



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 250 of 2023

T.Babu
S/o.Thanthoni
No 11, 3rd Cross Street, Perungudi,
Chennai 600 096.

..Appellant(s)

Vs

1. K.Devan
S/o Kannan, Old No 3/256, New No 3/68,
Kolavizhi Amman Nagar, 4th Street,
Palavakkam, Chennai 600 041.
2. Bharti Axa General Insurance Co Ltd
2nd Floor, Metro Plaza, 162, Anna Salai,
Chennai 600 002.

..Respondent(s)

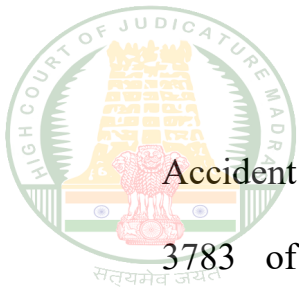
Civil Miscellaneous appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and enhance the compensation in M.C.O.P.No. 3783 of 2016 dated 19.02.2021 on the file of the Motor Accidents Claims Tribunal/ Special Sub Court No.1, Motor Accident Claims Petition Court of Small Causes, Chennai.

For Appellant(s): Mrs.Ramya V.Rao

For Respondent(s): Mr.K.Poomalai
For R2

Judgment

This Civil Miscellaneous Appeal has been filed against the award passed by Motor Accident Claims Tribunal / Special Sub Court No.1, Motor



Accident Claims Petition, Court of Small Causes, Chennai, in M.C.O.P.No. 3783 of 2016 dated 19.02.2021, wherein the claimant is seeking for enhancement of compensation.

2. The case of the claimant is that on 09.10.2015, when he was proceeding on his cycle at Perungudi -OMR Salai at about 17.00 hours, near the Tolgate, the offending vehicle, viz., an Auto Rickhsaw was driven in a rash and negligent manner and it dashed against the cycle. As a result of which, the claimant was thrown out of the vehicle and he sustained a left frontal bone fracture with left frontal EDH. The claimant underwent treatment as an inpatient for nearly 12 days and as an outpatient at the institute of neurosurgery for nearly two years. 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 the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the Auto Rickshaw.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.2,13,250/- under the following heads :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
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1.	Disability	Rs.1,20,000/-
2.	Pain and Sufferings	Rs. 25,000/-
3.	Transportation	Rs.5,000/-
4.	Extra Nourishment	Rs.10,000/-
5.	Attender Charges	Rs.3,250/-
6.	Loss of Earnings	Rs.20,000/-
7.	Loss of future prospects	Rs.30,000/-
	Total	Rs.2,13,250/-

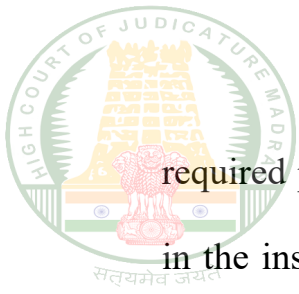
5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimant has filed this appeal seeking for enhancement of compensation.

6. Heard Ms.Ramya V Rao, learned counsel for appellant and Mr.Poomalai, learned counsel for the 2nd respondent.

7. This Court carefully considered the submissions made on the side of the appellant and the materials available on record.

8. This Court also carefully went through the award passed by the Tribunal.

9. In the case in hand, the nature of injury sustained by the claimant is grievous in nature, more particularly, since there was a frontal EDH which



required prolonged treatment. Therefore, the claimant had undergone treatment in the institute of neurosurgery continuously till 11.05.2018. Hence, this Court is inclined to reconsider the compensation fixed by the Tribunal under various heads. This Court has also taken into consideration the disability certificate that was issued by the Medical board, which was marked as Ex.C1, wherein the permanent disability was assessed at 40%.

10. The Tribunal fixed the compensation under the head of disability by applying the percentage method and only Rs.3,000/- was fixed per percentage of disability. Considering the fact that the accident had taken place in the year 2015, this Court is inclined to fix a sum of Rs.5,000/- per percentage. Thus, the compensation under the head of disability is fixed as follows:-

$$\begin{aligned}\text{Disability} &= \text{Rs.5,000} \times 40 \\ &= \text{Rs.2,00,000/-}\end{aligned}$$

11. The compensation awarded under the head of pain and sufferings is enhanced to Rs.1,50,000/-, transportation charges to Rs.75,000/-, Extra Nourishment to Rs.1,00,000/- and Attender Charges to Rs.50,000/-. Insofar as the loss of earnings is concerned, the claimant would not have been able to attend any work at least for ten months and therefore, this Court is inclined to fix the compensation under this head to Rs.10,000 x 10 months = Rs.1,00,000/-.

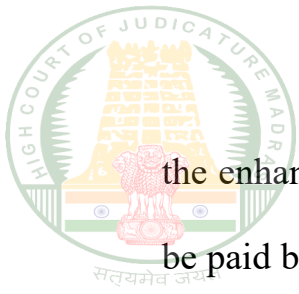


12. The Tribunal has granted compensation under the head of loss of future prospects at Rs.30,000/- and the same is set-aside. Instead, this Court is inclined to fix a sum of Rs.50,000/- under the head of loss of amenities.

13. 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	Rs.1,20,000/-	Rs.2,00,000/-
2.	Pain and Sufferings	Rs. 25,000/-	Rs.1,50,000/-
3.	Transportation	Rs.5,000/-	Rs.75,000/-
4.	Extra Nourishment	Rs.10,000/-	Rs.1,00,000/-
5.	Attender Charges	Rs.3,250/-	Rs.50,000/-
6.	Loss of Earnings	Rs.20,000/-	Rs.1,00,000/-
7.	Loss of future prospectus	Rs.30,000/-	-
8.	Loss of amenities		Rs.50,000/-
	Total	Rs.2,13,250/-	Rs.7,25,000

14. The compensation awarded by the Tribunal at Rs.2,13,250/- is enhanced to Rs.7,25,000/-. The 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. Insofar as



the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

15. In the result, the Civil Miscellaneous Appeal is allowed in the above terms. No costs.

14-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

The Motor Accidents Claims Tribunal/ Special Sub Court No.1, Motor Accident Claims Petition Court of Small Causes, Chennai.



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N.ANAND VENKATESH J.

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