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C.M.A.No.3726 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	05.02.2026
Pronounced on:	16.03.2026

CORAM

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No.3726 of 2025

Krishnan

...Appellant

Vs.

1.N.Murugan

2.The Manager,

Cholamandalam MS General Insurance Co., Ltd.,

Branch Office, 103/1, Perammanur Main Road,

Salem, Salem District.

...Respondents

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award passed in M.C.O.P.No.944 of 2021 dated 07.02.2025 on the file of the Motor Accident Claims Tribunal Principal Subordinate Court, Krishnagiri.

For Appellant : Mr. S.P.Yuaraj

For Respondent : R1 served no appearance

Mr.M.B.Raghavan

for M/s.M.B.Gopalan Associates for R2



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JUDGMENT

This civil miscellaneous appeal is preferred against the Order M.C.O.P.No.944 of 2021 dated 07.02.2025 on the file of the Motor Accident Claims Tribunal Principal Subordinate Court, Krishnagiri.

2. For the sake of convenience, the parties are referred to as per their ranking in the claim petition.

3. Shortly stated, on 18.11.2020 at about 10.am, the petitioner was travelling from Chinnamattarapalli Village on his two wheeler Yamaha Scooty bearing Registration No.TN 24 AF 7267 by following all traffic rules. While he was proceeding on the Kuppam - Krishnagiri NH road near HP Petrol Bunk, a TATA Ace vehicle bearing Registration No. TN 29 BV 1983 belonging to the 1st respondent and insured with the 2nd respondent was driven in a rash and negligent manner, overtook the petitioner on the left side and suddenly turned right and hit the petitioner's vehicle. Due to the said accident, the appellant suffered grievous injuries on his head and all over his body. He was treated at Krishnagiri Neuro Care Hospital. FIR was filed against the 1st respondent.



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4. The claimant filed the above MCOP claiming compensation of Rs.30,00,000/- for the injuries sustained by him in the said accident.

5. The 2nd respondent / Insurance Company resisted the said petition by stating that the accident occurred due to the rash and negligent riding of the appellant / claimant, that the 1st respondent's vehicle driver did not have a valid driving licence and hence they are not liable to pay any compensation to the claimant. Therefore, prayed for dismissal of the claim petition.

6. The Claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent driving of driver of the 1st respondent vehicle and that the claimant is entitled to claim compensation. After analysing the oral and documentary evidence on record, the Tribunal awarded a compensation of Rs.6,48,678/- to the claimant and directed the 2nd respondent / Insurance Company to pay the said award amount, together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation.

7. Seeking enhancement of compensation, the present Civil Miscellaneous Appeal is filed by the appellant/claimant.



8. The learned counsel for the appellant/claimant would contend that, the appellant was 40 years old at the time of accident and sustained severe grievous injuries, including a laceration parietal region, fracture parietal bone, left parietal and temporal contusion with diffuse cerebral edema. The Tribunal failed to consider that the permanent injuries resulted in the Medical Board assessing 55% partial permanent disability which impairs his ability to carry out his professional duties. According to the learned counsel for the appellant, the Tribunal ought to have applied multiplier method instead of percentage method. He further submitted that the appellant was a Carpenter and was earning a sum of Rs.25,000/- per month. However, the Tribunal, without assigning any valid or justifiable reason, reduced the monthly income of the appellant to Rs.12,000/-. It is further submitted that due to the grievous injuries sustained by the claimant, resulted in loss of earning capacity and depreciation of his livelihood. The medical board has assessed the partial permanent disability as 55% whereas the tribunal has awarded only Rs.7000/- per percentage which is very meagre. The Tribunal failed to award reasonable amount for transport expenses, pain & sufferings and extra nourishments. Hence prayed for enhancement of compensation.



9. Despite notice there is no representation on the side of the 1st respondent.

10. The learned Counsel for the 2nd Respondent/Insurance company, contended that, the Tribunal based on the materials available on record, awarded reasonable compensation, which warrants any interference by this Court.

11. Heard on both sides. Records perused.

12. The nature of accident is not in dispute wherein the Tribunal has rightly held that the said accident was due to the negligence of the 1st Respondent. The medical records would reveal that the claimant has sustained 1x1x1cm laceration, parietal region fracture, parietal bone left parietal EDH/left FTP acute SDH and temporal contusion with diffuse cerebral edemam, along with several other grievous injuries all over the body.

13. Taking into account the nature of injuries sustained by the claimant, the Medical Board has assessed, the partial permanent disability as 55%. It is the contention of the learned counsel for the appellant that the Tribunal ought to have adopted multiplier method. Since there is no functional disability, the



Tribunal has rightly taken percentage of the disability instead of adopting multiplier method. However, considering, the year of accident, the compensation awarded for per percentage disability sustained by the claimant is enhanced from Rs.7,000/- per percentage to Rs.10,000/- per percentage. Considering the year of accident, and the avocation of the claimant, the income of the claimant is fixed at Rs.15,000/- per month. The Tribunal has rightly held that due to the injuries sustained by the claimant, he would not have gone to work, atleast for 4 months. Compensation awarded by the Tribunal under all the other heads are confirmed.

14. Therefore, this Court finds it reasonable to modify the compensation as under:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Partial Permanent Disability	3,85,000/- (55x7000)	5,50,000/- (55x10,000)	Enhanced
2.	Pain and Suffering	50,000	50,000	Confirmed
3.	Loss of amenities	30,000/-	30,000/-	Confirmed
4.	Extra Nourishment	12,000/-	12,000/-	Confirmed
5.	Attender charges	8,000/-	8,000/-	Confirmed



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6.	Transport Charges	17,000/-	17,000/-	Confirmed
7.	Medical Expenses	98,678/-	98,678/-	Confirmed
8.	Temporary loss of income	48,000/- (4x12,000)	60,000/- (4x15,000)	Enhanced
	TOTAL	6,48,678/-	8,25,678/-	Enhanced by Rs.1,77,000/-

15.In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

- i. The quantum of compensation awarded by the Tribunal is enhanced from Rs.6,48,678/- to Rs.8,25,678/-
- ii.The 2nd Respondent/Insurance company is directed to deposit a sum of Rs.8,25,678/- (less the amount already deposited) with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this order, to the credit of M.C.O.P.No.944 of 2021 dated 07.02.2025 on the file of the Motor Accident Claims Tribunal Principal Subordinate Court, Krishnagiri.
- iii.The appellant/claimant is not entitled for any interest for the default



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period in filing the above appeal.

iv. On such deposit being made, the claimant is at liberty to withdraw the same after filing a proper petition for withdrawal.

16.03.2026

vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Principal Subordinate Judge, Krishnagiri.
2. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

vsn

Pre-delivery Judgment made in

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