



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 30.06.2026**

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**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**CMA No.1937 of 2026**

V.Rajkumar

..Appellant

.VS.

1.M/s.Jeppiaar Fishing Harbour Mutton Pvt., Ltd.,  
Kunnavakkam Village,  
Sriperumpudur Taluk,  
Kancheepuram District – 631 604.

2.United India Insurance Co., Ltd.,  
Silling Building, 4<sup>th</sup> Floor,  
No.134, Greams Road,  
Chennai – 600 006.  
..Respondents

**Prayer:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, pleaded to allowed this Civil Miscellaneous Appeal by enhancing the compensation awarded in the Judgment and Decree, dated 17.03.2025, passed in MCOP No.5970 of 2019, on the file of the Motor Accident Claims Tribunal, Chennai (in the Court of Small Causes, Chennai).

For Appellant : Mr.K.Balaji

For Respondent : Mr.K.Swaminathan for R2



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## **JUDGMENT**

This appeal has been filed challenging the Award passed by the MACT (in the Court of IV Court, Small Causes Court, Chennai) in MCOP No.5970 of 2019 dated 17.03.2025, wherein, the claimant is seeking for enhancement of compensation.

2.Heard Mr.K.Balaji, learned counsel appearing on behalf of the Appellant and Mr.K.Swaminathan, learned counsel appearing on behalf of the 2<sup>nd</sup> respondent.

3.The claim petition was filed on the ground that the claimant was riding a two wheeler on 28.09.2019 and at about 12.45 hours, the offending vehicle which was a tanker lorry was driven in a rash and negligent manner and it hit the two wheeler. As a result of which, the claimant sustained fracture in right scaphoid. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on



the part of the offending vehicle. Having rendered the above finding, the

Tribunal fixed the total compensation of Rs.1,47,000/- under various heads as

follows:

| <b>Compensation awarded under the head</b> | <b>Amount (in Rs.)</b> |
|--------------------------------------------|------------------------|
| Disability                                 | 63,000                 |
| Pain and Sufferings                        | 50,000                 |
| Transportation                             | 2,000                  |
| Extra Nourishment                          | 3,000                  |
| Damages to clothing and articles           | 1,000                  |
| Attender Charges                           | 3,000                  |
| Loss of amenities                          | 25,000                 |
| <b>Total</b>                               | <b>1,47,000</b>        |

5.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

6.The claimant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

7.The learned counsel for the appellant submitted that the claimant suffered head injury and fracture in right scaphoid and the Tribunal ought to



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have considered the fact that the claimant suffered functional disability and should have adopted multiplier method and whereas, the Tribunal had adopted the percentage method and fixed the compensation under the head of disability. The learned counsel further submitted that the compensation fixed under the other heads are on the lower side and it requires enhancement.

7.Per contra, learned counsel appearing on behalf of the 2<sup>nd</sup> respondent submitted that the Medical Board had assessed the percentage of disability as 9% and the Tribunal, considering the nature of injury, came to a conclusion that compensation can be granted per percentage and it is not fit a case for applying the multiplier. The learned counsel further submitted that the compensation that has been fixed under the other heads are also reasonable and it does not require the interference of this Court.

8.In the considered view of this Court, the Disability Certificate that was marked as Ex.C1 shows that the appellant sustained fracture in right scaphoid and Ex.P3 gives the details of the treatment that was undergone by the appellant as an outpatient. The Tribunal considering the nature of injuries sustained, applied the percentage method and granted Rs.7,000/- per percentage. In the case in hand, considering the nature of injuries sustained



by the claimant and the percentage of disability that was assessed by the Medical Board, it is not a fit case where the multiplier can be adopted in the absence of any proof of functional disability. Hence, the Tribunal adopting percentage method is in order.

9.The Tribunal had granted only Rs.7,000/- per percentage for an accident that took place in the year 2019. This Court is inclined to fix Rs.9,000/- per percentage and accordingly, the compensation under the head of disability is enhanced to Rs.81,000/-.

10.Insofar as the other heads are concerned, this Court is inclined to enhance the compensation under the head of transportation to Rs.10,000/-, under the head of extra nourishment to Rs.25,000/- and under the head of attender charges to Rs.15,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

11.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



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| Compensation awarded under the head | Amount (in Rs.) |
|-------------------------------------|-----------------|
| Disability (Rs.9000/- x 9%)         | 81,000          |
| Pain and Sufferings                 | 50,000          |
| Transportation                      | 10,000          |
| Extra Nourishment                   | 25,000          |
| Damages to clothing and articles    | 1,000           |
| Attender Charges                    | 15,000          |
| Loss of amenities                   | 25,000          |
| <b>Total</b>                        | <b>2,07,000</b> |

12.The compensation awarded by the tribunal at Rs.1,47,000/- is enhanced to Rs.2,07,000/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.2,07,000/-, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.60,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay period of 218 days as was ordered by this Court in C.M.P.No.12146 of 2026, dated 03.06.2026. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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This Civil Miscellaneous Appeal is partly allowed in the above terms.

No Costs.

**30.06.2026**

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

ssr

To

The Motor Accident Claims Tribunal, IV Court of Small Causes at Chennai.



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**N. ANAND VENKATESH., J**

SSR

**CMA No.1937 of 2026**

**30.06.2026**