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CMA No. 1992 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 1992 of 2022

and

CMP No.25700 of 2024

M. Sridhar

..Appellant(s)

Vs

1. G. Nithya

2. Karthi @ Karthick

3. M/s. New India Assurance Co Ltd.,
Branch Office No. 7, B.K. Building,
Ramalinga Madalaya Road, Gugai,
Salem - 636 006.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow the present appeal award enhanced compensation in judgment dated 07.07.2022 in MCOP.No.1330/2019 on the file of the Motor Accident Claims Tribunal (Special Judge No.1) Salem as prayed for in this Civil Miscellaneous Appeal with cost.

For Appellant(s):

Mr.R.Nalliyappan

For Respondent(s):

Mr.J.Michael Visuvasam For R3
R1 & R2 - Not ready in notice.



JUDGMENT

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

The present appeal has been filed challenging the judgment and decree dated 07.07.2022, passed by the Motor Accident Claims Tribunal (Special Judge No.1) Salem, in MCOP.No.1330 of 2019.

2.On 23.12.2018, when the appellant/claimant who was self employed and aged about 40 years, was travelling to his residence from CSI Church, Fort, Salem, in a two wheeler along with his wife and child on the left side of the road, a speeding motor bike bearing Registration No.TN 30 BL 2340 owned by the first respondent and driven by the second respondent in a rash and negligent manner came from the opposite side dashed against the two wheeler and caused grievous injuries to the appellant. Hence, the claim petition.

3.The claim petition was contested by the Insurance Company. However, the Tribunal held that the second respondent was rash and negligent in driving the motor bike and fixed the negligence on the part of the second respondent and awarded a sum of Rs.33,57,484/- as compensation under the following heads:

Sl.No.	Particulars	Amount
1.	Loss of earning capacity	Rs.10,80,000/-
2.	Pain and Suffering	Rs. 50,000/-



3.	Transport Charges	Rs. 10,000/-
4.	Nourishment Charges	Rs. 20,000/-
5.	Attendant Charges	Rs. 10,000/-
6.	Clothing	Rs. 1,000/-
7.	Medical Expenses	Rs.21,76,484/-
8.	Discomfort	Rs. 10,000/-
	Total	Rs. 33,57,484/-

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant/claimant has filed the present appeal seeking enhancement.

5. Heard learned counsel appearing for the appellant/claimant and learned counsel for the third respondent/Insurance Company.

6. Considering the cost of living and inflation during the year 2018, the notional income fixed by the Tribunal is on the lower side. Therefore, the notional income is increased from Rs.8,000/- to Rs.15,000/-. As per the judgment in *National Insurance Co. Ltd vs. Pranay Sethi* reported in **2017 (16) SCC 680**, the future prospects for the claimant who is self employed would be 25%. Though the Tribunal had fixed the percentage of disability at 60%, considering the fact that the claimant is proprietor of Sree Auto Workshop at Hasthampati, Salem and is still running the business, we are of the opinion that the disability suffered by him did not affect the running of the business. We are therefore inclined to reduce the percentage of disability to 50% and modify the compensation awarded under the head 'loss of earning capacity' as follows:



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Monthly Income	:	Rs. 15,000/-
Add: Future Prospects		
25% of Rs.15,000/-	:	Rs. 3,750/-

		Rs. 18,750/-
Annual Income [18,750 * 12]	:	Rs. 2,25,000/-
Adopting Multiplier 15		
and Disability at 50%		x 15 x 50%

Loss of earning capacity:		Rs.16,87,500/-

7.Further, the amount awarded under the heads pain and suffering, Transport Charges and Attendant Charges are increased to Rs.1,50,000/-, Rs.25,000/- and Rs.25,000/- respectively. The other heads remain unaltered. Taking into consideration the long period during which the appellant/claimant was in hospital, and the further hospital treatment the appellant/claimant had undergone and the documents filed with regard to the medical expenses incurred, we fix the future medical expenses at Rs.1,00,000/-. Accordingly, the modified compensation payable to the claimant is as hereunder:

Sl.No.	Particulars	Amount
1.	Loss of earning capacity	Rs.16,87,500 /-
2.	Pain and Suffering	Rs. 1,50,000/-
3.	Transport Charges	Rs. 25,000/-
4.	Nourishment Charges	Rs. 20,000/-
5.	Attendant Charges	Rs. 25,000/-
6.	Clothing	Rs. 1,000/-
7.	Medical Expenses	Rs.21,76,484/-
8.	Discomfort	Rs. 10,000/-
9.	Future medical expenses	Rs. 1,00,000/-
	Total	Rs. 41,94,984/-



8. In the result, the appeal is partly allowed. The compensation of **Rs.33,57,484** /- awarded by the Tribunal is hereby enhanced to **Rs.41,94,984** /-.

The Insurance Company is directed to deposit the enhanced compensation of **Rs.41,94,984** /- (Rupees Forty One Lakhs Ninety Four Thousand Nine Hundred and Eighty Four only), less the amount already deposited, together with interest at 7.5% p.a. from the date of petition till the date of deposit within a period of six (6) weeks from the date of receipt of a copy of this judgment. The future medical expenses of Rs.1,00,000/- will not carry any further interest. On such deposit being made by the Insurance Company, the claimant is permitted to withdraw the same along with accrued interest and costs, less the amount, if any already withdrawn by him, by filing necessary application before the Tribunal. Additional Court fees, if any, to be paid by the appellant/claimant on the enhanced compensation. No costs. CMP No.25700 of 2024 is not required and the same stands closed.

(C.V.K.,J.) (K.R.S.,J.)
08-04-2026

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

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To

The Motor Accident Claims Tribunal
Special Judge No.1, Salem.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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