



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1106 of 2025

B.Arumugam

S/o. Balakrishnan, No.4/13, 4th Street,
K.K. Nagar, Pazhavanthangal, Alandur,
Chennai - 114.

..Appellant(s)

.Vs.

1. Paul Christoper

S/o. Masilamani

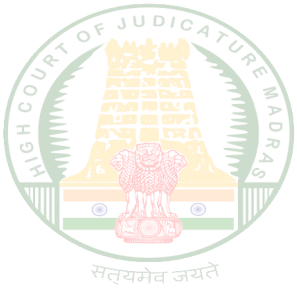
2.Reliance General Insurance Company
Limited

No.6, Reliance House, 6th Floor,
Hattows Road, Nungambakkam,
Chennai - 006, Now having office at
No.10/11, Vth Floor Citi Centrre,
Radha Krishnanan Salai, Mylapore,
Chennai – 600 004.

..Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this CMA by enhancing the compensation awarded in the Judgment and decree, dated 26.11.2024 passed in MCOP No.3949 of 2021, on the file of the Motor Accident Claims Tribunal (In the II Special Court of Small causes, at Chennai).



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For Appellant(s) Mr.S.Suriyaprakash

For Respondent(s): Mrs.R.Sreevidhya for R2

JUDGMENT

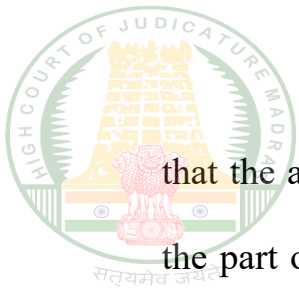
This appeal has been filed against the award passed by the Motor Accident Claims Tribunal (II Special Court of Small causes, at Chennai) in MCOP No.3949 of 2021, dated 26.11.2024, wherein the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 04.08.2021, he was riding a cycle at GST Road, at about 10.45 p.m., the offending vehicle which was a two wheeler was driven in a rash and negligent manner and it dashed on the cycle, as a result of which, the claimant sustained the following injuries:

Fracture base of neck of left femur, Fracture left leg knee (tibia), Fracture right scapule, Fractures 4th to 9th ribs, Displacement of 5th to 8th ribs and Fracture in the angles of 4th to 7th ribs.

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 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 two wheeler. Having rendered such a finding, the

Tribunal proceeded to fix the total compensation at Rs.1,65,000/- under the following heads:

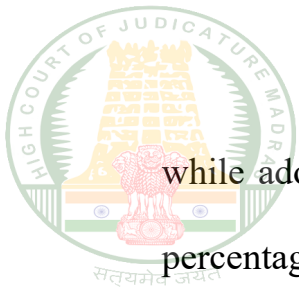
<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Transportation Charges	10,000/-
2.	Extra Nourishment Expenses	10,000/-
3.	Attender Charges	10,000/-
4.	Disability	75,000/-
5.	Loss of income	45,000/-
6.	Pain and Sufferings	15,000/-
	Total :	1,65,000/-

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 2nd respondent/Insurance Company.

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 case in hand, the accident had taken place in the year 2021. The Medical Board had assessed the disability at 15% under Ex.C.1. The Tribunal



while adopting the percentage method had fixed only a sum of Rs.5,000/- per percentage, this is certainly on the lower side. Hence, this Court is inclined to increase a sum of Rs.10,000/- per percentage. Accordingly, the compensation under the head of 'disability' is fixed at Rs.1,50,000/- [Rs.10,000 x 15].

7.In the case in hand, the claimant was taking treatment as an inpatient for nearly 9 days and also underwent an operation. Accordingly, the compensation under the heads 'Pain and sufferings' is enhanced to Rs.50,000/- 'Extra Nourishment' is enhanced to Rs.20,000/-.

8.Insofar as the compensation fixed under the head of 'loss of income' is concerned, the Tribunal has fixed the monthly income at Rs.15,000/- and granted compensation for three months. Considering the nature of injury sustained by the claimant, this Court is inclined to grant compensation for six months and accordingly, the compensation under the head 'loss of income' is enhanced to Rs.90,000 [Rs.15,000/-x 6].

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

10.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.	Transportation Charges	10,000/-	10,000/-
2.	Extra Nourishment Expenses	10,000/-	20,000/-
3.	Attender Charges	10,000/-	10,000/-
4.	Disability	75,000/-	1,50,000/-
5.	Loss of income	45,000/-	90,000/-
6.	Pain and Sufferings	15,000/-	50,000/-
	Total :	1,65,000/-	3,30,000/-

11.The compensation awarded by the Tribunal at Rs.1,65,000/- is enhanced to Rs.3,30,000/-. The 2nd 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 four (4) 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.

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

09-07-2026

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No
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N.ANAND VENKATESH J.

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To

The Motor Accident Claims Tribunal
(in the II Special Court of Small causes, at Chennai).

CMA No. 1106 of 2025

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