



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1854 of 2026

Raman

..Appellant

.Vs.

1.Ambrish

2.Ravi

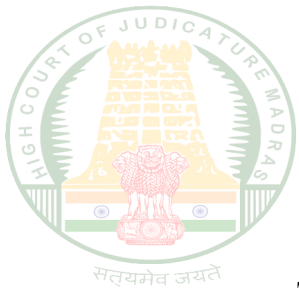
3.The New India Assurance Co., Ltd.,
Rep. By Branch Manager, 2nd Floor,
Moosa Complex
Commercial Road, Ooty
The Nilgiris-643 001.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order in MCOP No.46 of 2022, dated 03.03.2024, on the file of the Motor Accident Claims Tribunal/ Subordinate Judge Court, Udhagamandalam.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondents : Mr.J. Chandran for R3



JUDGMENT

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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal/Subordinate Judge Court, Udthagamandalam in MCOP No.46 of 2022 dated 03.03.2024 wherein the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 26.04.2022, he was standing near the Indigo Tea Procurement Centre and was talking to his friend and at that point of time, the offending vehicle which was an Eicher Lorry was driven in a rash and negligent manner and it hit the claimant, as a result of which, the claimant sustained the following injuries:

Left Lower Limb

Wound of size 7 x 4 cm over politeal area of left knee with circumferential degloving of skin and soft tissue of left leg extending from knee to lower their of left leg.

It is under these circumstances, the claim petition came to be filed before the Tribunal.



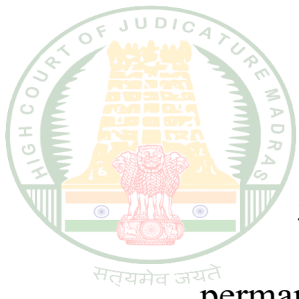
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3.The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.4,18,361/- under various heads as follows:

Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of Disability	75,000/-
2.	Medical Expenses	2,98,361/-
3.	Pain and suffering	20,000/-
4.	Attender Charges	15,000/-
5.	Extra Nourishment	10,000/-
	Total :	4,18,361/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.

4.Heard the learned counsel for the appellant and the learned counsel for the 3rd respondent Insurance Company.



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5. In the case in hand, the Medical Board had assessed partial permanent disability at 15% as per Ex.C.1. The Tribunal has adopted percentage method and has fixed only Rs.5,000/- per percentage which is on the lower side. Considering the fact that the accident had taken place in the year 2022, this Court is inclined to fix Rs.10,000/- per percentage. Accordingly, the compensation under the head of 'loss of disability' is enhanced to Rs.1,50,000/- [Rs.10,000 x 15].

6. It is seen that the claimant had taken treatment as an inpatient for 9 days. Therefore, considering the injury sustained, the compensation under the head of 'pain and suffering' is enhanced to Rs.50,000/-. The compensation under the head of 'attender charges' is enhanced to Rs.25,000/-. The compensation under the head of 'extra nourishment' is enhanced to Rs.20,000/-.

7. The Tribunal has not fixed any compensation under the head of 'Transportation charges' and this Court is inclined to fix a sum of Rs.10,000/- under this head. Similarly, this Court is also inclined to fix a sum of Rs.10,000/- under the head of 'loss of amenities'. The compensation fixed under the other heads are reasonable and does not require the interference of this Court



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8. 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 awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of Disability	75,000/-	1,50,000/-
2.	Medical Expenses	2,98,361/-	2,98,361/-
3.	Pain and suffering	20,000/-	50,000/-
4.	Attender Charges	15,000/-	25,000/-
5.	Extra Nourishment	10,000/-	20,000/-
6.	Transportation Charges	-	10,000/-
7.	Loss of amenities	-	15,000/-
	Total :	4,18,361/-	5,68,361/-

9. The compensation awarded by the Tribunal at Rs.4,18,361/- is enhanced to Rs.5,68,361/-. The 3rd 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. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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N. ANAND VENKATESH., J

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

02.07.2026

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

To

The Motor Accident Claims Tribunal/
Subordinate Judge Court, Udhagamandalam.

CMA No.1854 of 2026