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C.M.A.No. 2976 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No. 2976 of 2022

Sanjay Kumar

...Appellant

Vs.

1. Shaik Ansar Basha

2.The United India Insurance Co. Ltd.,

No.134, Silingi Building (MACT Claim)

Greens Road, Chennai 01.

... Respondents

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, to set aside the Award dated 16.10.2019 made in M.A.C.T.O.P No.5329 of 2016 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.2 Motor Accidents Claims Petitions) Small Causes Court, Chennai.

For Appellant : Ms. N. Lavanya for Mr.K.M.Ramesh

For Respondents : Mr. J. Michael Visuvasam for R2

R1 – Notice dispensed with.



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JUDGMENT

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The present Appeal is directed against the award of the Motor Accident Claims Tribunal, (Special Sub Court No.2 Motor Accidents Claims Petitions) Small Causes Court, Chennai, in M.A.C.T.O.P No.5329 of 2016 dated 16.10.2019

2. The appellant is the claimant in M.A.C.T.O.P No.5329 of 2016 on the file of the of the Motor Accident Claims Tribunal, (Special Sub Court No.2 Motor Accidents Claims Petitions) Small Causes Court, Chennai, and he filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking a compensation of Rs.10,00,000/- for the injuries sustained by him in a road accident that took place on 13.06.2016.

3. Shortly stated, on 13.06.2016, at about 9.00 a.m, while the appellant/claimant was riding his Motorcyle bearing Registration No.TN-32-H-7620 at Puzhal-GNT bypass Road, near Kathirvedu Signal Junction, a lorry bearing Registration No.AP-04-TX-1179, belonging to the 1st respondent, driven by its driver in a rash and negligent manner, hit the claimant and as a result of which, he sustained grievous injuries. FIR was registered against the



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driver of the offending vehicle.

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3.1. According to the claimant, the rash and negligent driving of the driver of the lorry bearing Registration No.No.AP-04-TX-1179 was the cause of the accident and since the said vehicle was insured with the 2nd respondent, the United India Insurance Company Limited, the owner and the insurer are jointly and severally liable to pay compensation to him.

4. The claim petition was resisted by the 2nd respondent/ Insurance Company.

5. The Tribunal, after analyzing the evidence on record, came to the conclusion that the accident took place as alleged and that the claimant was entitled for compensation from the respondents. A Compensation of Rs.4,41,500/- has been awarded carrying interest at the rate of 7.5% per annum.

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimant filed this present appeal under Section 173 of the Motor



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Vehicles Act, 1988.

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7. Ms. N. Lavanya, learned counsel for the appellant submits that the appellant/claimant sustained comminuted fracture on both bone left leg with fracture trimalleolar ankle left/post traumatic skin necrosis left leg and Medial malleolus and other multiple grievous injuries all over the body and had undergone three surgeries and was hospitalised at Nichani's Hospital, Chennai as inpatient from 13.06.2016 to 07.07.2016. However, the Tribunal failed to consider the treatment taken by the appellant/claimant and awarded only Rs.60,000/- for disability by fixing Rs.3,000/- per percentage of disability. She further contended that, considering the nature of injuries, the Tribunal ought to have adopted multiplier method for determining the loss of earning capacity of the appellant/claimant. She also contended that only meagre amounts were awarded under all the other heads and hence, prayed for enhancement of the compensation awarded by the Tribunal.

8. On the side of the respondent/Insurance Company it is submitted that, the learned Tribunal, considering the facts and circumstances of the case has awarded just compensation, which warrants any interference by this Court.



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9. Heard on both sides. Records perused.

10. There is no dispute with regard to the manner of the accident as alleged by the claimant; but for the rash and negligent driving of the offending vehicle, it would not have taken place. The findings recorded by the learned Claims Tribunal is therefore, sustained.

11. On a perusal of the Award, it is seen that, the Tribunal had awarded a sum of Rs. 60,000/- under the head of 'Permanent disability' by fixing Rs.3,000/- per percentage of disability. In Ex.C1 - Disability Certificate, issued by the Medical Board, it is mentioned that “His disability is deformity and movements left ankle due to fracture trimalleolar left ankle and his percentage is 20% permanent” . Further it is seen that the appellant/claimant was hospitalised at Nichani’s Hospital, Chennai as inpatient from 13.06.2016 to 07.07.2016 and incurred medical expenses of Rs.3,01,440/-. Considering the above facts, this Court is of the view that the appellant/claimant’s earning capacity is affected and it is appropriate to adopt multiplier method for determining the loss of earning capacity of the appellant/claimant by fixing the



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functional disability at 10%. Since no proof of income has been produced by the appellant/ claimant, the monthly income of the appellant including future prospects is fixed at Rs.15,000/-. Accordingly, loss of earning capacity of the appellant is calculated as here under:

Notional monthly Income : Rs.15,000/-

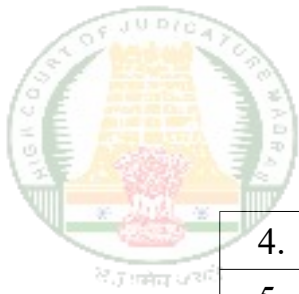
Loss of earning capacity : $15,000 \times 12 \times 15 \times 10/100$

: **Rs.2,70,000/-**

Considering the nature of injuries and the period of hospitalization, the compensation awarded by the Tribunal under the heads of Pain and sufferings, Transport charges, extra nourishment and attender charges need to be enhanced and the same are accordingly enhanced.

12. The following tabular column would show the amount awarded by the Tribunal and the modified amount awarded by this Court.

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed/ enhanced/ granted
1.	Permanent disability	60,000/-	-	Set aside
2.	Loss of earning	-	2,70,000/-	granted
3.	Pain and suffering	20,000/-	50,000/-	Enhanced



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4.	Transport charges	5,000/-	10,000/-	Enhanced
5.	Extra nourishment	12,000/-	20,000/-	Enhanced
6.	Attender charges	12,000/-	12,500/-	Enhanced
7.	Medical Expenses	3,01,440/-	3,01,440/-	confirmed
8.	Loss of amenities	10,000/-	-	Set aside
9.	Damage to clothing	1,000/-	1,000/-	Confirmed
10.	Future Medical Expenses	20,000/-	-	Set aside
	TOTAL	4,41,440/- Rounded off to 4,41,500/-	6,64,940/- Rounded off to 6,65,000/-	Enhanced by Rs.2,23,500/-

13. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to Rs.6,65,000/- from Rs.4,41,500/-
- iii. The appellant/claimant is directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- iv. The 2nd respondent/ Insurance Company is directed to deposit the enhanced compensation amount of Rs.6,65,000/- (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 of deposit to the credit of



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M.A.C.T.O.P No.5329 of 2016 on the file of the Motor Accident Claims

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Tribunal, (Special Sub Court No.2 Motor Accidents Claims Petitions)

Small Causes Court, Chennai, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

v.The appellant / claimant is not entitled to any interest for the delay period in filing this appeal.

vi. On such deposit being made, the appellant/ claimant is at liberty to withdraw the same, after following due process of law.

02.02.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. Motor Accident Claims Tribunal, (Special Sub Court No.2 Motor Accidents Claims Petitions) Small Causes Court, Chennai

2. The United India Insurance Co. Ltd.,
No.134, Silingi Building (MACT Claim)
Greens Road, Chennai 01.

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



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