



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.3028 of 2025

S.Manivannan

S/o.Subramaniyan

..Appellant

Vs

1. P.G.Elavarasi
C/o.N.T.Arasu Logistics Salt Cotaurs,
Basin Bridge, Chennai -112.
2. D.Esakkimuthu,
S/o.Duraipazham
3. The New India Assurance Co. Ltd.,
No.45, Moore Street, 5th Floor,
Chennai -1.

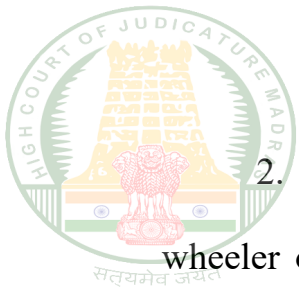
..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor Accident Claims Tribunal (V Court of Small Causes), Chennai in MACTOP.No.5366 of 2018 dated 15-04-2024.

For Appellant : Mr.A.G.Rajan
For Respondents : Ms.C.Bhuvana Sundari [R3]
No appearance [R2]

JUDGMENT

This appeal has been filed challenging the award passed by the Motor Accident Claims Tribunal, V Court of Small Causes, Chennai in MACTOP.No.5366 of 2018 dated 15-04-2024, wherein the claimant is seeking enhancement of compensation.



2. The case of the claimant is that on 14.05.2018, he was riding a two wheeler on the Sengundram to Thiruvallur road and at about 09.30 a.m., the offending vehicle, a mini lorry, was driven in a rash and negligent manner and dashed against the two wheeler, as a result of which, the claimant was thrown out of the vehicle and he sustained the following injury: Compound Grade III B comminuted both bone fracture right leg and distal third deep laceration right thigh. The claimant underwent treatment as an inpatient from 14.05.2018 to 29.05.2018 and a surgery was also performed. A First Information Report came to be registered in Crime No.182 of 2018. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking 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 due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	75,000/-
2.	Medical expenses	47,705/-
3.	Loss of income	-
4.	Pain and suffering	25,000/-

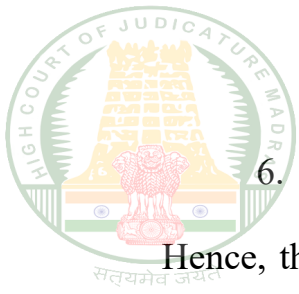


<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
5.	Mental agony	25,000/-
6.	Transportation expenses	5,000/-
7.	Nutrition expenses	20,000/-
8.	Damages to clothes	1,000/-
9.	Attender charges	8,000/-
10.	Loss of amenities	40,000/-
	Total	2,46,705/-
	Rounded off to	2,46,800/-

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

4. Heard learned counsel appearing for appellant and learned counsel appearing for third respondent. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

5. The main ground urged on the side of the appellant is that the Medical Board has assessed the permanent disability at 15% and the Tribunal, while adopting the percentage method, has granted Rs.5,000/- per percentage. The further ground is that the compensation awarded under the other heads is on the lower side and it requires enhancement.

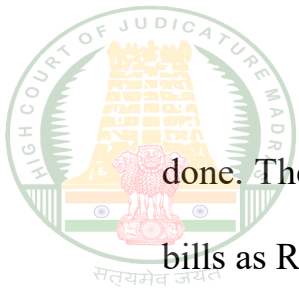


6. In the case in hand, the accident had taken place in the year 2018.

Hence, this Court is inclined to fix Rs.7,000/- per percentage of disability and accordingly, the compensation under the head disability is fixed at Rs.1,05,000/- [7000 * 15].

7. The next ground pertains to compensation granted under the head 'medical expenses'. It is submitted that Discharge Summary [Ex.P5] was marked to explain the nature of injury sustained by the claimant and the treatment undergone and Ex.P6 was marked containing the medical bills. The total medical bills works out to a sum of Rs.3,64,665/- out of which the claimant received reimbursement under the mediclaim to the tune of Rs.2,25,000/-. However, the Tribunal has fixed only a sum of Rs.47,705/- under this head.

8. This Court carefully went through Ex.P6 series. The total bills available are to the tune of Rs.3,64,665/-. After deducting reimbursement of Rs.2,25,000/- through mediclaim, the claimant will be entitled for the balance amount of Rs.1,39,665/-. The Tribunal has granted only a sum of Rs.47,705/- without any discussion. If the Tribunal is not inclined to take into consideration certain bills, the Tribunal ought to have assigned reasons and stated as to what are all the bills rejected by the Tribunal and the bills that are accepted for the purpose of ascertaining the actual medical expenses. This exercise has not been



done. Therefore, this Court is inclined to fix the compensation towards medical bills as Rs.1,39,665/-.

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9. This Court finds that the Tribunal has granted compensation of Rs.25,000/- under the head mental agony. The compensation fixed by the Tribunal under this head is unsustainable and the same is hereby deleted. The compensation fixed under the other heads are just and reasonable and it does not require the interference of this Court.

10. 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	75,000/-	1,05,000/-
2.	Medical expenses	47,705/-	1,39,665/-
3.	Loss of income	-	-
4.	Pain and suffering	25,000/-	25,000/-
5.	Mental agony	25,000/-	-
6.	Transportation expenses	5,000/-	5,000/-
7.	Nutrition expenses	20,000/-	20,000/-
8.	Damages to clothes	1,000/-	1,000/-
9.	Attender charges	8,000/-	8,000/-
10.	Loss of amenities	40,000/-	40,000/-
	Total	2,46,705/-	3,43,665/-
	Rounded off to	2,46,800/-	-

**N.ANAND VENKATESH, J.**

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11. The compensation awarded by the Tribunal at Rs.2,46,800/- is enhanced to Rs.3,43,665/-. The third respondent 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 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/claimant. 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.

24-07-2026

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

Civil Miscellaneous Appeal No.3028 of 2025