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CMA No. 915 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2026

CORAM

THE HON'BLE MRS. JUSTICE R. KALAIMATHI

CMA No. 915 of 2026

C.Sangaiah

..Appellant(s)

Vs.

1.R.Daniel,
S/o.M.Raja,
No.23C, Pirivari Road, TNSHB,
7th Main Street, Anna Nagar, Chennai – 600 040.
(1st respondent was set Ex-Parte by the Tribunal)

2.The Manager,
United India Insurance Company Limited,
Silingi Building,
No.134, Greams Road,
Chennai – 600 006.

..Respondent(s)

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act, 1988, seeking enhancement of compensation awarded in the Judgment and Decree dated 02.04.2025 passed in M.C.O.P.No.530 of 2020 on the file of the Motor Accident Claims Tribunal, Chennai / II Court of Small Causes, Chennai.

For Appellant: Mr.R.Dinesh Kumar

For Respondent(s): Mr.J.Chandran for R2

JUDGMENT

Not satisfied with the Award dated 02.04.2025 passed in M.C.O.P.No.530 of 2020 on the file of the Motor Accident Claims Tribunal / II Court of Small Causes, Chennai, the Claimant herein has preferred this Civil



Miscellaneous Appeal for enhancement of compensation.

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2. By consent, the matter is taken up for final hearing and the arguments advanced on either side were heard.

3. Parties are referred to herein as per their litigative status and ranking before the Tribunal.

4. Claim petition was filed under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.10,00,000/- for the injuries/fractures sustained by the Claimant in the road traffic accident that occurred on 10.01.2020.

5. At trial, to substantiate the claim, on the side of the appellant/claimant, two witnesses were examined and sixteen documents were marked. On the side of the second respondent/Insurance Company, neither any witness was examined nor any document was marked.

6. The Tribunal upon consideration of the oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.2,62,961/- with interest at the rate of 7.5% per annum from the date of petition and the amounts granted under various heads are given hereunder:-



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“For partial permanent disability - Rs.1,50,000/-; for medical expenses - Rs.22,961/-; for transportation charges, extra nourishment and attendant charges - Rs.30,000/-; for loss of income during treatment period - Rs.45,000/-; and towards pain and suffering - Rs.15,000/-. In toto, a sum of Rs.2,62,961/- was awarded.”

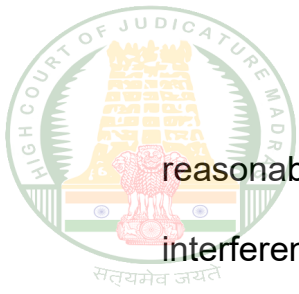
7. The learned Counsel for the appellant/claimant urged the following grounds:-

(i) Though the accident took place in the year 2020, the Tribunal had awarded only Rs.5,000/- per percentage for the disability assessed at 30%, which is on the lower side.

(ii) The next ground urged is that the claimant was working as a Senior Engineer in a private company and earning a sum of Rs.50,000/- per month. However, the Tribunal had fixed the notional income at Rs.15,000/-, which is very less.

(iii) The learned Counsel further contended that the claimant suffered several fractures over the face and therefore, the amounts awarded towards pain and sufferings and extra nourishment are inadequate and sought for enhancement of compensation.

8. Per contra, the learned Counsel for the second respondent/Insurance Company strenuously contended that the Tribunal, by taking into account the age, avocation, income of the claimant and other attending circumstances, has granted compensation under various heads, which appears to be



reasonable and acceptable and therefore, the same do not warrant any interference by this Court.

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9. The manner in which the accident took place is not in dispute. It has come on record through the evidence of PW1 that on account of the accident, he suffered facial fractures and the discharge summary is Ex.P4 and the treatment records were marked as Exs.P10 to P12. As per Ex.P4, inpatient discharge summary issued by Sundaram Medical Foundation, Chennai, the claimant was admitted as an inpatient on 10.01.2020 and discharged on 14.01.2020. He had suffered bilateral maxillary fracture Le Fort II, palatine fracture, NOE fracture, left parasymphysis fracture of mandible, dentoalveolar fracture of anterior maxilla and mandible. For which he had undergone surgery. Open reduction and internal fixation of bilateral maxillary fracture (Le Fort II), palatine fracture, NOE fracture and comminuted fracture of anterior mandible under General Anaesthesia was done on 11.01.2020 and the nasal pack was removed on 13.01.2020. He was referred to the Regional Medical Board, Chennai, and his disability was assessed at 30% as per Ex.C1, Disability Certificate. It is the evidence of PW1 that due to the fractures suffered by him, he frequently experiences headache and dizziness. Taking into consideration the aforesaid fractures and the functional disability being suffered by the claimant, this Court fixes the functional disability at 30%. Accordingly, towards partial permanent disability, a sum of Rs.2,70,000/- is awarded by granting Rs.9,000/- per percentage.



10. PW1 has stated that he was working as a Senior Engineer in a Private Company and earning a sum of Rs.50,000/- per month. Except the ID card, no concrete proof was filed and marked to substantiate the monthly income. However, this Court deems it fit to assume the notional income at Rs.18,000/- per month. Therefore, towards loss of income during treatment period, an additional sum of Rs.9,000/- is granted over and above the amount already awarded by the Tribunal. Towards pain and sufferings, as the claimant had suffered five fractures over the face, an additional sum of Rs.35,000/- is granted over and above the amount already awarded by the Tribunal. Towards extra nourishment, an additional sum of Rs.20,000/- is also granted.

11. As regards the amounts awarded under the other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and it does not warrant any interference by this Court. The amounts granted, after reworking, are tabulated hereunder:-

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1.	For Partial Permanent Disability	Rs.1,50,000/-	Rs.2,70,000/- (30% x Rs.9000)	Enhanced
2.	For Pain and Sufferings	Rs.15,000/-	Rs.50,000/-	Enhanced
3.	For Medical Expenses	Rs.22,961/-	Rs.22,961/-	Confirmed



4.	For Attender Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
5.	For Transportation Charges	Rs.10,000/-	Rs.10,000/-	Confirmed
6.	For Loss of Income during treatment period	Rs.45,000/-	Rs.54,000/-	Enhanced
7.	For Extra Nourishment	Rs.10,000/-	Rs.30,000/-	Enhanced
	Total	Rs.2,62,961/-	Rs.4,46,961/- (rounded off Rs.4,47,000/-)	Enhanced

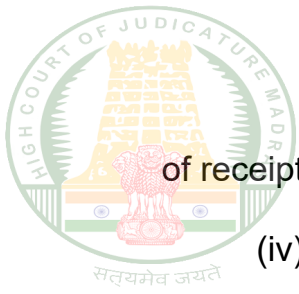
12. Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,62,961/- to Rs.4,47,000/-, which shall carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

13. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.2,62,961/- to Rs.4,47,000/-.

(iii) The Insurance Company / second respondent is directed to deposit the enhanced compensation amount now determined by this Court, i.e., Rs.4,46,961/- (less the amount already deposited, if any), together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs (excluding the period of default, if any), to the credit of M.C.O.P.No.530 of 2020 on the file of the Motor Accident Claims Tribunal / II Court of Small Causes, Chennai, within a period of six weeks from the date



of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellant/claimant is permitted to withdraw the award amount with accrued interest, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal.

(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

01-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:

1. The Motor Accident Claims Tribunal / II Court of Small Causes,
Chennai.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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R.KALAIMATHI, J.

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