



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No.3104 of 2025

Madesh,
S/o. Mr. Sithappa,
D.NO.3/94, Goolisandram,
Gopnapali,
Krishnagir District.

..Appellant(s)

Vs

1. Yusuf,
S/o. Mr. Basha,
No.11, Ground Floor,
Madeena Nagar,
Mangammanapalaya,
Krishnagiri District.
2. Chola MS General Insurance Company
represented by its Manager,
Dare House, 2nd Floor,
No.2, NSC Bose Road,
Chennai-600 001.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the order passed by Motor Accidents Claims Tribunal, Additional District Judge, Hosur in M.C.O.P. No. 273 / 2020 dated 10.11.2022 and allow this appeal.

For Appellant(s): M.Mohamed Afridi
for Mr.T.Raghavan

For Respondent(s): Ms.R. Sree Vidhya
for R2

R1 – Notice dispensed with



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JUDGMENT

This Civil Miscellaneous Appeal has been filed by the claimant seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal (Additional District Judge), Hosur in M.C.O.P.No.273 of 2020 dated 10.11.2022.

2.It is the case of the claimant that he filed the claim petition under Section 166 of the Motor Vehicles Act claiming a sum of Rs.25,00,000/- as compensation for the injuries sustained by him in a road accident that occurred on 19.05.2020. According to the claimant, on the date of occurrence, while he was riding his two-wheeler on the Hosur–Denkanikottai Road, an APE vehicle bearing Registration No.KA-51-AD-4946 came from the opposite direction and was driven in a rash and negligent manner and dashed against the claimant's vehicle, resulting in the accident. In the said accident, the claimant sustained grievous injuries, particularly, open fracture of right femur, and immediately he was taken to Government Hospital, Hosur and thereafter, admitted in Kauvery Hospital, Hosur, where he underwent surgical treatment.

3.The Tribunal, after considering the oral and documentary evidence, held that the accident occurred due to the negligence of the driver of the



offending vehicle, but fixed 20% contributory negligence on the claimant and awarded a total compensation of Rs.3,46,726/- with interest. Dissatisfied with the quantum of compensation awarded by the Tribunal, the claimant has preferred the present appeal seeking enhancement.

4.The learned counsel appearing for the appellant would submit that the Tribunal has awarded very meagre compensation under several heads, particularly towards permanent disability, pain and sufferings and other conventional heads. The Tribunal failed to appreciate the fact that after the accident, the appellant has been subjected to surgery in order to fix a plate in his leg and once again, one more surgery had been performed to remove the plate from his leg. It is further submitted that the Medical Board assessed the permanent disability of the claimant at 40%, however the Tribunal adopted a very low rate for calculating disability compensation. The learned counsel therefore contended that the compensation awarded by the Tribunal is not just and reasonable and hence, the same requires enhancement.

5.On the other hand, the learned counsel appearing for the 2nd respondent / Insurance Company would submit that there was no negligence on the part of the driver of the impugned vehicle and the alleged accident was held due to the contributory negligence of the claimant, who was riding the motor



bike in a rash and negligent manner. Further, the claimant, who is the rider of the motor cycle was not wearing helmet and suddenly moved right track and in the process, hitting on LMV of the 1st respondent. Further, the claim of the compensation is excessive and seeks for dismissal of the claim petition.

6. Heard the learned counsel appearing on either side and perused the material on record.

7. On a perusal of the medical records, it reveals that the claimant sustained fracture of right femur and underwent surgical fixation. The Disability Certificate issued by the Medical Board assessed the permanent disability at 40%. Considering the nature of injuries, the treatment undergone and the resulting disability, this Court is of the view that the compensation awarded by the Tribunal under certain heads requires modification. In cases of fracture injuries resulting in permanent disability, this Court generally adopts a reasonable rate per percentage of disability. Taking into consideration the year of accident, the nature of injuries and the disability suffered, this Court fixes Rs.8,000/- per percentage of disability. Therefore, a sum of Rs.3,20,000/- $[40 \times \text{Rs.8,000/-} = \text{Rs.3,20,000/-}]$ is awarded towards permanent disability. The



claimant has produced medical bills evidencing expenditure incurred for treatment. The Tribunal has accepted the same and awarded Rs.1,82,408/-.

Since the said amount is supported by documentary evidence, the same is confirmed. Considering the fact that the claimant underwent surgical fixation and may require future treatment including removal of implants and physiotherapy, this Court awards Rs.10,000/- towards future medical expenses. Further, the claimant sustained fracture injuries and underwent surgery. He would have undergone considerable pain during treatment. Hence Rs.30,000/- is awarded towards pain and sufferings. Due to the injuries sustained and the permanent disability, the claimant would not be able to enjoy certain normal amenities of life as before. Hence Rs.5,000/- is awarded under this head. During the period of treatment and recuperation, the claimant would have required special diet and nourishment. Hence, Rs.10,000/- is awarded towards extra nourishment. A sum of Rs.10,000/- is awarded towards transportation and a sum of Rs.2,000/- is awarded under the head of attendant charges. Due to the injuries and the period of treatment, the claimant would not have been in a position to attend his work for some time. Hence, a sum of Rs.30,000/- is awarded by this Court towards loss of income.



8.Considering the facts and circumstances of the case, the compensation awarded by the Tribunal, under various heads, is modified by this Court as follows:

Sl.No	Head of Compensation	Amount (Rs.)
1	Permanent Disability (40 × 8,000)	-3,20,000/-
2	Medical Expenses	-1,82,408/-
3	Future Medical Expenses	- 10,000/-
4	Pain and Suffering	- 30,000/-
5	Loss of Amenities	- 5,000/-
6	Extra Nourishment	- 10,000/-
7	Transportation	- 10,000/-
8	Attendant Charges	- 2,000/-
9	Loss of Income	- 30,000/-
	Total	-5,99,408/-

Further, this Court fixes 15% of contributory negligence on the part of the claimant and hence, the said percentage is liable to be deducted from the total compensation. Accordingly, 15% of Rs.5,99,408/- comes to Rs.89,911.20. After deducting the said amount, the claimant would be entitled to a net compensation of Rs.5,09,497/-.

Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation



amount of Rs.5,09,497/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.273 of 2020 on the file of the Motor Accident Claims Tribunal (Additional District Judge), Hosur, within a period of four weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs.

26-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPS

To

1.The Additional District Judge,
Motor Accidents Claims Tribunal,
Hosur.

2.The Section Officer,
V.R. Section,
Madras High Court.



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K.GOVINDARAJAN THILAKAVADI J.

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