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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 2008 of 2024

CNR: {HCMA011163112024}

M.Vijay
S/o. Muthusamy,
D.No.82, Paarvalasu, Pungampadi,
Perundurai Taluk, Erode Dt 638 112.

..Appellant(s)

Vs

1. K. Singaravelan
   S/o. Karuppanagounder, D.No.44, Mariamman
   Kovil St, Muttipalayam, Perundurai Taluk,
   Erode Dt 638 315 (Driver)

2. P. Sureshkumar
   S/o. Palanisamy, D.No.2/308/2, Mettukadai,
   Parvathipuram, Elanthakuttai Post,
   Tiruchengode Tk,
   Namakkal Dt 638 008 (Owner)

3. United India Insurance Co. Ltd.,
   KMR Complex, Mettur Main Road,
   Bhavani, Bhavani Taluk, Erode Dt 638 301.

4. Untied India Insurance Co. Ltd.,
   Muthiah Complex, No.1170, Mettur Road,
   Erode and Taluk and Dt.

..Respondent(s)

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhancing the compensation awarded in the Fair and Decretal order dated 07.06.2023 passed in M.C.O.P. No. 92 of 2021 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Court), Erode.

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For Appellant(s): Mr.Amar D.Pandiya
for Mr.M.Mohamed Riyaz

For Respondent(s): Ms.I.Malar for R3 & R4

JUDGMENT

Unsuccessful claimant has preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The claim petition has been filed under Section 166 of the Motor Vehicles Act, for the injuries sustained by the claimant in a road accident that took place on 30.12.2020.

3. According to the claimant, on 30.12.2020 at about 07.00 p.m. the claimant was riding in the motorcycle bearing Registration No. TN 33 BB 5322 on Kavundapadi to Perundurai road, left side of the road, opposite Kongu Mahal, at that time, a car bearing Registration No TN 01 P 0569 came from opposite direction in a rash and negligent manner and dashed against the claimant's motorcycle. As a result of which, the claimant was thrown away on the road and sustained bone fracture and grievous injuries all over his body.

4. The respondents 1 and 2 were called absent and were set *ex parte.*

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5. The third respondent / Insurance Company has filed a counter statement wherein it has been stated that they denied the manner of accident.

6. Before the Tribunal, on behalf of the claimant, the claimant was examined himself as PW1, one Dr.Innocen was examined as PW2 and Ex.P1 to Ex.P23 were marked. On behalf of the respondents, no witness was examined but they marked Ex.R1 to Ex.R4.

7. Upon appreciation of evidence adduced on either side, the Tribunal came to a conclusion that the accident had occurred only to due to rash and negligent act of the driver of the offending vehicle.

8. With regard to quantum of compensation, considering the evidence of Ex.P19/disability certificate issued by Bharai Paventhan Multispeciality Hospital, Erode which assessed the claimant's disability as 83% disability and considering the nature of injuries sustained by the claimant, adopted multiplier method and awarded compensation of Rs.13,82,000/- under the head permanent disability and loss of earning power and also awarded compensation under various heads as hereunder:

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S.No	*Heads*	*Amount awarded by the Tribunal*
1.	Loss of earnings	-
2.	Transport to hospital	15.000/-
3.	Extra nourishment	20,000/-
4.	Attender charges	30,000/-
5.	Future medical expenses	30,000/-
6.	Damages for clothes and articles	3,000/-
7.	Medical expenses	8,95,000/-
8.	Pain and sufferings	3,00,000/-
9.	Permanent disability and loss of earning power	13,82,000/-
	Total	**Rs.26,75,000/-**

9. Aggrieved over the same, the claimant has preferred this appeal seeking for enhancement of compensation.

10. During the pendency of the appeal, this Court vide order dated 13.09.2024 finds that the claimant was not examined by the Medical Board for the purpose of ascertaining the disability. In pursuance of the order passed by this Court dated 13.09.2024 the claimant appeared before the Medical Board, which assessed the disability of the claimant and issued disability certificate, wherein the Medical Board assessed the disability of the claimant at 65% permanent disability and also diagnosis above knee amputation right lower limb. The disability certificate issued by the Medical Board dated 25.10.2024 is marked as Ex.C1.

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11. The learned counsel for the appellant / claimant would submit that as per order of this Court the claimant appeared before the Medical Board and the Medical Board duly assessed the disability of the claimant and fixed 65% of permanent disability and also the Medical Board diagnosis above knee amputation right lower limb. In such circumstances, the fixation of Rs.8,000/- as notional monthly income of the claimant appears to be meagre and the same has to be enhanced. The compensation awarded by the Tribunal under other heads are also very meagre and hence prays to enhance the compensation.

