



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.485 of 2026

M.Balaraman
S/o.Munusamy

..Appellant

Vs

1. S.Suresh
2. ICICI Lombard Gen.Ins.Co. Ltd.,
No. 84, Walltax Road,
Arihant Plaza, 1st Floor,
Park Town, Chennai – 600 003.

..Respondents

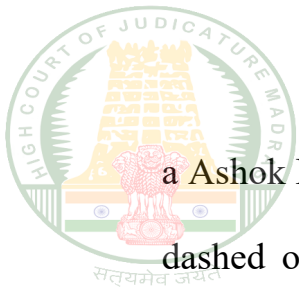
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.03.2025 passed in M.C.O.P.No.7261 of 2017 by the Motor Accident Claims Tribunal (III Judge, Court of Small Causes), Chennai.

For Appellant : Ms.N.Lavanya
for Mr.M.Pachaiyappan
For Respondents : Mr.P.Suresh Srinivasan [R2]

JUDGMENT

This appeal has been filed against the judgment dated 24.03.2025 passed in M.C.O.P.No.7261 of 2017 by the Motor Accident Claims Tribunal (III Judge, Court of Small Causes), Chennai, wherein the claimant is seeking enhancement of compensation.

2. The case of the claimant is that on 20.09.2017, the claimant was riding a two wheeler at Padappai Salai and at about 13.30 hours, the offending vehicle,

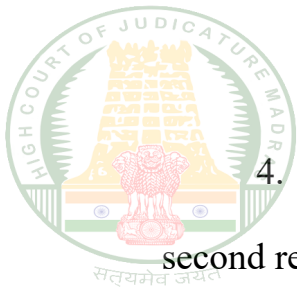


a Ashok Leyland Dost vehicle, was driven in a rash and negligent manner and it dashed on the two wheeler, as a result of which, the claimant sustained the following injuries: “RTA/Polytrauma/Open Fracture both bone left leg multiple facial bone fracture with mandible fracture”. The claimant underwent treatment as an inpatient for 17 days and one surgery was also performed. 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 materials before it, came to a conclusion that the accident had occurred only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal fixed total compensation of Rs.2,26,100/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	1,50,000/-
2.	Pain and sufferings	20,000/-
3.	Transportation	4,000/-
4.	Extra nourishment	10,000/-
5.	Attender charges	5,100/-
6.	Damage to clothes	1,000/-
7.	Loss of amenities	10,000/-
8.	Loss of earnings	26,000/-
	Total	2,26,100/-

The above compensation was directed to be paid with interest at 7.5% p.a. from the date of petition. Aggrieved by the same, the present appeal has been filed seeking enhancement of compensation.



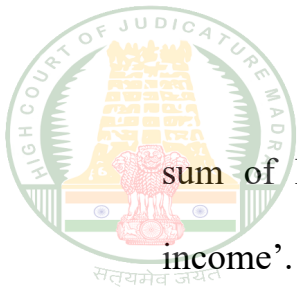
4. Heard learned counsel for appellant/claimant and learned counsel for second respondent/insurance company.

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5. In the case in hand, the accident had taken place in the year 2017. The Tribunal had taken into consideration the disability certificate [Ex.C1] issued by the Medical Board where the partial permanent disability had been assessed at 30%. The Tribunal had adopted percentage method and had fixed Rs.5,000/- per percentage, which is on the lower side and this Court is inclined to fix Rs.7,000/- per percentage of disability. Accordingly, the compensation payable under the head 'disability' would be Rs.2,10,000/- [7000 x 30].

6. Considering the injuries suffered, the treatment undergone and also the disability certificate issued by the Medical Board, this Court is inclined to enhance the compensation under the heads 'pain and suffering', 'extra nourishment' and 'attender charges' to Rs.50,000/-, Rs.25,000/- and Rs.20,000/- respectively.

7. Insofar as compensation under the head 'loss of income' is concerned, the Tribunal had fixed monthly income at Rs.13,000/- and fixed it for two months. This Court is inclined to increase the monthly income at Rs.15,000/- and considering the nature of injuries suffered by the claimant, he would have been out of action for at least 3 months and hence, this Court is inclined to fix a

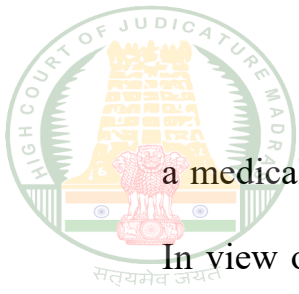


sum of Rs.45,000/- [15000 x 3] as compensation under the head 'loss of income'.

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8. The last issue pertains to the enhancement of the claim under the head 'medical expenses'. The claimant had marked Advance Receipts and In-patient bills [Exs.P7 and P8] in order to substantiate the expenses incurred towards treatment. Unfortunately, both these documents were photocopies and there was no explanation on the side of the claimant as to what had happened to the original bills. The claimant has not even stated that the original bills had been lost. The claimant has also examined PW-2, who is working in the hospital and this witness stated that the claimant made payment. Even this witness stated that the payment of bills could have been made through medical reimbursement. In view of the same, the Tribunal did not grant any compensation under this head.

9. The claimant was doing house keeping work in a private establishment. Even as per the case of the claimant, he was earning only a sum of Rs.15,000/- per month as salary. Therefore, it is unlikely that the claimant would have had any medical policy. Learned counsel, who represented the claimant, should have at least explained to the Court as to what had happened to the original bills and should have elicited an answer from the claimant. The same has not been done. The fact remains that the claimant has spent towards medical expenses. However, it is not clear as to whether the claimant settled the bills or there was



a medical reimbursement. PW-2 stated that it is claimant, who settled the bills.

In view of the above, this Court is not inclined to deprive the claimant of any compensation under the head 'medical expenses'. Therefore, this Court is inclined to award 50% of the total sum of Rs.3,36,314/- towards medical expenses.

10. The compensation fixed under the other heads is reasonable and does not require the interference of this Court.

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

<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	1,50,000/-	2,10,000/-
2.	Pain and sufferings	20,000/-	50,000/-
3.	Transportation	4,000/-	4,000/-
4.	Extra nourishment	10,000/-	25,000/-
5.	Attender charges	5,100/-	20,000/-
6.	Damage to clothes	1,000/-	1,000/-
7.	Loss of amenities	10,000/-	10,000/-
8.	Loss of earnings	26,000/-	45,000/-
9.	Medical expenses	-	1,68,157/-
	Total	2,26,100/-	5,33,157/-



N.ANAND VENKATESH, J.
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12. The compensation awarded by the Tribunal at Rs.2,26,100/- is enhanced to Rs.5,33,157/-. 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 six (6) weeks from the date of receipt of this judgment. On such deposit, the appellant/claimant is entitled to withdraw the same on due application. 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.

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

10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Motor Accident Claims Tribunal
(III Judge, Court of Small Causes),
Chennai.

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