

IN THE COURT OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL  
(SUBORDINATE JUDGES COURT), SATHYAMANGALAM

**PRESENT: Tmt.K.S.Shabeena, M.L.**  
Subordinate Judge, Sathyamangalam.

Tuesday, the 24<sup>th</sup> day of March 2026  
(2056 Thiruvalluvarandu Visuvavasuv varudam Panguni Thingal 10<sup>th</sup> day)

**M.C.O.P. No.442/2018**  
**CNR No.TNED 050009862018**

(a)	Name and address of the claimant/petitioner(s)	: E.Vijay, aged about 19 years, S/o.Eswaran residing at O N 8 N N 22, Kambam Natarajan street, M.G.R.Nagar, Theni.
(b)	Name and address of the respondents	: 1. M.Venkateswaran, aged about 50 years, S/o.Marimuthu Nadar, residing at 4, First cross street, 100 feet road, John paul Nagar, Mudaliarpet, Puducherry- 605 011. 2. The New India Assurance company Limited, Divisional Office, Amman Complex, 1 <sup>st</sup> Floor, 159A, EVN Road, Erode having its Micro Office at 94/4, V.M.Complex, Athani road, Sathyamangalam.
(c)	Name and address of the Insurance company	: The New India Assurance company Limited, Divisional Office, Amman Complex, 1 <sup>st</sup> Floor, 159A, EVN Road, Erode having its Micro Office at 94/4, V.M.Complex, Athani road, Sathyamangalam.
(d)	Name and address of the Transport Corporation or such other respondents who are held liable to pay	: Not applicable
(e)	Date of filing of the petition	: 07.12.2018

(f)	Date of award	: 24.03.2026												
(g)	Amount of Award	: <b>Rs.50,59,175/-</b>												
(h)	Interest rate applicable	: 7.5% per annum												
(i)	Interest payable from	: 07.12.2018												
(j)	Costs, if any	: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">1. Stamp of Vakalath</td> <td style="text-align: right;">Rs. 10/-</td> </tr> <tr> <td>2. Stamp for documents</td> <td style="text-align: right;">Rs. 35/-</td> </tr> <tr> <td>3. Stamp for Batta Memo</td> <td style="text-align: right;">Rs. 10/-</td> </tr> <tr> <td>4. Court fee</td> <td style="text-align: right;">Rs. 49,592/-</td> </tr> <tr> <td>5. Advocate fee</td> <td style="text-align: right;"><u>Rs. 57,592/-</u></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>Total = Rs.1,07,239/-</b></td> </tr> </table>	1. Stamp of Vakalath	Rs. 10/-	2. Stamp for documents	Rs. 35/-	3. Stamp for Batta Memo	Rs. 10/-	4. Court fee	Rs. 49,592/-	5. Advocate fee	<u>Rs. 57,592/-</u>	<b>Total = Rs.1,07,239/-</b>	
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5. Advocate fee	<u>Rs. 57,592/-</u>													
<b>Total = Rs.1,07,239/-</b>														
(k)	In cases where the Compensation, interests and costs are directed to be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	: The 2 <sup>nd</sup> respondent is directed to deposit the award amount of <b>Rs.50,59,175/-</b> with interest at the rate of 7.5.% p.a. from the date of presentation of the petition till the date of realization, with costs, within 30 days from the date of order.												
(l)	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	: The petitioner is entitled to <b>Rs.50,59,175/-</b> with proportionate interest and cost.												
(m)	The mode and manner of deposit of compensation	: The 2 <sup>nd</sup> respondent is directed to deposit the award amount with interest and cost to the credit of the "MACT" Subordinate Judge, which is the Bank Account of this claim Tribunal specially being maintained for this purpose at <b>MAC Tribunal, (Subordinate Judge) Sathyamangalam, SBI Current Account No: 42886033150 IFSC Code No: SBI N0001498 directly by NEFT (or) RTGS mode.</b> The petitioner is not entitled for any interest for the default period if any.												
(n)	Period of default to which the petitioner are not entitled for interest, if any.	: Nil												
(o)	Balance of Court fee	: The petitioner is directed to pay the balance court fee of <b>Rs.48,592/-</b> within 2 weeks												

		from the date of this order. The petitioner shall not be entitled to withdraw the sum deposited as per the award until the balance of court fee is deposited.
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E.Vijay

.... Petitioner

//Vs//

1. M.Venkateswaran
2. The New India Assurance company Limited,  
Erode having its Micro Office at Sathyamangalam.

.... Respondents.

