



C.M.A.No.2171 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.2171 of 2023

B.Elumalai
S/o.Balakrishnan

... Appellant

Vs.

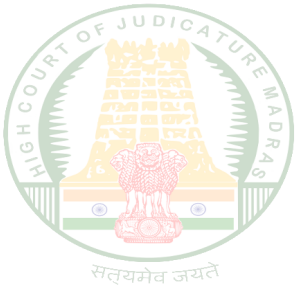
1. K.Loganathan
2. Reliance General Insurance Co. Ltd.,
"Rals Tower", 2nd Floor,
Plot No.2054, 2nd Avenue,
Anna Nagar, Chennai – 600 040.

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and enhance the compensation in MCOP No.5148 of 2014 dated 15.06.2023 on the file of the Court of the Motor Accidents Claims Tribunal/Special Sub Court No.I, MCOP Tribunal/Small Causes Court, Chennai.

For Appellant : Ms.Ramya V.Rao

For Respondent : Mr.P.Suresh Srinivasan for R2



C.M.A.No.2171 of 2023

JUDGMENT

WEB COPY

This Civil Miscellaneous Appeal has been filed by the appellant/claimant challenging the award passed by the Special Sub Judge No.I to deal with MCOP Cases, Motor Accidents Claims Tribunal, Chennai. in MCOP No.5148 of 2014 dated 15.06.2023, seeking enhancement of compensation.

2. The case of the claimant is that on 12.03.2014, when he was travelling as a passenger in a TATA tourist van which was proceeding from Chennai to Trichy, at about 14.00 hours, the driver of the vehicle drove the vehicle in a rash and negligent manner, resulting in the vehicle hitting the centre median wall. The claimant suffered left clavicle fracture. 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 only due to the rash and negligent driving on the part of the driver of the van.

4. The Tribunal, having rendered the above finding, proceeded to fix the total compensation at Rs.2,45,900/- under the following heads:

2/8



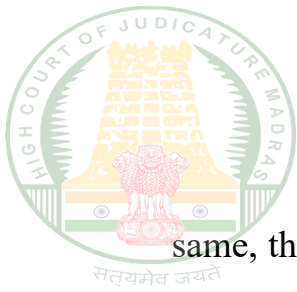
WEB COPY

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Disability	80,000
2.	Pain and Suffering	25,000
3.	Transport expenses	4,000
4.	Medical expenses	77,928
5.	Extra Nourishment	10,000
6.	Attender charges	900
7.	Loss of Earnings	18,000
8.	Loss of Amenities	10,000
9.	Future treatment medical expenses	20,000
Total		2,45,828
Round off to		2,45,900

The above compensation was directed to be paid together with interest at the rate of 7.5% per annum.

5. Heard Ms.Ramya V.Rao, learned counsel for the appellant/claimant and Mr.P.Suresh Srinivasan, learned counsel for the second respondent/Insurance Company.

6. The Tribunal found that the insurance policy was granted only for twelve occupants and one driver, whereas, at the time of the accident, nearly 17 passengers were travelled apart from the driver. In view of the



C.M.A.No.2171 of 2023

same, the Tribunal found that there was a violation of policy conditions and accordingly ordered for pay and recovery.

7. The appellant/claimant, aggrieved by the award, has filed the present appeal before this Court seeking enhancement of compensation.

8. The main ground urged by the learned counsel for the appellant/claimant is that the appellant/claimant had undergone an operation and underwent treatment as an inpatient for three days and therefore, considering the nature of the injuries sustained, the Tribunal ought to have fixed higher compensation. The compensation fixed under various heads is on the lower side, which requires the interference of this Court.

9. Per contra, the learned counsel for the respondent/Insurance Company submitted that the Tribunal has fixed the fair and just compensation under each head and it does not require the interference of this Court.

10. In the case in hand, the appellant/claimant sustained a left clavicle fracture and he was also taking treatment as an inpatient from 13.03.2014 to 15.03.2014 in a private hospital and his disability was

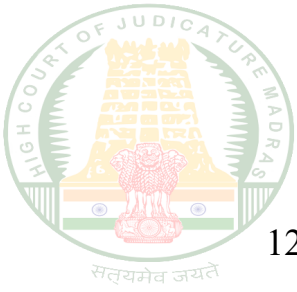


C.M.A.No.2171 of 2023

assessed by the Medical Board at 20% permanent Disability. In view of the same, the claimant would not have been able to attend his work for at least 3 months since he was a carpenter. In view of the same, this Court is inclined to fix the compensation under the head 'loss of earning' at Rs.27,000/- (Rs.9,000/- x 3 months). This Court is also inclined to enhance the attender charges to Rs.5,000/-. The compensation fixed under the other heads is reasonable and it does not require the interference of this Court.

11. In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:-

<i>Sl.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Disability	80,000	80,000
2.	Pain and Suffering	25,000	25,000
3.	Transport expenses	4,000	4,000
4.	Medical expenses	77,928	77,928
5.	Extra Nourishment	10,000	10,000
6.	Attender charges	900	5,000
7.	Loss of Earnings	18,000	27,000
8.	Loss of Amenities	10,000	10,000
9.	Future treatment medical expenses	20,000	20,000
Total		2,45,828	2,58,928
Round off		2,45,900	2,59,000



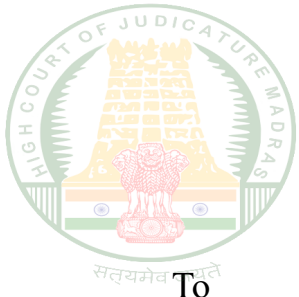
C.M.A.No.2171 of 2023

12. The compensation awarded by the Tribunal at Rs.2,45,900/- is enhanced to **Rs.2,59,000/-**. 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. 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. It is made clear that the Tribunal itself has ordered for pay and recover and the same is sustained.

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

02.07.2026

Neutral Citation: Yes/No
ham



C.M.A.No.2171 of 2023

To
WEB COPY

1. The Special Sub Judge No.I,
Motor Accidents Claims Tribunal,
Small Causes Court, Chennai.
2. The Section Officer,
VR Section,
High Court of Madras.



WEB COPY



C.M.A.No.2171 of 2023

N. ANAND VENKATESH, J.

ham

C.M.A.No.2171 of 2023

02.07.2026