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C.M.A.No.3

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.3792 of 2025

P. Ramasamy

... Appellant

Versus

1. S. Kumaravel

2. United India Insurance Co. Ltd.,

Motor III Party Claims Hub,

Sillingi Building, 4th Floor, No. 134,

Greams Road,

Chennai – 600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No.1547 of 2021, dated 21.08.2025, on the file of the Motor Accidents Claims Tribunal, (II Court of Small Causes), Chennai.

For Appellants : Ms. K. Balaji

For R2 : Mr. M. K. Swaminathan

For R1 : Notice dispense with.



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JUDGMENT

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This Civil Miscellaneous Appeal is directed as against the award dated 21.08.2025 made in M.C.O.P.No.1547 of 2021 on the file of the Motor Accidents Claims Tribunal, (II Court of Small Causes), Chennai.

2. Briefly stated, on 08.03.2021, at about 08.00 hours, when the petitioner was riding his two wheeler bearing Reg.No.AP-27-AM-0970, in in GST Road, Tambaram to Chengalpet side, near Thailavaram Signal, at that time a two wheeler bearing Reg.No. TN-38-AA-0866 driven by its driver in a rash and negligent manner and endangering public safety dashed against the petitioner, thereby caused grievous injuries to the petitioner. The 1st respondent is the owner and the 2nd respondent is the insurer of the offending two wheeler. FIR was lodged against the offending vehicle.

3. As a result of the accident, the petitioner sustained compound fracture on both bone right and left hand with skin defect and multiple injuries all over the body and took initial treatment at the Chengalpet Government Hospital and thereafter for further treatment he was taken to Parvathy Ortho Hospital, Chrompet. The petitioner was inpatient at the Parvathy Ortho Hospital, Chrompet for 41 days i.e., from 08.03.2021 to 30.03.2021, from 14.04.2021 to 24.04.2021 and from 03.06.2021 to 09.06.2021. The



injured was aged about 50 years at the time of the accident, while working as security guard, he was earning a sum of Rs.11,000/- as income per month. Hence, claims for a compensation of Rs.22,00,000/- as compensation.

3.1. The learned counsel for the 2nd respondent/ Insurance Company has submitted that the accident had not been caused due to any negligence on the part of the two wheeler, therefore, respondents are not liable for payment of any compensation to the appellant. The learned counsel would further submit that the Tribunal rightly fixed the notional income of the injured at Rs.11,000/- which warrants any interference by this Court.

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

5. The Tribunal, after analyzing the evidence on record, came to the conclusion that the accident took place as alleged and that the claimant was entitled for compensation from the respondents. A Compensation of Rs.7,34,258/- has been awarded carrying interest at the rate of 7.5% per annum.



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

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7. Ms. K. Balaji, learned counsel for the appellant submits that the appellant/claimant sustained grievous injuries and was hospitalised for more than 41 days and underwent two surgeries which clearly establishes the serious nature of injuries. The Medical Board assessed permanent disability of the appellant/claimant at 33%. However, the Tribunal failed to consider the above facts and awarded only Rs.2,31,000/- for the disability sustained by the appellant by fixing Rs.7,000/- per percentage of disability. He further contended that, considering the nature of injuries, the Tribunal ought to have adopted multiplier method for determining the loss of earning capacity of the appellant/claimant. He also contended that only meagre amounts were awarded under all the other heads and 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.



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10. Considering the facts and circumstances of the case, nature of injuries and the plight of the claimants, this Court deems it fit to adopt multiplier method instead of per percentage method awarded by the Tribunal. Accordingly, a sum of Rs. 6,51,222/- is awarded towards loss of earning capacity by taking the multiplier as 13 (12,650/- x 12 x 13x 33/100) . This Court also deems it fit to enhance the heads of Pain and Suffering, Transportation, Extra Nourishment, Attender Charges and loss of amenities to Rs. 75,000/-, Rs.20,000/-, Rs.25,000/- and Rs.50,000/- respectively.

11. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Disability	2,31,000	-	Set aside
2.	Loss of Earning Capacity	—	6,51,222	Granted
3.	Pain and Suffering	50,000	75,000	Enhanced
4.	Transportation	5,000	20,000	Enhanced



5.	Medical Expenses	3,92,958	3,92,958	Confirmed
6.	Extra Nourishment	10,000	25,000	Enhanced
7.	Attender Charges	12,300	25,000	Enhanced
8.	Damages to Clothes	1,000	1,000	Confirmed
9.	Loss of Amenities	10,000	50,000	Enhanced
10.	Loss of Earnings	22,000	22,000	Confirmed
	TOTAL	7,34,258/-	12,62,180/-	Enhanced by Rs.5,27,922/-

12. As a result of the aforesaid discussion,

(i) The present appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced to Rs.12,62,180/-

(ii) 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.

(iii) The 2nd respondent/Company is directed to deposit the enhanced compensation amount of Rs.12,62,180/- (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.1547 of 2021 on the file of the Motor Accident



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Claims Tribunal, II Judge, Court of Small Causes, Chennai, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

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

03.02.2026

vsn

To:

1. II Court of Small Causes,
Motor Accidents Claims Tribunal,
Chennai.
2. The Section Officer,
VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI,J.

Vsn

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