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C.M.A.No.100 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.100 of 2026

M. Nagaraju

...Appellant

Vs.

1. Padma Sekhar
2. Oriental Insurance Co. Ltd.,
Branch Office, No. 61, Vellore Road,
Dharapadavedu, Katpadi Post,
Vellore District – 632 007.

...Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 17.07.2025 passed in M.C.O.P.No.356 of 2022 on the file of the MACT, Additional Subordinate Judge, Krishnagiri.

For Appellant : Mr. S. Udhayakumar.

For Respondents : Mr. J. Chandran for R2.

R1- Notice Dispensed with.

JUDGMENT

This Appeal has been filed against the decree and judgment passed in M.C.O.P.No.356 of 2022 on the file of the MACT, Additional Subordinate



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Judge, Krishnagiri dated 17.07.2025.

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2. The appellant is the claimant in M.C.O.P.No.356 of 2022 on the file of the MACT, Additional Subordinate Judge, Krishnagiri. He filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking a compensation of Rs.50,00,000/- for the injuries sustained by him in a road accident that took place on 23.02.2022.

3. Briefly stated, on 23.02.2022 at about 10:00 p.m., the petitioner on his two wheeler bearing Reg.No. AP-03-BL-3957 was driving in a careful manner on the Kuppam-Krishnagiri Road near the vegetable market, following the traffic rules and honking his horn, when a Multi Axle Trailler Lorry bearing Reg.No. TN-23-CC-4685, driven by its driver in a rash and negligent manner without following traffic rules, came from the Tirupattur-Kuppam Road tried to overtake without honking his horn and caused the accident. The petitioner sustained grievous injuries from the accident and was taken to PES Medical College Hospital, Kuppam. The FIR was registered against the driver of the lorry.

3.1. According to the claimant, the rash and negligent driving of the 1st respondent/ driver of the lorry bearing Reg.No. TN-23-CC-4685 was the cause



of the accident and since the said vehicle was insured with the 2nd respondent,
the Oriental Insurance Co. Ltd.

4. The claim petition was resisted by the 2nd respondent/ Insurance Company.

5. The Tribunal, after analyzing the evidence on record, came to the conclusion that the accident took place as alleged and that the claimant was entitled for compensation from the respondents. Compensation of Rs.4,30,396/- has been awarded carrying interest at the rate of 7.5% per annum.

6. Aggrieved over the quantum of compensation awarded by the Tribunal, the claimant filed this present appeal under Section 173 of the Motor Vehicles Act, 1988.

7. Mr. S. Udhayakumar, learned counsel for the appellant submits that the Tribunal having found that the appellant sustained pelvic fracture with fractures of comminuted displaced fracture of left superior pubic ramus, minimally displaced fracture of left inferior Ramus, Subluxation-Dislocation of pubic symphysis comminuted displaced fracture of right ilium with free fluid in paracolic gutter, Minimal displaced fracture involving Antero Lateral aspect of



the left 8-1 Orbis and suffered 40% disability as per Ex.A10 disability certificate, failed to note that due to fractures, the appellant was not able to carry out work like before and awarded only Rs.2,80,000/- for disability. The claimant incurred more than Rs.3,00,000/- towards medical expenses alone. The claimant was only aged about 38 years old and was working in Shahi Exports Pvt. Ltd., at the time of the accident. He would further submit that the awarded amount under the various heads of pain and suffering, loss of amenities, extra nourishment, attender charges, loss of income and transportation were very meager.

8.In view of the endorsement made by the learned counsel for the appellant notice to the 1st respondent is dispensed with.

9. On the side of the 2nd respondent/Insurance Company it is submitted that, the learned Tribunal, considering the facts and circumstances of the case has awarded just compensation, which warrants any interference by this Court.

10. Heard on both sides. Records perused.

11. There is no dispute with regard to the manner of the accident as alleged by the claimant; but for the rash and negligent driving of the offending vehicle, it would not have taken place. The findings recorded by the learned



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Claims Tribunal is therefore, sustained.

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12. On a perusal of the Award, it is seen that the appellant/ claimant had sustained grievous injuries and had taken treatment for 22 days as inpatient as per Ex.A3 discharge summary. Considering the nature of injuries and the present condition of the appellant, as contended by the learned counsel for the appellant, it is obvious that the amount of Rs.7,000/- towards per percent disability was meagre and the same is enhanced to Rs.9,000/-. Further, considering the nature of injuries and the period of hospitalisation, the sum awarded under the heads of pain and suffering, loss of amenities, extra nourishment, attender charges, transportation and loss of income are increased to Rs.40,000/-, Rs.30,000/-, Rs.15,000, Rs.10,000, Rs.15,000 and Rs.60,000/- respectively.

13. The following tabular column would show the amount awarded by the Tribunal and the modified amount awarded by this Court.

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed/ enhanced/ granted
1.	For Partial Permanent Disability	2,80,000/-	3,60,000/-	Enhanced



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2.	Pain and suffering	30,000/-	40,000/-	Enhanced
3.	Loss of amenities	20,000/-	30,000/-	Enhanced
4.	Extra Nourishment	12,000/-	15,000/-	Enhanced
5.	Attender charges	8,000/-	10,000/-	Enhanced
6.	Transportation	10,000/-	15,000/-	Enhanced
7.	Loss of Income	48,000/-	60,000/-	Enhanced
8.	Medical Expenses	22,396/-	22,396/-	Confirmed
	TOTAL	4,30,396/-	5,52,396/-	Enhanced by Rs.1,22,000/-

14. In the result,

- i. The Civil Miscellaneous Appeal is partly allowed. No costs.
- ii. The compensation awarded by the Tribunal is enhanced to Rs.5,52,396/-.
- iii. The appellant/claimant is directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.
- iv. The 2nd respondent/ Insurance Company is directed to deposit the enhanced compensation amount of Rs.5,52,396/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.356 of 2022 on the file of the MACT, Additional Subordinate



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Judge, Krishnagiri, within a period of four weeks from the date of receipt of a copy of this order/uploading of this order. The appellant/claimant will not be entitled for any interest for the default period.

- v. On such deposit being made, the appellant/ claimant is at liberty to withdraw the same, after following due process of law.

27.01.2026

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order
vsn

To

1. The Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Krishnagiri.
2. The Section Officer,
V.R.Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI., J

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