



C.M.A.No.3838 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 18.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 3838 of 2025

Muniraj

...Appellant

Vs.

1. Murugan
2. The Branch Manager,
TATA AIG General Insurance Company Limited,
Peninsula Business Park, Tower A,
15th Floor, G.K. Marg, Lower Parel,
Mumbai 400 013.

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award dated 10.03.2025 made in M.C.O.P. No.344 of 2022 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri.

For Appellant : Mr.S.P.Yuaraj

For Respondents : Mr.N.Vijayaraghavan for R2

R1 – No appearance

JUDGMENT

This appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellant/ claimant for enhancement of the sum awarded in M.C.O.P.



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No.344 of 2022 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri.

2. Shortly stated, on 15.12.2020 at about 17.00 hours, while the appellant/claimant was riding the Two wheeler bearing Registration No. TN-70-Y-4919 at Krishnagiri-Rayakottai Road, near Kodukoor Bus Stop, a Hero Honda Splendor two wheeler bearing Registration No.TN-24-AQ-0227, belonging to the 1st respondent, ridden by its rider in a rash and negligent manner, came in the opposite direction and dashed against the appellant's two wheeler, due to which, the appellant sustained injuries. After the accident the appellant was treated at Government Hospital, Krishnagiri, and at Sri Saraswathi Hospital, Krishnagiri.

3. The claimant filed the above MCOP claiming compensation of Rs.10,00,000/- for the injuries sustained by him in the said accident. The Claims Tribunal framed necessary issues and came to the conclusion that the accident took place due to the rash and negligent riding on the part of the rider of the 1st respondent's vehicle and that the claimant is entitled to claim compensation. After analysing the oral and documentary evidence, the tribunal



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awarded a compensation of Rs.3,80,000/- to the claimant and directed the 2nd respondent/ Insurance Company to pay the said award amount, at the first instance, and then recover the same from the 1st respondent, since the rider of the 1st respondent's two wheeler did not possess a valid driving license on the date of accident.

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

5. The learned counsel for the appellant/claimant would contend that, the appellant / claimant was an agriculturist and motor mechanic at the time of accident, earning a monthly income of Rs.20,000/-. However, the Tribunal erroneously assessed his income only at Rs.10,000/- per month, and hence, the same has to be enhanced. He further contended that, taking the disability sustained by the appellant into consideration, the Tribunal ought to have adopted multiplier method for calculating loss of earning capacity of the appellant/claimant. However, the Tribunal adopted per percentage method and awarded only Rs.5,000/- per percentage disability for 30% partial permanent disability sustained by the appellant. He would further contend that, the



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Tribunal has awarded Rs.30,000/- towards loss of income for the period of three months only, however, the fact is that, he was out of action for more than six months and that the compensation awarded by the Tribunal under the other heads are also very meagre. Hence, prayed for enhancement of compensation awarded by the claims Tribunal.

6. On the other hand, the learned counsel for the 2nd respondent / Insurance Company submitted that, the Tribunal has considered the materials on record and had awarded 'just compensation' which requires any interference by this Court.

7. Heard on both sides. Records perused.

8. On a perusal of the impugned Award, it is seen that, since no document has been produced by the appellant/ claimant to prove his avocation, the Tribunal had fixed the monthly income of the appellant/ claimant at Rs.10,000/-. However, considering the year of accident, this Court deems it fit to fix the monthly income of the claimant at Rs.15,000/-. Further considering the nature of injuries sustained by the appellant, it could be presumed that he would have been out of action for about six months. Hence, a sum of Rs.90,000/- is awarded towards loss of income during the period of treatment.

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Considering the nature of injuries, this Court is of the view that the Tribunal has rightly adopted per percentage method, which warrants any interference.

However, considering the year of accident, it would be appropriate to fix Rs.9,000/- per percentage of injuries. Accordingly Rs.2,70,000/- (9000 x 30) is awarded towards permanent disability. The amount awarded by the Tribunal under the heads of extra nourishment and transportation charges are enhanced to Rs.20,000/- each, while the amounts awarded by the Tribunal under the other heads stands confirmed.

9. The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court.

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ granted
1.	Permanent Disability	1,50,000/- (30 x 5000)	2,70,000/- (30 x 9000)	Enhanced
2.	Pain and sufferings	40,000/-	40,000/-	Confirmed
3.	Extra nourishment	10,000/-	20,000/-	Enhanced
4.	Medical Expenses	91,800/-	91,800/-	Confirmed
5.	Future Medical Expenses	10,000/-	10,000/-	Confirmed
6.	Loss of amenities and Attender charges	37,000/-	37,000/-	Confirmed



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7.	Transportation	10,000/-	20,000/-	Enhanced
8.	Loss of income	30,000/- (10000 x 3)	90,000/- (15000 x 6)	Enhanced
9.	Damages to clothes	1,200/-	1,200/-	Confirmed
	Total	3,80,000/-	5,80,000/-	Enhanced by Rs.2,00,000/-

10. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to Rs.5,80,000/- from Rs.3,80,000/-.
- iii. The appellant/ claimant is directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- iv. The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation amount as stated above (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, at the first instance, to the credit of M.C.O.P. No.344 of 2022 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Krishnagiri, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order, and then recover the same



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from the 1st respondent.

v. The appellant/claimant is not entitled to claim any interest for the default period, in filing this appeal.

vi. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

18.02.2026

bga

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Special Subordinate Judge,
Motor Accident Claims Tribunal, Krishnagiri.
2. The Branch Manager,

TATA AIG General Insurance Company Limited,
Peninsula Business Park, Tower A,
15th Floor, G.K. Marg, Lower Parel,
Mumbai 400 013.

3. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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