



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2243 of 2026

A.Rajagopal
S/o.Subramanyam

..Appellant

Vs

1. K.Loganathan
S/o.Kuppusamy
2. United India Insurance Company Limited,
MTPCO No.134, Sillingi Building,
Grems Road,
Chennai - 600 006.

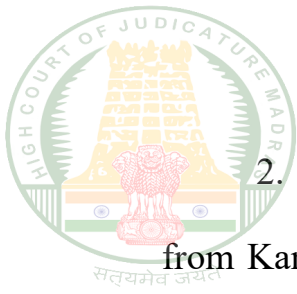
..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 18.07.2024 passed in MCOP No.2938 of 2012 on the file of the Motor Accident Claims Tribunal, (V Court of Small Causes), Chennai.

For Appellant : Mr.K.Balaji
For Respondents : *Ex parte* [R1]
Mr.K.Swaminathan [R2]

JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, V Court of Small Causes, Chennai, passed in M.C.O.P.No.2938 of 2012 dated 18.07.2024, wherein the claimant is seeking enhancement of compensation.



2. The case of the claimant is that on 07.06.2012, he was driving a car from Kancheepuram to Arakkonam and at about 12.30 hours, near poipakkam bridge, the offending vehicle, a lorry, coming in the opposite direction, was driven in a rash and negligent manner and dashed against the car, as a result of which, the claimant suffered right leg both bone fracture, comminuted fracture, femur middle third right, fracture fibula middle third fracture patella undisplaced with 3rd, 4th, 5th, 6th ribs left, right indicating finger fracture and right leg foot fracture and multiple grievous injuries all over the body. The claimant underwent treatment as an inpatient for 11 days and one surgery was also performed. 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 due to the rash and negligent driving on the part of the rider 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.	Part disability	39,000/-
2.	Pain and suffering	25,000/-
3.	Loss of income	16,000/-



<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
4.	Medical expenses	-
5.	Attendant charges	3,300/-
6.	Transportation	3,000/-
7.	Loss of amenities	5,000/-
8.	Extra nourishment	5,000/-
	Total	96,300/-

The above compensation was directed to be paid along with interest at 7.5% p.a. Aggrieved by the same, the present appeal has been filed before this Court by the claimant 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 nature of injury suffered by the claimant has already been extracted supra. The Medical Board has assessed permanent disability at 13% and this disability touches upon the locomotor movements. Considering the same, this Court is inclined to enhance the compensation under the heads pain and suffering, attender charges, transport charges, loss of amenities and extra nourishment to Rs.30,000/-, Rs.15,000/-, Rs.7,500/-, Rs.20,000/- and Rs.15,000/- respectively.



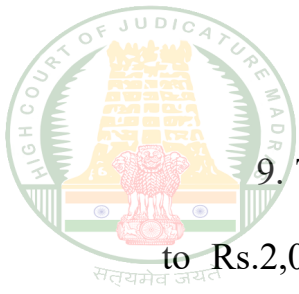
6. The Tribunal has fixed loss of income only for two months.

Considering the nature of injury sustained by the claimant and taking into consideration the fact that the claimant was a driver, he would not have been in a position to go for work for at least 10 months. Hence, this Court is inclined to fix a sum of Rs.80,000/- [8000 x 10] towards loss of income.

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.	Part disability	39,000/-	39,000/-
2.	Pain and suffering	25,000/-	30,000/-
3.	Loss of income	16,000/-	80,000/-
4.	Medical expenses	-	-
5.	Attendant charges	3,300/-	15,000/-
6.	Transportation	3,000/-	7,500/-
7.	Loss of amenities	5,000/-	20,000/-
8.	Extra nourishment	5,000/-	15,000/-
	Total	96,300/-	2,06,500/-



9. The compensation awarded by the Tribunal at Rs.96,300/- is enhanced to Rs.2,06,500/-. 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 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 of Rs.1,10,200/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 159 days as was ordered by this Court in C.M.P.No.14082 of 2026 in C.M.A.Sr.No.86909 of 2026 dated 23.06.2026. 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.

22-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

To
The Motor Accident Claims Tribunal,
V Court of Small Causes, Chennai.



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CMA No.2243 of 2



N.ANAND VENKATESH, J.

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Civil Miscellaneous Appeal No.2243 of 2026

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