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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1948 of 2026

Rani (53 years)
W/o.Ammasi

..Appellant

.Vs.

1.Chitra Aquas

2.The Branch Manager

Royal Sundaram General Insurance Co., Ltd.,
186/5, royal Towers, 3rd Floor
New Bus Stand Road, Meyyanur
Salem-636004.

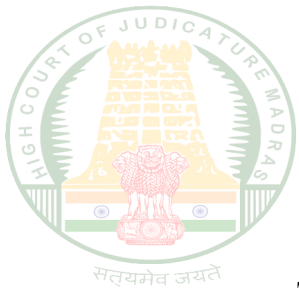
..Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 08.09.2023 in M.C.O.P.No.1225 of 2020, on the file of the Motor Accident Claims Tribunal, Principal Subordinate Judge, Krishnagiri.

For Appellant : Mr.S.P.Yuvaraj

For Respondents : Mr.S.Srinivasan for R2

No appearance for R1



JUDGMENT

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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Principal Subordinate Judge, Krishnagiri, in MCOP No.1225 of 2020 dated 08.09.2023, wherein the claimant is seeking for enhancement of compensation.

2.Heard the learned counsel for appellant and learned counsel for R2 (Insurance Company).

3.The case of the claimant is that on 12.10.2020, when the claimant was travelling in a two wheeler as a pillion rider and the two wheeler was proceeding towards Kaveripattinam, at about 08.15 a.m., the offending vehicle which was a Mahindra Maxi Truck plus hit the two wheeler, as a result of which the claimant was thrown out of the vehicle and she sustained multiple injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4. 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. Having rendered such a



finding, the Tribunal had proceeded to fix the compensation at Rs.4,28,266/-

under various heads as follows:

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Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	For Partial Permanent Disability (40 x 5000)	2,00,000/-
2.	Pain and sufferings	30,000/-
3.	For Loss of amenities	20,000/-
4.	Extra Nourishment	12,000/-
5.	Attender Charges	8,000/-
6.	For Transport to Hospital	10,000/-
7.	Medical Expenses (Ex.P.7)	1,08,266/-
8.	For Temporary loss of income (4 x 10,000)	40,000/-
9.	Future Medical Expenses	-
	Total :	4,28,266/-

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.

5.The main ground that was urged by the learned counsel for the appellant is that the Tribunal has fixed only a sum of Rs.5,000/- per percentage for an accident that took place in the year 2020 and the same requires enhancement. The learned counsel also questioned the compensation fixed under the other heads on the ground that it is on the lower side.



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6.Per contra, the learned counsel for the Insurance Company submitted that the Tribunal has fixed a just and fair compensation under all the heads and it does not require the interference of this Court.

7.The petitioner was aged about 53 years at the time of the accident. Due to the accident, the petitioner sustained injuries of laceration of forehead which extended to scalp, abrasion over right hand and forearm and abrasion over right wrist. Consequently, the Medical Board assessed the disability at 40%.

8.The Tribunal on considering the nature of injury sustained and also disability certificate issued by the Medical Board, came to the conclusion that the claimant did not suffer any functional disability. Therefore, the Tribunal has applied percentage method instead of multiplier method and fixed the compensation only at Rs.5,000/- per percentage.

9. Having rendered the above finding, this Court finds that the accident in this case had taken place in the year 2020 and whereas the Tribunal had



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only fixed Rs.5,000/- per percentage which is on the lower side. Hence, this Court is inclined to increase a sum of Rs.10,000/- per percentage and thereby the compensation under the head of 'disability' is enhanced to (Rs.10,000/-x 40) Rs.4,00,000/-. This Court is also inclined to enhance the compensation under the head of 'extra nourishment' Rs.25,000/- and 'attender charges' Rs.10,000/-. Insofar the other heads are concerned, it remains unaltered.

10. In the light of the above discussion, the compensation is enhanced and fixed as follows.

Sl. No.	Compensation awarded under the head	Amount awarded by the Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1.	For Partial Permanent Disability (40 x 5000)	2,00,000/-	4,00,000/- (40x10,000)
2.	Pain and sufferings	30,000/-	30,000/-
3.	For Loss of amenities	20,000/-	20,000/-
4.	Extra Nourishment	12,000/-	25,000/-
5.	Attender Charges	8,000/-	10,000/-
6.	For Transport to Hospital	10,000/-	10,000/-
7.	Medical Expenses (Ex.P.7)	1,08,266/-	1,08,266/-
8.	For Temporary loss of income (4 x 10,000)	40,000/-	40,000/-
9.	Future Medical Expenses	Nil	-
	Total :	4,28,266/-	6,43,266/-



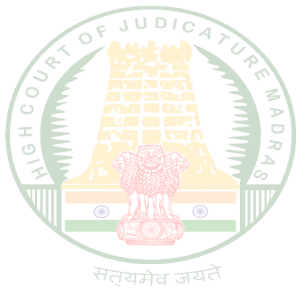
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11. The compensation awarded by the Tribunal at Rs.4,28,266/- is enhanced to Rs.6,41,266/- The respondent Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a., from the date of claim petition till the date of deposit within a period of four (4) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.2,15,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 479 days as was ordered by this Court in CMP.No.26508 of 2025 in C.M.A.SR.No.57237 of 2025 dated 08.06.2026. 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.

30.06.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To

The Motor Accident Claims Tribunal,
Principal Subordinate Judge, Krishnagiri.



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N. ANAND VENKATESH., J

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