



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1738 of 2024

T.Selvamani
S/o. Thirugnanam,
No.75, Mariamman Koil Street, Vadakkuthittai,
Melamnakudi, Chidamparam Taluk,
Cuddalore District - 608 601.

..Appellant(s)

Vs

1. Dhanam
W/o. Radhakrishnan,
1068, Old Colony, A C Palayam,
Panruti Taluk, Cuddalore District.
2. The Divisional Manager
United India Insurance Company Ltd.,
13A, Nethaji Road, DO, Cuddalore 607 001.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree in MCOP No. 670 of 2019 dated 28.02.2023 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate at Cuddalore.

For Appellant(s): M/s.Ramya V.Rao

For Respondent(s): Mr.S.Arunkumar
FOR R2

R1 - DISPENSED WITH (VIDE COURT ORDER
DATE 22/07/2024)



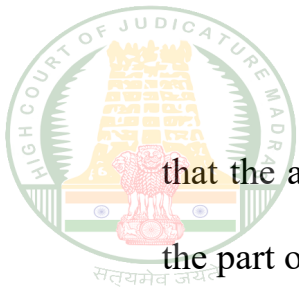
JUDGMENT

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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Cuddalore, made in M.C.O.P.No.670 of 2019, dated 28.02.2023, wherein the claimant has sought for enhancement of compensation.

2. The case of the claimant is that on 11.03.2019, while he was travelling on a two-wheeler and at about 8.30 a.m., he was standing along with the two-wheeler near a shop at Kurinjipadi, Periyar Nagar and at that point of time, the offending vehicle, belonging to the first respondent was driven in a rash and negligent manner, and the vehicle dashed against the claimant, as a result of which, the claimant sustained the following injuries: “*Communitied Fracture Right Ankle Bi Malleulor Bone, Navickular and Cuneiform Fracture, Metatarsal Fracture, Right Ankle Dislocation Right Foot of Torso Metatarsal, Talo Tibial Sub Luxation.*”. The claimant underwent treatment as an in-patient for 21 days. 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 the 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. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.5,28,285/- under the following heads:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	Rs.1,60,000/-
2.	Loss of Income	Rs.65,000/-
3.	Pain and Sufferings	Rs.45,000/-
4.	Medical Expenses	Rs.2,01,283/-
5.	Nutrition	Rs.7,500/-
6.	Damages to Clothes	Rs.2,000/-
7.	Transportation Expenses	Rs.7,500/-
8.	Attender Charges	Rs.40,000/-
	Total Rounded off	Rs.5,28,283/- @ Rs.5,28,285/-

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

5. The Tribunal found that the driver of the offending vehicle did not possess a valid driving licence and hence applied the principle of “pay and recovery”. Aggrieved by the same, the Insurance Company has filed the present appeal before this Court.



6. Heard the learned counsel for the appellant – Insurance Company and the learned counsel for the second respondent – claimant.

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7. This Court carefully considered the submissions made on either side and the materials available on record. This Court also carefully went through the award passed by the Tribunal.

8. The main ground that was urged on the side of the learned counsel for the appellant is that the claimant was a Civil Engineer and as a result of the accident, he suffered disfigurement of his foot and had to wear a special foot wear. Apart from that, the following surgeries were performed on the claimant:

“Surgeries:

1.K-wire fixation of 4th metatarsal, 1st metatarsal medial Malleluous done,

2.External fixator was put into metatarsal and Tibia for further Augmentation,

3.Raw Area Dorsom of Right Ankle Skin Grafting was done from Left Thigh

4.Removal of External Fixator

5.Continued OP Treatment for another 3 months for swelling and sever pain.

6.Treatment spanned for nearly 6 months

7. On 02/06/2019 the doctor noted Deformity on Right foot and prescribed special foot ware which is mentioned in OP Chit treatment record dated 02.06.2019. It is also been mentioned in



Medical Board Certificate.”

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In view of the same, it is contended that the compensation that was fixed by the Tribunal under various heads is on the lower side and it requires enhancement.

9. In the considered view of this Court, taking note of the injuries suffered and the disability which was ascertained as 32% by the Medical Board under Ex.C1, and also considering the surgeries that were performed on the claimant, this Court is inclined to enhance the compensation under the head of disability by fixing Rs.8,000/- per percentage. Accordingly, the compensation under the head of disability is enhanced to Rs.2,56,000/- (Rs.8,000/- x 32%).

10. This Court is also inclined to enhance the compensation under the head of pain and sufferings to Rs.50,000/-, Extra nourishment to Rs.15,000/-, Transportation Expenses to Rs.14,000/-.

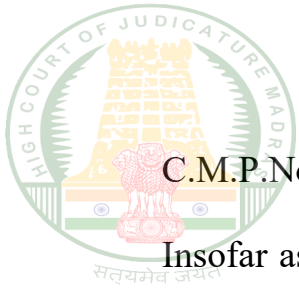
11. No compensation has been granted under the head of loss of amenities and this Court is inclined to grant compensation of Rs.25,000/- under the head of Loss of amenities.

12. In the light of the above discussion, the award passed by the Tribunal under various heads are modified as follows:



<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability	Rs.1,60,000/-	Rs.2,56,000/-
2.	Loss of Income	Rs.65,000/-	Rs.65,000/-
3.	Pain and Sufferings	Rs.45,000/-	Rs.50,000/-
4.	Medical Expenses	Rs.2,01,283/-	Rs.2,01,283/-
5.	Extra Nourishment	Rs.7,500/-	Rs.15,000/-
6.	Damages to Cloths	Rs.2,000/-	Rs.2,000/-
7.	Transportation Expenses	Rs.7,500/-	Rs.14,000/-
8.	Attender Charges	Rs.40,000/-	Rs.40,000/-
9.	Loss of amenities	---	Rs.25,000/-
	Total Rounded off	Rs.5,28,283/- @ Rs.5,28,285/-	Rs.6,68,283/- @ Rs.6,68,285/-

13. The compensation awarded by the Tribunal at Rs.5,28,285/- is enhanced to Rs.6,68,285/-. The second respondent - Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at the rate of 7.5% per annum 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 and on such deposit, the claimant is entitled to withdraw the same on due application. Insofar as the enhanced compensation of Rs.1,40,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 165 days as was ordered by this Court in



C.M.P.No.2440 of 2024 in C.M.A.Sr.No.11860 of 2024 dated 12.06.2024.

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.

15. In the result, the Civil Miscellaneous Appeal is allowed. No costs.

08-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SSI

To:

1. The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Cuddalore.

2. The Section Officer,
V.R.Section,
High Court of Madras.



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N.ANAND VENKATESH, J.

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