This petition came up for final hearing before me on 24.03.2026 in the presence of Thiru.L.Bhuvaneshwaran, Advocate and Tmt.Malarselvi, Advocate for the Petitioner and the 1<sup>st</sup> respondent called set exparty and Thiru.B.P.Sundararajan, Advocate for the 2<sup>nd</sup> respondent and upon perusing the entire case records, on hearing the arguments of both sides, and having stood over for consideration till this date, this court delivered the following:

### **AWARD**

This petition was filed by the petitioner under section 166 of the Motor vehicles Act to direct the respondents are such of the who found liable to pay the petitioners the sum of Rs.70,00,000/- towards compensation together with subsequent interest there are at 12% per annum from the date of this claim petition till realization in full.

**1) Case of the petitioner in the petition:**

1. That on 23.09.2018 at about 11.00 P.M. the petitioner was traveling in a Thirumal Azhagu Transports and travels bus by working as a cleaner, ticket checker and Co-ordinator of the passengers, where the said bus bearing Reg.No.P-01-CN-6199 from Bodi to chennai, on the way the said bus was standing at Batalagundu Bye pass for completing the dinner, the said bus was going at Batalagundu to Dindugal road near Mariyayipatti Bridge where the said the driver Jesudas with rash and negligent manner had dashed the wall of the Bridge where the bus in front left side was totally damaged and the petitioner who was sitting at left side seat had sustained serious injury in the left leg and left leg was completely crushed due to the accident. Immediately seeing the accident nearby persons had made arrangement to admit the petitioner at Govt. Hospital, Batlagundu where first aid was done and for further treatment the petitioner was admitted at Theni Govt. Hospital where for further better treatment the petitioner was referred at Govt.Rajaji hospital, Madurai. Regarding the accident getting intimation from the hospital authorities the Pattiveeranpatti police had received the statement from the petitioner and registered a case in Cr.No.215/2018 U/s 279, 338 of IPC.

2. At the time of accident the age of the petitioner was 19 years only and he was working as a cleaner, Ticket manager and Co-Ordinator in Thirumal Azhagu Transports and Travels, Theni and earning a monthly salary and Batta of Rs.20,000/-. The petitioner has got permanent disability. This amputation caused the petitioner for the permanent disability of 60% as per the schedule 0 1 of The Workmen's

Compensation Act 1923, now it is titled as "The Employee's Compensation Act" as such of the explanation in section 163-A of the Motor vehicles Act 1988. Hence the petitioner is entitled for the compensation as per the calculation schedule for the permanent disability. Apart from this, the petitioner has to fix Artificial leg which costs around Rs.1,50,000/- and the petitioner has to change the Artificial leg within 2 to 3 years by thus the petitioner has to spent heavy amount for his future medical expenses. The Driver of the Ashok Leyland passenger bus bearing Reg.No.PY-01-CN-6199 who caused the accident. The owner of the Ashok Leyland passenger bus bearing Reg.No.PY-01-CN-6199 which involved in the accident is the 1<sup>st</sup> respondent and the 2<sup>nd</sup> respondent is the insurance company of the Ashok Leyland passenger bus bearing Reg.No.PY-01-CN-6199. Hence the 1<sup>st</sup> and 2<sup>nd</sup> respondents are jointly and severally liable to compensate the petitioner.

