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C.M.A.No.1371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.06.2026

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

C.M.A.No.1371 of 2023

Saravanan

... Appellant

Versus

1. The Commissioner
Corporation of Chennai
Ribbon Building
Chennai - 600 003

2. The New India Assurance Co. Ltd.,
Motor Claims Third Party Cell
6th Floor, Bombay Mutual Building
No.232, NSC Bose Road
Chennai - 600 001

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to enhance the award passed by III Judge of Small Causes Court, Chennai, Motor Accident Claims Tribunal dated 25.11.2021 made in M.A.C.T.O.P.No.6985 of 2017 from Rs.19,81,150/- to Rs.45,81,150/- (as restricted by the appellants) as against the claim of Rs.70,00,000/- with interest and cost.



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For Appellants : Mr.K.V.Muthu Visakan

For Respondents : R1- No Appearance

Ms.R.Rathna Thara for R2

JUDGMENT

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

The claimant before the Motor Accident Claims Tribunal is the appellant herein. The appeal has been preferred seeking enhancement of compensation awarded by the Tribunal in its award dated 25.11.2021 in M.C.O.P.No.6985 of 2017.

2. The appellant herein/claimant preferred an application under Section 166 of the Motor Vehicles Act on the file of Motor Accident Claims Tribunal, III Court of Small Causes, Chennai making a claim against Respondents 1 and 2 and prayed for an award directing Respondents 1 and 2 to pay a sum of Rs.70,00,000/- as compensation for the injuries sustained by him in a road accident that took place on 17.07.2017 at about 15.30 hours in front of Dhanukaa Engineering, Kodungaiyur, Chennai at Ethiraj Samy Salai. It was contended therein that while the claimant/appellant was riding his motorcycle bearing Registration No.TN-05-J-2030 from north to south

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direction, a lorry bearing Registration No.TN-04-AC-0171 came in a rash and negligent manner in the opposite direction and dashed against the two wheeler driven by the claimant as a result of which the appellant / claimant sustained grievous injuries. Contending that the injuries, despite treatment, resulted in permanent disability, the appellant/claimant had made the above said claim for compensation.

3. The claim was resisted by the first respondent denying the involvement of first respondent's vehicle. According to first respondent, there was no negligence on the part of the driver of the lorry and that apart, the vehicle is insured with the second respondent and hence, the claim against the first respondent is not maintainable.

4. A separate counter was filed by the second respondent denying the allegations in the claim petition. It is the case of the second respondent that in the absence of any intimation from the 1st respondent regarding the alleged accident, it cannot be said that the accident had occurred only due to the rash and negligent driving of the lorry bearing Registration No.TN-04-AC-0171, owned by the first respondent. It is also stated in the counter affidavit that the first respondent has not submitted neither the claim form nor the vehicle records and thus, violated the terms and conditions of the



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policy and the second respondent is not liable to indemnify the first respondent, even if there was a valid policy.

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5. Before the Tribunal, on the side of the claimants, PW1 was examined and Exs.P1 to P6 were marked. On the side of the respondents, no witness was examined and no document was marked. The Disability Certificate issued to the appellant/claimant by the Rajiv Gandhi Government Hospital, Chennai has been marked as Ex.C1.

6. The Tribunal, on appreciation of materials, more particularly Ex.P1-FIR, came to the correct conclusion that the above said lorry belonging to the first respondent was the one which caused the accident in which the appellant / claimant sustained injuries. The Tribunal has also come to the conclusion that the accident had occurred only due to the rash and negligent driving of the lorry belonging to the first respondent. The Tribunal held that in the absence of any contra evidence to deny the accident, the first respondent being the owner of the lorry is liable to pay the compensation to the claimant on behalf of its driver. The Tribunal further held that as the offending vehicle is insured with the second respondent, the second



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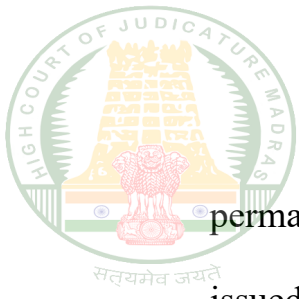
respondent is liable to indemnify the first respondent and second respondent

Insurance Company, on behalf of the first respondent is liable to pay the compensation to the Claimant. Accordingly, the Tribunal awarded the compensation as follows:

Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of Earning	18,56,400.00
2.	Attender Charges	8,750.00
3.	Loss of Amenities	50,000.00
4.	Towards Pain and Sufferings	50,000.00
5.	Towards Extra Nourishment and Transportation	15,000.00
6	Damages to Clothes	1,000.00
	Total	19,81,150.00
	Rounded off to	Rs.19,81,200.00

The said sum was directed to be paid together with interest at 7.5% p.a. from the date of claim petition till the date of realization and costs. Challenging the quantum of compensation awarded by the Tribunal, the present appeal has been filed.

7. The learned counsel for the claimant/appellant submitted that the accident had occurred in the year 2017 and the claimant was working as a Hydraulic Machine Operator at the time of accident and was earning a sum of Rs.1000/- per day and on account of the accident, he has suffered 65%



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permanent disability, which is evident from Ex.C1-Disability Certificate issued by the Regional Medical Board, but the Tribunal has fixed only a sum of Rs.10,000/- as monthly income and awarded an inadequate sum of Rs.18,56,400/- as compensation under the head "loss of earnings". The learned counsel further submitted that the amount awarded under the other heads is also on the lower side.

