



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1898 of 2026

R.Ameena Begum
W/o. Rajamohamed Nasar, 1/271,
Thaniyalakshmi Street Ext.,
Lakshmi Nagar,
Mudichur,
Chennai 600 048.

..Appellant(s)

Vs

1. C. Samaskanthan
S/o. Chinnasamy,
No. B-25. Asian Towers,
5th Avenue Ashok Nagar, Chennai 83.
(1st Respondent remained ex-parte)
2. Royal Sundaram Alliance Insurance Co.Ltd.,
No.1, II Floor, Subramaniam Building,
Club House Road, Chennai 2.

..Respondent(s)

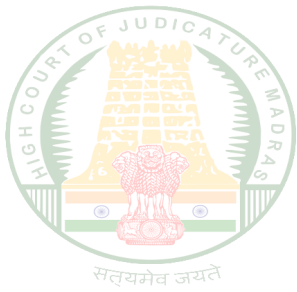
CMA No. 1898 of 2026

To set aside the Judgment and Decree dated 08.11.2022 made in
MACTOP No.7713 of 2016, on the file of the IV Small Causes Court (Motor
Accidents Claims Tribunal) Chennai.

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For Appellant(s): M/s.R.Kalai Arasan
M. Mahendran

For Respondent(s): R1-Exparte
M/s.S.Srinivasan For R2



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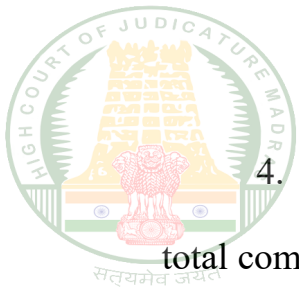


Judgment

This Civil Miscellaneous Appeal has been filed by the claimant challenging the award passed by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, in MCOP No.7713 of 2016 dated 08.11.2022, wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.

2. The Appellant was riding a two wheeler on 16.08.2016 from Chitlapakkam to Sanatorium and at about 3.30 hours, the offending vehicle which is a car came from behind and it was driven in a rash and negligent manner. As a result of which, the car hit the two wheeler and the claimant was thrown out of the vehicle and she sustained grievous head injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for compensation.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.



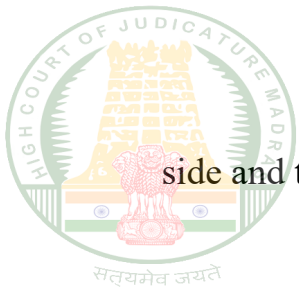
4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.1,99,119/- (rounded off to Rs.1,99,2000) under various heads as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	Rs.1,05,000/-
2.	Medical expenses	Rs. 26,919/-
3.	Loss of Income	Rs. 8,000/-
4.	Pain and sufferings	Rs. 25,000/-
5.	<i>Transportation expenses</i>	<i>Rs. 5,000/-</i>
6.	<i>Nutrition Expenses</i>	<i>Rs. 10,000/-</i>
7.	Damages to clothes	Rs. 1,000/-
8.	Attender charges	Rs. 3,200/-
9.	Loss of Amenities	Rs. 15,000/-
	<i>Total</i>	<i>Rs. 1,99,119/-</i>
	<i>Rounded off</i>	<i>Rs.1,99,200/-</i>

5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimant has filed this Appeal seeking for enhancement of compensation.

6. Heard Mr.R.Kalai Arasan, learned counsel for appellant/claimant and Mr.S.Srinivasan, learned counsel for 2nd respondent.

7. This Court carefully considered the submissions made on either



side and the materials available on record.

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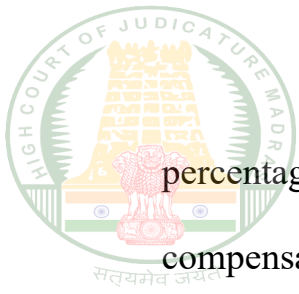
8. This Court also carefully went through the award passed by the Tribunal.

