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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2026

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.M.A.No.178 of 2024

Velmurugan ... Appellant

Vs.

1. Sakratis

2. The Branch Manager,
Reliance General Insurance Company Limited,
No.89, 100 feet road,
Vivyan Plaza, Ground Floor,
Pondicherry – 605 004. ...Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 01.08.2017 passed in MCOP No.288 of 2014 on the file of the Motor Accident Claims Tribunal, Presiding Officer at Puducherry.

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For Appellant : Mr.R.Sreedhar

For R2 : Mr.G.Vasudevan

J U D G M E N T

The unsuccessful claimant has preferred this Civil Miscellaneous Appeal seeking enhancement of compensation.

2. The claim petition has been filed under Sections 140 and 166 of the Motor Vehicles Act, for the injuries sustained by the claimant in a road accident that took place on 16.03.2014.

3. According to the claimant, on 16.03.2014 at about 08.30 p.m., while the claimant was riding his Pulsar motorcycle bearing Registration No PY 01 BC 0826 from Ariyankuppam to Veerampattinam towards east to west, near old Angalamamn Temple Street, Bajaj Discover motorcycle bearing Registration No PY 01 BQ 2030 came from opposite direction in a rash and negligent manner and dashed on the claimant's two wheeler, as a result of which, the claimant fell down and got grievous injuries on his right hand and shoulder and also sustained multiple injuries all over his body.

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4. The first respondent did not appear before the Tribunal and he was called absent and was set *ex parte.*

5. The second respondent therein has filed a counter statement wherein they denied the manner of accident.

6. Before the Tribunal, on behalf of the claimant, the claimant was examined himself as PW1, one Dr.Gopinath was examined as PW2, K.G.Ravindran, an eyewitness was examined as PW3 and Ex.P1 to Ex.P16 were marked. On behalf of the second respondent, no witness was examined and no document was marked. The disability certificate issued by the Medical Board was marked as Ex.C1.

7. Upon appreciation of evidence adduced on either side, the Tribunal came to a conclusion that the accident had occurred only to due to rash and negligent act of the rider of the offending vehicle.

8. With regard to quantum of compensation, the Tribunal considering the nature of injuries sustained by the claimant and the claimant also

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appeared before the Medical Board and the Medical Board assessed the disability of the claimant as 5% of disability and adopted percentage method by awarding Rs.3,000/- for each percentage of disability and awarded compensation of Rs.15,000/- under the head disability. The Tribunal also awarded compensation under various heads as hereunder :

S.No	***Heads***	***Amount awarded by the Tribunal***
1.	Disability (Rs.3,000/- x 5%)	15,000/-
2.	Pain and sufferings	35,000/-
3.	Extra nourishment	10,000/-
4.	Attender charges	10,000/-
5.	Transportation charges	5,000/-
6.	Loss of income	30,000/-
7.	Medical expenses	10,000/-
8.	Loss and damage	1,000/-
	Total	**Rs.1,16,000/-**

9. Aggrieved over the same, the claimant has preferred this present appeal seeking for enhancement of compensation.

10. The learned counsel for the appellant / claimant would submit that the Tribunal failed to consider Ex.P7/Identity card of the claimant at Pudukuppam Fishermen Co-operative Society and also Ex.P8/diesel permit

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slip, Ex.P9/driving license, Ex.P10/payment slip of fishing boat issued by the Puducherry Fishing Port Society and Ex.P11/passbook of the fishing boat. Further would submit that the injuries sustained by the claimant would also lead to functional disability. The Tribunal ought to have adopted the multiplier method. The compensation awarded by the Tribunal under other heads also very meagre and hence prays to enhance the compensation.

11. *Per contra,* learned counsel for the second respondent / Insurance Company would submit that upon considering the nature of injuries sustained by the claimant and the disability assessed by the Medical Board, the Tribunal has rightly fixed a sum of Rs.3,000/- per percentage of disability and accordingly, awarded compensation under the disability, which does not require any interference by this Court. The compensation awarded by the Tribunal under other heads also appears to be proper and reasonable and does not require any interference by this Court.

12. Heard learned counsel for the appellant, learned counsel for the second respondent and perusal the materials available on record.

13. There is no dispute with regard to the manner of accident and the

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entire negligence fixed on the part of the rider of the offending vehicle. It is relevant to note that the claimant was referred to the Medical Board and the Medical Board assessed the disability of the claimant as 5%. A perusal of Ex.P7 to Ex.P11 reveals that the claimant is a fisherman by occupation. Considering the nature of work of the claimant and injuries sustained by him in the accident and the disability assessed by the Medical Board, the Tribunal has fixed as um of Rs.3,000/- per percentage of disability appears to be meagre and this Court is inclined to fix a sum of Rs.4,000/- per percentage of disability and accordingly, the compensation awarded under the head disability is enhanced to Rs.20,000/- (Rs.4,000/- x 5%). In the absence of proof of monthly income of the claimant, the Tribunal fixed a sum of Rs.15,000/- as notional monthly income of the claimant which appears to be proper and reasonable. On account of the accident, the claimant would not have been in a position to attend to his work atleast for three months. Therefore, (Rs.15,000/- x 3) Rs.45,000/- is enhanced towards loss of income. The compensation awarded by the Tribunal under the head extra nourishment, attender charges and transportation are appears to be meagre and the same are enhanced to Rs.15,000/-, Rs.15,000/- and Rs.10,000/-, respectively. The Tribunal has not awarded any compensation

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under the head loss of amenities and this Court is inclined to grant a sum of Rs.10,000/- towards loss of amenities. The compensation awarded by the Tribunal under other heads are proper and reasonable which does not require any interference.

14. The following tabular column would show the amount enhanced by this Court under various heads ;

S.No	***Heads***	***Amount awarded by this Court***
1.	Disability (Rs.4,000/- x 5%)	20,000/-
2.	Pain and sufferings	35,000/-
3.	Extra nourishment	15,000/-
4.	Attender charges	15,000/-
5.	Transportation charges	10,000/-
6.	Loss of income	45,000/-
7.	Medical expenses	10,000/-
8.	Loss and damage	1,000/-
9.	Loss of amenities	10,000/-
	Total	**Rs.1,61,000/-**

15. Thus, the compensation awarded by the Tribunal is enhanced to **Rs.1,61,000/-.** This amount shall carry interest at the rate of 7.5% per annum

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from the date of claim petition till the date of deposit.

16. In the result,

i. The Civil Miscellaneous Appeal is partly allowed. No costs.

ii. The compensation awarded by the Tribunal is enhanced to **Rs.1,61,000/-.**

iii. The appellant / claimant is directed to pay the court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after the receipt of Court fee.

iv. The **first respondent and second respondent, the Reliance General Insurance Company Limited, Puducherry, are directed to deposit the enhanced compensation amount of Rs.1,61,000/- (less the amount already deposited), jointly and severally,** 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 MCOP No.288 of 2014 on the file of the Motor Accident Claims Tribunal, Presiding Officer at Puducherry, within a period of six weeks from the date of receipt of a copy of this order/uploading of this order.

v. On such deposit being made, the appellant / claimant is at liberty to

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withdraw the same on filing appropriate application before the Tribunal.

30.10.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
mtl

M.JOTHIRAMAN, J.

mtl

To

1. The Motor Accident Claims Tribunal
Presiding Officer at Puducherry.

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

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