



C.M.A.No.1975 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.1975 of 2026

Karthi

... Appellant

Vs.

1. Thangavel

2. M/s.Sri Muthukumar Blue Metals,
No.94C, Kundadam,
Uthiyur Road, Kolumanguli,
Dharapuram, Pin – 638 702,
Dharapuram Taluk, Tiruppur District.

3. M/s.Shriram General Insurance Co. Ltd.,
VCTV Main Road, Sathy Road, Erode.
Having office at D.No.5F, Sachin Plaza,
Reddiyur, Block Bo.1, Shriram Nagar,
Alagapuram, Salem – 16.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation amount made in the fair order dated 27.03.2025 passed in MCOP No.735 of 2024 on the file of the Motor Accidents Claims Tribunal No.II, Special Subordinate Court No.II, Salem.

For Appellant : Mr.S.P.Yuaraj

For Respondents : Mr.B.Siva Kollappan for R3



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JUDGMENT

This civil miscellaneous appeal has been against the award passed by the Special Subordinate Judge No.II, Motor Accidents Claims Tribunal, Salem, in MCOP No.735 of 2024 dated 27.03.2025, wherein the appellant/claimant is seeking enhancement of compensation.

2. The case of the appellant/claimant is that on 08.12.2023, the claimant was travelling as a pillion rider on a two wheeler on the Uthiyur-Thayampalayam road and at about 4.00 p.m., when the two wheeler was proceeding near Orampudhur pirivu, the offending vehicle, which was a lorry belonging to the second respondent and driven by the first respondent in a rash and negligent manner, dashed against the two wheeler. As a result, the claimant as well as the rider of the two wheeler were thrown away from the vehicle and the lorry ran over the right hand of the claimant, resulting in a crush injury on his right hand with skin and soft tissue loss, circumferential degloving of skin over the distal forearm, palmar and dorsal aspect of hand, a 2nd metacarpal fracture and an STT joint dislocation with precarious viability of the fingers. The claimant underwent treatment as an inpatient for 11 days. A First Information Report came to be filed in Crime No.148 of 2023 against the first respondent, the driver of the offending

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vehicle. It is under these circumstances, the claim petition came to be filed

before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.7,65,589/- under various heads as follows:

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	25% Permanent Disability	2,50,000
2.	Pain and Suffering	75,000
3.	Loss of Amenities	25,000
4.	Loss of Income	75,000
5.	Medical Bills	2,94,589
6.	Transportation Charges	10,000
7.	Extra Nourishment	25,000
8.	Attender Charges	10,000
9.	Damage of cloth	1,000
Total		7,65,589/-



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5. The above compensation was directed to be paid by the third respondent/Insurance Company together with interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed by the appellant/claimant seeking enhancement of compensation.

6. Heard Mr.S.P.Yuaraj, learned counsel for the appellant/claimant and Mr.B.Siva Kollappan, learned counsel for the third respondent/Insurance Company

7. This Court also carefully considered the materials available on record and went through the award passed by the Tribunal.

8. In the case in hand, the appellant/claimant is an auto driver and at the time of the accident, the lorry ran over his right hand, resulting in a crush injury. The extent of the damage caused to his right hand is quite evident from the photograph marked as Ex.P13. The disability certificate marked as Ex.C1 also reflects the seriousness of the disability suffered by the appellant/claimant. Considering the avocation of the appellant/claimant, he has certainly suffered a functional disability and lost his earning capacity.



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9. The Tribunal has not properly appreciated this aspect, erred in invoking the percentage method and calculated the compensation under the head 'permanent disability'. This Court is inclined to apply the multiplier method by assessing the functional disability at 25%. Considering that the accident had taken place in the year 2023, this Court is inclined to fix the notional monthly income of the claimant at Rs.17,500/-.

10. Accordingly, the compensation under the head 'Disability' is calculated as follows:-

Notional Monthly Income	:	Rs. 17,500/-
Add: 40% future prospects	:	Rs. 7,000/-

		Rs. 24,500/-
		x 12

Annual income	:	Rs. 2,94,000/-
25% Functional Disability	:	x 25%

	:	Rs. 73,000/-
Multiplier	:	x 17

Disability	:	Rs.12,49,500/-



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11. In view of the compensation granted under the head 'Disability' considering the functional disability of the claimant, the compensation separately awarded by the Tribunal under the head 'Loss of Income' is deleted.

12. Insofar as the compensation fixed by the Tribunal under the other heads is concerned, this Court finds that the same is just and fair and does not require any interference.

13. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>S.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Disability	2,50,000	12,49,500
2.	Pain and Suffering	75,000	75,000
3.	Loss of Amenities	25,000	25,000
4.	Loss of Income	75,000	-
5.	Medical Bills	2,94,589	2,94,589
6.	Transportation Charges	10,000	10,000
7.	Extra Nourishment	25,000	25,000
8.	Attender Charges	10,000	10,000
9.	Damage of cloth	1,000	1,000
Total		7,65,589	16,90,089
Rounded off		-	16,90,100



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14. The compensation awarded by the Tribunal at Rs.7,65,589/- is enhanced to Rs.16,90,100/-. The third respondent/Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 174 days. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

15. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs.

15.07.2026

Neutral Citation: Yes/No

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To

1. The Special Subordinate Judge No.II,
Special Subordinate Court No.II,
Motor Accidents Claims Tribunal,
Salem.
2. The Section Officer,
VR Section, High Court of Madras.

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N. ANAND VENKATESH, J.

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