



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2493 of 2026

Manimozhi
D/o.Senkottaian

..Appellant

Vs

1. Sowanthirarajan
S/o.Irusapakthur
2. T.Premkumar
S/o.Thangaraj
3. P.Bhuvaneswari
W/o.Palanivel
4. The New India Assurance Co. Ltd.,
Branch Office No.114, Main Road,
Nellikuppam - 607 105.
5. The New India Assurance Co. Ltd.,
Divisional Office, No.1360-A,
Ammain complex, 1st Floor,
Mettur Road, Erode - 638 011.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 27.10.2025 made in M.C.O.P. No.30 of 2024 on the file of the Motor Accident Claims Tribunal, Special Sub Judge, Erode.

For Appellant : Mr.S.P.Yuaraj

For Respondents : Mr.J.Chandran [R4 & R5]



JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Special Sub Judge, Erode, dated 27.10.2025 in M.C.O.P.No.30 of 2024 wherein the claimant is seeking enhancement of compensation.

2. The case of the claimant is that on 13.06.2023, the claimant was riding a two wheeler at Appakoodal to Sathy main road and at about 8.30 p.m., near the rice mill bus stop, the offending vehicle, a Maxi Cab, came in a rash and negligent manner and dashed against the two wheeler as a result of which the claimant sustained RTA with head injury - concussion brain (diffuse axonal injury), right maxillary sinus fracture, right orbit fracture. The claimant underwent treatment as an inpatient for 10 days and one surgery was also performed. A First Information Report came to be registered against the driver of the offending vehicle in Crime No.69 of 2023. 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.	Loss of earnings	1,04,384/-
2.	Transport to hospital	3,000/-
3.	Extra nourishment	10,000/-
4.	Attender charges	10,000/-
5.	Damages for clothes and articles	2,000/-
6.	Medical expenses	4,237/-
7.	Pain and sufferings	50,000/-
8.	Permanent disability & loss of earning power	2,00,000/-
	Total	3,83,621/-

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 by the claimant seeking compensation.

4. Heard learned counsel for appellant and learned counsel for respondents 4 and 5. Notice to respondents 1 to 3 is dispensed with since they remained *ex parte* before the Tribunal. 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 Tribunal had taken into consideration the disability certificate [Ex.C1] issued by the Medical Board. The Medical Board had assessed 25% disability. The Tribunal adopted percentage method and fixed Rs.8,000/- per percentage. Considering the fact that the accident had taken place in the year 2023, this Court is inclined to fix Rs.10,000/- per percentage of disability. Accordingly, the compensation under the head 'permanent disability' is fixed at Rs.2,50,000/- [10000 * 25]. Considering the nature of injury sustained by the claimant, the treatment undergone and also the disability certificate issued by the Medical Board, this Court is inclined to enhance the compensation under the heads 'extra nourishment' and 'loss of earnings' to Rs.20,000/- and Rs.1,30,480/- [26,096*5] respectively.

6. The compensation awarded under the other heads are just and reasonable and do not require the interference of this Court.

7. 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.	Loss of earnings	1,04,384/-	1,30,480/-
2.	Transport to hospital	3,000/-	3,000/-



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SL.No.	Compensation awarded under the head	Amount by the Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
3.	Extra nourishment	10,000/-	20,000/-
4.	Attender charges	10,000/-	10,000/-
5.	Damages for clothes and articles	2,000/-	2,000/-
6.	Medical expenses	4,237/-	4,237/-
7.	Pain and sufferings	50,000/-	50,000/-
8.	Permanent disability & loss of earning power	2,00,000/-	2,50,000/-
	Total	3,83,621/-	4,69,717/-

8. The compensation awarded by the Tribunal at Rs.3,83,621/- is enhanced to Rs.4,69,717/-. The respondents 4 and 5 are 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 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 claimant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in C.M.A.No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of compensation amount to the claimant.



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CMA No. 2493 of 2



N.ANAND VENKATESH, J.

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In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

06-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Motor Accident Claims Tribunal,

Special Sub Judge, Erode.

Civil Miscellaneous Appeal No.2493 of 2026