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CMA.No.2393 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 16-07-2026**

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**Civil Miscellaneous Appeal No.2393 of 2025**

S.Sharmila, D/o. Subramanian,  
No.27-A, East Jones Road,  
Saidapet, Chennai - 15.

...Appellant

Vs

1. R.Kannan, S/o. Ramalingam,  
No.8/25, Vellai Pillaiyar Koil Street,  
Udayarpalayam, Ariyalur District.  
621804.

2. United India Insurance Co. Ltd.,  
Silling Building, 4th Floor, No.134,  
Greams Road, Chennai - 6.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988  
against award dated 24.10.2024 made in MCOP.No.1509 of 2019 on  
the file of the Motor Accident Claims Tribunal (V Court of Small  
Causes), Chennai.

For Appellant:

Mr.K.Balaji

For Respondents:

Mr.K.Swaminathan for R2  
R1 – served & no appearance

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## **JUDGMENT**

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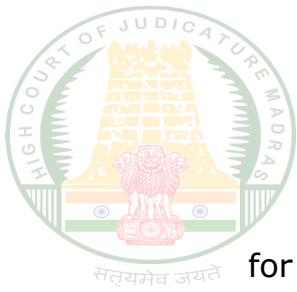
This appeal has been filed by the appellant - claimant against the award dated 24.10.2024 made in MCOP.No.1509 of 2019 on the file of the Motor Accident Claims Tribunal (V Court of Small Causes), Chennai (for short, the Tribunal below) wherein she is seeking for enhancement of compensation.

2. Heard the learned counsel for the appellant – claimant and the learned counsel appearing for the second respondent – Insurance Company.

3. The case of the appellant – claimant is as follows:

(i) On 11.1.2019, while the appellant – claimant was crossing GST Road through the pedestrian cross near Peungalathur Railway Gate, at about 10.15 hours, the offending vehicle, which was a car, was driven in a rash and negligent manner and dashed on the appellant – claimant, as a result of which, she sustained the following injuries:

*"Post traumatic sequelae right clavicle in left foot",*



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for which, she underwent the following procedure:

*"left third toe amputation done, right  
clavicle orif, implant exit done."*

(ii) The appellant – claimant took treatment as an inpatient for 8 days in two spells and also underwent two surgeries. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(iii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the accident had taken place only due to the rash and negligent driving by the driver of the offending vehicle.

(iv) Having rendered the above finding, the Tribunal below proceeded to fix the total compensation of Rs.2,44,000/- in the following manner:

| S.No. | Head              | Amount         |
|-------|-------------------|----------------|
| 1     | Part disability   | Rs. 1,12,000/- |
| 2     | Pain & suffering  | Rs. 50,000/-   |
| 3     | Loss of income    | Rs. 50,000/-   |
| 4     | Medical expenses  | Rs. 5,000/-    |
| 5     | Attendant charges | Rs. 2,000/-    |
| 6     | Transportation    | Rs. 5,000/-    |
| 7     | Loss of amenities | Rs. 10,000/-   |
| 8     | Extra nourishment | Rs. 10,000/-   |
|       | Total             | Rs. 2,44,000/- |



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(v) The above total compensation amount was directed to be paid by the second respondent – Insurance Company along with 7.5% interest per annum from the date of petition till date of payment. Aggrieved by that, the appellant – claimant has filed this appeal seeking for enhancement of compensation.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

5. In the case in hand, the Medical Board assessed 16% permanent disability as per Ex.C.1. The accident resulted in the left third toe amputation and right clavicle orif. Considering the same, this Court is inclined to enhance the compensation amount under the heads 'pain and suffering' to Rs.70,000/-; 'attendant charges' to Rs.20,000/-; 'loss of amenities' to Rs.20,000/- and 'extra nourishment' to Rs.20,000/-.

6. In so far as the compensation under the head 'part disability' is concerned, the Tribunal fixed a sum of Rs.7,000/- per



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percentage, which, in the considered view of this Court, is on the lower side. Hence, this Court is inclined to enhance it to Rs.9,000/- per percentage. Accordingly, the compensation under the head 'part disability' is fixed at Rs.9,000/- X 16 = Rs.1,44,000/-.

7. The Tribunal below fixed a sum of Rs.50,000/- under the head 'loss of income'. Considering the nature of injuries sustained, the appellant – claimant would have been out of work for at least three months. Hence, this Court is inclined to fix a sum of Rs.75,000/- (Rs.25,000/- X 3) under this head.

8. In the light of the above discussions, the above civil miscellaneous appeal is partly allowed and the award dated 24.10.2024 in MCOP.No.1509 of 2019 on the file of the Tribunal below is modified in the following manner:

| <i>S.No.</i> | <i>Head</i>       | <i>Amount awarded by the Tribunal below</i> | <i>Amount awarded by this Court in this judgment</i> |
|--------------|-------------------|---------------------------------------------|------------------------------------------------------|
| 1            | Part disability   | Rs. 1,12,000/-                              | Rs. 1,44,000/-                                       |
| 2            | Pain & suffering  | Rs. 50,000/-                                | Rs. 70,000/-                                         |
| 3            | Loss of income    | Rs. 50,000/-                                | Rs. 75,000/-                                         |
| 4            | Medical expenses  | Rs. 5,000/-                                 | Rs. 5,000/-                                          |
| 5            | Attendant charges | Rs. 2,000/-                                 | Rs. 20,000/-                                         |
| 6            | Transportation    | Rs. 5,000/-                                 | Rs. 5,000/-                                          |
| 7            | Loss of amenities | Rs. 10,000/-                                | Rs. 20,000/-                                         |
| 8            | Extra nourishment | Rs. 5,000/-                                 | Rs. 20,000/-                                         |



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*Total*                      *Rs. 2,44,000/-*                      *Rs. 3,59,000/-*

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The above total compensation amount of Rs.3,59,000/- is directed to be deposited by the second respondent – Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till the date of payment within six weeks from the date of receipt of a copy of this judgment. No costs.

**16-07-2026**

To

1.The Motor Accident Claims Tribunal  
(V Court of Small Causes), Chennai

2.United India Insurance Co. Ltd.,  
Silling Building, 4th Floor,  
No.134, Greams Road, Chennai - 6.

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**N.ANAND VENKATESH,J**

RS

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