



C.M.A.(MD).No.392 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.03.2026

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**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

C.M.A.(MD).No.392 of 2026

Pandi @ Pandiyarajan

... Appellant / Petitioner

Vs.

1.V.Rajapandi

2.The Branch Manager,

The New India Insurance Co. Ltd.,

Virudhunagar District – 626001.

... Respondents / Respondents

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the amounts made in judgment and decree dated 02.01.2025 in M.C.O.P. No.750 of 2019 on the file of the learned Additional District Judge at Pudukkottai by allowing the above Civil Miscellaneous Appeal.

For Appellant : Mr.K.Jayabalan

For R2 : Mr.V.Sakthivel



J U D G M E N T

WEB COPIED (Judgment of the Court was delivered by **K.K.RAMAKRISHNAN,J.**)

The appellant is the injured claimant in M.C.O.P. No. 750 of 2019 on the file of the Motor Accident Claims Tribunal (Additional District Judge), Pudukkottai. The claim petition was filed seeking compensation of Rs. 50,00,000/- for the injuries sustained in a road accident that occurred on 06.04.2019 at about 11:00 a.m.

2.Facts of the case:

According to the claimant, while he was riding his two-wheeler bearing Registration No. TN55AE9288 from north to south, keeping to the extreme left side of the road near Rayavaram adhering to traffic rules, a lorry bearing Registration No. TN41Q8317, belonging to the appellant–Insurance Company, came from the opposite direction in a rash and negligent manner and rammed into the two wheeler despite the claimant moving to the extreme left and attempting to stop his vehicle.

3. As a result of the impact, the claimant sustained grievous injuries, leading to amputation of the left leg above the knee and fracture injuries to the right leg. An FIR was registered by the jurisdictional police, and the claimant



underwent prolonged medical treatment.

4. The Insurance Company filed a counter statement denying the manner of the accident as well as the quantum of compensation claimed.

5.Finding of the Tribunal:

The learned Tribunal, upon consideration of the evidence of P.W.1 and P.W.2, and Exhibits P1 to P18, along with the evidence of R.W.1 and R.W.2 and Exhibits R1 to R3, held that the accident occurred due to the negligence of the driver of the offending lorry and awarded a compensation of Rs.21,16,600/- with interest of 7.5% vide impugned order dated 02.01.2025 under the following heads:

<i>Heads</i>	<i>Amount in Rupees</i>
Loss of income for 80% of Disability	22,84,800/-
Pain and Suffereing	2,00,000/-
Medical expenses	27,214/-
Transportation during Medical Checkup	25,000/-
Extra Nourishment	25,000/-
Loss of Enjoyment of Amenities	1,00,000/-
Attender Charges during treatment	50,000/-
Total	27,12,014/-
20% of negligence to be deducted	5,42,403/-
Appellant's entitlement	21,69,611/-
Rounded off	21,69,610/-



Aggrieved by the quantum of compensation, the claimant has preferred the present appeal seeking enhancement.

6.Submission of the learned counsel appearing for the appellant:

The learned counsel for the appellant/claimant submitted that the claimant is a qualified welder, having completed I.T.I. training in gas and electric welding, and had previously been employed in Singapore. It is further submitted that he had returned to India on leave at the time of the accident. The Tribunal, however, poorly fixed his monthly income at a meagre sum without properly appreciating his skill and earning capacity and without adequately considering future prospects. It is further contended that the amounts awarded under various heads such as pain and suffering, attendant charges, loss of amenities, and extra nourishment are grossly inadequate, particularly in view of the amputation of the left leg and fracture of the right leg.

7.Submission of the learned counsel appearing for the Insurance Company:

Per contra, the learned counsel for the Insurance Company submitted that the Tribunal has rightly assessed the income based on the claimant's own pleadings, wherein he stated that he was earning Rs.600/- per day (Rs.18,000/- per month) as a welder in Pudukkottai. It is further submitted that there is no



evidence to establish that the claimant was employed in Singapore at the time of the accident. The award, therefore, does not warrant enhancement.

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8.This Court considered the rival submissions made by the learned counsel appearing for the appellant and the learned counsel appearing for the insurance company and perused the materials available on record, including the principles governing assessment of compensation in cases involving permanent disability and amputation.

9.The Following points arise for consideration of this appeal:

9.1.Whether the claimant/appellant is entitled to receive enhanced compensation or not?

