



C.M.A.No.2114 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.2114 of 2026

Kiruthika (Minor)

(Rep. by her mother, next friend Saritha)

... Appellant

Vs.

1. R.Gnanavel

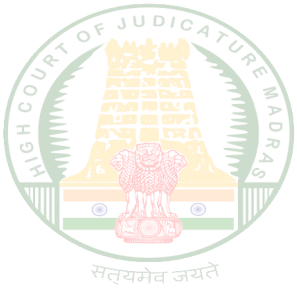
2. The Manager,
Reliance General Insurance Co. Ltd.,
4th Floor, Reliance House,
No.6, Haddows Road,
Chennai – 600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation awarded in the judgment and decree dated 12.02.2025 made in MCOP No.2362 of 2019 on the file of the Motor Accidents Claims Tribunal, VI Court of Small Causes, Chennai.

For Appellant : Mr.Amar Dineshbhai Pandiya

For Respondents : Mr.P.Suresh Srinivasan for R2



JUDGMENT

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This civil miscellaneous appeal has been filed by the appellant/claimant challenging the award passed by the learned VI Judge, VI Court of Small Causes, Motor Accidents Claims Tribunal, Chennai, in MCOP No.2362 of 2019 dated 12.02.2025, wherein the appellant/claimant is seeking enhancement of compensation fixed by the Tribunal.

2. The case of the appellant/claimant is that on 10.11.2018, the claimant was travelling as a pillion rider on a two wheeler on GST road and at about 08.15 hours, near the Kattankolathur Railway Gate, the offending vehicle, which was a TATA Ace belonging to the first respondent, was driven in a rash and negligent manner and dashed against the two wheeler. As a result, the claimant, who was aged about 12 years, sustained fractures to both bones of the right leg, right foot crush injury and multiple injuries all over the body. She underwent treatment as an inpatient for 30 days in four spells. 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

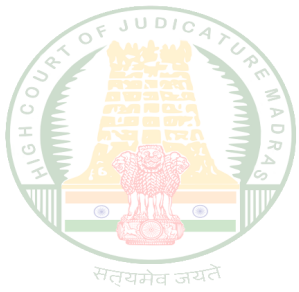


conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.5,14,000/- under various heads as follows:

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Part disability	1,19,000
2.	Pain and Suffering	30,000
3.	Medical Expenses	2,90,000
4.	Attendant Charges	15,000
5.	Transportation	30,000
6.	Loss of income	Nil
7.	Loss of Amenities	15,000
8.	Extra Nourishment	15,000
Total		5,14,000

The above compensation was directed to be paid by the second 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.



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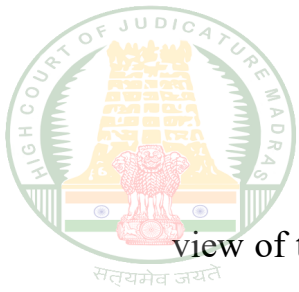
5. Heard Mr.Amar Dineshbhai Pandiya, learned counsel for the appellant/claimant and Mr.P.Suresh Srinivasan, learned counsel for the second respondent.

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

7. The main ground urged on the side of the appellant/claimant is that the compensation fixed by the Tribunal under the various heads is on the lower side and requires the interference of this Court.

8. The Tribunal, considering the nature of the injuries sustained by the appellant/claimant and the disability certificate issued by the Medical Board, which was marked as Ex.C1, fixed the disability of the claimant at 17%, adopted the percentage method and fixed a sum of Rs.7,000/- per percentage of disability and determined the compensation under the head 'Part Disability'. Thus, the compensation fixed by the Tribunal under the above head does not require the interference of this Court.

9. In the case in hand, the appellant/claimant, who was a 12 year old girl, underwent treatment as an inpatient for 30 days in four spells. In



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view of the above, this Court is inclined to enhance the compensation under the heads 'Pain and Suffering', 'Attendant Charges' and 'Extra Nourishment' to Rs.50,000/-, Rs.25,000/-, and Rs.25,000/- respectively.

10. 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.

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

<i>Sl.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Part disability	1,19,000	1,19,000
2.	Pain and Suffering	30,000	50,000
3.	Medical Expenses	2,90,000	2,90,000
4.	Attendant Charges	15,000	25,000
5.	Transportation Charges	30,000	30,000
6.	Loss of Income	-	-
7.	Loss of Amenities	15,000	15,000
8.	Extra Nourishment	15,000	25,000
Total		5,14,000	5,54,000



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12. The compensation awarded by the Tribunal at Rs.5,14,000/- is enhanced to Rs.5,54,000/-. The second 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 four (4) 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 224 days as was ordered by this Court in C.M.P.No.2536 of 2026 in C.M.A.Sr.No.11076 of 2026 dated 19.06.2026. 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.

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

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Neutral Citation: Yes/No
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- To
1. The VI Judge,
VI Court of Small Causes,
Motor Accidents Claims Tribunal,
Chennai.
 2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

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