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C.M.A.No.2502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : .06.2026

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

**C.M.A.No.2502 of 2024**

Pachaiappan

... Appellant / Petitioner

vs.

1.Lakshminarayanan

2.The United India Insurance Company Ltd.,  
D.No.7/41, Opposite to Thakkali Mandi,  
Dharmapuri Main Road,  
Palacode Town & Taluk,  
Dharmapuri District – 636 808.

... Respondents / Respondents

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Award dated 23.03.2022 passed in M.C.O.P.No.328 of 2020 on the file of the Special Sub-Court (to deal with M.C.O.P.Cases), Dharmapuri.

For Appellant : Mr.D.Ramesh Kumar

For Respondents : R1 – No Appearance  
Mr.D.Baskaran [R2]

### **JUDGMENT**

The claimant who suffered amputation of right leg on account of the accident that took place on 10.03.2020, not satisfied with the quantum of compensation awarded by the Tribunal on 23.03.2022 passed in

1/10



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M.C.O.P.No.328 of 2020 on the file of the Special Sub-Court, (to deal with

M.C.O.P.Cases), Dharmapuri, has preferred this Civil Miscellaneous

Appeal for enhancement of compensation.

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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, claiming compensation of Rs.50,00,000/- from the respondent for the injuries sustained by him in a road traffic accident that occurred on 10.03.2020.

4. The Tribunal upon consideration of entire records and after hearing the arguments advanced by either side, granted compensation of Rs.23,58,745/- with interest at 7.5% per annum from the date of claim petition. The amounts granted under various heads are given hereunder:-

“Towards loss of Future Earnings – Rs.10,80,000/-; Towards Pain and Sufferings – Rs.40,000/-; Towards Mental Agony – Rs.25,000/-; Towards Transport Expenses – Rs.20,000/-; Towards Extra Nourishment – Rs.30,000/-; Towards Attender Charges – Rs.20,000/-; Towards Damages



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to Clothes – Rs.1,000/-; Towards Medical Expenses – Rs.11,42,745/- (As per Ex.P12 Medical Bills) in totalling Rs.23,58,745/-”.

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5. Following grounds were put-forth by the learned counsel for the appellant:-

(i) Notional income of the Claimant fixed by the Tribunal at Rs.8,000/- p.m., is less.

(ii) Disability assessed by the Medical Board as such was taken as total disability for the purpose of computing loss of future income is incorrect and it should have been fixed at 80%.

(iii) Amount awarded towards pain and sufferings is not adequate.

6. Per contra, the learned counsel for the 2<sup>nd</sup> respondent/Insurance Company would strenuously argue that taking into account the age, avocation, income of the claimant and other attending circumstances, the amounts awarded by the Tribunal under various heads are quite reasonable and hence, according to him, it does not call for any interference by this Court.



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7. It has come on record through the evidence of PW1 that due to the accident, the claimant suffered major crush injury of right lower limb with skin and soft tissue loss Gr.III B open comminuted segmental fractures of both bones at proximal third and the ankle, open patellar fracture closed fracture at both bones right forearm, bilateral chest injury with Haemopneumothorax on left and Haemothorax of right side and head injury. He had taken treatment at Ganga Hospital, Coimbatore from 11.03.2020 to 02.04.2020 as per Ex.P2 Discharge Summary. He was referred to District Medical Board, Dharmapuri and his disability was assessed as 75% partial permanent disability.

8. On perusal of medical records (Ex.P2), it is deducible that he had suffered fracture coupled with soft tissue loss of both bone right leg, fracture of right ankle, right pattellar fracture, closed fracture of both bones right forearm. As per Ex.P2 discharge summary, CT-whole body was taken and the impression details are given hereunder:-

- Subgaleal hematoma along left parietal scalp region.
- Thin subdural hemorrhage along posterior falx.
- Fracture of anterior tubercle of left C5 to C7 vertebrae.



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- Mild left pneumothorax along the anterior aspect.
- Bilateral mild hemothorax noted with adjacent collapse.
- Possible contusion in right lower lobe superior segment.
- Fracture of lateral 2/3rd left clavicle.
- Fractures of left anterior 2 to 7 ribs and left posterior 4<sup>th</sup> rib.
- Anterior wedging of T8 vertebra noted.
- Mildly bulky right adrenal gland with adjacent fat stranding.
- Minimal right perinephric fluid.