8. It is the further submission of the learned counsel that due to accident, the claimant has suffered 65% trans-radial amputation and is fitted with artificial limb for the rest of his life and the same may require repair in future, but the Tribunal has not awarded any amount for the same. To substantiate his case, the learned counsel relied on the judgment of Hon'ble Supreme Court in ***Mohd. Sabeer Alias Shabir Hussain Vs. Regional Manager, U.P.State Road Transport Corporation*** reported in (2023) 20 ***SCC 774*** wherein in Paragraphs 21 and 22, Hon'ble Supreme Court has held as follows:

"21. The High Court has awarded a compensation of Rs.5,20,000/- for the prosthetic limb and Rs.50,000/- towards repair and maintenance of the same. The Appellant submits that the cost of the prosthetic limb itself is Rs. 2,60,000/- and the life of the prosthetic limb is only 5-6 years. The prosthetic limb also



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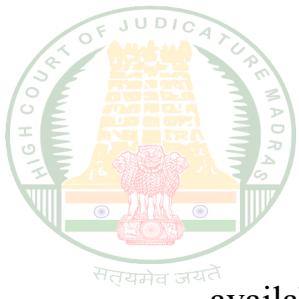
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requires repair and maintenance after every 6 months to 1 year, and each repair costs between Rs.15,000 to Rs.20,000/-. This would mean that the prosthetic limb would last the Appellant for only 15 years under the current compensation. The Appellant at the time of the accident was aged 37 years and has a full life ahead.

22. It has been clearly stated by this Court in the case of Anant V.Pratap reported in (2018) 9 SCC 450, that the purpose of fair compensation is to restore the injured to the position he was in prior to the accident as best as possible. The relevant paragraph of the judgment is being extracted herein:

“12. In cases of motor accidents leading to injuries and disablements, it is a well settled principle that a person must not only be compensated for his physical injury, but also for the non-pecuniary losses which he has suffered due to the injury. The Claimant is entitled to be compensated for his inability to lead a full life and enjoy those things and amenities which he would have enjoyed, but for the injuries.” “The purpose of compensation under the [Motor Vehicles Act](#) is to fully and adequately restore the aggrieved to the position prior to the accident.”

9. Per contra, learned counsel appearing for the second respondent insurance company submits that the tribunal has already awarded compensation in an exorbitant sum of Rs.18,56,400/- towards loss of earning and the amount awarded under the other heads also does not require any interference.



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10. We have considered the rival submissions. Perused the materials available on record.

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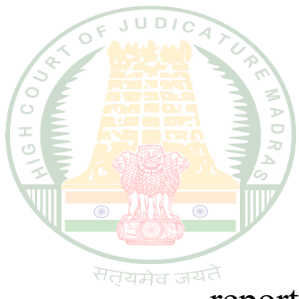
11. It is seen that as a consequence of the accident, the claimant has suffered 65% permanent disability and he was working as hydraulic machine operator, which is not in dispute. Even a daily wager / Nominal Muster Roll worker would be earning more than Rs.25,000/- per month and even ordinary daily wager would be earning Rs.500/- to Rs.700/- per day. Hence, we are of the view that fixing only a sum of Rs.10,000/- as monthly income is very meager and the claimant would have earned not less than Rs.20,000/- per month, but for the injuries. Accordingly, the compensation awarded under the head "loss of earning capacity" is re-calculated as follows:

Monthly income	Rs.20,000/-
40% future prospects	Rs. 8,000/-

	Rs.28,000/-
Loss of Earning Capacity	
(Rs.28,000/- x 12 x 17 x 65/100)	Rs.37,12,800/-

Hence, a sum of Rs.18,56,400/- awarded by the Tribunal is enhanced to Rs.37,12,800/-.

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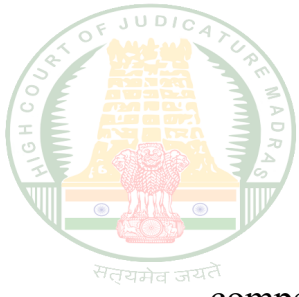


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12. Further, as held by supreme Court in the case of *Anant V.Pratap*

reported in (2018) 9 SCC 450, in cases of motor accidents leading to injuries and disablement, a person must not only be compensated for his physical injury but also for the non-pecuniary losses which he has suffered due to injury. In the said case, it was held that the claimant is entitled to be compensated for his inability to lead a full life and enjoy those things and amenities which he would have enjoyed but for the injuries. Hence, a sum of Rs.50,000/- each awarded under the heads "Loss of Amenities" and "Pain and Sufferings" is on the lower side and Therefore, the same is enhanced to Rs.1,00,000/- each. For better appreciation, the break up details are furnished hereunder:

SI.No.	Heads of Compensation	Amount in Rs.
1	Loss of Earning	37,12,800.00
2	Attender Charges	8,750.00
3	Loss of Amenities	1,00,000.00
4	Towards Pain and Suffering	1,00,000.00
5	Towards Extra Nourishment and Transportation	15,000.00
6	Damages to Clothes	1,000.00
7	Cost of artificial limb and its maintenance	4,00,000.00
	Total	43,37,550.00
	Rounded off to	43,38,000.00



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In the result, the Civil Miscellaneous Appeal is allowed. The

compensation of Rs.19,81,200/- awarded by the Tribunal is hereby enhanced

to Rs.43,38,000/- [Rupees Forty Three Lakhs Thirty Eight Thousand only].

Second respondent insurance company is directed to deposit the enhanced

compensation amount together with proportionate interest and costs, less the

amount already deposited, within a period of four weeks from the date of

receipt of a copy of this judgment. On such deposit, the appellant/injured is

entitled to withdraw the same on filing an appropriate application before the

Tribunal. No costs.

[N.S.K.,J.] [M.J.R.,J.]
29.06.2026

gpa

To

1. III Judge of Small Causes Court,
Motor Accident Claims Tribunal
Chennai

2. The Section Officer
VR Section, Chennai



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N.SATHISH KUMAR, J.,

AND

M.JOTHIRAMAN, J.,

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