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C.M.A.No. 3586 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 23.01.2026

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 3586 of 2025

V. Nithiyanandam

...Appellant

Vs.

1. S. Chandru

2. M/s. HDFC ERGO General Insurance Company Limited,

RR Towers - II, 2nd Floor

No.94/95, T.V.K. Industrial Estate,

Guindy, Chennai - 32.

... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the Award passed in M.C.O.P.No.5926 of 2022 dated 05.06.2025 on the file of the V Court of Small Causes, Motor Accident Claims Tribunal, Chennai.

For Appellant : Mr. K. Balaji

For Respondents : Mr. M.B. Raghavan

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

R1 served - No appearance.



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JUDGMENT

WEB COPY The present Appeal is directed against the award of the Motor Accident Claims Tribunal, V Court of Small Causes, Chennai, in M.C.O.P.No.5926 of 2022 dated 05.06.2025.

2. The appellant is the claimant in M.C.O.P.No.5926 of 2022 on the file of the of the Motor Accident Claims Tribunal, Motor Accident Claims Tribunal, V Court of Small Causes, Chennai, and he filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.20,00,000/- for the injuries sustained by him in a road accident that took place on 07.11.2022.

3. Shortly stated, on 07.11.2022, at about 1300 hours, while the appellant/claimant was riding the motorcycle bearing Registration No.TN 21 AZ 0481, near M.G.R. statue, Singaperumal Koil, Chengalpattu District, a car bearing Registration No.TN 19 AM 2000 driven by its driver in a rash and negligent manner hit the back side of the petitioner's two wheeler, as a result of which, the appellant fell down and sustained grievous injuries. He was immediately taken to Government Medical College Hospital, Chengalpattu



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and then admitted at Brain & Spine Hospital, CIT Nagar West, Nandanam, Chennai for further treatment. FIR was registered against the driver of the offending vehicle.

3.1. According to the claimant, the rash and negligent driving of the driver of the car was the cause of the accident and that since the said vehicle was insured with the 2nd respondent, the HDFC ERGO General Insurance Co. Ltd., the owner and the insurer are jointly and severally liable to pay compensation to him.

4. The claim petition was resisted by the 2nd respondent/Insurance Company.

5. The Tribunal, after analysing the evidence on record, came to the conclusion that the accident took place as alleged and the claimant was entitled for compensation. Compensation of Rs.10,13,000/- has been awarded carrying interest at the rate of 7.5% per annum.



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6. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

7. Mr. K. Balaji, learned counsel for the appellant submits that, though the Medical Board assessed the disability of the appellant as 25% for memory loss and brain injury, the Tribunal erred in adopting 'per percentage' method instead of 'multiplier method' for the disability caused to the appellant. He further submits that the Tribunal erred in awarding meagre amount under all the heads without considering the nature of injuries and the period of treatment. Hence, prayed for enhancement of the compensation awarded by the Tribunal.

8. On the side of the respondent/Insurance Company it is submitted that, the learned Tribunal, considering the facts and circumstances of the case has awarded just compensation, which warrants any interference by this Court.

9. Heard on both sides. Records perused.



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10. There is no dispute with regard to the manner of accident, as alleged by the claimant, but for rash and negligent driving of the offending vehicle it would not have taken place. The findings recorded by the learned claims Tribunal is therefore, sustained.

11. On a perusal of the Award, it is seen that the Tribunal had awarded a sum of Rs. 2,50,000/- under the head of 'Partial disability' by fixing Rs.10,000/- per percentage of disability. On a perusal of the Award, it is seen that, as per Ex.C1 - Disability Certificate issued by the Medical Board, the appellant/claimant has suffered Traumatic Brain injury, Right parietal extra dural hematoma, right parietal contusion with mass effect and midline shift. Further it is seen that he was hospitalised for 11 days in two spells and underwent two surgeries and incurred medical expenses of Rs.6,18,000/-. Considering the above facts, this Court deems it fit to adopt multiplier method for the disability suffered by the appellant by fixing the disability at 15%. Since no proof of income has been produced by the appellant/ claimant, the Tribunal has fixed the notional monthly income of the appellant as Rs.15,000/-, which does not warrant any interference by this Court. Accordingly, loss of earning capacity of the appellant is calculated as here



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Notional monthly Income : Rs.15,000/-

Addition 40% Future prospects : Rs.21,000/-

Loss of earning capacity : $21,000 \times 12 \times 16 \times 15/100$

: **Rs.6,04,800/-**

Considering the nature of injuries and the period of hospitalization, the compensation awarded under the heads of Attender charges, transportation, loss of amenities and extra nourishment are increased to 20,000/- under each of the above heads.

12. The following tabular column would show the amount awarded by the Tribunal and the modified amount awarded by this Court.

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ granted
1.	Disability	2,50,000/- (25 x 10,000)	--	Set aside
2.	Loss of earning capacity	-	6,04,800/-	Granted
3.	Pain and sufferings	50,000/-	50,000/-	Confirmed
4.	Loss of income for 3	45,000/-	45,000/-	Confirmed



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	months	(3 x 15000)	(3 x 15000)	
5.	Medical Bills	6,18,000/-	6,18,000/-	Confirmed
6.	Attender charges	10,000/-	20,000/-	Enhanced
7.	Transport	10,000/-	20,000/-	Enhanced
8.	Loss of amenities	15,000/-	20,000/-	Enhanced
9.	Extra nourishment	15,000/-	20,000/-	Enhanced
	Total	10,13,000/-	13,97,800/-	Enhanced by Rs.3,84,800/-

13. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to Rs.13,97,800/-.
- 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 of Rs.13,97,800/- (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 M.C.O.P.No.5926 of 2022 dated 05.06.2025 on the file of the V Court of Small Causes, Motor Accident Claims Tribunal, Chennai, within a



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period of **four weeks** from the date of receipt of a copy of this

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

23.01.2026

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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To:

1. The V Judge, Court of Small Causes,
Motor Accident Claims Tribunal, Chennai.
2. M/s. HDFC ERGO General Insurance Company Limited,
RR Towers - II, 2nd Floor,
No.94/95, T.V.K. Industrial Estate,
Guindy, Chennai - 32.
3. The Section Officer, VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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