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CMA.No.553 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.553 of 2023

Seenu @ Seenuvasan
S/o. Ramachandran,
Permanently residing at No.278,
Vetnary Hospital Street, Rampakkam,
Villupuram Taluk & District,
Now at No.25, Singaram Avenue,
Koothapakkam, Cuddalore Taluk.

...Appellant

Vs

1. R.Murugan, S/o. Ramaraj,
No.16, II Cross Street,
Pudhu Nagar, Reddiarpalayam,
Pondicherry.
2. Reliance General Insurance Co.Ltd.,
No.6, 6th Floor Reliance House,
Haddows Road, Nungambakkam,
Chennai-600 006.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the judgment and decree dated 10.11.2022 made in MCOP
No.1768 of 2015 on the file of the Motor Accident Claims Tribunal/
Chief Judicial Magistrate, Cuddalore.



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For Appellant:
For Respondents:

Ms.Ramya V.Rao
Ms.G.Sukumari for R2
R1 – was set ex parte before
the Tribunal below

JUDGMENT

This appeal has been filed by the appellant – claimant against the award dated 10.11.2022 made in MCOP.No.1768 of 2015 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Cuddalore (for short, the Tribunal below) wherein he is seeking for enhancement of compensation.

2. Heard the learned counsel for the appellant and the learned counsel appearing for the second respondent – Insurance Company.

3. The case of the appellant – claimant is as follows:

(i) On 08.4.2015, the appellant – claimant was walking on the left mud portion of Pondicherry – Villupuram Main Road and at that point of time, at about 8 AM, the offending vehicle, which belongs to the first respondent, was driven in a rash and negligent manner and dashed on the appellant – claimant, as a result of which, he sustained the following injuries :



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"RTA C Segment both bone fracture left leg, right acetabulum fracture, multiple ICH-FT, multiple facial bone fracture C PTS."

(ii) The appellant – claimant undertook treatment for 16 days and also underwent two surgeries. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(iii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the 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 rider of the offending vehicle.

(iv) Having rendered the above finding, the Tribunal below fixed the total compensation amount at Rs.4,80,560/- in the following manner:

S.No.	Head	Amount
1	Disability	Rs.1,52,000/-
2	Loss of income	Rs. 55,000/-
3	Pain and Suffering	Rs. 40,000/-
4	Medical expenses	Rs.1,71,560/-
5	Extra nourishment	Rs. 10,000/-
6	Damage to clothing	Rs. 2,000/-
7	Transportation expenses	Rs. 10,000/-
8	Attendant charges	Rs. 40,000/-
	Total	Rs.4,80,560/-



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(v) The said sum was directed to be paid along with interest at the rate of 7.5% per annum from the date of claim petition till date of deposit. Since the rider of the offending vehicle did not possess a valid driving licence, the Tribunal below adopted the principle of pay and recovery and directed the second respondent – Insurance Company to pay the compensation to the appellant – claimant and recover it from the first respondent, who is none other than the owner of the offending vehicle. Aggrieved by that, the above appeal has been filed before this Court seeking for enhancement of compensation.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

5. The injuries sustained by the appellant – claimant have already been extracted supra. For the said injuries, the appellant – claimant had to undergo two surgeries and was taking treatment as an inpatient for nearly 16 days. The Medical Board had assessed the permanent disability at 38% under Ex.C.1. The Tribunal below



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adopted percentage method and fixed Rs.4,000/- per percentage.

Considering the fact that the accident had taken place in 2015, this Court is inclined to fix Rs.5,000/- per percentage and the compensation under the head 'disability' is arrived at Rs.5,000/- X 38 = Rs.1,90,000/-.

6. This Court is also inclined to enhance the compensation under the heads 'pain and suffering' to Rs.50,000/- and 'extra nourishment' to Rs.25,000/-. This Court is also inclined to fix the compensation under the head 'loss of amenities' at Rs.35,000/-. The Tribunal below fixed the notional monthly income of the appellant – claimant as Rs.5,500/- and granted the compensation under the head 'loss of income' for ten months as Rs.5,500/- X 10 = Rs.55,000/-. This Court is inclined to fix the notional monthly income to Rs.10,000/- per month for a period of 12 months. Hence, the compensation fixed under the head 'loss of income' would be Rs.1,20,000/-. The compensation given under the other heads is found to be just and reasonable.



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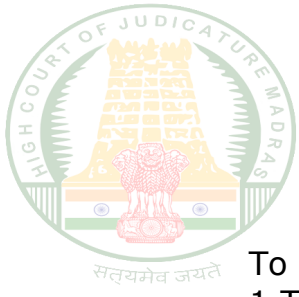
7. In the light of the above discussions, the above civil miscellaneous appeal is partly allowed and the award dated 10.11.2022 made in MCOP.No.1768 of 2015 on the file of the Tribunal below is modified in the following manner :

<i>S.No.</i>	<i>Head</i>	<i>Amount awarded by the Tribunal below</i>	<i>Amount awarded by this Court in this judgment</i>
1	<i>Disability</i>	<i>Rs.1,52,000/-</i>	<i>Rs.1,90,000/-</i>
2	<i>Loss of income</i>	<i>Rs. 55,000/-</i>	<i>Rs.1,20,000/-</i>
3	<i>Pain and Suffering</i>	<i>Rs. 40,000/-</i>	<i>Rs. 50,000/-</i>
4	<i>Medical expenses</i>	<i>Rs.1,71,560/-</i>	<i>Rs.1,71,560/-</i>
5	<i>Extra nourishment</i>	<i>Rs. 10,000/-</i>	<i>Rs. 25,000/-</i>
6	<i>Damage to clothing</i>	<i>Rs. 2,000/-</i>	<i>Rs. 2,000/-</i>
7	<i>Transportation expenses</i>	<i>Rs. 10,000/-</i>	<i>Rs. 10,000/-</i>
8	<i>Attendant charges</i>	<i>Rs. 40,000/-</i>	<i>Rs. 40,000/-</i>
9	<i>Loss of amenities</i>	<i>----</i>	<i>Rs. 35,000/-</i>
	<i>Total</i>	<i>Rs.4,80,560/-</i>	<i>Rs.6,43,560/-</i>

The above compensation of Rs.6,43,560/- is directed to be deposited by the second respondent – Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till the date of payment within four weeks from the date of receipt of a copy of this judgment. It is made clear that the finding with regard to pay and recovery is sustained. No costs.

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To

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

2.Reliance General Insurance Co. Ltd.,
No.6, 6th Floor Reliance House,
Haddows Road, Nungambakkam,
Chennai-600 006.

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