9. PW1 would state that he was working as a tender coconut seller and was earning a sum of Rs.50,000/- p.m. He would also state that due to the effects of injuries and fractures, he finds it difficult to do work as he did before and even for his day to day activities. The Tribunal has taken the disability at 75% which is fixed by the Medical Board. He has suffered fracture of leg, fracture in hand, fracture of C5 to C7 vertebrae, clavicle besides head and chest injury.

10. In consideration of the aforesaid details, this Court deems fit to fix the functional disability at 85%. As regards notional income, it is



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approximated at Rs.14,000/- p.m. As per Ex.P6 - Aadhaar card, he was 40 years old at the relevant point of time.

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11. As held in National Insurance Co. Ltd., v. Pranay Sethi and others, reported in 2017 (2) TN MAC 609(SC), the standard addition of 40% is required to be added as future prospects along with the notional income. While computing loss of income, the following formula emerges:-

$$\text{Rs.14,000/-} + 40\% \times 12 \times 15\text{m} \times 85\% = \text{Rs.29,98,800/-}.$$

12. Towards Pain and Sufferings a sum of Rs.35,000/- is granted in addition to the amount already granted by this Court. Towards Attender Charges and Transport Expenses a sum of Rs.10,000/- is granted under each head in addition to the amount already granted by the Tribunal. As regards other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and hence, it does not warrant any interference by this Court. Therefore, the amounts awarded as mentioned supra, is reworked and tabulated below:-

| <b>Sl. No.</b> | <b>Description</b> | <b>Amount awarded by Tribunal</b> | <b>Amount awarded by this Court</b> | <b>Award confirmed or enhanced or granted or reduced</b> |
|----------------|--------------------|-----------------------------------|-------------------------------------|----------------------------------------------------------|
| 1              | Towards Loss of    | Rs.10,80,000/-                    | Rs.29,98,800/-                      | Enhanced                                                 |



|   |                                          |                       |                       |                 |
|---|------------------------------------------|-----------------------|-----------------------|-----------------|
|   | Future Earning                           |                       |                       |                 |
| 2 | Towards Pain and Sufferings              | Rs. 40,000/-          | Rs. 75,000/-          | <b>Enhanced</b> |
| 3 | Towards Mental Agony                     | Rs. 25,000/-          | Rs. 25,000/-          | Confirmed       |
| 4 | Towards Transport Expenses               | Rs. 20,000/-          | Rs. 30,000/-          |                 |
| 5 | Towards Extra Nourishment                | Rs. 30,000/-          | Rs. 30,000/-          | Confirmed       |
| 6 | Towards Attender Charges                 | Rs. 20,000/-          | Rs. 30,000/-          | <b>Enhanced</b> |
| 7 | Towards Damages to clothes               | Rs. 1,000/-           | Rs. 1,000/-           | Confirmed       |
| 8 | Towards Medical Expenses (As per Ex.P12) | Rs.11,42,745/-        | Rs.11,42,745/-        | Confirmed       |
|   | <b>Total</b>                             | <b>Rs.23,58,745/-</b> | <b>Rs.43,32,545/-</b> |                 |
|   | <b>Rounded off to</b>                    |                       | <b>Rs.43,32,500/-</b> |                 |

13. Thus, the compensation awarded by the Tribunal is enhanced from Rs.23,58,745/- to **Rs.43,32,500/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

14. In the result,

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

(ii) The compensation awarded by the Tribunal is enhanced from Rs.23,58,745/- to **Rs.43,32,500/-**.

(iii) The 2<sup>nd</sup> respondent / United India Insurance Company Limited, is directed to deposit the compensation amount now determined by this



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Court i.e., **Rs.43,32,500/-** (less the amount already deposited if any)

together with interest at the rate of 7.5% per annum from the date of claim petition (**excluding the period of default, if any**) to the credit of M.C.O.P.No.328 of 2020 on the file of the Special Sub-Court, (to deal with M.C.O.P.Cases), Dharmapuri, 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 permitted to withdraw 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.

(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the compensation amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

.06.2026

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



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To:

1. The Motor Accident Claims Tribunal,  
Special Sub-Court, Dharmapuri.
2. The Section Officer,  
V.R.Section,  
High Court of Madras,  
Chennai.



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**R.KALAIMATHI, J.,**

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