



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2162 of 2026

G.Sureka
D/o.Gurusamy

..Appellant

Vs

1. M/s.Otto Clothing Pvt. Ltd.,
Bangalore High Road,
Chettipedu Village, Thandalam Post,
Sriperumpudhur-602 105.
2. United India Insurance Co. Ltd.,
Regional Office, Silingi Buildings,
New No.134, Old No.40-42,
Greams Road, Chennai 600 006.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 03.06.2024 made in MCOP.No.3029 of 2020 on the file of MACT/III small Causes Court at Chennai.

For Appellant : Mr.Ma.P.Thangavel
for Mr.M.Lokesh

For Respondents : Mr.S.Dhakshnamoorthy [R2]



JUDGMENT

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This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, III Small Causes Court, Chennai, in M.C.O.P.No.3029 of 2020 dated 03.06.2024, wherein the claimant is seeking enhancement of compensation.

2. The case of the claimant is that on 27.07.2019, he was riding pillion in a two wheeler at Chennai to Bangalore Highways and at about 17 hours, when the vehicle was near the Otto clothing factory gate, the offending vehicle, a tractor, which was coming out of the company, was driven in a rash and negligent manner and dashed on the two wheeler, as a result of which, the claimant was thrown out of the vehicle and he sustained left clavicle middle third fracture. The claimant underwent treatment as an inpatient for seven days and one surgery was also performed. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of 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. The Tribunal having rendered the above finding, fixed



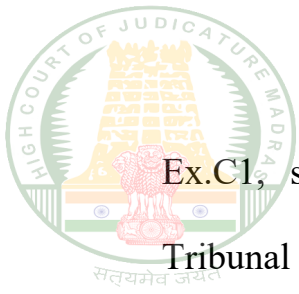
the total compensation at Rs.2,08,000/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Disability	1,10,000/-
2.	Pain and suffering	20,000/-
3.	Transportation	4,000/-
4.	Extra nourishment	10,000/-
5.	Attender charges	2,100/-
6.	Damage of clothes	1,000/-
7.	Loss of amenities	10,000/-
8.	Loss of earnings	50,880/-
	Total	2,07,980/-
	Rounded off to	2,08,000/-

The above compensation was directed to be paid with interest at 7.5% p.a. from the date of petition. Aggrieved by the same, the present appeal has been filed before this Court by the claimant seeking enhancement of compensation.

4. Heard learned counsel for appellant and learned counsel for second respondent. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

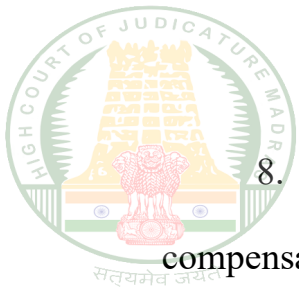
5. In the case in hand, for the fracture suffered by the claimant, he took treatment as inpatient from 27.07.2019 to 02.08.2019 and one surgery was also performed. The disability certificate given by the Medical Board, marked as



Ex.C1, shows that the claimant suffered 22% permanent disability. The Tribunal proceeded to apply percentage method, however, fixed only Rs.5,000/- per percentage. Considering the fact that the accident had taken place in the year 2019, this Court is inclined to fix Rs.10,000/- per percentage and accordingly, the compensation under the head 'disability' would be Rs.2,20,000/- [10000 * 22].

6. This Court is also inclined to enhance the compensation under the heads 'pain and suffering', 'transportation', 'extra nourishment' and 'attender charges' to Rs.25,000/-, Rs.5,000/-, Rs.20,000/- and Rs.5,000/- respectively. Insofar as loss of income is concerned, the Tribunal had taken into account Ex.P8 [copy of pay slips] and Ex.P9 [bank statement] and had fixed the monthly income at Rs.25,440/-. The Tribunal had granted compensation only for two months. Considering the nature of injury sustained, the claimant would have been out of action at least for three months. Hence, this Court is inclined to fix loss of income at Rs.76,320/- [25440*3].

7. The compensation fixed under the other heads is reasonable and does not require the interference of this Court.



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 by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Disability	1,10,000/-	2,20,000/-
2.	Pain and suffering	20,000/-	25,000/-
3.	Transportation	4,000/-	5,000/-
4.	Extra nourishment	10,000/-	20,000/-
5.	Attender charges	2,100/-	5,000/-
6.	Damage of clothes	1,000/-	1,000/-
7.	Loss of amenities	10,000/-	10,000/-
8.	Loss of earnings	50,880/-	76,320/-
	Total	2,07,980/-	3,62,320/-
	Rounded off to	2,08,000/-	3,62,500/-

9. The compensation awarded by the Tribunal at Rs.2,08,000/- is enhanced to Rs.3,62,500/-. The second 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 of Rs.1,54,500/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 412 days as was ordered by this Court in C.M.P.No.30705 of 2025 in C.M.A.Sr.No.182694 of 2025 dated 17.06.2026. Insofar as the



N.ANAND VENKATESH, J.

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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.

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

14-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Motor Accident Claims Tribunal,
III small Causes Court,
Chennai.

Civil Miscellaneous Appeal No.2162 of 2026