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THE MANAGER Vs Mohammed Hidayathullah

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Court : Chennai

Decided On : Jul-29-2025

Judge : Honourable Mrs.Justice T.V.Thamilselvi

Appeal No. : CMA/723/2025

Appellant : The Manager

Respondent : Mohammed Hidayathullah

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI and CMP.No.5721 of 2025 The Manager, M/s.National Insurance Company Limited, Third Party Claims Office, No.66, Greams Road,Chennai-600 006. .. Appellant Vs.

1. Mohammed Hidayathullah

2. Moorthy ..Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 20.03.2024 made in M.C.O.P.No.130 of 2019 on the file of Motor Accidents Claims Tribunal, (VI Court of Small Causes) at Chennai. For Appellant : Mr.J.Michael Visuvasam For Respondents: M/s.U.Chithambaram for R1 R2-NDW

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant-Insurance company, challenging the Judgment and Decree dated 20.03.2024 made in M.C.O.P.No.130 of 2019 on the file of the Motor Accidents Claims Tribunal (VI Court of Small Causes), Chennai.

2.The appellant-Insurance Company is the 2nd respondent in M.C.O.P.No.130 of 2019, on the file of the Motor Accidents Claims Tribunal (VI Court of Small Causes), Chennai. The first respondent herein/claimant filed the said claim petition, claiming a sum of Rs.50,00,000/- as compensation for the injuries sustained by him in the accident that took place on 26.12.2018.

3. The brief facts of the case are that on 26 th December 2018, at about

03.00 PM, while the claimant was riding his two-wheeler bearing Registration No.TN-04AQ 5708, near Central Light Point Signal at PEVR Salai, following the traffic rules, at that time, a lorry bearing Registration No.TN 04 AE 7857, owned by the first respondent before the Tribunal and insured with the second respondent-Insurance Company, approached in same direction at high speed, in a rash and negligent manner and dashed with the claimants two-wheeler, causing an accident. Due to the impact, claimant sustained grievous injuries. Following the accident, claimant was rushed to the Government General Hospital; first aid

was given to him and subsequently, owing to complications, he was referred to Billroth Hospital, admitted as an inpatient from 26.12.2018 to 02.01.2019 (8- days) and readmitted to same hospital from 07.01.2019 to 11.01.2019 (5-days) and again from 28.01.2019 to 30.01.2019 (3 days). In total, the claimant underwent 18 days of inpatient treatment. A case in Crime No.202/2018 was registered against the driver of offending vehicle, before the C2-Elephant Gate, Traffic Police Station. Hence, the claimant moved a petition before the Tribunal, claiming Rs.50,00,000/- as compensation.

4. On consideration of the both oral and documentary evidence, the Tribunal

has awarded the compensation on the following heads: Sl.No Heads Amount 1 Medical Expenses Rs.5,15,943/- 2 Transport Expenses Rs.10,000/- 3 Extra Nourishment Rs,10,000/- 4 Attendant Charges Rs.15,000/- 5 Disability and loss of Income owing to permanent disability Rs.18,13,500/- 6 Pain and Sufferings Rs.25,000/- Total Compensation Amount Rs.23,89,443/-

Challenging the said award dated 20.03.2024 made in M.C.O.P.No.130 of 2019, granting compensation to the first respondent/claimant, the Insurance company has preferred this Appeal.

4. The learned counsel for the appellant-Insurance company would submit

that the claimant has sustained fracture in left hand and also sustained other injuries. The Medical Board had assessed the disability at 62% and the Tribunal has awarded a sum of Rs.18,13,500/- towards disability, by erroneously adopting a multiplier method, which is on higher side. He also submits that there is no dispute with regard to the factum of the accident occurred and fastening of the liability on the insurance company by the Tribunal.

5. In reply, the learned counsel for the first respondent/claimant would

submit that the Tribunal has rightly adopted the multiplier method and insofar as the other heads are concerned, the Tribunal has awarded a meagre compensation, which requires interference of this Court and hence, he requests this Court to enhance the compensation.

6. Heard the learned counsel for the appellant and the first respondent/claimant and also perused the materials available on record.

7. In the present case, it appears that the Medical Board assessed the

disability of 62% and the Tribunal erroneously adopting the multiplier method awarded a sum of Rs.18,13,500/- towards permanent disablement and loss of future earning capacity. Therefore, taking into consideration the nature of injuries

> and the disability sustained by the first respondent i.e., 62% functional disability, who is aged about 50 years at the time of accident, it would be appropriate to adopt percentage method by fixing Rs.8000/- per percentage of disability. Accordingly, the compensation is calculated as follows: 62% x 8000 = Rs.4,96,000/-.

8. Insofar as compensation granted under other heads are concerned, the

> Tribunal awarded Rs.10,000/- under the head Extra nourishment; Rs.25,000/- under the head Pain and Suffering, which is on lower side and the same needs enhancement. Therefore, this Court enhances the same to Rs.15,000/- towards Extra Nourishment and Rs.50,000/- towards Pain and suffering and future discomfort. The Tribunal has not awarded any amount under the head loss of income during the medical treatment, which this court feels just and proper and therefore, this Court awards a sum of Rs.1,50,000/-(Rs.50,000/- x 3 months) under the head loss of income during the medical treatment of 3 months.

9. The compensation awarded under other heads appears to be just and reasonable and hence, the same stands confirmed.

10. Accordingly, the compensation awarded by the Tribunal is modified as follows:

Sl. No	Heads	Compensation awarded by the Tribunal	Compensation awarded by this Court
1	Medical Expenses	Rs.5,15,943/-	5,15,943/-
2	Transport Expenses	Rs.10,000/-	10,000/-
3	Extra Nourishment	Rs,10,000/-	15,000/-
4	Attendant Charges	Rs.15,000/-	15,000/-
5	Disability and Permanent loss of Income	Rs.18,13,500/-	4,96,000/-
6	Pain and Sufferings	Rs.25,000/-	50,000/-
	Total Compensation Amount	Rs.23,89,443/-	11,01,943/-

11. In the result, this Civil Miscellaneous Appeal is partly allowed. The compensation awarded by the Tribunal is modified from a sum of Rs.23,89,443/- to a sum of Rs.11,01,943/- along with 7.5% interest per annum.

12. The appellant/insurance company is directed to deposit the modified amount granted by this court along with interest and costs, less the amount already deposited, if any, within a period of 6 weeks from the date of receipt of copy of this judgment, to the credit of MCOP.No.130 of 2019 on the file of Motor Accident Claims Tribunal, VI Court of Small Causes, Chennai. Thereafter, the Tribunal is directed to immediately transfer the entire amount to the bank account of the claimant by way of RTGS, within a period of three weeks from the date of deposit and from the date of receipt of the bank details obtained from the claimant or application for withdrawal from the claimant, whichever is earlier. No costs. Consequently, connected miscellaneous petition is closed. 29.07.2025 Index : Yes / No Speaking Order: Yes/No jai To 1.The VI Judge, Small Causes Court, Motor Accident Claims Tribunal, Chennai. 2.The Section Officer, VR Section, High Court, Madras.

T.V.THAMILSELVI, J.

jai and C.M.P.No.5721 of 2025 29.07.2025

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