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CMA No. 3054 of 2025,



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 3054 of 2025

&

CMP No.25670 of 2025

CMP No.2390 of 2026

CMA No.2579 of 2025

&

CM.P No.21723 of 2025

CMA Nos.1749 and 1750 of 2025

CMA 3054/2025

Magma HDI General Insurance Co. Ltd.,
Navin's Presidium, M.N.Road, 3rd Floor,
N.No.17/19, Old No.103, B-Block,
3A, Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

..Appellant

Vs

1. R.Ajith
2. B.Thiyagaraj

..Respondents

CMA 2579/2025

Magma Hdi General Insurance Co. Ltd.,
Navins Presidium, M.N.Road, 3rd Floor,
N.No.17/19, Old No.103, B-Block,
3A, Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

..Appellant

Vs.



1. Rani
2. Pandimeena
3. Hemavathi
4. Pravin
5. G.Rengammal
6. P.Govindaraj

7. B.Thiyagaraj

..Respondents

Civil Miscellaneous Appeals filed under Section 173 of M.V. Act, 1988 to set aside the Order dated 31.07.2024 made in M.C.O.P.Nos.6478 and 6571 of 2019 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

For Appellant:

Mr.B.Siva Kollapan

For R1 in CMA

Mr.P.T.Saleem Fathima

3054/2025 &

Respondents 1 to 6 in

CMA 2579/2025:

CMA 1749/2025

1. Rani
2. Pandimeena
3. Hemavathi
4. Pravin
5. G.Rengammal
6. P.Govindaraj

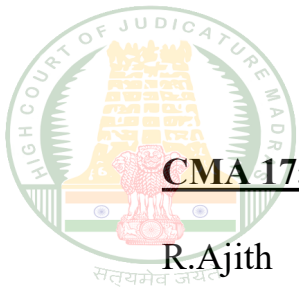
..Appellants

Vs.

1. B.Thiyagaraj

2. Magma HDI General Insurance Co. Ltd.,
Navin's Presidium, M.N.Road, 3rd Floor,
N.No.17/19, Old No.103, B-Block,
3A, Nelson Manickam Road,
Aminjikarai, Chennai 600 029.

..Respondents



CMA 1750/2025

R.Ajith

CMA No. 3054 of 2025,



..Appellant

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Vs.

1. B.Thiyagaraj

**2. Magma HDI General Insurance Co. Ltd.,
Navin's Presidium, M.N.Road, 3rd Floor,
N.No.17/19, Old No.103, B-Block,
3A, Nelson Manickam Road,
Aminjikarai, Chennai 600 029.**

..Respondents

Civil Miscellaneous Appeals filed under Section 173 of M.V. Act, 1988 to enhance the award in M.C.O.P.Nos.6571 and 6478 of 2019 dated 31.07.2024 on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

For Appellants:

Mr.P.T.Saleem Fathima

For R2

Mr.B.Siva Kollapan

COMMON JUDGMENT

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

The common Award dated 31.07.2024 passed by the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai in M.C.O.P.Nos.6478 and 6571 of 2019 has given rise to the present Civil Miscellaneous Appeals.

2. The Insurance Company has filed C.M.A.No.3054 of 2025 challenging the quantum of compensation awarded in M.C.O.P.No.6478 of 2019 wherein the Tribunal had granted compensation for the injuries sustained by the claimant



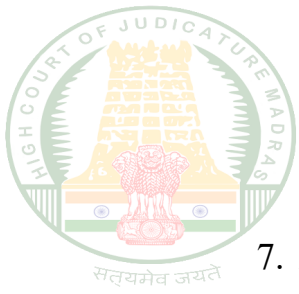
R.Ajith and C.M.A.No.2579 of 2025 challenging the quantum of compensation awarded in M.C.O.P.No.6571 of 2019 wherein the Tribunal had granted compensation to the claimants/the legal heirs for the death of one Chandran in a road accident that took place on 14.11.2019.

3. Seeking enhancement of the compensation amount awarded by the Tribunal, the said R.Ajith has filed C.M.A.No.1750 of 2025 and the legal heirs of Chandran have filed C.M.A.No.1749 of 2025.

4. Heard the learned counsel appearing for the parties and perused the materials available on record.

5. The injured claimant R.Ajith being the rider of his motorcycle bearing registration No.TN19 AK 4060 and the deceased Chandran being the pillion rider thereof, met with the accident on the hit by an Autorickshaw bearing registration No.TNI9 AX 4711 at Thiruporur Koot Road, near Vallam Kattu Paguthi and contending that the accident had taken place due to rash and negligence on the part of the driver of the autorickshaw, the claim petitions had been filed.

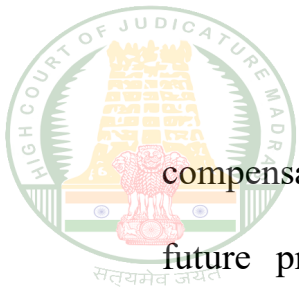
6. The quantum of compensation alone being in challenge and the accident and the consequences thereupon having not been disputed, this court is of the view that it would be redundant to go into the factual aspects of the case except to note that in the case of injury, the claimant R.Ajith had sustained grievous injuries and his right leg was amputated and the pillion rider Chandran died in the hospital on the next day viz., on 15.11.2019.



7. Another relevant aspect to be noted is that before the Tribunal, the claimants had examined three witnesses and marked 31 documents whereas the Insurance Company, which had generally denied its responsibility, had not chosen to adduce either oral or documentary evidence.

