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CMA No. 496 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 496 of 2023

Sankar

S/O. Mathaiyan, No.D4, Ottery Police Quarters,
Ottery, Chennai - 600012.

..Appellant(s)

Vs

1. J.Aejas
S/O. Jaffar, No.55, Thiruvankatasamy Street,
Pulianthope, Chennai - 600012.
2. Reliance General Insurance Co. Ltd
No.6, 4th Floor, Haddows Road,
Nungambakkam, Chennai - 600006.

..Respondent(s)

To allow this appeal and be pleased to enhance the amount awarded in MCOP No.4963 of 2017 dated 23-08-2021 on the file of Motor Accident Claims Tribunal (III Small Causes Court), Chennai.

For Appellant(s): Mr.K.Varadhakamaraj

For Respondent(s): Mr.P.Suresh Srinivasan
S.P.Mano Bharth
P.Stephenraj-ms/1285/2016
For R2

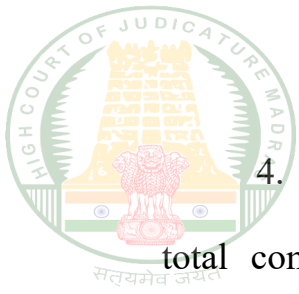


Judgment

This Civil Miscellaneous Appeal has been filed by the claimant challenging the award passed by the Motor Accident Claims Tribunal III Small Causes Court, Chennai in MCOP No.4963 of 2017 dated 23.08.2021, wherein the claimant is seeking for enhancement of compensation fixed by the Tribunal.

2. The case of the claimant is that on 20.05.2017, when the claimant was a pedestrian proceeding to cross the road from East to West at Perambur Barracks Road, at about 15.00 hours, the offending vehicle, which is a two wheeler was driven in a rash and negligent manner and had hit the claimant. As a result of which, the claimant sustained several injuries and undergone treatment as an in patient for nearly 9 days. 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 rider of the two wheeler.

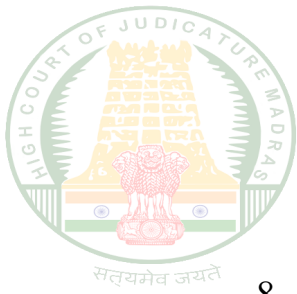


4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs..1,40,977/- (rounded off to Rs.1,41,000/-) under various heads as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Attender charges	Rs. 3150/-
2.	Towards pain and sufferings	Rs.10,000/-
3.	Towards extra Nourishment and transport	Rs.10,000/-
4.	Disability 13% @ Rs.5,000/- per percentage	Rs.65,000/-
5.	Loss of amenities	Rs. 10,000/-
6.	Damages to clothes	Rs. 1,000/-
7.	Medical bills	Rs. 41,827/-
	Total	Rs.1,40,977/-
	Rounded off to	Rs.1,41,000/-

6. 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.

7. Heard Mr.K.Varadhakamaraj, learned counsel for appellant and Mr.P.Suresh Srinivasan, learned counsel for 2nd respondent.



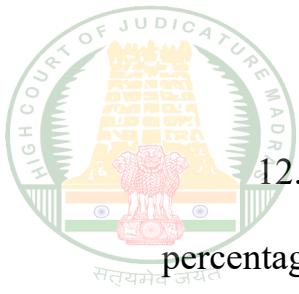
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8. This Court carefully considered the submissions made on either side and the materials available on record.

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

10. The main ground that was raised is that the tribunal had only fixed Rs.5,000/- per percentage for an accident which took place in the year 2017. The other ground is that the Tribunal took into consideration the fact that the claimant underwent treatment as an inpatient for nearly 9 days and fixed compensation under the other heads, which is on the lower side.

11. The claimant in this case had sustained injuries during the accident and the same was assessed by the Medical board and a disability certificate Ex.C1 came to be marked before the Tribunal. The permanent disability was fixed at 13%. The claimant was a Grade I police working in CBCID Branch Chennai. The claimant was undergoing treatment as an inpatient for nearly 9 days. The accident had taken place in the year 2017.

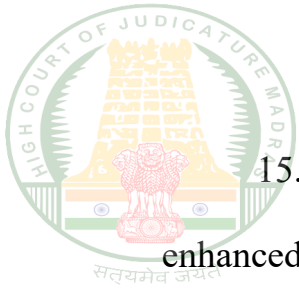


12. In view of the above, this Court is inclined to fix Rs.7,000/- per percentage. Thus, the compensation under the head of disability is enhanced to Rs.91,000/- (13 x 7000/-).

13. The compensation under the head of pain and suffering is enhanced to Rs.20,000/- and the compensation under the head of Attender Charges is enhanced to Rs.10,000/- The compensation granted under the other heads are reasonable and it does not require the interference of this Court.

14. 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.	Attender charges	Rs.3150/-	Rs.10,000/-
2.	Towards pain and sufferings	Rs.10,000/-	Rs.20,000/-
3.	Towards extra Nourishment and transport	Rs.10,000/-	Rs.10,000/-
4.	Disability 13%	Rs.65,000/-	Rs.91,000/-
5.	<i>Loss of amenities</i>	<i>Rs.10,000/-</i>	Rs.10,000/-
6.	Damages to clothes	Rs. 1,000/-	Rs. 1,000/-
7.	Medical bills	Rs.41,827/-	Rs.41,827/-
	Total	Rs.1,40,977/-	Rs.1,83,827/-
	Rounded off to	Rs.1,41,000/-	Rs.1,83,900/-



15. The compensation awarded by the Tribunal at Rs.1,41,000/- is enhanced to Rs.1,83,900/-. 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 four (4) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.42,900/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 205 days as was ordered by this Court in C.M.P.No.22761 of 2022 dated 15.02.2023. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. Already the Tribunal has ordered for pay and recover and the said liberty is sustained.

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

30-06-2026

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

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N.ANAND VENKATESH J.

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To

Motor Accident Claims Tribunal (III Small Causes Court), Chennai.

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