

C.M.A.No.2582 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 24.02.2026

Pronounced on : 29.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No. 2582 of 2025

Allimuthu

...Appellant

Vs.

1. John Suresh

2. The Oriental Insurance Company Limited,
No.115/216, Prakasam Salai,
Chennai 108

...Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the order made in M.C.O.P. No.4118 of 2017, dated 13.03.2024, on the file of the Motor Accident Claims Tribunal (IV Court of Small Causes, Chennai).

For Appellant : Mr.K. Balaji

For Respondents : Mr. S. Senthil Kumar for R2

R1 - Notice dispensed with



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JUDGMENT

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2. For the sake of convenience, the parties are referred to as per their ranking in the Tribunal.

3. Shortly stated, on 03.10.2016, at about 14.00 hours, when the appellant / petitioner was riding his two wheeler bearing Registration No. TN-11-H-3722 at Thirumudivakkam Main Road, a Van bearing Registration No. TN-22-CW-6525, which proceeded in the opposite direction at high speed in a rash and negligent manner, dashed against the petitioner's vehicle, due to which the appellant / petitioner sustained grievous injuries and took medical treatment in Rajiv Gandhi Government General Hospital as an inpatient for 32 days and thereafter took treatment as in patient in various spells for nearly about 160 days.

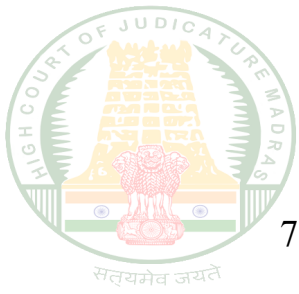


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4. The appellant / petitioner filed the above MCOP claiming compensation of Rs.16,00,000/- for the injuries sustained by him in the said accident.

5. The Claim petition was resisted by the respondents by stating that the petitioner is solely responsible for the accident and that the driver of the 1st respondent vehicle did not possess a valid and effective driving license at the time of accident and hence they are not liable to pay any compensation to the petitioner. Hence, prayed for dismissal of the claim petition.

6. The Claims Tribunal framed necessary issues and came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the of the 1st respondent vehicle and awarded a sum of Rs.13,18,400/- to the appellant / petitioner. The Tribunal directed the 2nd respondent / Insurance Company to pay the said amount to the appellant /petitioner together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation.

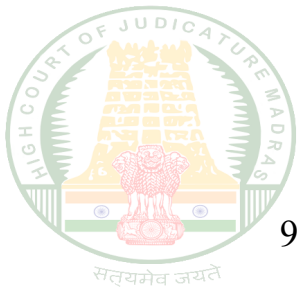


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7. Aggrieved over the quantum of compensation awarded by the

Tribunal, the present Civil Miscellaneous Appeal has been preferred by the appellant / petitioner.

8. Mr. K. Balaji, the learned counsel for the appellant/petitioner would contend that, the Tribunal ought to have taken the disability of the petitioner as 100% as he has suffered 60% permanent locomotor knee arthrodesis/compound supracondylar femur fracture on right. However, the Tribunal erroneously took the disability as 40%. He would further submit that the Tribunal failed to award compensation towards attendant charges as held by the Hon'ble Supreme Court in *Nizam Institute of Medical Science vs. Prasanth S. Dhanaka reported in 2010 ACJ 38 (SC)*; that no amount was awarded towards future medical expenses, loss of marital prospects and future medical expenses ; that the Tribunal has fixed the notional monthly income of the appellant as Rs.10,000/- which is very meagre and that the amounts awarded under the other heads are also very meagre. Hence prayed for enhancement of compensation.



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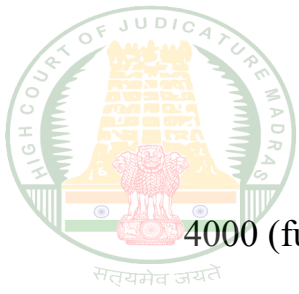
9. On the other hand, Mr.S. Senthil Kumar, the learned counsel for the

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2nd respondent / Insurance Company submitted that, the Tribunal has adopted multiplier method for the disability of 40%, which is unwarranted and also awarded huge amounts under all the heads, which warrants interference by this Court.

10. Heard on both sides. Records perused.

11. Though it is contended by the learned counsel for the respondent that the tribunal erred in adopting multiplier method, a perusal of the records shows that the appellant had suffered permanent locomotor knee Arthrodesis / compound supracondylar femur fracture on right and the Medical Board had assessed the disability of the petitioner at 60%. Hence, the Tribunal has rightly adopted multiplier method by fixing the notional monthly income of the appellant as Rs.10,000/-. However, the Tribunal, without any basis, has reduced the disability to 40%. Having found that the disability suffered by the claimant would affect his earning capacity throughout his life, the Tribunal ought to have taken the disability as 60% as assessed by the Medical Board. Hence, by taking the disability as 60%, a sum of Rs.17,13,600/- (10000 +



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4000 (future prospects) x 12 x 17 x 60/100) is awarded towards disability. The

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compensation awarded by the Tribunal under the other heads are just and reasonable, warrants any interference.

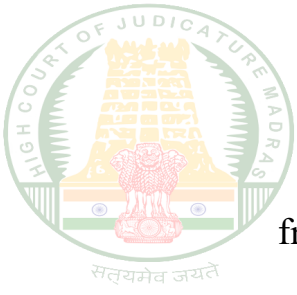
12. The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court.

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed / enhanced/ granted
1.	Disability	11,42,400/-	17,13,600/-	Enhanced
2.	Pain and sufferings	50,000/-	50,000/-	Confirmed
3.	Transportation expenses	5,000/-	5,000/-	Confirmed
4.	Nutrition expenses	10,000/-	10,000/-	Confirmed
5.	Damages to clothes	1,000/-	1,000/-	confirmed
6.	Attender charges	60,000/-	60,000/-	Confirmed
7.	Loss of amenities	50,000/-	50,000/-	Confirmed
	Total	13,18,400/-	18,89,600/-	Enhanced by Rs.5,71,200/-

13. In the result,

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

ii.The compensation awarded by the Tribunal is enhanced to **Rs.18,89,600/-**



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from **Rs.13,18,400/-**.

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- iii. The appellant/petitioner 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.
- iv. The second respondent/Insurance Company is directed to deposit the enhanced compensation amount as stated above (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.4118 of 2017, on the file of the Motor Accident Claims Tribunal (IV 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.
- v. The appellant/petitioner is not entitled to claim any interest for the default period in filing this appeal.
- vi. On such deposit being made, the appellant/petitioner is at liberty to withdraw the same, after following due process of law.

29.04.2026

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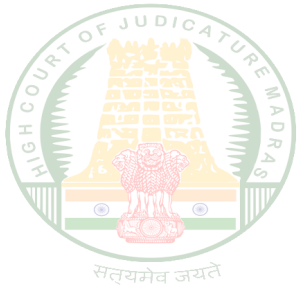


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Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order

To

1. IV Judge, Court of Small Causes, Motor Accident Claims Tribunal, Chennai.
2. The Oriental Insurance Company Limited,
No.115/216, Prakasam Salai,
Chennai 108
3. The Court Officer, VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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**Pre delivery judgment in
C.M.A.No. 2582 of 2025**

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