



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1583 of 2024

Madesh

S/o. Manickam, D.No.9/36, Mariappa Gounder
Street, Palakodu Towna dn Taluk, Dharmapuri 636
808.

..Appellant(s)

Vs

1. Thimmarayan

S/o. Gopaliappa, Masinahalli Road, Athipalli,
Anekkal Taluk, Bangalore 562 107.

2. The Branch Manager

ICICI Lombard Insurance Co.Ltd.,
Swarnambika Plaza, Door No.6/5, Block No.7,
Ward C, Omalur Main Road, Salem.

..Respondent(s)

CMA No. 1583 of 2024

To against the award passed by learned Motor Vehicle Accident
Claims Tribunal cum Chief Judicial magistrate at Dharmapuri in
MCOP.857/2018 dated 11-08-2022 in so far as the same denied the claim of
compensation to the extend of Rs.10,00,000/-

CMA No. 1583 of 2024

For Appellant(s):

M/s.Thanga Vadhana Balakrishnan
V. Ranjayani

For Respondent(s):

M/s. Micheal Visuvasam For R2
R1 - Dispensed With Vide C/o Dt: 09.07.2024
Pvt Notice

Aos Not Filed



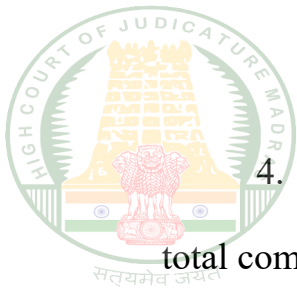
Judgment

WEB COPY

This Civil Miscellaneous Appeal has been filed by the claimant challenging the award passed by the Motor Vehicle Accident Claims Tribunal cum Chief Judicial Magistrate at Dharmapuri in MCOP No.857 of 2018 dated 11.08.2022 wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.

2. The case of the claimant is that on 17.03.2014, the claimant along with two others was travelling in a Tata Ace vehicle carrying vegetables and at about 3.00 p.m, when the vehicle was moving from Hosur – Rayakottai, the driver drove the vehicle in a rash and negligent manner. As a result of which, the left front tyre burst and the vehicle capsized and the claimant sustained grievous injuries. 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 vehicle.



4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.4,58,507/- under various heads as follows :-

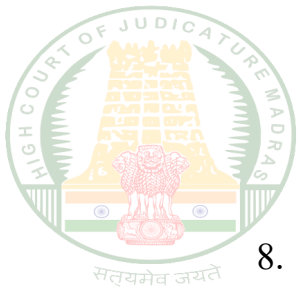
WEB COPY

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Future Loss of income (8000x12x14x25%)	Rs.3,36,000/-
2.	Pain and sufferings	Rs. 30,000/-
3.	Transportation charges	Rs. 15,000/-
4.	Nutrition charges	Rs. 10,000/-
5.	Loss of Amenities	Rs. 5,000/-
6.	Medical Expenses	Rs.62,207/-
	Total	Rs.4,58,207/-

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 M/s.Thanga Vadhana Balakrishnan, learned counsel for appellant/claimant and Mr.J.Michael Visuvasam, learned counsel for the 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. The accident had taken place in the year 2014. While applying the multiplier method, the Tribunal fixed the notional monthly income of the claimant as Rs.8,000/- per month, which is on the lower side. This Court is inclined to fix a sum of Rs.10,000/- as notional monthly income. Accordingly, the compensation under the head of future loss of income is calculated as follows :-

$$\begin{aligned}\text{Future loss of income} &= (10,000 \times 12 \times 14 \times 25\%) \\ &= \text{Rs.4,20,000/-}\end{aligned}$$

10. The Tribunal has not awarded any compensation under the head of Attender charges and this Court is inclined to fix a sum of Rs.10,000/- towards attender charges.

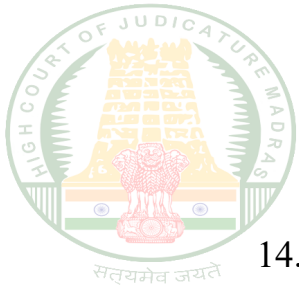
11. The compensation fixed under the other heads are just and proper and it does not require the interference of this Court.

12. In the light of the above discussion, this Court modifies the compensation in the following manner:



Sl.No.	Compensation awarded under the head	Amount by the Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1.	Future Loss of income (8000x12x14x25%)	Rs. 3,36,000/-	Rs. 4,20,000/-
2.	Pain and sufferings	Rs. 30,000/-	Rs. 30,000/-
3.	Transportation charges	Rs. 15,000/-	Rs. 15,000/-
4.	Nutrition charges	Rs. 10,000/-	Rs. 10,000/-
5.	Loss of Amenities	Rs. 5,000/-	Rs. 5,000/-
6.	Medical Expenses	Rs. 62,207/-	Rs. 62,207/-
7.	Attender charges		Rs. 10,000/-
	Total	Rs.4,58,207/-	Rs. 5,52,207/-

13. The compensation awarded by the Tribunal at Rs.4,58,207/- is enhanced to Rs.5,52,207/-. 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 of Rs. 94,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 161 days as was ordered by this Court in C.M.P.No.12704 of 2023, dated 04.06.2024. 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.



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

01-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

Motor Vehicle Accident Claims Tribunal cum Chief Judicial Magistrate at

Dharmapuri



WEB COPY

CMA No. 1583 of 2



N.ANAND VENKATESH J.

RKA

CMA No. 1583 of 2024

01-07-2026