



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No. 16 of 2026

S.Saranbabu,
S/o Selvaraj alias Selvaraji,
Murugankoil Street,
Mavadipalayam,
Tirumanikuzhi,
Cuddalore Taluk 607 401

..Appellant(s)

Vs

1. S.Annakannu,
W/o. Saravanan,
No 29, Keelakuttapatti,
Vaigainallur Post,
Kulithalai Taluk,
Karur District - 639 120.
2. The Divisional Manager,
United India Insurance Co.Ltd.,
DO, 13A, Nethaji Road,
Cuddalore - 607001.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 10.09.2025 in M.C.O.P.No.386 of 2022 on the file of the learned Special Sub Judge, Motor Accident Claims Tribunal, Cuddalore.

For Appellant(s): Ms.Ramya V.Rao

For Respondent(s): Mr.P.Sankaranarayanan
for R2

R1 – Served – No appearance



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Judgment

This Civil Miscellaneous Appeal has been filed against the Award and Decree dated 10.09.2025 in M.C.O.P.No.386 of 2022 on the file of the learned Special Sub Judge, Motor Accident Claims Tribunal, Cuddalore.

2.It is the case of the claimant that he met with a road traffic accident on 20.10.2021 at about 10.30 a.m. while riding his motorcycle Bajaj Pulsar bearing Registration No. PY-01-BY-5051 on the Cuddalore–Viruthachalam Road. At that time, a Goods Carrier bearing Registration No. TN-28-M-7083, driven in a rash and negligent manner, dashed against the claimant’s motorcycle. Due to the impact of the accident, the claimant sustained multiple grievous injuries, including fracture of the left humerus bone and head injuries. Immediately after the accident, he was admitted in the Government Hospital, Cuddalore, where he underwent treatment as an inpatient from 20.10.2021 to 04.11.2021, and thereafter continued treatment as an outpatient. Prior to the accident, the claimant was a 20-year-old healthy young man and was earning approximately Rs.15,000/- per month through coolie work. Due to the injuries and the permanent disability suffered in the accident, he was unable to continue his work as before and suffered both physical and financial loss. Therefore, the



claimant filed a claim petition under Section 166 of the Motor Vehicles Act seeking compensation of Rs.10,00,000/- against the owner and insurer of the offending vehicle.

3.The Tribunal, after considering the oral and documentary evidence including the FIR, medical records, discharge summary and disability certificate, held that the accident occurred solely due to the rash and negligent driving of the driver of the Goods Carrier. The Tribunal further observed that the claimant sustained a fracture injury and permanent disability assessed at 29%. However, instead of applying the multiplier method, the Tribunal adopted the percentage method and fixed the compensation for disability at Rs.7,000/- per percentage and awarded compensation of Rs.3,83,000/- to the claimant.

4.The learned counsel appearing for the appellant/claimant contended that the Tribunal, though correctly fixing negligence on the vehicle of the 1st respondent, failed to award just and adequate compensation to the injured appellant. The appellant sustained a fracture of the left proximal humerus and the Medical Board assessed 29% partial permanent disability. However, the Tribunal wrongly adopted the percentage method and awarded only Rs.7,000/- per percentage, without considering the functional disability and its impact on the appellant's earning capacity, instead of applying the multiplier method. The Tribunal also failed to properly appreciate the oral evidence of P.W.1 and



documentary evidence (Ex.P2 Accident Register, Ex.P3 Discharge Summary and Ex.C1 Disability Certificate) which clearly establish the injuries and disability suffered by the appellant. Even otherwise, if the percentage method is adopted, the compensation ought to have been calculated at Rs.10,000/- per percentage. Further, the Tribunal awarded inadequate compensation under the heads of pain and suffering, loss of amenities, extra nourishment, attender charges and transportation, and failed to grant compensation for damage to clothes and articles. The Tribunal also erred in awarding loss of income only for two months, despite the appellant being a 20-year-old coolie earning Rs.15,000/- per month, who required longer recovery time due to the fracture and hospitalization. Therefore, considering the nature of injuries, disability, loss of earning capacity and increasing cost of living, the appellant is entitled to enhancement of compensation under various heads.

5.Per contra, the learned counsel appearing for the Insurance Company submitted that the Tribunal had considered the oral and documentary evidence in proper perspective and awarded reasonable compensation and therefore the award does not warrant any interference.

6.This Court carefully considered the rival submissions and perused the entire materials available on record.



7. It is not in dispute that the accident occurred on 20.10.2021 and the appellant sustained fracture of the left humerus bone along with other injuries.

The medical records and disability certificate produced before the Tribunal clearly establish that the appellant suffered 29% partial permanent disability due to the injuries sustained in the accident. The Tribunal, while accepting the disability at 29%, fixed Rs.7,000/- per percentage and awarded a sum of Rs.2,03,000/- towards permanent disability. In the present case, the appellant was a young man aged about 20 years at the time of the accident and was engaged in manual work. The fracture of the humerus bone and the resulting permanent disability would certainly affect his physical efficiency and earning capacity. Therefore, the amount fixed by the Tribunal at Rs.7,000/- per percentage is on the lower side. Considering the nature of injuries, age of the claimant and the disability suffered, this Court is of the view that it would be just and reasonable to fix Rs.10,000/- per percentage of disability. Accordingly, the compensation under the head permanent disability is recalculated as = Rs.2,90,000/- [29% × Rs.10,000 = Rs.2,90,000/-]. Thus, the amount awarded by the Tribunal under the said head is enhanced from Rs.2,03,000/- to Rs.2,90,000/-. The Tribunal awarded a sum of Rs.70,000/- towards pain and suffering. Considering the fact that the appellant sustained fracture injuries and underwent treatment as inpatient for several days, the amount awarded by the Tribunal appears to be reasonable and the same is confirmed. The Tribunal awarded Rs.50,000/- towards loss of amenities. The injuries sustained by the



appellant would certainly affect his enjoyment of normal life and therefore the amount awarded under this head is also confirmed. A sum of Rs.10,000/- each

is awarded towards extra nourishment, attendant charges and transportation.

Considering the period of treatment undergone by the claimant, the amounts awarded under these heads are reasonable and are confirmed. Further, this Court is awarded the notional monthly income of the claimant at Rs.15,000/- and awarded Rs.45,000 towards loss of income for three months. Though the claimant claimed that he was earning through manual labour, no documentary proof was produced to substantiate the same. Hence, the monthly income fixed by the Tribunal is reasonable and the award under this head does not warrant interference. The recalculated compensation is as follows:

<u>S.No</u>	<u>Head</u>	<u>Tribunal (Rs.)</u>	<u>Modified by this Court (Rs.)</u>
1	Permanent Disability	2,03,000/-	-2,90,000/-
2	Pain and Suffering	70,000/-	-70,000/-
3	Loss of Amenities	50,000/-	-50,000/-
4	Extra Nourishment	10,000/-	-10,000/-
5	Attendant Charges	10,000/-	-10,000/-
6	Transportation	10,000/-	-10,000/-
7	Loss of Income	30,000/-	-45,000/-
		3,83,000/-	-4,85,000/-



8. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.4,85,000/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.386 of 2022 on the file of the learned Special Sub Judge, Motor Accident Claims Tribunal, Cuddalore, within a period of four weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs by making necessary applications.

9. The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MPS



To

1. The Special Sub Judge,
Motor Accident Claims Tribunal,
Cuddalore.

2. The Section Officer,
V.R. Section,
Madras High Court.



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K.GOVINDARAJAN THILAKAVADI J.

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