



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 931 of 2026

Kandasamy,
S/o. Mariyappan

..Appellant(s)

Vs

1. Murugan.B

2. United India Insurance Company
Ltd.,
Motor III Party Claim Office, Silingi
Building, No.134, Greams Road,
Chennai 600 006.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and Decree dated 25.02.2025 in MCOP.No.2486/2023, on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant(s): M/s.K.Ayyadurai

For Respondent(s): Mr.J.Chandran for R2



JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai in MCOP No.2486 of 2023, dated 25.02.2025, wherein the claimant is seeking for enhancement of compensation.

2.The case of the claimant is that on 23.03.2023, the claimant was waiting at Thuraipakkam bus stop and at about 7.00 p.m, the offending vehicle which was a two wheeler is said to have been driven in a rash and negligent manner. As a result of which, the two wheeler hit the claimant and the claimant sustained a closed proximal 3rd both bone fracture right leg. The claimant underwent treatment as an inpatient from 23.03.2023 to 25.04.2023 and during this period, one surgery was also performed. 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. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.4,20,000/- under the following heads:

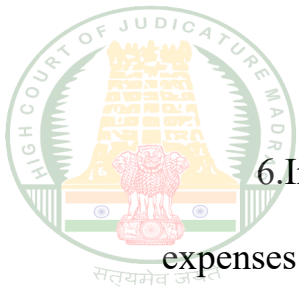


<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1	Disability	1,98,000/-
2	Loss of Earnings	60,000/-
3	Pain and Sufferings	1,00,000/-
4	Transportation	20,000/-
5	Extra Nourishment	20,000/-
6	Damages to clothing and articles	2,000/-
7	Attender Charges	20,000/-
	Total Compensation is fixed at :	4,20,000/-

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 2nd respondent/Insurance Company.

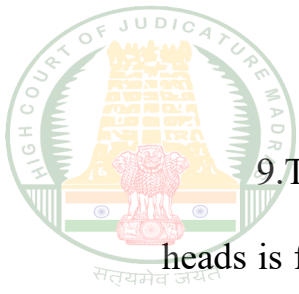
5. The main ground that was urged by the learned counsel for the appellant is that the compensation fixed by the Tribunal under the various heads is on the lower side and it requires enhancement. The further submission made is that the Tribunal has not awarded any compensation under the heads of 'loss of amenities' and 'medical expenses'.



6. Insofar as the compensation claimed under the head of medical expenses is concerned, the Tribunal did not fix any compensation on the ground that there is no discharge summary and that no original bills have been filed before the Tribunal. This Court carefully went through Ex.P.3 and Ex.P.4. Ex.P.3 is the discharge summary issued by the Government Royapettah Hospital, Chennai. It is seen that the claimant had undergone treatment as an inpatient from 23.03.2023 to 25.04.2023. During the course of treatment, a surgery was also performed on 21.04.2023. Ex.P.4 series shows the medical bills towards purchase of medicines and the payments made by the claimant towards the same.

7. In view of the above, the finding of the Tribunal to the effect that there is no material to establish the expenses incurred towards medical bills, is unsustainable and it requires the interference of this Court. In view of the same, the claimant will be entitled for a sum of Rs.70,935/- under the head of 'medical expenses'.

8. This Court considering the nature of injury sustained by the claimant and the treatment undergone, is inclined to fix a sum of Rs.20,000/- under the head 'loss of amenities'.



9. The compensation that has been fixed by the Tribunal under the other heads is found to be just and reasonable and it does not require the interference of this Court.

10. In the light of the above discussion, the compensation fixed by the Tribunal is modified 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	Disability	1,98,000/-	1,98,000/-
2	Loss of Earnings	60,000/-	60,000/-
3	Pain and Sufferings	1,00,000/-	1,00,000/-
4	Transportation	20,000/-	20,000/-
5	Extra Nourishment	20,000/-	20,000/-
6	Damages to clothing and articles	2,000/-	2,000/-
7	Attender Charges	20,000/-	20,000/-
8.	Medical Expenses	--	70,935/-
9.	Loss of Amenities	--	20,000/-
	Total Compensation is fixed at :	4,20,000/-	5,10,935/-

11. The compensation awarded by the Tribunal at Rs.4,20,000/- is enhanced to Rs.5,10,935/-. The 2nd 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 a copy of

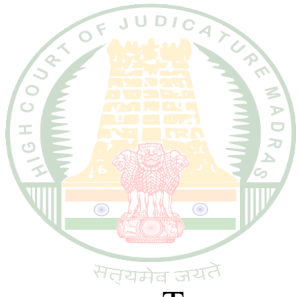


this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

21-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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The Motor Accident Claims Tribunal
IV Court of Small Causes, Chennai.



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N.ANAND VENKATESH J.

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