



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2105 of 2026

Subashini
D/o.Murugan

..Appellant

Vs

1. Payani
S/o.Govindaiah
2. The New India Assurance Co. Ltd.,
Third Party Cell Office,
No.45, 4th Floor,
Moore Street,
Parrys, Chennai 600 001.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 18.08.2025 passed in MCOP No.8075 of 2012, on the file of the Motor Accident Claims Tribunal, (II Court of Small Causes), Chennai.

For Appellant : Mr.K.Balaji

For Respondents : *Ex parte* [R1]
Ms.A.Salomi [R2]



JUDGMENT

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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, (II Court of Small Causes), Chennai, in MCOP No.8075 of 2012 dated 18.08.2025 wherein the claimant is seeking enhancement of compensation.

2. The case of the claimant is that on 17.07.2011, the claimant and another person were standing in front of an electrical sub station near C.W.C. Godown, Renigunta – Kodur main road and at that point of time, the vehicle belonging to the first respondent was driven in a rash and negligent manner and dashed against the claimant as a result of which the claimant suffered burst fracture L2, pubic rami fracture, sacral ala fracture and laceration over the left knee. The claimant underwent treatment as an inpatient for nearly 66 days in three spells. 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 materials before it, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the offending vehicle. Having rendered the above finding, the Tribunal fixed total



compensation of Rs.2,41,890/- under the following heads:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	9,000/-
2.	Pain and suffering	10,000/-
3.	Transportation	4,000/-
4.	Medical expenses	1,71,690/-
5.	Extra nourishment	10,000/-
6.	Attender charges	13,200/-
7.	Damages to clothes	1,000/-
8.	Loss of amenities	5,000/-
9.	Loss of earnings	18,000/-
	Total	2,41,890/-

The above compensation was directed to be paid along with interest at 7.5% p.a. from the date of petition. Aggrieved by the same, the present appeal has been filed seeking enhancement of compensation.

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

5. In the case in hand, the injuries suffered by the claimant has already been extracted supra. The claimant underwent treatment as an inpatient for nearly 66 days in three spells. Initially, the disability certificate was issued by

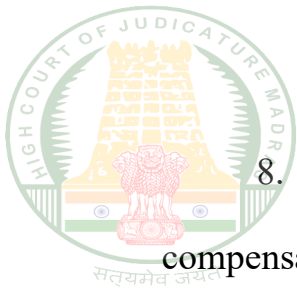


the Government Stanley Medical College Hospital by fixing the permanent disability at 3%. Thereafter, the claimant was assessed by the Medical Board of

the Government Stanley Medical College Hospital once again and 22% permanent disability was assessed. The Tribunal had taken into account only 3% as permanent disability and granted compensation by adopting percentage method by fixing Rs.3,000/- per percentage.

6. In the considered view of this Court, this Court can safely fix Rs.4,000/- per percentage for the entire 22% disability. Accordingly, the compensation for permanent disability would be Rs.88,000/- [4000 x 22]. This Court is also inclined to enhance the compensation awarded under the heads 'pain and suffering', 'transportation', 'extra nourishment', 'attender charges' and 'loss of amenities' to Rs.75,000/-, Rs.15,000/-, Rs.50,000/-, Rs.35,000/- and Rs.15,000/- respectively. Insofar as loss of earning is concerned, considering the age of the claimant and duration of treatment undergone by the claimant, this Court is inclined to grant a sum of Rs.81,000/- [9000 x 9] under the head 'loss of earnings'.

7. The compensation awarded under the other heads is just and reasonable and does not require the interference of this Court.



8. 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	9,000/-	88,000/-
2.	Pain and suffering	10,000/-	75,000/-
3.	Transportation	4,000/-	15,000/-
4.	Medical expenses	1,71,690/-	1,71,690/-
5.	Extra nourishment	10,000/-	50,000/-
6.	Attender charges	13,200/-	35,000/-
7.	Damages to clothes	1,000/-	1,000/-
8.	Loss of amenities	5,000/-	15,000/-
9.	Loss of earnings	18,000/-	81,000/-
	Total	2,41,890/-	5,31,690/-

9. The compensation awarded by the Tribunal at Rs.2,41,890/- is enhanced to Rs.5,31,690/-. The second 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 this judgment. On such deposit, the appellant/claimant is entitled to withdraw the same on due application. Insofar as the enhanced compensation of Rs.2,89,800/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 167 days in preferring the appeal. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall



N.ANAND VENKATESH, J.

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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.

20-07-2026

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

Civil Miscellaneous Appeal No.2105 of 2026