8. In such circumstances, on going through the entire materials, this court finds that the compensation awarded by the Tribunal in both the cases needs some enhancement or modification. Firstly, coming to the case of the injured claimant, he was said to have been employed as Manager cum Supervisor in Sri Anjaneya Enterprises, Chengalpattu and was earning Rs.30,000/- per month. He had produced Exs.P15 and P16 ID card and Salary Certificate to vouch safe the same, he had examined PW3, his employer. The Tribunal had found that no pay slip or bank statement has been produced to support such contention. Hence, the Tribunal had fixed a notional monthly income of Rs.15,000/-. This appears to be a litter bit on the lower side and this court is of the view that it can be enhanced to Rs.16,000/-.

9. The right multiplier of 18 in proportion to the age of the injured had been adopted by the Tribunal. Though the functional disability of the injured was assessed at 81% by the Medical Board as evidenced by Ex.P29, the Tribunal has taken into consideration the Locomotor Disability of 70% assessed by the Chengalpet Medical College Hospital alone, with which, we do not find any error or infirmity. However, we find that the Tribunal has not awarded any



compensation towards future prospects. We intend to award 40% towards future prospects. Therefore, the loss of earning capacity is arrived at **Rs.33,86,880** ((Rs.16,000 +40%) x 12 x 18 x 70/100).

10. Towards Transport Charges, the Tribunal had awarded only a sum of Rs.10,000/-, which, we enhance to Rs.**50,000/-**. Under the head of Special Diet, we award a sum of **Rs.25,000/-** instead of Rs.10,000 awarded by the Tribunal. The medical expenses awarded by the Tribunal to the extent of **Rs.6,02,000/-** being mere reimbursement in nature as it is supported by proper medical bills, we confirm the same.

11. With regard to award of compensation to the extent of Rs.12,00,000/- by the Tribunal, the learned counsel for the Insurance Company submitted that the claimant had not purchased the artificial limb even as on date and it would cost around Rs.7,00,000/- and therefore, the award in that aspect, certainly, requires indulgence of this court.

12. Admittedly, the claimant had not purchased the artificial limb except producing estimate slips. Therefore, we feel it would be appropriate to reduce the compensation towards cost of artificial limb and its maintenance to **Rs.7,00,000/-** from Rs.12,00,000/- awarded by the Tribunal.

13. The award of Rs.1,00,000/- towards mental agony, pain and suffering and mental agony to family members and a sum of Rs.10,000/- towards attender charges appear to be low and therefore, we intend to enhance the same to **Rs.2,00,000/-** and **Rs.15,000/-** respectively. We find that the Tribunal had not



awarded any amount towards loss of amenities and therefore, we intend to award a sum of **Rs.75,000/-** in that regard.

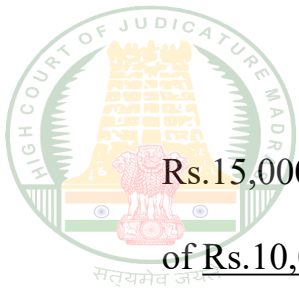
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14. The calculation of enhanced/modified compensation in the case of injured claimant is as under:-

Heads of compensation	Amount (in Rupees)
Loss of earning	33,86,880
Transport charges	50,000
Special Diet	25,000
Medical Expenses	6,02,000
Cost of Artificial limb and its maintenance	7,00,000
Mental agony, pain and suffering and mental agony to family members	2,00,000
Attender charges	15,000
Loss of amenities	75,000
Total	50,53,880

15. Coming to the case of legal heirs of the deceased Chandran, considering the avocation of the deceased as Baker and his age at the time of accident, viz., 48 years with experience in his profession, this court is of the view that the monthly income has to be fixed at Rs.17,000/- instead of 15,000/- fixed by the Tribunal. We do not find any error on the part of the Tribunal in adopting the 13 multiplier considering the age of the deceased. Therefore, Adding 25% towards future prospects, total loss of earning is arrived at **Rs.24,86,250/-** $((Rs.17,000 + 25\%) \times 12 \times 13 \times 3/4)$

16. This court does not find any error on the part of the Tribunal in awarding compensation under other heads except an award of Rs.10,000/- towards transportation charges when the Tribunal had already granted



Rs.15,000/- towards funeral expenses and therefore, we **disallow** the said sum of Rs.10,000/- awarded by the Tribunal towards transportation charges.

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17. The calculation of enhanced/modified compensation in the case of deceased is as under:-

Heads of compensation	Amount (in Rupees)
Loss of income/dependency	24,86,250
Loss of estate	15,000
Loss of consortium	2,40,000
Funeral expenses	15,000
Total	27,56,250

18. In the result, the compensation awarded by the Tribunal in M.C.O.P.No.6478 of 2019 is **enhanced** from Rs.42,00,000/- to **Rs.50,53,880/-** and in M.C.O.P.No.6571 of 2019, it is **enhanced** from Rs.24,74,000/- to **Rs.27,56,250/-**. The difference amount due to the enhancement in M.C.O.P.No.6571 of 2019 shall go to the share of the first claimant/wife of the deceased. The rest of the order passed by the Tribunal with regard to apportionment, interest and cost will hold good. The appellant/Insurance Company is directed to deposit the balance compensation amount within a period of six weeks from the date of receipt of a copy of this judgment.

19. The Civil Miscellaneous Appeals are disposed with the above enhancement/modification. No costs. The connected Miscellaneous Petitions are closed.

(C.V.K.,J.) (K.R.S.,J.)
22-04-2026



Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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ssk

To

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Chief Judge, Court of Small Causes,
Chennai.

2. Magma HDI General Insurance Co. Ltd.,
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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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CMA No. 3054 of 2025, etc.

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