



C.M.A.No.1798 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.1798 of 2024

Chinnasamy

.. Appellant /Petitioner

Vs.

1. Shamim Basheer

2. ICICI Lambard General Insurance Company Limited,

No.84 & 85, Arihant Plaza, First Floor,

Walltax Road, Chennai – 600 003

..Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the compensation awarded in MCOP No.1544 of 2017 dated 14.12.2023 on the file of the Motor Accident Claims Tribunal, Special Sub Court – I Small Causes Court, Chennai.

For Appellant : Mr.S.Ravikumar

For R1 : Notice dispensed with

For R2 : Mr.B.Sivakolappan

JUDGMENT

Not being satisfied with the Award dated 14.12.2023 made in M.C.O.P.No.1544 of 2017 on the file of the Motor Accident Claims



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Tribunal/Special Sub Court – I, Small Causes Court, Chennai, the claimant has preferred this Civil Miscellaneous Appeal for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Heard the learned counsel for the appellant/claimant and the learned counsel for the second respondent. Perused the relevant records.

4. The claim petition was filed under Section 166(1) of the Motor Vehicles Act, 1988, claiming compensation of Rs.25,00,000/- for the injuries sustained by the claimant in a road traffic accident that took place on 05.07.2015.

5. At trial, to substantiate the claim on the claimant' side, one witness was examined and nine documents were marked. On the side of the second respondent / Insurance Company, neither any witness was examined and nor any document was marked. Disability Certificate issued to the claimant by the Regional Medical Board is Ex.C1.

6. Upon consideration of oral and documentary evidence and after hearing the arguments advance by either side, the Tribunal granted



compensation of Rs.16,33,000/- with interest at the rate of 7.5% per annum from the date of claim petition. The amounts granted under different heads are given hereunder:-

Towards partial permanent disability – Rs.7,98,000/-: towards pain and sufferings – Rs.40,000/-: towards transportation – Rs.6,000/-: towards medical expenses – Rs.7,41,111/-: towards extra nourishment – Rs.10,000/-: towards attender charges – Rs.7,200/- and towards loss of amenities - Rs.30,000/- in toto a sum of Rs.16,32,311/- was awarded.

7. The learned counsel for the appellant/claimant would vehemently contend that the claimant was aged about 42 years at the relevant point of time and he was working as Supervisor, suffered with Grade IIIB Right Femur Shaft Fracture, Grade IIIB Right Tibia Shaft Segmental Fracture and Comminuted Fracture Lateral End Left Clavicle. The Medical Board assessed the disability of the claimant at 50%. But the Tribunal though has adopted multiplier method to compute future loss of income, fixed the disability at 40%, which is totally incorrect. He would further argue that the income of the claimant was fixed at Rs.9,000/- which is inadequate. He would further argue that for the fractures suffered by the claimant as mentioned above, the amount awarded by the Tribunal for pain and sufferings is also grossly inadequate and hence, sought for enhancement of compensation.

8. Whereas the learned counsel for the second respondent/Insurance Company would strenuously argue that, the Tribunal by taking into



consideration the fractures suffered by the claimant, adopted multiplier method and fixed the disability at 40% which is acceptable: the amounts awarded by the Tribunal under various heads is reasonable: hence, it does not warrant any interference by this Court.

9. It has come on record through the evidence of P.W.1 that as per Ex.P.3/discharge summary issued by the Kovai Medical Centre and Hospital Limited, Coimbatore, the claimant suffered below mentioned fractures on account of the accident that took place on 05.07.2015;

- 1) Grade IIIB Right Femur Shaft Fracture;
- 2) Grade IIIB Right Tibia Shaft Segmental Fracture;
- 3) Comminuted Fracture Lateral End Left Clavicle.

10. For the right foot and leg, wound debridement was done. For right tibia expert tibial, mailing was done: For right femur, IM Nailing was done on 05.07.2015. Thereafter, the claimant had taken further treatment on 23.07.2018. On 04.09.2017, as per Ex.P4, the claimant got admitted in the same hospital as mentioned supra as inpatient for implant removal over right femur, right tibia and left clavicle was done on 04.09.2017. The Regional Medical Board, Govt. Rayapettah Medical College & Hospital, Chennai has fixed disability of the claimant at 50%.

11. In consideration of the evidence of P.W.1 and the medical records, the Tribunal has rightly adopted the multiplier method for computing the loss of



future income and fixed the disability at 40% by relying upon the above stated medical records. The claimant was aged about 42 years at the relevant point of time.

12. It has come on record through the evidence of P.W.1 that he was working as Supervisor in Private Company and earning a sum of Rs.35,000/- per month at the relevant point of time. In consideration of the medical records and evidence of P.W.1, it is evident that the claimant finds it difficult to walk, squat, or climb stairs, and also experiences difficulty in performing his work on account of the fractures sustained. Due to the effects of the said fractures, functional disability of the claimant is taken at 50%. To substantiate the income of the claimant, no document was marked. This Court deems it fit to fix the notional monthly income of the claimant at Rs.14,000/-. As per Ex.P7/driving license and medical records as mentioned supra, the age of the claimant is taken as 42 years at the relevant point of time. As per the law laid down by the Hon'ble Supreme Court in *Sarla Verma and Others v. Delhi Transport Corporation and Another*, 2009 (2) TN MAC 1 (SC), the relevant multiplier is 14m. Based on the aforesaid details, for computing future loss of income, the following formula emerges:

$$\text{Rs.14000/-} \times 12 \times 14\text{m} \times 50\% = 11,76,000\text{-}$$

13. Furthermore, for pain and sufferings, attender charges,



transportation and extra nourishment, a sum of Rs.10,000/- under each head is granted in addition to the amount already awarded by the Tribunal. As regards the other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and it does not warrant any interference by this Court. The compensation awarded as mentioned supra is reworked and tabulated as given hereunder:

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For partial and permanent disability	Rs. 7,98,000/-	Rs.11,76,000/-	Enhanced
2	For Pain and Sufferings	Rs. 40,000/-	Rs. 50,000/-	Enhanced
3	For Transport charges	Rs. 6,000/-	Rs. 16,000/-	Enhanced
4	For Medical Expenses	Rs. 7,41,111/-	Rs. 7,41,111/-	Confirmed
5	For Extra Nourishment	Rs. 10,000/-	Rs 20,000/-	Enhanced
6	For Attender Charges	Rs. 7,200/-	Rs. 17,200/-	Enhanced
7	For Loss of Amenities	Rs. 30,000/-	Rs. 30,000/-	Confirmed
	Total	Rs.16,32,311/-	Rs.20,50,311/-	Enhanced
	Rounded off		Rs.20,50,300/-	

14. Thus, the compensation awarded by the Tribunal is enhanced from Rs.16,33,000/- to Rs.20,50,300/- which would carry interest at the rate of 7.5% per annum from the date of petition.



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15. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. There is no order as to costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.16,33,000/- to Rs.20,50,300/-.

(iii) The Insurance Company / second respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e., Rs.20,50,300/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs to the credit of MCOP No.1544 of 2017 on the file of the Motor Accident Claims Tribunal/Special Sub Court – I, Small Causes Court, Chennai. within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant is permitted to withdraw the same along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.



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(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants. Consequently, connected Civil Miscellaneous Petition, if any stands closed.

02.01.2026

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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Copy to

1.The Motor Accident Claims Tribunal,
Special Sub Court – I Small Causes Court,
Chennai.

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

R. KALAIMATHI, J.

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