



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Date of Reserving the Judgment	Date of Pronouncing the Judgment
10.12.2025	12.02.2026

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

CMA Nos. 2744 & 2745 of 2022

C.M.A.No.2744 of 2022

Mohammed Sadik @ Mo Sadik

Petitioner/Appellant

Vs

1.S.Saravanan
(Since R1 remained ex-parte before the
Tribunal his presence may be dispensed with)

2.Future General India Insurance Co. Ltd.,
New No.55, Old No.27, Vijayaraghavan Road,
3rd Floor, T.Nagar, Chennai – 17.

Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 19.07.2022 and made in M.A.C.T.O.P.No.6857 of 2016 on the file of Motor Accident Claims Tribunal, (In the IV Court of Small Causes, Chennai).

C.M.A.No.2745 of 2022

Mohammed Mothim @ Mohammed Mohasin

@ Mosim Ahmad,

Petitioner/Appellant



Vs.

1.S.Saravanan

(Since R1 remained ex-parte before the
Tribunal his presence may be dispensed with)

2.Future General India Insurance Co. Ltd.,
New No.55, Old No.27, Vijayaraghavan Road,
3rd Floor, T.Nagar, Chennai – 17. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 19.07.2022 and made in M.A.C.T.O.P.No.6856 of 2016 on the file of Motor Accident Claims Tribunal, (In the IV Court of Small Causes, Chennai).

For Appellant(s): Mr.A.G.F.Terry Chella Raja
in both CMAs

For Respondent(s): Mr.Vijaya Ragavan for R2
R1 – Set Exparte in both CMAs

COMMON JUDGMENT

(Judgment of the Court was made by K.KUMARESH BABU., J.)

These Civil Miscellaneous Appeals, C.M.A. Nos. 2744 and 2745 of 2022, are directed against the common judgment and decree dated 19.07.2022 passed in M.C.O.P. Nos. 6857 and 6856 of 2016 respectively, on the file of the Motor Accident Claims Tribunal (IV Court of Small Causes), Chennai. Both appeals have been preferred by the claimants seeking enhancement of compensation.

2) On 22.09.2016 at about 6.00 p.m., both the appellants were travelling



on a motorcycle bearing Registration No. TN-07-AH-3576, one as rider and the other as pillion rider, proceeding from Kovilambakkam towards Nerkundram, in a slow and cautious manner. At that time, a Mixer Lorry bearing Registration No. TN-63-M-9014, driven by the 1st respondent in a rash and negligent manner and at an uncontrollable speed, came from behind and dashed against the motorcycle near Eechangadu Almass Furniture Shop. As a result of the impact, both the appellants were thrown off the motorcycle and sustained grievous injuries. The said Mixer Lorry was owned and driven by the 1st respondent and insured with the 2nd respondent Insurance Company under Policy No. 2015-V4067329-FCV, valid from 07.11.2015 to 06.11.2016, covering the date of accident.

3) The appellant in C.M.A. No. 2745 of 2022 sustained a crush injury on the right foot with partial amputation of the right great toe and fractures of the 2nd and 5th metatarsals, for which K-wire fixation was performed. The appellant in C.M.A. No. 2744 of 2022 sustained acute crush injury to the left leg with degloving injury, which ultimately resulted in amputation of the left



leg. Both the appellants filed claim petitions in M.C.O.P. Nos. 6856 and 6857 of

2016. By the impugned common award dated 19.07.2022, the Tribunal awarded a sum of Rs.2,82,000/- to the appellant in C.M.A. No. 2745 of 2022, and Rs.13,94,400/- to the appellant in C.M.A. No. 2744 of 2022, with interest at 7.5% per annum. Aggrieved by the quantum, the present appeals have been filed.

4) Heard Mr. A.G.F. Terry Chella Raja, learned counsel for the appellants in both appeals, and Mr. Vijaya Ragavan, learned counsel for the 2nd respondent—Insurance Company.

5) The only issue that arises for consideration in both the appeals is whether the compensation awarded by the Tribunal is just and reasonable or requires enhancement.

6) From the arguments, it is pertinent to note that the appellant in C.M.A.No.2744 of 2022 was aged 17 years at the time of accident and was a 1st year B.Sc. student, which is substantiated by Exs.P11 to P14. He sustained an



acute crush injury to the left leg resulting in amputation, along with multiple

other injuries. He remained hospitalized from 22.09.2016 to 01.12.2016. The

Medical Board assessed his permanent disability at 75%, but the Tribunal

restricted functional disability to 50% and fixed the notional income at

Rs.7,000/- per month. But this Court finds that fixing the notional income at

Rs.7,000/- for a degree student is wholly inadequate. This Court has

consistently held that the notional income of degree students should not be less

than Rs.10,000/- per month. Further, the Hon'ble Supreme Court in *Navjot*

Singh v. Harpreet Singh has held that notional income of a student should at

least correspond to minimum wages. Considering the age, educational

qualification, and future prospects of the appellant, this Court fixes the notional

income at Rs.15,000/- per month and the functional disability at 75%, as

evidenced by Ex.P15 is taken. Accordingly, the compensation under the head of

Functional Disability stands enhanced to Rs.34,02,000/-.

