



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.522 of 2024

Selvi

..Appellant

.vs.

1.S.Rajakumari
M/s.Bargi Chemicals Pvt., Ltd.,
No.1848, Venu Vihar, K.Block,
Kuvempungar, Mysore 570 023.

2.The United Insurance Co., Ltd.,
Rep. By its Branch Manager,
No.39, Jeevan Prakash Ground Floor,
Gandhiji Road,
Thanjavur Town and Taluk,
Thanjavur District.

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgement and decree dated 26.07.2019 passed in MCOP.No.18 of 2019, on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Tiruvarur.

For Appellant : Mr.M.Tamizavel



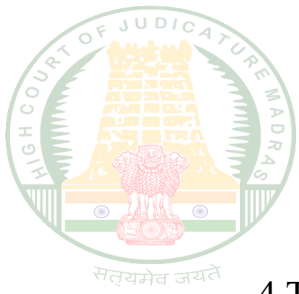
JUDGMENT

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This appeal has been filed challenging the Award passed by the MACT, Chief Judicial Magistrate, Thiruvarur in MCOP No.18 of 2019 dated 26.07.2019, wherein, the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 06.11.2017, when the claimant was walking on the left hand side of the road, the offending vehicle which was a bus was driven in a rash and negligent manner and it dashed on the claimant. As a result of which, the claimant sustained grievous injuries and she was admitted in the Thanjavur Medical College and Hospital from 06.11.2017 to 09.11.2017 and thereafter, was shifted to a private nursing home where the claimant underwent treatment from 10.11.2017 to 01.12.2017 and the left leg was amputated below the knee. An FIR also came to be registered against the driver of the offending vehicle in Crime No.318 of 2017. 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.



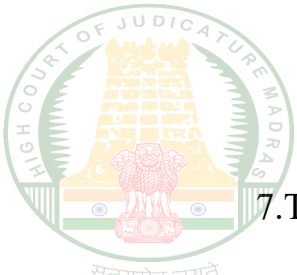
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4. The Tribunal having rendered the above finding, took into consideration the fact that the claimant suffered 65% disability and also the fact that the left leg was amputated below the knee. Accordingly, the Tribunal applied the multiplier method and fixed the compensation under the head of permanent disability. The Tribunal fixed the total compensation at Rs.9,00,128/- under the following heads:

Compensation awarded under the head	Amount (in Rs.)
Partial Permanent Disability	7,02,000
Pain and Sufferings	20,000
Extra Nourishment	10,000
Loss of Convenience	10,000
Medical Expenses	1,58,128
Total	9,00,128

5. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

6. Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.



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7. The respondents have been served and the name of the respondents has also been printed in the cause list. There is no appearance either in person or through counsel.

8. Heard the learned counsel for the appellant, carefully perused the materials available on record and also carefully went through the Award passed by the Tribunal.

9. In the case in hand, the claimant was aged about 38 years and she was an agriculturist. The accident had taken place in the year 2017. However, the Tribunal has fixed the notional monthly income at Rs.6,000/- which is clearly on the lower side. Even if the claimant is taken to be a house wife, she will be entitled for more compensation. Hence, this Court is inclined to fix a sum of Rs.16,000/- towards notional monthly income. In view of the same, the compensation under the head of permanent disability is calculated as follows:

$$\text{Rs.}23,100 (\text{Rs.}16,500/- + 40\%) \times 12 \times 15 \times 65/100 = \text{Rs.}27,02,700/-$$

10. The claimant had undergone treatment as an inpatient for more than twenty days and had also suffered an amputation below the knee. Hence, this Court is inclined to enhance the compensation under the head of Pain and



Suffering to Rs.1,00,000/- and under the head of Extra Nourishment to Rs.25,000/-. This Court is also inclined to fix the compensation under the head of Attender Charges at Rs.20,000/- and Transportation Charges at Rs.15,000/-.

11.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Dependency/Future loss of income	27,02,700
Pain and Sufferings	1,00,000
Extra Nourishment	25,000
Transport	15,000
Attender Charges	20,000
Total	28,62,700

12.The compensation awarded by the tribunal at Rs.9,00,128/- is enhanced to Rs.28,62,700/-. The second respondent/insurance company is directed to deposit the enhanced compensation of Rs.28,62,700/-, 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 weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.19,62,572/- is concerned, the appellant/claimant will not be entitled for



interest for the period of delay of 361 days as was ordered by this Court in

C.M.P.No.3829 of 2024, dated 21.02.2024. Insofar as the enhanced

compensation is concerned, the deficit court fee, if not paid, shall be paid by the

claimant. The other directions issued by the Tribunal with regard to the mode of

payment of compensation remains unaltered.

13.This Civil Miscellaneous Appeal is partly allowed in the above terms.

No Costs.

08.07.2026

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

ssr



To
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The Motor Accident Claims Tribunal/Chief Judicial Magistrate, Tiruvarur.



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N. ANAND VENKATESH., J

SSR

CMA No.522 of 2024

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