



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2143 of 2026

Mr.W.Doss

..Appellant

.VS.

1.Mr.D.Dhuruvasan

2.The Manager,
ICICI Lombard Motor Insurance Co., Ltd.,
2nd & 3rd, No.140, Nungambakkam High Road,
Chottabai Center,
Chennai – 600 034.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Award dated 22.04.2024 made in MCOP.No.132 of 2022, on the file of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Hosur.

For Appellants : Mr.S.Gokul

For Respondents : Mr.P.Suresh Srinivasan for R2

JUDGMENT

This appeal has been filed challenging the Award passed by the MACT, Principal Subordinate Judge, Hosur in MCOP No.132 of 2022 dated



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22.04.2024, wherein, the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 15.12.2021, the claimant was riding a two wheeler from Denkanikottai to Hosur and at about 9.00 p.m., when the two wheeler was proceeding near Mariyamman temple, the offending vehicle belonging to the 1st respondent which is also a two wheeler was driven in a rash and negligent manner. As a result of which, it dashed on the two wheeler driven by the claimant and the claimant fell down and sustained the following injuries:

- 1.Bleeding from Left Ear.
- 2.Abrasion 4 x 4 c.m. over right cheek
- 3.Abrasion 4 x 2 c.m. over fore head, Traumatic SAH and Bilateral Temporal Contusion – Hyponatremia

3.The claimant took treatment as an inpatient for seventeen days and it is under these circumstances, the claim petition came to be filed before the Tribunal.

4.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 offending vehicle. However, having rendered the said finding, the Tribunal deducted 20% towards contributory negligence on the ground that the claimant did not possess a valid driving licence was not wearing a helmet at the time of an accident.

5.The Tribunal having rendered the above finding, fixed the total compensation at Rs.5,32,516/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Partial loss of income for 4 months	36,000
Pain and Sufferings	35,000
Loss of Amenities and Enjoyment of life	35,000
Transport of Hospital	5,000
Extra Nourishment	10,000
Attender Charges	5,000
Medical Expenses	3,01,516
Compensation for continuing as permanent Disability (35% x 3000)	1,05,000
Total	5,32,516



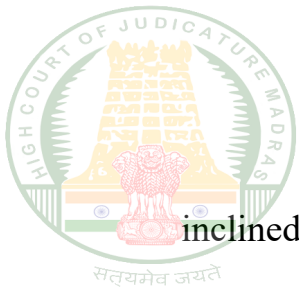
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6.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum by the 2nd respondent to the claimant.

7.Aggrieved by the same, the present appeal has been filed seeking for enhancement of compensation.

8.This Court has carefully considered the submissions made on either side and also the materials available on record and this Court has gone through the Award passed by the Tribunal.

9.The Medical Board had assessed the permanent disability at 35%. The claimant has undergone treatment for nearly seventeen days as an inpatient. The injuries sustained by the claimant had already been extracted *supra*. The Tribunal while calculating the compensation under the head of disability has adopted the percentage method and fixed Rs.3,000.- per percentage. This is clearly on the lower side. Considering the fact that the accident had taken place in the year 2021, this Court is inclined to fix Rs.10,000/- per percentage. Accordingly, the compensation under the head of disability is fixed at Rs.10,000/- x 35%= Rs.3,50,000/-. This Court is also



inclined to increase the compensation under the heads of Pain and Sufferings to Rs.50,000/-, Extra Nourishment to Rs.25,000/- and Attender Charges to Rs.15,000/-

10.Insofar as the loss of income is concerned, this Court is inclined to fix the same at Rs.50,000/- (Rs.10,000/- x 5 months). The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

11.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Partial loss of income	50,000
Pain and Sufferings	50,000
Loss of Amenities and Enjoyment of life	35,000
Transport of Hospital	5,000
Extra Nourishment	25,000
Attender Charges	15,000
Medical Expenses	3,01,516
Compensation for continuing as permanent Disability (35% x 10000)	3,50,000
Total	8,31,516



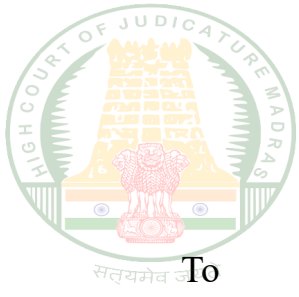
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12.The compensation awarded by the tribunal at Rs.5,32,516/- is enhanced to Rs.8,31,516/-. The second respondent/insurance company is directed to deposit the enhanced compensation amount of Rs.8,31,516/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.2,99,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 49 days as was ordered by this Court in C.M.P.No.32104 of 2025, dated 19.06.2026. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

13.This Civil Miscellaneous Appeal is Partly Allowed in the above terms. No Costs.

13.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To
The Motor Accident Claims Tribunal, Principal Subordinate Judge, Hosur.



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N. ANAND VENKATESH., J

SSR

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