7) In view of the gravity of injuries and amputation, prolonged treatment, and the settled principle that compensation must be just, reasonable and not illusory, this Court finds that enhancement under the certain heads is necessary



to render complete justice to the appellant and the compensation is enhanced as

follows:

S.No.	Heads of compensation awarded	Amount awarded by Tribunal	Amount awarded by this Court	Award Modified or confirmed
1	Functional Disability	Rs.10,58,400.00 (7000+40%*12*18*50%)	Rs.34,02,000.00 (15000+40%*12*18*75%)	Enhanced
2	Artificial Leg	Rs.1,00,000/-	Rs.1,00,000/-	Confirmed
3	Pain and Sufferings	Rs.80,000/-	Rs.1,00,000/-	Enhanced
4	Transportation	Rs.10,000/-	Rs.25,000/-	Enhanced
5	Nutrition Expenses/Extra Nourishment	Rs.20,000/-	Rs.50,000/-	Enhanced
6	Damages to the cloth	Rs.1000/-	Rs.1000/-	Confirmed
7	Attender Charges	Rs.25,000/-	Rs.50,000/-	Enhanced
8	Loss of Amenities	Rs.80,000/-	Rs.1,00,000/-	Enhanced
9	Mental Agony	Rs.20,000/-	Rs.1,00,000/-	Enhanced
	Total	Rs.13,94,400/- rounded off to Rs.13,95,000/-	Rs.39,28,000/-	Enhanced

8) The appellant in C.M.A.No.2745 of 2022 was aged 20 years and was



working as a carpenter, a skilled labourer. Though he claimed an income of Rs.20,000/- per month, the Tribunal fixed the notional income at Rs.8,000/- and awarded loss of income only for 3 months. Considering the age, skill, and nature of work, this Court finds Rs.8,000/- to be meagre and enhances the notional income to Rs.12,000/- per month. Considering the nature of injuries and partial amputation of the right great toe, the loss of income period is enhanced to 6 months, resulting in Rs.72,000/-.

9) In view of the gravity of injuries, prolonged treatment, and the settled principle that compensation must be just, reasonable and not illusory, this Court finds that enhancement under the certain heads is necessary to render complete justice to the appellant and the compensation is enhanced.

10) Further, the compensation under loss of amenities is reduced to Rs.50,000/-, as the permanent disability is 20% and does not substantially impair day-to-day activities. Accordingly, the total compensation payable to the appellant in C.M.A. No. 2745 of 2022 stands enhanced to Rs.3,78,000/-. For



better appreciation of the computation of the award, the same is tabulated

hereunder:-

S.No.	Heads of compensation awarded	Amount awarded by Tribunal	Amount awarded by this Court	Award Modified or confirmed
1	Disability	Rs.1,00,000/-	Rs.1,00,000/-	Confirmed
2	Loss of Income	Rs.8,000/-	Rs.72,000/-	Enhanced
3	Pain and Sufferings	Rs.50,000/-	Rs.60,000/-	Enhanced
4	Transportation	Rs.5000/-	Rs.25,000/-	Enhanced
5	Nutrition Expenses/Extra Nourishment	Rs.15,000/-	Rs.25,000/-	Enhanced
6	Damages to the cloth	Rs.1000/-	Rs.1000/-	Confirmed
7	Attender Charges	Rs.8,000/-	Rs.25,000/-	Enhanced
8	Loss of Amenities	Rs.75,000/-	Rs.50,000/-	Reduced
9	Mental Agony	Rs.20,000/-	Rs.20,000/-	Confirmed
	Total	Rs.2,82,000/-	Rs.3,78,000/-	Enhanced

11) In the result, C.M.A. No. 2744 of 2022 is allowed in part, enhancing the compensation to Rs.39,28,000/- and C.M.A. No. 2745 of 2022 is allowed in part, enhancing the compensation to Rs.3,78,000/-. The enhanced compensation shall carry interest at 7.5% per annum from the date of the claim petitions till realization. The apportionment and mode of deposit shall remain as directed by



the Tribunal. Except for the above enhancement, the award dated 19.07.2022 stands confirmed. There shall be no order as to costs.

(C.V.K., J.) (K.B., J.)
12-02-2026

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

To

1. Motor Accident Claims Tribunal,
IV Court of Small Causes, Chennai
2. The Section Officer,
VR Section, High Court,
Madras.



WEB COPY

CMA Nos.2744 & 2745
2022



**C.V.KARTHIKEYAN, J.
and
K.KUMARESH BABU, J.**

Pbn

**COMMON JUDGMENT
IN
CMA Nos. 2744 & 2745
of 2022**

12-02-2026