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CMA No. 3357 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

CMA No. 3357 of 2024

A.David
S/o. Anthony,
No.61 B, Old No.61, Neruppumedu,
Alandur Road, Saidapet,
Chennai - 014.

..Appellant(s)

Vs.

1. S.Shoba (Exparte)
No.32-A, Salai Street,
Big Kanchipuram, Kanchipuram District – 502.
2. Reliance General Insurance Co. Ltd (Exparte)
No.29 (3rd Floor), North Usman Road,
T. Nagar, Chennai - 017.

..Respondent(s)

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the Award dated 21.06.2024 passed in M.C.O.P. No. 6584 of 2016 on the file of the Motor Accidents Claims Tribunal / III Court of Small Causes, Chennai.

For Appellant(s) : Mr.R.Mohan Babu

For Respondent(s): Mr.P.Suresh Srinivasan for R2
Notice for R1 is not ready

JUDGMENT

Not satisfied by the quantum of compensation passed in Award dated 21.06.2024 in MCOP No.6584 of 2016 on the file of Motor Accident Claims Tribunal / III Court of Small Causes, Chennai, the Claimant herein has



preferred this Appeal for enhancement of compensation.

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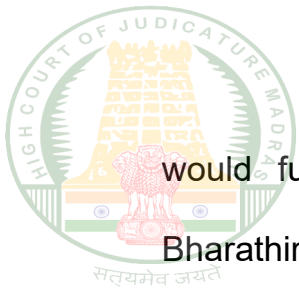
2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Claim petition is filed under Section 166 of Motor Vehicles Act, 1988, claiming compensation of Rs.20,00,000/- for the injuries sustained by the claimant herein in a road traffic accident that occurred on 28.05.2015. The Tribunal upon consideration of evidence and after hearing arguments advanced by either side granted compensation of Rs.3,86,300/- with interest at the rate of 7.5% per month from the date of claim petition.

4. The amounts awarded under various heads are given hereunder:

“Towards Partial Permanent Disability – Rs.1,44,000/-; towards pain and sufferings – Rs.30,000/-; towards transport charges – Rs.4,000/-; towards medical expenses – Rs.1,57,616/-; towards extra nourishment and loss of amenities - Rs.10,000/- under each head; towards attender charges – Rs.5,700/-; towards damages to cloths – Rs.1,000/-; towards loss of earning Rs.24,000/-; in toto Rs.3,86,300/- was granted”

5. The learned counsel for the appellant / claimant would strenuously contend that the claimant who was 34 years of age was working as Tailor had suffered comminuted fracture of right tibia and fracture of right clavicle. He

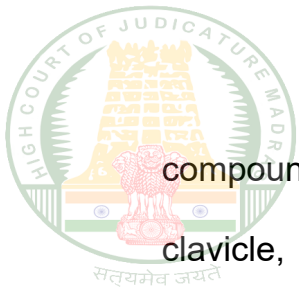


would further contend that the Claimant was admitted as inpatient at Bharathiraja Hospital, Chennai. It is his further argument that the claimant was referred to the Regional Medical Board, Chennai for assessment of disability and the Regional Medical Board assessed his disability at 36% and the Tribunal granted a sum of Rs.1,44,000/- towards partial permanent disability is very less. For pain and sufferings, loss of earning and for loss of amenities, the amounts awarded by the Tribunal are also not sufficient and sought for enhancement of compensation.

6. Per contra, the learned counsel for the second respondent would vehemently contend that by taking into account the age, avocation and income of the claimant and in consideration of other attendant circumstances, the amounts awarded by the Tribunal under various heads are reasonable and according to him, it does not call for any interference by this Court.

7. The manner in which the accident took place is not in dispute. It has come on record through the evidence of P.W1 that on 28.05.2005 on account of the accident, he suffered right tibia fracture, fracture of right clavicle and dislocation of CMC joint right hand. He was treated as inpatient from 29.05.2015 to 05.06.2015 and from 25.07.2015 to 01.08.2015 and from 13.12.2015 to 15.12.2015 at Bharathiraja Hospital, Chennai.

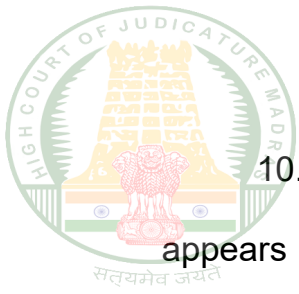
8. The discharge summaries are Exs.P3 to P5. The claimant suffered



compound comminuted bicondylar fracture of the right tibia, fracture of right clavicle, dislocation of the CMP joint of the right hand and TFCC injury. As

regards the fracture of right tibia, external fixator was fixed and thereafter it was removed.

