



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2703 of 2022

Parthiban
S/O. Subbaiah

..Appellant(s)

Vs

1. Manogar
S/O Muniappan

2. The Divisional Manager
The New India Assurance Company Ltd, CSI
Building , 2nd Floor, No.1, Officers Lane Near
Ooris College, Vellore - 01

..Respondent(s)

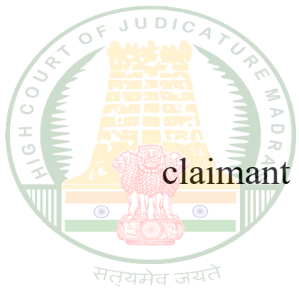
Civil Miscellaneous appeal filed under Section 173 of the Motor Vehicles Act, 1988 to enhance and to set aside the award dated 22.01.2018 and made in MACT OP No.1549/2017 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai.

For Appellant(s): Ms.N.Lavanya
for Mrs. M.Malar

For Respondent(s): M/s.S.R. Sumathy
For R2
R-1 Exparte

Judgment

This Civil Miscellaneous Appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai in MACT OP No.1549/2017 dated 22.01.2018, wherein the



claimant is seeking for enhancement of compensation fixed by the Tribunal.

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2. The case of the claimant is that on 07.11.2013, he was riding a two wheeler along with a pillion rider on the Thiruvannamalai to Villupuram main road. At about 5.10 pm, near Sri Lakshmi Narayanan Timber, the offending vehicle, which was also a two wheeler, was coming in the same direction, dashed against the two wheeler driven by the claimant. As a result of which, the claimant was thrown away from the vehicle and he sustained fracture of both bones in his right leg. The claimant underwent treatment as an inpatient for 32 days and also undergone one surgery. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for compensation.

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 such a finding, the Tribunal proceeded to fix the total compensation at Rs.1,31,130/- under various heads as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability (10%)	Rs.30,000/-
2.	Pain and sufferings	Rs.15,000/-



3.	Medical expenses	Rs.53,730/-
4.	Transportation expenses	Rs.14,400/-
5.	Extra Nourishment	Rs. 3,000/-
6.	Loss of earning during the treatment period	Rs. 15,000/-
	Total	Rs. 1,31,130/-

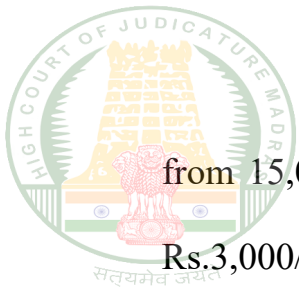
5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimant has filed this Appeal seeking for enhancement of compensation.

6. Heard Ms.N.Lavanya, learned counsel for appellant/claimant and M/s.S.R.Sumathy, learned counsel for 2nd respondent.

7. This Court carefully considered the submissions made on either side and the materials available on record.

8. This Court also carefully went through the award passed by the Tribunal.

9. In the case in hand, the Medical Board has assessed the disability at 10%. Considering the fact that the claimant underwent treatment as an inpatient for 32 days and had also undergone one surgery, this Court is inclined to enhance the compensation awarded under the head of Pain and sufferings



from 15,000/- to Rs.40,000/- and under the head of Extra Nourishment from Rs.3,000/- to Rs.25,000/-.

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10. Insofar as the loss of earnings during the treatment period is concerned, the Tribunal had fixed only a sum of Rs.5,000/- per month and this Court is inclined to enhance the same to Rs.8,500/- per month for a period of three months. Accordingly, the compensation under this head is calculated as follows:-

$$\text{Loss of Income} = \text{Rs.8,500} \times 3 \text{ months} = \text{Rs.25,500/-}$$

11. The compensation that has been fixed by the Tribunal under the other heads is just and reasonable and does not warrant the interference of this Court.

12. 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 (10%)	Rs.30,000/-	Rs.30,000/-
2.	Pain and sufferings	Rs.15,000/-	Rs.40,000/-
3.	Medical expenses	Rs.53,730/-	Rs.53,730/-



4.	Transportation expenses	Rs.14,400/-	Rs.14,400/-
5.	Extra Nourishment	Rs. 3,000/-	Rs.25,000/-
6.	Loss of earning during the treatment period	Rs. 15,000/-	Rs.25,500/-
	Total	Rs. 1,31,130/-	Rs.1,88,630/-

13. The compensation awarded by the Tribunal at Rs.1,31,130/- is enhanced to Rs.1,88,630/-. The 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. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

14. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

13-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKA
To
The Motor Accident Claims Tribunal, Special Sub Court, Tiruvannamalai.



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CMA No. 2703 of 2



N.ANAND VENKATESH J.

RKA

CMA No. 2703 of 2022

13-07-2026