respondent/Insurance Company



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to pay the said compensation to the appellant/claimant, in the first instance and then recover the same from the 1st respondent since the driver of the 1st respondent's vehicle did not have valid driving license.

4. Seeking enhancement of compensation, the present Civil Miscellaneous Appeal is filed by the appellant/claimant.

5. The learned counsel for the appellant/claimant would contend that the Medical Board assessed the disability of the injured claimant as 42% permanent in nature and considering the serious nature of injuries, the tribunal ought to have adopted multiplier method and that, considering the year of accident, fixing a sum of Rs.4,000/- per percentage of injury is very meagre. He further submitted that though the appellant/claimant was doing his own business and earning a sum of Rs.15,000/- per month, the tribunal fixed a meagre sum of Rs.10,000/- as notional monthly income of the injured claimant and the same needs to be enhanced. It is further submitted that the compensation awarded under the other heads also need to be enhanced.

6. On the other hand, the learned counsel for the 2nd respondent / Insurance Company submitted that, the Tribunal has considered the material



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on record and had awarded 'just compensation' which requires any interference by this Court.

7. Heard on both sides. Records perused.

8. On a perusal of the impugned Award, it is seen that, since no document has been produced by the appellant / claimant to prove his avocation, the tribunal had fixed the monthly income of the appellant / claimant at Rs.10,000/-. However, considering the year of accident, this Court deems it fit to fix the monthly income of the claimant at Rs.12,000/- and accordingly, compensation towards loss of income for the period of three months is calculated as Rs.36,000/-. Considering the year of accident, it would be appropriate to fix Rs.7,000/- per percentage disability. Accordingly, Rs.2,94,000/- (7000x42) is awarded towards disability. Considering the nature of injuries, the compensation awarded by the tribunal under the head of 'pain and sufferings' is enhanced to Rs.25,000/-. The amount awarded by the Tribunal under the other heads are confirmed.

9. The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court.



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S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ granted
1.	Transportation charges	10,000/-	10,000/-	Confirmed
2.	Extra nourishment	10,000/-	10,000/-	Confirmed
3.	Attender charges	10,000/-	10,000/-	Confirmed
4.	Disability	1,68,000/-	2,94,000/- (7000 x 42)	Enhanced
5.	Loss of Income	30,000/- (10,000 x 3)	36,000/- (12,000 x 3)	Enhanced
6.	Pain and sufferings	15,000/-	25,000/-	Enhanced
	Total	2,43,000/-	3,85,000/-	Enhanced by Rs.1,42,000/-

10. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to 3,85,000/- from Rs.2,43,000/-.
- iii. The appellant/claimant is directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- iv. The second respondent/Insurance Company is directed to deposit the enhanced compensation amount as stated above (less the amount



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already deposited) together with interest at the rate of 7.5% per annum

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from the date of claim petition till the date of deposit, at the first instance, to the credit of M.C.O.P. No.2344 of 2018 on the file of the Motor Accident Claims Tribunal, VI Small Causes Court, Chennai, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order, and then recover the same from the 1st respondent / owner of the vehicle.

v.The appellant/claimant is not entitled to claim any interest for the default period, if any, in filing this appeal.

vi.On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

16.02.2026

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



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To:

1. The VI Judge, Court of Small Causes,
Motor Accident Claims Tribunal,
Chennai.
2. The Manager,
The National Insurance Company Limited,
Motor Third Party Hub, Regina Manison,
No.46, 3rd Floor, Moore Street,
Chennai 600 001.
3. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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