9. Date of accident is 28.05.2015. As per the medical records, his age is taken as 32 years. To substantiate the income details, no concrete proof is filed or marked. However, in consideration of the aforesaid details, notional income of the claimant is approximated at Rs.14,000/- per month. For the disability assessed by the Medical Board as such is fixed as functional disability by the Tribunal. Having gone through the evidence of P.W1 coupled with medical records, the said assessment disability cannot be found fault with. Towards partial permanent disability, as the accident occurred in the year 2015, a sum of Rs.1,44,000/- is granted stands confirmed. The claimant was admitted thrice in the hospital as inpatient and has undergone two surgeries. Therefore, towards loss of income, a sum of Rs.70,000/- is granted. For pain and sufferings and extra nourishment, Rs.15,000/- under each head is granted over and above the amount awarded by the Tribunal. Towards loss of amenities, a sum of Rs.20,000/- is granted in addition to the amount granted by the Tribunal. Towards attender charges, a sum of Rs.10,000/- is granted in addition to the amount granted by the Tribunal. Towards Medical expenses, the Tribunal has very elaborately discussed as to why some of the medical bills were not accepted.



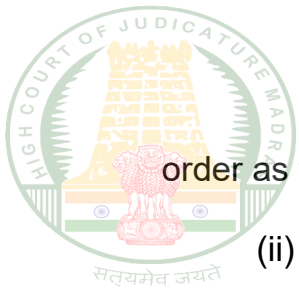
10. As regards the other heads, the amounts awarded by the Tribunal appears to be acceptable and reasonable and hence, it does not call for any interference by this Court. The amounts awarded by this Court as mentioned supra after rework is tabulated hereunder:

Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	Towards Partial Permanent Disability	Rs.1,44,000/-	Rs.1,44,000/-	Confirmed
2	Towards pain and sufferings	Rs.30,000/-	Rs.45,000/-	Enhanced
3	Towards transport expenses	Rs.4,000/-	Rs.4,000/-	Confirmed
4	Towards medical expenses	Rs.1,57,616/-	Rs.1,57,616/-	Confirmed
5	Towards extra nourishment	Rs.10,000/-	Rs.25,000/-	Enhanced
6	Towards attender charges	Rs.5,700/-	Rs.15,700/-	Enhanced
7	Towards damages for cloths	Rs.1,000/-	Rs.1,000/-	Confirmed
8	Towards loss of amenities	Rs.10,000/-	Rs.30,000/-	Enhanced
9	Loss of earnings	Rs.24,000/-	Rs.70,000/-	Enhanced
	Total	Rs.3,86,316/-	Rs.4,92,316/-	Enhanced
	Rounded off	Rs.3,86,300/-	Rs.4,92,300/-	Enhanced

11. Thus, the compensation awarded by the Tribunal is enhanced from Rs.3,86,300/- to Rs.4,92,300/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

12. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. There is no



order as to costs.

(ii) The compensation awarded by the Tribunal is enhanced from

Rs.3,86,300/- to Rs.4,92,300/-.

(iii) The Insurance Company / second respondent is directed to deposit the enhanced compensation amount determined by this Court, i.e., Rs.4,92,300/- (less the amount already deposited, if any), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, excluding the period of delay, and with costs, to the credit of MCOP.No.6584 of 2016 on the file of the Motor Accident Claims Tribunal / III Court of Small Causes, Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant is permitted to withdraw the amount along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

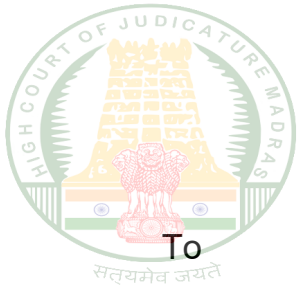
(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

30-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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1. The Motor Accident Claims Tribunal / III Court of Small Causes,
Chennai
2. Reliance General Insurance Co. Ltd (exparte)
No.29 (3rd Floor), North Usman Road,
T. Nagar, Chennai – 017.
3. The Section Officer,
VR Section,
Madras High Court, Madras.



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R.KALAIMATHI, J.

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