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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3725 of 2026

CNR: {HCMA011944972026}

K.Senthil Kumar

Case QR

..Appellant(s)

Vs

1. Ms. Sevenseas Polymers Pvt Ltd.,
   D.No.37/A1, Madakkulam Main Road,
   Near GRT Hotel, Palanganatham,
   Madurai-625 016.

2. The New India Assurance Company Limited,
   Rep. by its Branch Manager,
   Vilangudi, No.12, Parvathi Plaza,
   7 feet road, Ellis Nagar,
   Madurai-10.

3. The Branch Manager
   The New India Assurance Co. Ltd.,
   No.21A/18, 1st Floor,
   Nethaji bye pass road,
   Opposite to State bank of India,
   Dharmapuri- 636 701.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to allow this appeal by enhancing the award passed by the Tribunal (Special Sub-Court, Dharmapuri (Motor Accidents Claims Tribunal) In MCOP 278/2025 Dated 30.1.2026 thus render justice.

For Appellant(s): Mr.S.Udhayakumar

For Respondent(s): Mr. K.J. Shiva Kumar, for R2

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JUDGMENT

Unsuccessful claimant has preferred this Civil Miscellaneous Appeal seeking enhancement of compensation, vide award dated 30.01.2026 made in MCOP.No.278 of 2025 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Dharmapuri.

2. The claim petition has been filed under Section 166 of the Motor Vehicles Act, seeking compensation for the injuries sustained by the claimant in a road accident. According to the claimant, on 19.12.2024 at about 3.45 p.m., when he was proceeding in his Motor Cycle bearing Reg. No.TN 24 F7552 from Belur to Thumbal Road near Neyamalai pirivu road on the extreme left side of the road, at that time in the opposite direction, a lorry bearing Reg. No.TN 58 AQ 5245 was driven by its driver in a rash and negligent manner, dashed against the claimant. Due to the accident, the claimant sustained multiple injuries all over his body.

3. The first respondent, was called absent and set exparte before the Tribunal.

4. The 2nd respondent therein / Insurance Company has filed a counter statement denying the manner of accident. On 19.12.2024, the driver of the

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lorry drove the vehicle in a proper manner proceeding in Belur to Thumbal Road near Neyamalai Pirivu Road from east side to west of the said road, at that time the claimant was riding his Motor Cycle in overspeed in a rash and negligent manner came in the opposite direction and dashed in front side of the lorry, fell down and sustained injuries.

5. Before the Tribunal, on behalf of the claimant, the claimant himself was examined as P.W.1 and Exs.P1 to P17 were marked. Disability Certificate issued by the Medical Board was marked as Ex.C1. On the side of the second respondent, no witness was examined and no document was marked.

6. Upon appreciation of evidence adduced on either side, the Tribunal found that the accident occurred due to the rash and negligent driving of the offending vehicle. With regard to quantum of compensation, the claimant has appeared before the Medical Board and the Medical Board assessed the disability of the claimant as 7% disability. Considering the nature of injuries sustained by the claimant and considering that the accident took place in the year 2024, the Tribunal fixed a sum of Rs.8,000/- per disability and accordingly, awarded compensation under the head of disability for a sum of Rs.56,000/-. The Tribunal has awarded compensation under various heads as tabulated hereunder:

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Sl. No.	Heads of Compensation	Amount awarded by the Tribunal (Rs.)
1	Pain and Suffering	60,000/-
2	Loss of amenities	30,000/-
3	Loss of Income	52,000/-
4	Loss of Disability	56,000/-
5	Attender Charges	3,500/-
6	Extra Nourishment	10,000/-
7	Transportation Charges	5,000/-
8	Damages for clothes	2,000/-
9	Medical Expenses	1,50,451/-
	Total	**3,59,000/-**

Being aggrieved over the same, the claimant has preferred the present Civil Miscellaneous Appeal, seeking enhancement of compensation.

7. The learned counsel appearing for the appellant /claimant would submit that the claimant would submit that the Tribunal failed to consider the claimant was aged about 41 years and also doing agricultural work and milk vendor and he has also completed the Teacher Training Course taking Tuition and earning not less than a sum of Rs.30,000/- per month, due to the injury sustained by the claimant, he could not do his normal work as before. The Tribunal fixed a sum of Rs.13,000/- per month as notional income of the claimant is meager and the same has to be enhanced. The Tribunal failed to consider the fact that the accident took place in the year 2024 and fixed a sum of Rs.8,000/- per disability is meager. The compensation awarded by the Tribunal

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under the head of Transportation and Extra Nourishment appears to be very meager and the same has to be enhanced.