**2. The brief averments of the 2<sup>nd</sup> respondent as seen from its counter;**

Averments made in the petition are false, frivolous, vexatious and not maintainable in law and on facts. The respondent does not admit any of the allegations contained in the petition except those that are specifically admitted herein and put to prove all the same. There was no fault upon Bus driver and he was in no way connected with the alleged accident. A false complaint was given to police against the bus driver. This respondent submits that from the investigation it was brought to their knowledge that the petitioner. Without the knowledge of the driver and conductor of the bus, tried to foot board into the bus through from gate while the

bus was moving at a moderate speed. While so he failed to have a grip over the part of the bus, and he fell down and sustained injuries all over his body. The alleged accident was not occurred in the manner stated by the petitioner, since the petitioner voluntarily invited the alleged accident by is own act. The petitioner claim any compensation he to be file a petition in workman compensation act only. The 1<sup>st</sup> respondent is remind ex-parte. This respondent understands and believes that they are colluding with the petitioner. This respondent prays that he may be permitted to defend on all grounds available to the insured under section 170 of the motor vehicles act with the permission of this Honourable court claims tribunal. As per the supreme court judgment the petitioner is entitled to claim only 6% interest of awards passed in his favour. In the any event, without admitting the liability the compensation asked for is highly excessive. Hence this petition should be dismissed.

### **3). Evidence:**

1. On the side of the Petitioner, the petitioner was examined as PW1 and Ex.P1 to Ex.P11 were marked and one Thiru.Aasai Thambi was examined as PW2 and Ex.X1 have been marked. The disability certificate issued by the medical board was marked as Ex.C1.

2. On the side of the respondents, no oral evidence and documents were marked.

**4) The points for consideration:**

1)	Whether the petitions mentioned Accident occurred due to the rash and negligent driving of the driver of Bus bearing Reg.No.PY-01-CN-6199?
2)	Who is liable to pay compensation?
3)	Whether the petitioner is entitled for compensation, if any, what is the quantum?

**5) POINT No:1 and 2 Negligence and Liability:**

5.(1) The petitioner has claimed that on 23.09.2018 at about 11.00 P.M. the petitioner was traveling in a Thirumal Azhagu Transports and travels bus by working as a cleaner, ticket checker and Co-ordinator of the passengers, where the said bus bearing Reg.No.P-01-CN-6199 from Bodi to Chennai, on the way the said bus was standing at Batalagundu Bye pass for completing the dinner, the said bus was going at Batalagundu to Dindigul road near Mariyayipatti Bridge where the said the driver Jesudas with rash and negligent manner had dashed the wall of the Bridge where the bus in front left side was totally damaged and the petitioner who was sitting at left side seat had sustained serious injury in the left leg and left leg was completely crushed due to the accident. Immediately seeing the accident nearby persons had made arrangement to admit the petitioner at Govt. Hospital, Batlagundu where first aid was done and for further treatment the petitioner was admitted at Theni Govt. Hospital where for further better treatment the petitioner was referred at Govt.Rajaji hospital, Madurai. Regarding the accident getting intimation from the hospital

authorities the Pattiveeranpatti police had received the statement from the petitioner and registered a case in Cr.No.215/2018 U/s 279, 338 of IPC.

**5.2.** In order to substantiate such claim of the petitioner, the petitioner was examined as PW1 and through him Ex.P1 to Ex.P11 documents have been marked. In through PW1, Ex.P1 FIR, Ex.P2 Charge Sheet, Ex.P3 Rough Sketch, Ex.P4 Observation Mahazar, Ex.P5 Accident Register, Ex.P6 MVI Report, Ex.P7 Discharge Summary, Ex.P8 Wound Certificate, Ex.P9 Pay Certificate of the petitioner, Ex.P10 medical bills, Ex.P11 Repair Expenses certificate of Prosthetic limb were produced.

