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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2711 of 2024

Senkodan

... Appellant

Vs.

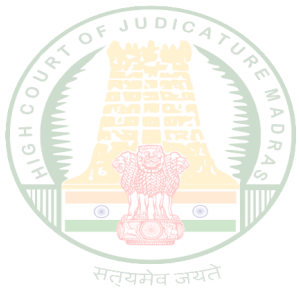
1. M.N. Sadasivan

2. The Branch Manager,
M/s New India Assurance Company Ltd.,
1st Floor, Amman Complex,
1360, Evn Road, Erode 638011.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation awarded in the Judgment and Decree dated 06.11.2020 made in M.C.O.P.No.272 of 2019 on the file of the MACT/Sub Court at Paramathy with interest and cost.

For Appellant : Mr.B. Manimekkalai
For Respondent-2 : Mr.S.R.Sundar



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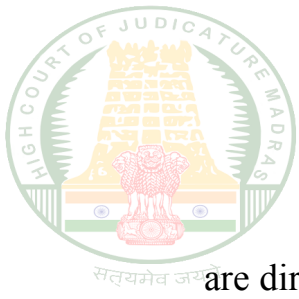
JUDGMENT

The appellant had filed this appeal to enhance the compensation awarded in the Judgment and Decree dated 06.11.2020 made in M.C.O.P.No.272 of 2019 on the file of the MACT/Sub Court at Paramathy.

2. The brief facts of the case of the appellant/claimant is as follows:

On 02.05.2015 at about 5.00 p.m when the claimant was proceeding as a pillion rider in TVS 50 motor cycle bearing Registration No.TN 39 F 0208 at Velur to Selur Sellappan Palayam a Van bearing Registration No. TN 63 U 4755 came from the opposite direction and dashed against the appellant. As a result of which the appellant sustained grievous injuries. Since the accident happened only due to the driver of the van, the appellant filed a claim petition against the first respondent/owner of the van and the second respondent/insurer of the van before the Tribunal claiming compensation at Rs.15,00,000/- .

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.3,66,789/- as compensation, directed the first and second respondents



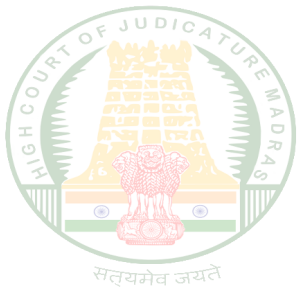
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are directed to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.6,000/- as monthly income of the appellant as he was earning Rs.10,000/- per month at the time of accident. He further submitted that the Tribunal ought to have adopted multiplier method instead of per percentage for arriving compensation under the head disability. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.



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7. Heard both sides and perused the materials available on record.

8. On n analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.2,40,000/- towards disability; Rs.71,789/- towards Medical Bills expenses; Rs.25,000/- towards pain and sufferings; Rs.15,000/- towards Extra Nourishment and Transport Charges. Thus the total compensation is quantified to Rs.3,66,789/-

9. Considering the occupation of the appellant, the monthly income of the appellant is enhanced to Rs.15,000/- and as per the dictum laid by the Hon'ble Apex Court, 10% is to be added towards future prospects and considering the age of the injured the correct multiplier to be adopted is Rs. "9".

Calculation

Monthly Income = Rs.15,000/-

10% Future Prospects = 15,000 + 1,500 = 16,500/-

Disability

= Rs.16,500 x 12 x 9 x 80/100

= Rs.14,25,600/-. With regard to pain and sufferings the same is enhanced to Rs.75,000/-; Extra Nourishment is enhanced to Rs.25,000/-

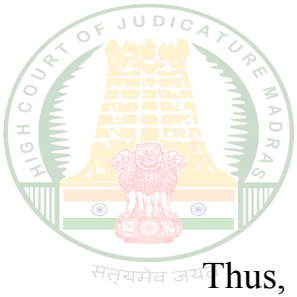


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No amount was awarded towards the head Loss of amenities, fixing artificial limb and attender charges. Hence, Rs.30,000/- is awarded under the head loss of amenities; Rs.50,000/- is awarded under the head fixing artificial limb; Rs.24,000/- was awarded under the head attender charges. The amount awarded under other heads remains intact.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Permanent Disability	Rs.2,40,000/-	Rs..14,25,600/-.
2.	Medical bills expenses	Rs.71,789/-	Rs.71,789/-
3.	Pain and sufferings	Rs.25,000/-	Rs.75,000/-
4.	Extra Nourishment	Rs.15,000/-	Rs.25,000
5.	Transport charges	Rs.15,000/-	Rs.15,000/-
6	Loss of Amenities	-Nil-	Rs.30,000/-
7	Fixing Artificial Limb	-Nil	Rs.50,000/-
8	Attendant Charges	-Nil-	Rs.24,000/
	Total	Rs.3,66,789/-	Rs. 17,16,389/-



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Thus, the compensation awarded by the Tribunal is enhanced from **Rs.3,66,789/- to Rs.17,16,389/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

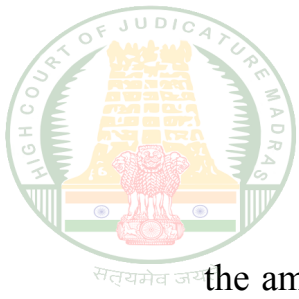
i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.3,66,789/- to Rs.17,16,389/-**.

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

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

iv. The first and second respondents are directed to deposit the enhanced compensation amount, i.e., **Rs.17,16,389/-**, (after deducting



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the amount already deposited), jointly together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of **M.C.O.P.No.272 of 2019 on the file of the MACT/Sub Court at Paramathy** within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

07.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

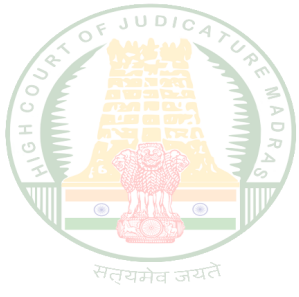
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To

1. The MACT/Sub Court at Paramathy

2. The Branch Manager,
M/s New India Assurance Company Ltd.,
1st Floor, Amman Complex,
1360, Evn Road, Erode 638011.

3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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