



C.M.A(MD)No.382 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

C.M.A(MD)No.382 of 2026

M.Santhosh

... Appellant

Vs.

1.M.Pitchaimani

2.The Branch Manager,
Shriram General Insurance Company Limited,
Hakkim Ajmalkhan Road,
Chinna Chokkikulam,
Madurai.

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 26.02.2025 passed in MCOP.No.1255 of 2022 on the file of the Motor Accident Claims Tribunal / IV Additional Subordinate Judge, Madurai for enhancement of compensation.



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For Appellant : Mr.S.Ashok Kumar

For R-1 : Mr.V.S.Kishore Kumar

For R-2 : Mr.N.Shyllappa Kalyan

J U D G M E N T

**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

This appeal has been filed by the claimant against the award passed by the Motor Accident Claims Tribunal / IV Additional Sub Court, Madurai made in M.C.O.P.No.1255 of 2022 dated 26.02.2025 seeking for enhancement of compensation.

2. Heard the learned counsel on either side.

3. The case of the claimant was that on 10.03.2022, the claimant was riding his two-wheeler by wearing a helmet and at about



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12.10 noon, when the vehicle was going at Solavandhan to Dindigul road and when the vehicle was crossing the place of occurrence, the vehicle owned by the first respondent was driven in a rash and negligent manner and it hit the two-wheeler driven by the appellant, as a result of which, the appellant sustained serious injuries, resulting in the amputation of the left leg below the knee. It is under these circumstances, the claim petition came to be filed before the Motor Accident Claims Tribunal.

4. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, rendered a finding that the accident had taken place only due to the rash and negligent driving on the part of the offending vehicle. After having rendered the said finding, the Tribunal proceeded to fix the compensation by applying the multiplier method, considering the fact that the appellant had suffered functional disability. Accordingly, a total compensation of Rs.26,59,000/- (Rupees Twenty Six Lakhs Fifty Nine Thousand only) was granted under the following heads.



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1. பகுதி நிரந்தர ஊனத்திற்காக	: ரூ.	22,68,000/-
2. வலி மற்றும் வேதனைக்கு	: ரூ.	1,00,000/-
3. மருத்துவ சிகிச்சையின் போது உடனிருந்தவர் ஊதியத்திற்காக	: ரூ.	6,000/-
4. கூடுதல் ஊட்டசத்துணவுக்காக	: ரூ.	25,000/-
5. போக்குவரத்து செலவுக்காக	: ரூ.	10,000/-
6. அசௌகரியத்திற்காக	: ரூ.	1,00,000/-
7. மருத்துவ செலவு தொகை	: ரூ.	1,50,000/-
மொத்தம்	: ரூ.	26,59,000/-

5. The present appeal has been filed seeking for enhancement of compensation mainly on the ground that the Tribunal did not add future prospectus to which the claimant is entitled.

6. The learned counsel appearing for the appellant, in order to substantiate his submissions, relied upon the following judgments:



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1. 2023 (1) TN MAC 20 (SC) in the case of ***Mohd. Sabeer @ Shabir Hussain Vs. the Regional Manager, U.P. State Road Transport Corporation***

2. 2025 INSC 180 in the case of ***Prakash Chand Sharma Vs. Rambabu Saini and another***

3. 2025 (1) TN MAC 575 (DB) in the case of ***Manager, United India Insurance Company Limited Vs. V.Naveendharan and another***

7. In the considered view of this Court, the appellant was a 19-year-old boy, who had suffered amputation of his left limb and had suffered grievous injuries and the disability was assessed at 70%. The Tribunal rightly had applied the multiplier method, considering the fact that there was permanent disability and the appellant faced functional disability. However, while undertaking the said exercise, the Tribunal failed to take into consideration the future prospectus to which the appellant is entitled. Hence, we are inclined to add the future prospectus at 40%. Apart from that, we find that the appellant had incurred expenses towards prosthetic limb and the cost of the same has been



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substantiated through Ex.P.4 (estimation). That apart, we also find that the Tribunal has fixed a lower compensation under the heads of pain and suffering, attender charges and also under the head of loss of conveyance.

8. In view of the above, we are inclined to modify the compensation amount as under.

S.N o.	Description	Amounts
1.	For Pain and Suffering	Rs.2,50,000/-
2.	For Loss of conveyance including the loss of marriage prospectus	Rs.3,50,000/-
3.	For Future Prospectus enhanced as 40% (15,000+(40%) 6000=21,000*12*18 out of 70%	Rs.31,75,200/-
4.	Cost towards purchase of prosthetic leg	Rs.3,10,000/-
5.	For attendant and maintenance enhanced as (from the year of 2025 up to age 70 years (2074)	Rs.9,80,000/-
6.	For extra nourishment	Rs.25,000/-
7.	For Transportation	Rs.10,000/-
8.	For Medical Expenses	Rs.1,50,000/-
	Total	Rs.52,50,200/-



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9. In the light of the above discussion, the award dated 26.02.2025 passed in M.C.O.P.No.1255 of 2022 on the file of the Motor Accident Claims Tribunal / IV Additional Subordinate Judge, Madurai, is modified to the above extent. It is made clear that the Tribunal has already ordered for pay and recovery.

10. The learned counsel appearing for the second respondent / Insurance Company submitted that the Insurance Company has complied with the award and deposited the entire compensation award with interest during March 2025 itself. When this Court condoned the delay in filing the appeal by order dated 10.03.2026, it was made clear that the appellant / claimant will not be entitled for interest for the period of delay in filing the appeal. Therefore, insofar as the enhancement amount is concerned, the same shall be deposited by the second respondent / Insurance Company within a period of six weeks from the date of receipt of a copy of this order along with interest excluding the period of delay in filing the appeal. It goes without saying that for the enhancement amount that is paid by the Insurance Company, the same can be recovered from the



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owner of the offending vehicle. Till date, the owner of the vehicle has not filed any appeal and therefore, we are inclined to dispose of the present appeal. If and when any appeal is filed by the owner of the vehicle, if they are aggrieved by the award passed by the Tribunal, this order will not act against the interest of the first respondent owner and it will be left open to the owner of the vehicle to contest the appeal on its own merits and in accordance with law.

11. Accordingly, this Civil Miscellaneous Appeal stands allowed. No costs.

[N.A.V., J.]

[K.K.R.K., J.]

23.03.2026

NCC :Yes/No

Index :Yes/No

TSG

To

1.The Motor Accident Claims Tribunal / IV Additional Subordinate Judge, Madurai.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.

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