10.Discussion on quantum:

It is an admitted fact that the claimant had undergone I.T.I. training in welding and had previously worked in Singapore. Though the passport has been produced, there is no documentary evidence to establish that he was employed in Singapore at the time of the accident. On the contrary, the claimant's own pleadings indicate that he was working locally as a welder earning Rs.600/- per day, accrued to Rs.18,000/- per month, and also claimed to



have agricultural income, which, however, remains unsubstantiated. In such circumstances, this Court is of the considered view that the income of the claimant can reasonably been fixed at Rs.15,000/- per month. Adding 40% towards future prospects, the monthly income is enhanced to Rs.21,000/-.

10.1. Considering the nature of injuries, particularly the amputation of the left leg above the knee and fracture in the right leg, this Court concurs with the finding of the Tribunal in fixing the functional disability at 80%. Applying the appropriate multiplier method, the loss of earning capacity is recalculated and fixed at Rs.34,27,200/-.

11. Enhancement under Non-Pecuniary Heads and Final Award:

Taking into account the gravity of injuries, prolonged treatment, permanent disability, and loss of normal life, this Court is inclined to enhance the compensation under the heads of pain and suffering, loss of amenities, attendant charges, and extra nourishment, as the amounts awarded by the Tribunal are found to be inadequate.

11.1.Considering the duration of hospitalization, the nature of treatment undergone, including amputation of the left leg above the knee and surgical intervention for grievous injuries in the right leg, this Court is of the view that



the compensation awarded under certain non-pecuniary heads by the Tribunal is inadequate and requires enhancement. Accordingly, the compensation is modified as follows:

(i) The amount awarded towards **pain and suffering** is enhanced to Rs. 2,50,000/-.

(ii) The compensation towards **extra nourishment** is enhanced to Rs. 1,00,000/-.

(iii) Taking into account the claimant is a Bachelor the permanent disability resulting from amputation, may have impact on his marital prospects and quality of life, and have the compensation towards **loss of amenities, including loss of marital prospects**, is enhanced to Rs.2,00,000/-.

(iv) Considering the need for continuous assistance during the period of treatment and thereafter, the amount awarded towards **attendant charges** is enhanced to Rs.1,50,000/-.

11.2.Having regard to the overall facts and circumstances of the case, particularly the young age of the claimant and the permanent disability suffered, this Court deems it appropriate to enhance the total compensation from Rs.21,69,610/- to Rs.41,79,414/-. The enhanced compensation shall carry interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realization.



<i>Heads</i>	<i>Amount awarded by the Tribunal</i>	<i>Re-quantified amount by this Court</i>	<i>status</i>
Loss of income for 80% of Disability	22,84,800/-	34,27,200/-	enhanced
Pain and Suffereing	2,00,000/-	2,50,000/-	enhanced
Medical expenses	27,214/-	27,214/-	confirmed
Transportation during Medical Checkup	25,000/-	25,000/-	confirmed
Extra Nourishment	25,000/-	1,00,000/-	enhanced
Loss of Enjoyment of Amenities	1,00,000/-	2,00,000/-	enhanced
Attendants Charges during treatment	50,000/-	1,50,000/-	confirmed
Total	27,12,014/-	41,79,414/-	enhanced

12. Conclusion:

In view of the above, the compensation awarded by the Tribunal is liable to be enhanced. The appeal is liable to be allowed in part, enhancing the compensation under various heads, particularly towards loss of earning capacity and non-pecuniary damages, commensurate with the nature and extent of injuries suffered by the claimant.



13. Result:

In the result, the appeal is partly allowed, and the award and the compensation awarded in M.C.O.P.No.750 of 2019 dated 02.01.2025 on the file of the learned Additional District Judge at Pudukkottai is hereby enhanced from Rs.21,69,610/- to **Rs.41,79,414/-** and **claimant is entitled to receive additional compensation of Rs.20,09,804/- with interest of 7.5% from the date of filing of the petition in M.C.O.P.No.750 of 2019 on the file of the learned Additional District Judge, Pudukkottai. The second respondent/insurance company is hereby directed to deposit the entire award amount** after deducting the amount already deposited, if any, **within a period of six weeks from the date of** receipt of a copy of this judgment. Upon such deposit, the claimant is permitted to withdraw the same in accordance with law.

[N.A.V.,J.] & [K.K.R.K.,J.]
25.03.2026

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To

- 1.The Additional District Judge at Pudukkottai.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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Judgment made in
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