**5.3.** The 1<sup>st</sup> respondent had not appeared to contest the petitioner's claim. The 2<sup>nd</sup> respondent insurance company has not let in any evidence to show that the accident occurred only due to the rashness or negligence of the petitioner. This would only support the petitioner's claim that the accident had occurred only due to the rashness and negligence of the driver of the bus owned by the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent is the best person to deny the petitioner's claim and his non appearance goes against the case of the respondents. Adverse inference is also liable to be drawn against the 1<sup>st</sup> Respondent. The 2<sup>nd</sup> respondent who has elaborately cross examined PW.1 has also not elicited anything to show that the accident was caused only due to the negligence of the petitioner and not due to the rashness or negligence of the 1<sup>st</sup> respondent's driver.

**7.3.** Preponderance of probability favours the claim of the petitioner and hence, it can be safely held that the accident occurred only due to the rashness or negligence of the rider of the bus which is owned by the 1<sup>st</sup> respondent. This view is also supported by the decision of the **Hon'ble High Court of Madras in CDJ 2015 MHC 7982, United India Insurance Company Vs. Krishnaveni and Others**, wherein it was held as follows:-

*“..... 16. It is well settled law that proceedings before the Claims Tribunal are summary in nature and it is sufficed to consider, whether there is any preponderance of probability, as to the manner of accident, as detailed in the claim petition. Strict proof of evidence is not required. In the absence of any rebuttal evidence, the finding of the Tribunal regarding negligence cannot be termed as perverse or it is not a case of no evidence.....”*

**7.4.** The contention raised by the 2<sup>nd</sup> respondent that the petitioner ought to have proceeded only under the Workmen's Compensation enactment (now styled as the *Employee's Compensation Act, 1923*) necessitates a careful examination of the statutory scheme governing motor accident claims.

**7.5.** At the outset, it is to be noted that the present claim petition has been instituted under Section 166 of the Motor Vehicles Act, 1988, invoking the fault liability principle. The pivotal question is whether the existence of an employer–employee relationship and the nature of employment of the petitioner would oust or restrict the jurisdiction of the Motor Accident Claims Tribunal.

**7.6.** In this context, Section 167 of the Motor Vehicles Act assumes significance. The said provision expressly contemplates a situation where death or bodily injury gives rise to claims under both the Motor Vehicles Act and the Employee's Compensation Act. Section 167 reads in substance that where such dual remedies are available, the claimant may, at his option, claim compensation under either of the Acts, but not under both. Thus, the doctrine of election is statutorily incorporated, conferring a choice upon the claimant.

**7.7.** In the present case, the petitioner, though employed as a cleaner/ticket coordinator in the bus, has consciously chosen to invoke the jurisdiction of the Tribunal under Section 166 of the Motor Vehicles Act. Once such an option is exercised, the claim is perfectly maintainable, and it cannot be non-suited on the ground that an alternative remedy under the Employee's Compensation Act was available.

**7.8.** Further, Section 147 of the Motor Vehicles Act, which deals with the requirements of policies and limits of liability, is also relevant. Under Section 147(1) (b), the policy of insurance is required to cover liability in respect of death or bodily injury to any person, including employees carried in the vehicle, subject to the proviso. In the case of employees such as a cleaner or conductor engaged in a transport vehicle, the insurer's liability extends at least to the extent of the liability arising under the Employee's Compensation Act. However, judicial precedents have

consistently held that where a claim is made under Section 166, the liability is not confined to the statutory minimum under the Employee's Compensation Act, but extends to just compensation as determined under the Motor Vehicles Act, subject to policy terms.

**7.9.** It is also pertinent to note that the structured formula provided under Section 163-A of the Motor Vehicles Act and the schedule under the Employee's Compensation Act may serve as guiding factors in assessing disability and loss of earning capacity, but they do not limit the jurisdiction of the Tribunal while adjudicating a claim under Section 166.

**7.10.** In the case on hand, the defence of the insurer that the petitioner ought to have approached the authority under the Employee's Compensation Act is therefore legally untenable. The petitioner, being an injured employee travelling in the offending vehicle, is well within his right to maintain the claim petition under Section 166 of the Motor Vehicles Act.

