

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1080 of 2025

V.Srinivasan
S/o. D.Vedachalam

..Appellant(s)

Vs

1. The Commissioner Of Police
Greater Chennai, Vepery, Chennai.

2.The Director General of Police
No. A/85, Police Quarters,
Dr.Radhalkrishnan Salai,
Chennai - 600 004.

..Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation awarded in Judgment dt.10.12.2024 made in M.C.O.P. No.5004 of 2017 on the file of the Motor Accidents Claims Tribunal / III Small Causes Court at Chennai.

For Appellant(s): Mr.J.Ram

For Respondent(s): Mr.B.Karthikeyan
Government Advocate



JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal/ III Small Causes Court at Chennai in M.C.O.P. No.5004 of 2017 dated 10.12.2024, wherein the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 05.05.2006, the claimant was riding his two wheeler and at about 10.45 a.m., when the two wheeler was near Bharathi Nagar Bus Stand, the offending vehicle which is a Police Jeep was driven in a rash and negligent manner and it hit the two wheeler as a result of which, the claimant was thrown out of the vehicle and he suffered “Diffuse Axonal Injury and Fuc of severe head injury with residual spastic paraparesis”. The claimant underwent treatment as an inpatient for nearly 46 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 the evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on part of the driver of the police Jeep. Having rendered such a finding, the Tribunal fixed the total compensation at Rs. 5,52,200/- under various heads are as follows:

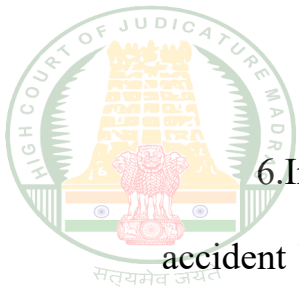


Sl.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	1,50,000/-
2.	Pain and Sufferings	10,000/-
3.	Transportation	4,000/-
4.	Medical Expenses	3,46,001/-
5.	Extra Nourishment	10,000/-
6.	Attender Charges	9,200/-
7.	Damages of Clothes	1,000/-
8.	Loss of Amenities	10,000/-
9.	Loss of Earnings	12,000/-
	Total Compensation is fixed at :	5,52,201/-
	Rounded off	5,52,200/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.

4. Heard the learned counsel for the appellant and the learned counsel for the respondents.

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



6. In the considered view of this Court, considering the fact that the accident had taken place in the year 2006 and also taking note of the fact that the claimant was not able to prove any functional disability, the Tribunal has correctly applied the percentage method and it does not warrant the interference of this Court.

7. The claimant in this case has suffered serious head injuries and he took treatment in a Private Hospital for nearly 46 days. Hence, this Court is inclined to enhance the compensation under the heads 'Pain and Sufferings' to Rs.1,50,000/-, 'Extra Nourishment' is enhanced to Rs.50,000/-, "Attender Charges' to Rs.50,000/-, 'Transportation Charges' to Rs.20,000 and 'Loss of Amenities' is enhanced to Rs.50,000/-. This Court is also inclined to increase the compensation under the head of 'loss of income' at 45,000/- (Rs.7,500/-x 6 months). The compensation under the others heads are reasonable and it does not require the interference of this Court.

8. In the light of the above discussion, the compensation fixed by the Tribunal is modified in the following manner:



Sl. No.	Compensation awarded under the head	Amount awarded by the Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1.	Disability	1,50,000/-	1,50,000/-
2.	Pain and Sufferings	10,000/-	1,50,000/-
3.	Transportation	4,000/-	20,000/-
4.	Medical Expenses	3,46,001/-	3,46,001/-
5.	Extra Nourishment	10,000/-	50,000/-
6.	Attender Charges	9,200/-	50,000/-
7.	Damages of Clothes	1,000/-	1,000/-
8.	Loss of Amenities	10,000/-	50,000/-
9.	Loss of Earnings	12,000/-	45,000/-
	Total Compensation is fixed at :	5,52,201/-	8,62,001/-
	Rounded off	5,52,200/-	8,62,000/-

9.The compensation awarded by the Tribunal at Rs.5,52,200/- is enhanced to Rs.8,62,000/-. The 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 a copy of this judgment. 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.



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

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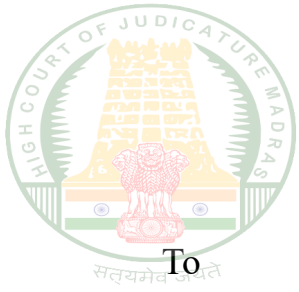
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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N.ANAND VENKATESH J.

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