

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.1938 of 2026

Mr.M.Muthu Kumaran

..Appellant

.VS.

1.Mr.J.F.Xavier

2.The United India Insurance Co., Ltd.,
Third Party Claims Office,
No.134, Greams Road, Silingi Building,
Chennai – 600 006.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the decree and judgment dated 19.07.2023 made in MCOP No.6454 of 2016, on the file of Motor Accident Claims Tribunal, (in the V Court of Small Causes), Chennai.

For Appellant : Mr.K.Varadha Kamaraj

For Respondent : Mr.P.M.Bakthavatsalam for R1
Mr.T.K.Premkumar for R2



JUDGMENT

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This appeal has been filed challenging the Award passed by the MACT (in the Court of V Court, Small Causes Court, Chennai) in MCOP No.6454 of 2019 dated 19.07.2023.

2.Heard Mr.K.Varadha Kamaraj, learned counsel appearing on behalf of the Appellant, Mr.P.M.Bakthavatsalam, learned counsel appearing on behalf of the 1st respondent and Mr.T.K.Premkumar, learned counsel appearing on behalf of the 2nd respondent.

3.The appellant is the claimant and the claim petition was filed on the ground that the claimant was riding a two wheeler on 04.07.2016 near Thiru Vi.Ka. Nagar Pallavan Salai from east to west and at about 22.30 hours, the offending vehicle which was a car, was driven in a rash and negligent manner and it knockeddown the claimant. As a result of which, the claimant sustained serious 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 offending vehicle. Having rendered the above finding, the Tribunal fixed the total compensation of Rs.73,000/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Disability	30,000
Medical Expenses	7,000
Loss of Income	10,000
Pain and sufferings & Mental agony	10,000
Vehicle Damages	Nil
Transportation Expenses	5,000
Nutrition Charges	5,000
Damages to clothes	500
Attender Charges	500
Loss of Amenities	5,000
Total	73,000

5.The Tribunal took into consideration the fact that the appellant had already received a sum of Rs.30,000/- from the 1st respondent and therefore, this amount was deducted and the balance amount of Rs.43,000/- was directed to be paid by the 2nd respondent Insurance Company along with interest at the rate of of 7.5% per annum. Aggrieved by the same, the present appeal has been filed seeking for enhancement of compensation.



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6.The Tribunal took into consideration the Disability Certificate issued by the Medical Board which was marked as EX.C1 wherein, the Medical Board had fixed the disability at 6%. Considering the nature of injury, the Tribunal applied the percentage method and fixed Rs.5000/- per percentage and calculated the compensation under the head of disability at Rs.30,000/-

7.The learned counsel for the appellant submitted that the accident had taken place in the year 2016 and therefore, a sum of Rs.5,000/- fixed per percentage is on the lower side.

8.In the considered view of this Court, it will be appropriate to fix Rs.6,000/- per percentage and enhance the compensation under the head of disability to Rs.36,000/-.

9.Insofar as the loss of income is concerned, the appellant claimed that he was a rice vendor. However, no proof of income has been filed. Considering the fact that the appellant suffered left shoulder fracture, dislocation and ligament tear on the right knee, the appellant would not have been able to attend regular work for at least two months. Therefore, this



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Court is inclined to enhance the compensation under the head of loss of income to Rs.20,000/-. The compensation that has been fixed under the other heads are reasonable and it does not require the interference of this Court.

11.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Disability	36,000
Medical Expenses	7,000
Loss of Income	20,000
Pain and sufferings & Mental agony	10,000
Vehicle Damages	Nil
Transportation Expenses	5,000
Nutrition Charges	5,000
Damages to clothes	500
Attender Charges	500
Loss of Amenities	5,000
Total	89,000

13.The compensation awarded by the Tribunal at Rs.73,000/- is enhanced to Rs.89,000/-. From the above compensation, a sum of Rs.30,000/-, which has already been paid by the first respondent, is deducted,



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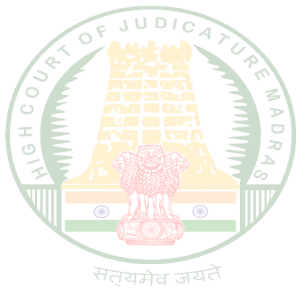
and the total amount payable by the second respondent/Insurance Company is fixed at Rs.59,000/-. The second respondent/Insurance Company is directed to deposit the enhanced compensation of Rs.59,000/-, less the amount, if any, already deposited by it, together with interest at 7.5% per annum from the date of the claim petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this judgment. Insofar as the enhanced compensation of Rs.16,000/- is concerned, the appellant/claimant shall not be entitled to interest for the delay period of 511 days, as ordered by this Court in C.M.P. No.17502 of 2025, dated 09.06.2026. The other directions issued by the Tribunal with regard to the mode of payment and disbursement of the compensation shall remain unaltered.

This Civil Miscellaneous Appeal is Partly Allowed in the above terms.

No Costs.

30.06.2026

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



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



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N. ANAND VENKATESH., J

SSR

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