**7.11.** However, the nature of employment, age, wages, and percentage of disability, as spoken to through Ex.P9 (pay certificate) and Ex.C1 (disability certificate), may be taken into consideration while determining the loss of earning capacity. In this regard, the principles underlying the Employee's Compensation Act, particularly the method of assessing functional disability and its impact on earning capacity, can be adopted as a guiding tool to arrive at a just and reasonable compensation.

**7.12.** In this case, the 2<sup>nd</sup> respondent has not let in any evidence to show that there is any violation of the terms of the insurance policy. Hence, the 2<sup>nd</sup> respondent insurer of bus bearing Reg.No.P-01-CN-6199 will be liable to pay compensation to the petitioner.

**6. Point No.3. Quantum:**

**6.1.** Since this court found that accident was happened due to negligence of 1<sup>st</sup> respondent's driver and 2<sup>nd</sup> respondent is directed to pay the compensation as awarded by this court. Now it is the duty of this court to fix the quantum.

**6.2.** The petitioner has prayed for a total compensation of Rs.70,00,000/- for the injuries sustained in the motor vehicle accident dated 23.09.2018. In support of the claim, he has produced medical records, and the disability certificate, as well as details of his income and employment. The following heads of compensation are carefully examined and quantified:

**1) Loss of earning:**

Having held that the accident occurred due to the rash and negligent driving of the driver of the bus and that the respondents are liable, this Tribunal now proceeds to determine the just compensation payable to the petitioner.

The petitioner was aged 19 years at the time of the accident. The evidence of PW1 coupled with Ex.P9 (Pay Certificate) would disclose that he was employed as a cleaner, ticket checker and co-ordinator in the bus and was earning a sum of

Rs.15,000/- per month. Though the same has been disputed by the insurer, no contra evidence has been let in. In the absence of rebuttal evidence, the said income is accepted.

Inasmuch as the petitioner is an employee, this Tribunal deems it appropriate to adopt the structured formula contemplated under Section 4 of the Employee's Compensation Act, 1923, as a guiding factor for determining loss of earning capacity.

The statutory formula provides that compensation is to be calculated by taking 60% of the monthly wages, multiplying the same with the relevant factor corresponding to the age of the injured, and thereafter applying the percentage of disability.

$$\text{Compensation} = 0.60 \times W \times F \times 100D$$

Applying the said formula to the facts of the present case, the monthly wages of the petitioner being Rs.15,000/-, 50% there of would be Rs.7,500/-. The relevant factor for the age of 19 years, as per Schedule IV, is 225.22. Thus, Rs.7,500/- multiplied by 225.22 would arrive at Rs.16,89,150/-. Since the disability is assessed at 50%, the loss of earning capacity would be 50% of the said amount, which works out to Rs.8,44,575/-. Accordingly, a sum of **Rs.8,44,575/-** is awarded towards loss of earning capacity.

## **2. Repairing expenses towards prosthetic limb:**

The petitioner had underwent surgical intervention for knee amputation. Hence

this tribunal awards **Rs.27,000/-** of compensation expenses towards repair and maintenance of the prosthetic limb which is supported by documentary evidence including bill Ex.P11.

### **3. Medical Expenses:**

The petitioner was initially admitted to the Government Hospital, Batlagundu, for first aid and was thereafter shifted to Government Hospital, Theni where for further better treatment the petitioner was referred to Government Rajaji Hospital, Theni where he underwent surgical intervention for below and above knee amputation left leg surgeries. He remained as an inpatient for total 38 days and incurred medical expenses to the tune of Ex.P10 of **Rs.16,544/- Rounded off Rs.16,600/-**, which is supported by documentary evidence including bills, discharge summaries. Hence, the said amount is fully allowed.

### **4) Pain and Suffering:**

The nature of injuries sustained serious injury requiring surgery naturally subjected the petitioner to intense physical and mental pain. The procedure performed below and above knee amputation left leg surgeries is not only invasive but also carries long-term physical implications.