8. *Per contra*, learned counsel appearing for the 2nd respondent / Insurance Company would submit that upon appreciation of evidence adduced on either side and considering the nature of injuries sustained by the claimant, the Tribunal has rightly upheld the percentage method, fixed a sum of Rs.8,000/- per disability and awarded proper and reasonable compensation, which does not require any interference. In the absence of proof of monthly income, the Tribunal has rightly fixed a sum of Rs.13000/- per month as notional income, which does not require any interference. The Tribunal also awarded compensation under various other heads, which does not require any interference.

9. This Court considered the submissions made on either side and perused the entire materials available on record.

10. There is no dispute with regard to the manner of accident and the negligence fixed on the part of the rider of the offending vehicle. It is not in dispute that the offending vehicle is insured with the respondent Insurance Company and the policy was in force at the time of accident. It is relevant to note that Ex.P3 Accident Register and Ex.P2 Discharge Summary shows that

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the claimant had admitted in Vazhapadi Government Hospital, thereafter he was admitted in Salem Kurinji Hospital, where he has taken treatment from 19.12.2024 to 25.12.2024. The claimant sustained Right Grade IIIB Monteggia Fracture, Right Undisplaced Tibial Plateau Fracture with severe Interval Degloving Injury. He was also underwent Wound Debridement and ORIF with plating for right ULNA surgery and he had also taken treatment for Conservative Management for right knee. The claimant has also appeared before the Medical Board and the Medical Board assessed the claimant and issued 7% Disability Certificate.

11. It is relevant to note that in the absence of proof of functional disability suffered by the claimant and in the absence of proof of loss of earning capacity, the Tribunal has rightly adopted percentage method. It is relevant to note that the accident took place in the year 2024 and fixing a sum of Rs.8,000/- per disability appears to be meager. This Court is inclined to fix a sum of Rs.10,000/- per disability, accordingly the compensation awarded under the permanent disability is enhanced to Rs.10,000/- x 7 = 70,000/-.

12. According to the claimant, he was aged about 41 years at the time accident, he was doing agricultural work and milk vendor and he was earning not less than Rs.30,000/- per month. In the absence of proof of monthly income of the injured claimant, the Tribunal fixed a sum of Rs.13,000/- per month, this

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Court is of the considered opinion that the accident took place in the year 2024, at the time of accident the age of the claimant is 41 years, the fixation of Rs.13,000/- per month appears to be meager, this Court is inclined to fix a sum of Rs.16,000/- per month as notional income of the claimant. The Tribunal has awarded under the head of loss of monthly income during the treatment period of four months, accordingly the same is enhanced to Rs.16,000/- x 4 = 64,000/-.

13. It is relevant to note that the Tribunal has awarded a sum of Rs.10,000/- under the head of extra nourishment appears to be meager, this Court is inclined to enhance the same to a sum of Rs.20,000/-, and similarly the Tribunal awarding compensation under the Head of transportation charges in a sum of Rs.5,000/- appears to be meager and the same is enhanced to Rs.10,000/-. The quantum of compensation awarded by the Tribunal on other heads are reasonable and proper and does not require any interference.

14. Thus, the compensation now determined by this Court is tabulated hereunder:

Sl. No.	**Heads of Compensation**	**Amount awarded by this Court (Rs.)**
1	Pain and Suffering	60,000/-
2	Loss of amenities	30,000/-
3	Loss of Income (Rs.16,000/- x 4)	64,000/-

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4	Loss of Disability (Rs.10,000/- x 7)	70,000/-
5	Attender Charges	3,500/-
6	Extra Nourishment	20,000/-
7	Transportation Charges	10,000/-
8	Damages for clothes	2,000/-
9	Medical Expenses	1,50,451/-
	Total	**4,09,951/-**

15. Thus, the compensation awarded by the Tribunal is enhanced to **Rs.4,09,951/-** This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

16. In the result,

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

ii. The compensation awarded by the Tribunal is enhanced to **Rs.4,09,951/-.**

iii. The appellant / claimant is directed to pay the court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after the receipt of Court fee.

iv. The second respondent, the Insurance Company, is directed to deposit the enhanced compensation amount of Rs.**4,09,951/-**(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 MCOP No.278 of 2025 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Dharmapuri, within a period of six weeks from the date of receipt of a copy of this order/uploading of this order. As per

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order of this Court in CMP No.23454 of 2026 dated 28.10.2026, the claimant is not entitled for any interest on the enhanced compensation for the delay period, if any.

v. On such deposit being made, the appellant / claimant is at liberty to withdraw the same on filing appropriate application before the Tribunal.

vi. The manner and mode of disbursement of compensation shall be as per the order of the Tribunal.

12-11-2026

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

jv

To
1. Motor Accident Claims Tribunal,
Special Sub Court, Dharmapuri,

2. The Section Officer,
V.R.Section, Madras High Court, Chennai.

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M.JOTHIRAMAN, J.

jv

CMA No. 3725 of 2026

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