

E.Kumar Vs Devan

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Court : Chennai

Decided On : Feb-26-2026

Judge : Honourable Mrs.Justice K. Govindarajan Thilakavadi

Appeal No. : CMA/449/2026

Appellant : E.Kumar

Respondent : Devan

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI C.M.A. No. 449 of 2026 E.Kumar, S/o. Ettian, No. 36, Patti Street, Pathirapuliyur, Villupuram-304. ..Appellant(s) Vs

1. Devan, No.11, Konnur High Road, Ayanavaram, Chennai-23.
2. The Manager,

United India Insurance Company Limited, No. 134, Greams Road, Chennai-06. (1st Respondent was set ex parte by the Tribunal) ..Respondent(s) Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor

Vehicles Act, 1988, to enhance the compensation awarded in the final Order

dated 14.06.2024 in M.C.O.P.No.595 of 2020 on the file of the learned II Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai. For Appellant(s): Mr.S.Ravikumar For Respondent(s): Mr. J. Chandran for R2 R1 - Notice Dispensed With Page1 of 7

Judgment

This Civil Miscellaneous Appeal has been filed by the claimant seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal in M.C.O.P.No.595 of 2020 dated 14.06.2024 on the file of the learned II Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai. 2.It is the case of the claimant that he sustained grievous injuries in a road accident that occurred on 25.01.2020 involving a Water Tanker Lorry bearing Reg.No.TN-01-X-3700. The Tribunal, after considering the evidence on record,

held that the accident occurred due to the rash and negligent driving of the

driver of the said tanker lorry and directed the Insurance Company to pay a total compensation of Rs.1,54,000/- with interest at 7.5% per annum. 3.Aggrieved by the meagre quantum of compensation awarded by the Tribunal, the claimant has filed the present Civil Miscellaneous Appeal seeking enhancement. 4.The learned counsel appearing for the appellant /claimant would submit that due to the accident, the claimant sustained grievous injuries all over the Page2 of 7

body and the Medical Board assessed the permanent disability at 18%. He would contend that without taking note of the cost of living at that

time, the Tribunal has erroneously fixed the monthly income as Rs.10,000/-. He would submit that the Tribunal has granted compensation under various heads are very low and therefore, the Award has to be enhanced.

5.Per contra, the learned counsel appearing for the 2nd respondent would submit that this is a very reasonable award and does not warrant a reconsideration. The compensation amount claimed is excessive. 6.Heard the learned counsel appearing on either side and perused the papers.

7.On a perusal of the records, it is seen that the claimant sustained a compound fracture of the 5th metatarsal bone of the right foot and underwent treatment including skin grafting. The Medical Board assessed the permanent disability at 18%. The Tribunal adopted a compensation of Rs.5,000/- per percentage, awarding Rs.90,000/-. However, considering the nature of fracture injury and the surgical procedure undergone, this Court is of the opinion that the claimant is entitled to compensation at Rs.8,000/- per percentage of disability which has been consistently adopted in several cases. Accordingly, the compensation for disability is enhanced to Rs.1,44,000/-[18% Rs.8,000 = Page3 of 7

Rs.1,44,000/-]. Further, the claimant stated that he was earning his livelihood through agricultural activities. Though no documentary proof was produced to establish his exact income, considering the nature of avocation, age and year of accident (2020), this Court fixes the monthly income of the claimant at Rs.18,000/-. Considering the nature of injuries and period of treatment, the claimant would not have been able to attend his work for four months. Therefore, a sum of Rs.72,000/- [Rs.18,000 4 months = Rs.72,000/-] is awarded under the head of loss of income. Further, the claimant sustained grievous injuries and underwent prolonged treatment including surgical procedure. Taking into account the fracture injury, this Court is inclined to award Rs.50,000/- towards

pain and sufferings, which is reasonable and just. Due to the injuries and the resultant permanent disability, the claimant would have experienced difficulty in day-to-day activities and loss of normal enjoyment of life. Therefore, a sum of Rs.30,000/- is awarded towards loss of amenities. A sum of Rs.10,000/- is awarded towards transportation expenses and a sum of Rs.10,000/- is awarded towards extra nourishment. Under the head of attendant charges, Rs.20,500/- is awarded by this Court. The Tribunal awarded Rs.2,000/- towards medical expenses, which appears reasonable in the absence of medical bills and the same is confirmed.

Page4 of 7 8. In all other respects, the Award remains unaltered. Therefore, taking into consideration the above aspects, the modified amount is as follows: Sl. No Head of Compensation Amount Awarded

1. Loss of income (Rs.18,000 4 months) -Rs. 72,000/-
2. Pain and suffering -Rs. 50,000/-
3. Loss of amenities -Rs. 30,000/-
4. Transportation expenses -Rs. 10,000/-
5. Extra nourishment -Rs. 10,000/-/-
6. Attendant charges -Rs. 20,500/-
7. Medical expenses -Rs. 2,000/-
8. Permanent disability (18% Rs.8,000) -Rs.1,44,000/- Total Compensation- Rs.3,38,500/-

nd 9. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2 respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.3,38,500/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.595 of 2020 on the file of the

learned II Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai, within a period of four weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default period. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs by making necessary applications. Page5 of 7

The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs. 26-02-2026 Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No MPS To 1.The II Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai. 2.The Section Officer, V.R. Section, Madras High Court. Page6 of 7 K.GOVINDARAJAN THILAKAVADI J. MPS C.M.A. No. 449 of 2026 26-02-2026 Page7 of 7

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