All said and done, before parting with this case, a just and reasonable compensation shall be given towards mental pain, physical shock as well as pain and suffering, also awarding **Rs.1,00,000/-** of compensation towards pain and suffering.

### **5) Disability:**

The Medical Board has certified 80% permanent disability. The petitioner was a cleaner, Ticket manager and Co-Ordinator in Thirumal Azhagu Transports and Travels, Theni and earning a monthly salary and Batta of Rs.20,000/- per month. Disability in this case significantly impacts his employability in a uniformed job, which demands physical fitness. Hence considering the present physical condition of petitioner and the Medical reports this tribunal concludes the disability of the petitioner is 80% permanent disability.

The learned counsel appearing for the petitioner argued that multiplier to the applied to fix the compensation of the petitioner.

**" 2009 (2) TN MAC 1 (SC) Sarla verma and others VS Delhi Transport corporation and another and"**

**2017(2) TN MAC 609 (SC) National Insurance company Limited VS Pranay Sethi and others as follows;**

Rs.7,500/- (Monthly income) X 12 (Months) X 80% disability X 18 (applicable multiplier according to age) which comes **Rs.12,96,000/-**

### **7) Transportation Charges:**

The petitioner was transported from Theni to Madurai and had multiple follow-up visits. A reasonable amount of **Rs.20,000/-** is awarded, considering actuals and incidentals.

**8) Attender Charges:**

Being hospitalized for a serious injury with amputation, the petitioner required a constant attender. Considering 38 days of admission and follow-ups **Rs.20,000/-** is awarded.

**9) Extra Nourishment:**

Post-surgical care and grievous injuries often require special diet. **Rs.25,000/-** is reasonable and allowed.

**10) Future Medical Expenses and maintenance of prosthetic limb:**

Amputation of right leg from the knee is a case of permanent disability and since the injured-claimant is a cleaner, Ticket manager and Co-Ordinator in Thirumal Azhagu Transports and Travels, Theni it is but manifest that the disability is such that impacts his whole bodily structure, integrity and functioning. The permanent disability is such that it has shut all doors on almost all his future career opportunities and prospects in life that would have involved use of every limb or part of the body to its full capacity. The permanent disability is such that has impaired the capacity of the injured-claimant

In the present case the victim left leg by amputated and is surviving with a Prosthetic limb. Hereby placing reliance upon the judgment of **Hon'ble Supreme Court of Mohd. Sabeer @ Shabir Hussain -vs- Regional Manager, U.P. State Road Transport Corporation**, reported in 2022 Live Law (SC) 1017 **“COMPENSATION FOR THE PURCHASE AND MAINTENANCE OF THE**

## PROSTHETIC LEG”

22. *The High Court has awarded a compensation of Rs.5,20,000/- for the prosthetic limb and Rs.50,000/- towards repair and maintenance of the same. The Appellant submits that the cost of the prosthetic limb itself is Rs.2,60,000/- and the life of the prosthetic limb is only 5-6 years. The prosthetic limb also requires repair and maintenance after every 6 months to 1 year, and each repair costs between Rs.15,000 to Rs.20,000/- . This would mean that the prosthetic limb would last the Appellant for only 15 years under the current compensation. The Appellant at the time of the accident was aged 37 years and has a full life ahead. It has been clearly stated by this Court in the case of **Anant Son of Sidheshwar Dukre** (Supra) that the purpose of fair compensation is to restore the injured to the position he was in prior to the accident as best as possible. The relevant paragraph of the judgment is being extracted herein:*

*“In cases of motor accidents leading to injuries and disablements, it is a well settled principle that a person must not only be compensated for his physical injury, but also for the non-pecuniary losses which he has suffered due to the injury. The Claimant is entitled to be compensated for his inability to lead a full life and enjoy those things and amenities which he would have enjoyed, but for the injuries.” “The purpose of compensation under the Motor vehicle Act is to fully and adequately restore the aggrieved to the position prior to the accident.”*

23. *As per the current compensation given for the prosthetic limb and its maintenance, it would last the Appellant for only 15 years, even if we were to assume that the limb would not need to be replaced after a few years. The Appellant was only 37 years at the time of the accident, and it would be reasonable to assume that he would live till he is 70 years old if not more. We are of the opinion that the Appellant must be compensated so that he is able to purchase three prosthetic limbs in his lifetime and is able to maintain the same at least till he has reached 70 years of age. For the Prosthetic limbs alone, the Appellant is to be awarded compensation of Rs.*

7,80,000 and for maintenance of the same he is to be awarded an additional Rs. 5,00,000/- .”