9. The main ground that was urged by the learned counsel for the Appellant is that the claimant was working as an Advocate clerk and due to the accident, she suffered head injury /frontal and temporal bone fracture / right temporal edema and as a result, she had to undergone treatment as an in patient for 8 days and the Medical board assessed the disability as Neurosurgical /ENT hearing default /Headache and fixed the percentage of disability as 21%.

10. The learned counsel submitted that the Tribunal instead of applying the multiplier method considering the functional disability involved, erroneously applied the percentage method.

11. The other ground raised is that the compensation fixed under the various heads is on the lower side and it requires interference.

12. Per contra, the learned counsel for the 2nd respondent submitted that the Tribunal had taken into consideration the fact that the claimant did not suffer any functional disability and hence, the Tribunal has rightly applied the



percentage method. The learned counsel further submitted that the compensation fixed by the Tribunal is just and proper and it does not require the interference of this Court.

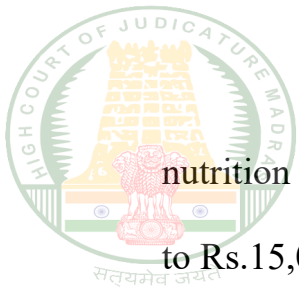
13. In the case in hand, the claimant was working as an Advocate Clerk. It is clear from the disability certificate issued by the Medical Board (Ex.C-1) that the claimant suffers from hearing defect. For an Advocate clerk, suffering from hearing disability, necessarily results in functional disability and a person who suffers such disability, normally will not be preferred in an Advocate Office. Therefore, the Tribunal ought to have considered this issue and applied the Multiplier method.

14. In the light of the above discussion, this Court is inclined to apply the multiplier method and the compensation under the head of disability is calculated as follows :-

$$\begin{aligned}\text{Disability} &= \text{Rs.8,000} \times 12 \times 13 \times 21\% \\ &= \text{Rs.2,62,080/-}\end{aligned}$$

15. The Tribunal had fixed the loss of income at Rs.8,000/- and this Court is inclined to enhance the same to Rs.16,000/-.

16. The Tribunal had fixed the compensation under the head of



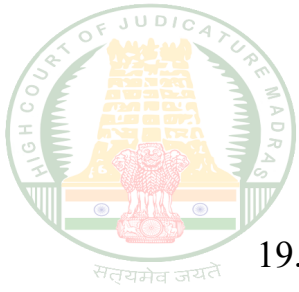
nutrition expenses at Rs.10,000/- and this Court is inclined to enhance the same to Rs.15,000/-.

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17. The Tribunal had fixed the compensation under the head of Attender Charges as Rs.3,200/- and this Court is inclined to enhance the same to Rs.10,000/-.

18. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability	Rs.1,05,000/-	Rs.2,62,080/-
2.	Medical expenses	Rs. 26,919/-	Rs. 26,919/-
3.	Loss of Income	Rs. 8,000/-	Rs. 16,000/-
4.	Pain and sufferings	Rs. 25,000/-	Rs. 25,000/-
5.	Transportation expenses	Rs. 5,000/-	Rs. 5,000/-
6.	Nutrition Expenses	Rs. 10,000/-	Rs. 15,000/-
7.	Damages to clothes	Rs. 1,000/-	Rs. 1,000/-
8.	Attender charges	Rs. 3,200/-	Rs. 10,000/-
9.	Loss of Amenities	Rs. 15,000/-	Rs. 15,000/-
	Total	Rs.1,99,119/-	Rs.3,75,999/-
	Rounded off	Rs.1,99,200/-	Rs.3,76,000/-



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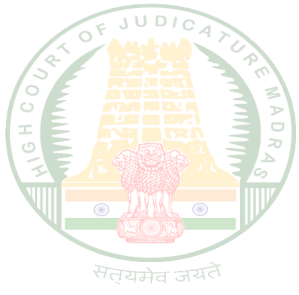
19. The compensation awarded by the Tribunal at Rs..1,99,200/- is enhanced to Rs.3,76,000/-. The Insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.1,76,800/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 567 days as was ordered by this Court in C.M.P.No.23209 of 2024, dated 09.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

20. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

29-06-2026

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

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To, The Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai



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N.ANAND VENKATESH J.

RKA

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