



C.M.A.No.1498 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2026

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

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S.Abishek

... Appellant / Petitioner

vs.

1.K.Ramesh

2.The Oriental Ins., Co. Ltd.,
No.216/215, Prakasam Salai,
1st Floor, Broadway,
Chennai-600 108.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Award dated 08.06.2023 passed in M.C.O.P.No.3581 of 2019, on the file of the Motor Accident Claims Tribunal, Chennai / V Judge, Small Causes Court, Chennai.

For Appellant : Mr.T.G.Ravichandran

For Respondents : Mr.R.Sreevidhya[R2]
R1 – No Appearance

JUDGMENT

Challenge is made to the Award dated 08.06.2023 passed in M.C.O.P.No.3581 of 2019, on the file of the Motor Accident Claims Tribunal, Chennai / V Judge, Small Causes Court, Chennai for



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enhancement of compensation by the claimant herein.

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

3. Claim petition was filed under Section 166 of Motor Vehicles Act, 1988, claiming compensation of Rs.14,00,000/- for the injuries sustained by the claimant herein in a road traffic accident that occurred on 04.06.2019.

4. The Tribunal upon consideration of evidence and after hearing the arguments advanced by either side passed an Award for a sum of Rs.6,12,100/-. The amounts awarded under different heads are given hereunder:-

For disability suffered by the claimant Rs.3,78,000/-(Rs.5000/- +40%X12X18X25%). Towards medical expenses – Rs.1,53,010/- : For Pain and Sufferings undergone by the claimant – Rs.20,000/- : For Transport Charges – Rs.10,000/- : For Extra Nourishment – Rs.20,000/- : For Damages to clothes - Rs.500/- : For Attender Charges - Rs.10,500/- and for Loss of Amenities Rs.20,000/-.



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5. The learned counsel for the appellant would vehemently argue that the injured who was pursuing B.Com., Degree has suffered Gr.III C compound comminuted medical malleo fracture with left ankle joint subluxation with vessel injury. Besides that he also sustained extensive soft tissue injury. The Tribunal has taken only Rs.5,000/- as his monthly income which is less. He would further argue that the District Medical Board assessed the disability of the claimant at 48%, but, the Tribunal has taken at 25% is also not correct and sought for enhancement of compensation.

6. Per contra, the learned counsel for the 2nd respondent would strenuously contend that on account of the accident, earning capacity of the claimant herein was not affected. But, still, the Tribunal computed disability by invoking multiplier method which is incorrect. Based on the age, injury sustained by the claimant during the accident and other attending circumstances, the Tribunal has granted compensation of Rs.6,12,100/- towards disability by invoking multiplier method. She would further contend that based on the fracture suffered by the claimant herein as the disability assessed by the Medical Board was on the higher side, the Tribunal has taken 25% as disability and computed loss of income



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which cannot be found fault with.

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7. It has come on record through the evidence of PW1 that he suffered Gr.III C compound comminuted Medical malleo fracture with left ankle joint subluxation with vessel injury as per Ex.P11 and Ex.P12 Discharge Summary issued by Sri Hospital, Tondaiarpur, Chennai. For which, debridement was done for the left leg. For ankle joint K-wire fixation was done. As regards left posterior tibia vessel ligation was done. He had undergone surgeries on 05.06.2019, 11.06.2019 and 19.08.2019. On 19.08.2019, K-wire was removed and external fixator was also removed from the left leg. Ex.P19 is the series of photos of the claimant herein.

8. In consideration of the above said details found in discharge summaries Exs.P11 and P12 and the evidence of PW1 to the effect that he finds it difficult to walk, to climb up stairs and to carry weight etc., He is not in a position to do the above said activities as he did before. At the time of accident, he was aged about 19 years. In consideration of the above said details as mentioned supra, this Court deems fit to fix functional disability at 43%. It has been stated that PW1 was pursuing his B.Com., Degree and the Tribunal has fixed his income at Rs.5,000/- per month. As regards his educational qualifications, 10th and 12th mark sheets

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have been marked as Ex.P14. What was his avocation is not known. To prove the fact that he was pursuing B.Com., no document such as study certificate is not marked. In consideration of the aforesaid details, income of the claimant is fixed as Rs.9,000/- per month. The Tribunal has invoked multiplier method for computing loss due to disability. Based on the aforesaid details, loss due to disability is computed afresh and the following formula emerges:-

$$\text{Rs.9,000/-} \times 12 \times 18\text{m} \times 43\% = \text{Rs.8,35,920/-}.$$

9. Further, for pain and sufferings undergone by the claimant, a sum of Rs.30,000/- is granted in addition to the amount already granted by the Tribunal. For loss of amenities, a sum of Rs.20,000/- is granted in addition to the amount already granted. For transport expenses, a sum of Rs.15,000/- is granted in addition to the amount already granted. As regards other heads, amount granted by the Tribunal appears to be reasonable and acceptable and hence it does not call for any interference by this Court. The compensation awarded by this Court as mentioned supra after rework is tabulated hereunder:



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Sl.No.	Description	Amount Awarded by the Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or not granted
1	For Disability	Rs.3,78,000/-	Rs.8,35,920/-	Enhanced
2	For Medical Expenses	Rs.1,53,010/-	Rs.1,53,010/-	Confirmed
3	For Pain and Sufferings	Rs. 20,000/-	Rs. 50,000/-	Enhanced
4	For Transportation	Rs. 10,000/-	Rs. 25,000/-	Enhanced
5	For Extra Nourishment	Rs. 20,000/-	Rs. 20,000/-	Confirmed
6	For Damages to Clothes	Rs. 5,00/-	Rs. 500/-	Confirmed
7	For Attender Charges	Rs. 10,500/-	Rs. 10,500/-	Confirmed
8	For Loss of Amenities	Rs. 20,000/-	Rs. 40,000/-	Enhanced
	Total	Rs.6,12,010/-	Rs.11,34,930/-	
	Rounded off as	Rs.6,12,100/-	Rs.11,35,000/-	

10. Thus, the compensation awarded by the Tribunal is enhanced from Rs.6,12,100/- to **Rs.11,35,000/-** which would carry interest at the rate of 7.5% per annum (**excluding the period of default, if any**).

11. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The Compensation awarded by the Tribunal is enhanced from Rs.6,12,100/- to Rs.11,35,000/-.



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(iii) The respondent / Transport Corporation is directed to deposit the enhanced compensation amount now determined by this Court i.e., **Rs.11,35,000/-** (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 (**excluding the period of default, if any**) to the credit of M.C.O.P.No.3581 of 2019 on the file of the Motor Accident Claims Tribunal, V Judge, 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 appellant/claimant is entitled to receive the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing relevant application before the Tribunal. The claimant is directed to pay the Court fee for the enhanced compensation amount, if required. The Tribunal below shall disburse the enhanced compensation amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

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Index : Yes/No
Speaking / Non-speaking order
ssn



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- To:
1. The Motor Accident Claims Tribunal,
V Judge, Small Causes Court, Chennai.
 2. The Section Officer,
V.R.Section,
High Court, Madras.



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R.KALAIMATHI, J.,

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