*Ex-P.16 shows that the artificial limb requires a maintenance for around Rs.52,000/- every three years and for around Rs.2,00,000/- every six years. From Exs-P.15 and P.16, it appears that one may have to replace the entire apparatus every 6-7 years as the cost of maintenance at the end of every 6-7 years is pretty much equal to that of a new one. Considering Ex-P.15 and Ex-P.16, bearing in mind the compensation awarded in this regard in **Shabir Hussain's** Case, as well as the fact that major portion of the compensation sought for by the petitioner under this head is towards future maintenance / replacement, this Court is of the view that awarding a lumpsum amount of Rs.12,50,000/- under this head would be fair and proper. Assuming that the petitioner purchases an artificial limb out of the said amount, as per the quote in Ex-P.15, Rs.10,00,000/- would be remaining, which under deposit would fetch a minimum interest of around 6% per annum. With 6% interest per annum thereon, the petitioner would be receiving Rs.60,000/- every year as interest. As per Ex-P.16, the functional life of the artificial limb is 6 – 7 years and it requires a periodic maintenance every three years which would cost around Rs.52,000/-. The said 6% interest accrued over a span of 6 years would be Rs.3,60,000/- with which the petitioner can very well take care of the maintenance as well as the replacement of the artificial limb. The same holds good even if inflation is to be factored in.*

Amputation of Left leg from the knee is a case of permanent disability and since the injured-claimant is a student but manifest that the disability is such that impacts his whole bodily structure, integrity and functioning. The permanent disability is such that it has shut all doors on almost all his future career opportunities and prospects in life that would have involved use of every limb or part of the body to its full capacity.

Similar are the facts of present case, accordingly after considering the ratio of above said judgment and of testimony of PW-1, The petitioner is only 19 years at the time of the accident, and it would be reasonable to assume that he would live till he is 70 years old if not more. I am of the opinion that the petitioner must be compensated so that he is able to purchase four prosthetic limbs in his lifetime and is able to maintain the same at least till he has reached 70 years of age. Hence a sum of Rs. **20,00,000/- (5,00,000 x 4)** is awarded to the petitioner towards artificial/prosthetic limb and a lump sum amount of Rs.2,00,000/- for maintenance charges for the above artificial/prosthetic limb are also awarded to the petitioner, which is amounting a total of **Rs.22,00,000/-."**

**11) Damage to Clothes & articles:**

Clothes and personal effects were damaged in the accident. **Rs.10,000/-** is reasonable and allowed.

**12) Loss of marriage prospects:**

The accident and subsequent surgery must have significantly altered the quality of life of the petitioner. Towards loss of marriage prospects that requires to be enhanced suo moto, for which reliance can be placed on the judgment of **United India Insurance Company Ltd. v. Jagat & Ors.** wherein relied on **National Insurance Company Limited v. M. Jayagandhi.** We have to understand that we live in a society where injured would find it very difficult to get a suitable marital

match and compensation towards loss of marriage should be granted to the extent of **Rs. 5,00,000/-**

7. In the light of the aforesaid discussions, it is safely held that the petitioner is entitled to the amounts under the following heads as compensation.