12. Per contra learned counsel for the respondents 3 & 4 / Insurance Company would submit that in the absence of proof of the income of the claimant, the Tribunal has rightly fixed a sum of Rs.8,000/- as notional monthly income of the claimant. The Tribunal, considering the nature of injuries sustained by the claimant, adopted multiplier method and awarded compensation under the head permanent disability and loss of earning power, which is proper and reasonable. The amount awarded by the Tribunal under other heads appears to be reasonable and does not requires any interference.

13. Heard learned counsel for the appellant, learned counsel for the respondents 3 & 4 and perusal the materials available on record.

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14. There is no dispute with regard to the manner of accident and the negligence fixed on the part of the driver of the offending vehicle. It is relevant to note that the Tribunal awarded compensation under the head permanent disability only on the consideration of the disability certificate issued by PW2, Doctor who treated the claimant. During the pendency of the appeal, this Court vide order dated 13.09.2024 directed the claimant to appear before the Medical Board attached to Government Hospital, Erode, for assessment of the disability. A perusal of the order of this Court, the claimant had appeared before the Medical Board and the Medical Board assessed the disability of the claimant at 65% permanent disability. The disability certificate was marked as Ex.C1 by this Court.

14.1. A perusal of Ex.C1 reveals that the Medical Board diagnosed to have above knee amputation right lower limb and assessed 65% permanent disability. It is relevant to note that as per Ex.C1 there is a knee amputation right lower limb. This Court is of the considered view that the injuries sustained by the claimant would certainly affect his loss of earning capacity and also leads to functional disability. It is relevant to note that the age of the claimant was 24 years at the time of accident. According to the claimant, he was working as a mason and was earning a sum of Rs.25,000/- per month. In the absence of proof of income, the Tribunal fixed a sum of Rs.8,000/- as notional monthly income of the claimant, which appears to be meagre. Considering the age of the

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Order QR
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claimant and that the accident took place in the year 2020, this Court is inclined to fix a sum of Rs.14,000/- as notional monthly income of the claimant and by applying the ratio laid down by the Hon'ble Apex Court in ***National Insurance Company Ltd vs Pranay Sethi and others*** reported in ***2017 (2) TNMAC 609 (SC)*** *40%* future prospects has to be added. Considering the age of the claimant, the Tribunal rightly applied multiplier '18'. The amount awarded by the Tribunal under the head permanent disability is modified as :

Calculation :

Notional income - Rs.14,000/-

Future prospects - 40 %

(14,000/- + 40% = Rs.19,600/-)

19,600/- x 12 x 18 x 65% = Rs.27,51,840/-

The compensation awarded by the Tribunal under other heads appears to be reasonable and proper and does not require any interference.

15. The following tabular column would show the enhanced amount awarded by this Court under various heads:

S.No	***Heads***	***Amount awarded by this Court***
1.	Transport to hospital	15.000/-
2.	Extra nourishment	20,000/-
3.	Attender charges	30,000/-
4.	Future medical expenses	30,000/-

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S.No	*Heads*	*Amount awarded by this Court*
5.	Damages for clothes and articles	3,000/-
6.	Medical expenses	8,95,000/-
7.	Pain and sufferings	3,00,000/-
8.	Permanent disability and loss of earning power	27,51,840/-
	Total	**Rs.40,44,840/-**

16. Thus, the compensation awarded by the Tribunal is enhanced to **Rs.40,44,840/-.** This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

17. In the result,

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

ii. The compensation awarded by the Tribunal is enhanced to **Rs.40,44,840/-**

iii. The appellant / claimant is directed to pay the court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after the receipt of Court fee.

iv. The third respondent / the United India Insurance Company Limtied, Erode, is directed to deposit the enhanced compensation amount of **Rs.40,44,840/-** (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date

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of deposit to the credit of M.C.O.P. No. 92 of 2021 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Court), Erode, within a period of six weeks from the date of receipt of a copy of this order/uploading of this order. As per order of this Court in CMP No.13971 of 2024 dated 15.07.2024, the claimant is not entitled for any interest on the enhanced compensation for the delay period, if any.

v. On such deposit being made, the appellant / claimant is at liberty to withdraw the same on filing appropriate application before the Tribunal.

28-10-2026

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

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To

1. The Motor Accident Claims Tribunal
Special Subordinate Court, Erode.

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

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M.JOTHIRAMAN, J.

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