<b>Headings</b>				<b>Amount in Rs.</b>
1)	Loss of amenities	-	Rs.	Nil
2)	Loss of Earning Power	-	Rs.	8,44,575/-
3)	Transport to Hospital	-	Rs.	20,000/-
4)	Extra nourishment	-	Rs.	25,000/-
5)	Attender Charges	-	Rs.	20,000/-
6)	Future Medical Expenses and maintenance of prosthetic limb	-	Rs.	22,00,000/-
7)	Damages for Clothes and Articles	-	Rs.	10,000/-
8)	Medical Expenses	-	Rs.	16,600/-
9)	Expenses towards prosthetic limb	-	Rs.	27,000/-
10)	Pain and sufferings	-	Rs.	1,00,000/-
11)	Loss of marriage prospects	-	Rs.	5,00,000/-
12)	Permanent Disability	-	Rs.	12,96,000/-
	Total	-	Rs.	<b>50,59,175/-</b>

With this observation this petition is allowed by directing the 2<sup>nd</sup> respondent to pay a compensation of **Rs.50,59,175/-** with an interest of 7.5.% per annum from the date of this petition to the petitioner within a period of one month in the **SBI Current Account No:42886033150 either directly or through NEFT or RTGS.**

- 8). a) In the result, this petition is allowed in part with proportionate cost and the petitioner is awarded compensation for a sum of **Rs.50,59,175/-** together with interest at the rate of 7.5% per annum from the date of the petition till realization.
- b) The petitioner is not entitled for any interest for the period of default if any.
- c) The 2<sup>nd</sup> respondent is directed to deposit the award amount to the credit of the “MACT” Subordinate Judge, which is the Bank Account of this claim Tribunal specially being maintained for this purpose at **MAC Tribunal, (Subordinate Judge) Sathyamangalam, SBI Current Account No:42886033150 IFSC Code No:SBI N0001498** directly by NEFT (or) RTGS mode within one month.
- d) The petitioner's entitled award amount to be transferred to the Bank Account of the petitioner directly from the Tribunals "MACT" Bank Account.
- e) The petitioner is directed to pay the court fee of **Rs.49,592/-** within 2 weeks from the date of this order. The petitioner shall not be entitled to withdraw the sum deposited as per the Award until the balance of court fee is deposited.
- f) Advocate fee is fixed as **Rs.57,592/-** shall be paid through NEFT (or) RTGS mode.
- g) Following the judgment of the **Hon’ble High Court of Madras in M/s Cholamandalam MS General Insurance Co. Ltd., Vs. Ayyanar & others** reported in 2020 (4) CTC 272, no decree is prepared. All the parties are entitled to free copies of the award as per section 168 (2) of the MV Act and Rules 20(6) of the Rules.

Dictated by me to the Steno typist, typed by her in the Computer directly, corrected and pronounced by me in open court on this the 24<sup>th</sup> day of March 2026.

MAC Tribunal/Subordinate Judge,  
Sathyamangalam.

**List of witnesses**

**Petitioner's side:**

PW-1 Thiru.E.Vijay (Petitioner)  
PW-2 Thiru.Aasai Thambi

**Respondents side:** -Nil-

**List of documents**

**Petitioner's side:**

S.No.	Date	Particulars	Nature
Ex.P1	24.09.2018	FIR	Xerox
Ex.P2	24.09.2018	Charge sheet	Xerox
Ex.P3	24.09.2018	Rough sketch	Xerox
Ex.P4	24.09.2018	Observation Mahazar	Xerox
Ex.P5	23.09.2018	Accident Register	Xerox
Ex.P6	25.10.2018	PY 01 CN 6199 MVI report	Xerox
Ex.P7	31.10.2018	Discharge Summary	Original
Ex.P8	23.09.2018	Wound certificate	Xerox
Ex.P9	28.03.2022	Salary certificate	Original
Ex.P10	19.11.2018	Medical bills	Original
Ex.P11	17.12.2021	For repair expenses of prosthetic leg purchased by Theni Rotary Society Expenditure Certificate	Original

Ex.X1	-----	Authorizing letter	Original
Ex.C1	-----	Disability Certificate	Original

**Respondents side:**        -Nil-

MAC Tribunal/Subordinate Judge,  
Sathyamangalam.