



C.M.A.No.2608 of 2021

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

C.M.A.No.2608 of 2021

R.Jagankumar

... Appellant/Petitioner

Vs.

1. L.Sridharan
2. Shriram General Insurance Co. Ltd.,
Plot No.5, 1st Floor, Ramachandran Street,
Saravana Nagar, Seevaram,
Perungudi,
Chennai – 96

... Respondents/Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgement and decree dated 15.03.2021 made in M..C.O.P.No.1556 of 2017 on the file of the Motor Accidents Claims Tribunal (III Court of Small Causes), Chennai.

For Appellant : Mr.R.Nalliyappan

For Respondents : Mr.N.Somasundar (For R2)
Notice Dispensed with (For R1)

JUDGMENT

The above appeal has been filed against the judgement and decree dated 15.03.2021 made in M..C.O.P.No.1556 of 2017 on the file of the



C.M.A.No.2608 of 2021

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

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2. It is the case of the appellant that on 15.08.2016 at about 06.00hrs, the appellant was riding his motor cycle bearing Reg. TN 30 AC-3542 in R.G.Salai near Perungudi toll Plazar from Sholinganallur to Thiruanmiyur, at that time, the Car belonging to the first respondent bearing Reg.No. TN 22 CV 8449 came from North to South direction and dashed against the appellant and thereby the appellant sustained injuries. Seeking compensation for the injuries sustained, the claimant / appellant has filed the claim petition.

3. Before the Tribunal, the Appellant examined himself as PW1 and marked Exs.P1 to P11 and on behalf of the respondents, neither any witnesses have been examined, nor any documents have been marked and the disability certificate was marked as Ex.C1. After trial, the Claims Tribunal awarded a sum of Rs. 2,31,180/- in favour of the claimant to be payable by the second respondent. Seeking enhancement of compensation, the present appeal has been filed.



C.M.A.No.2608 of 2021

WEB COPY

4. The learned counsel appearing for the appellant would submit that, the present appeal was filed only on two grounds. The accident had happened in the year 2016 and the Doctor has assessed the disability of the injured at 20% and at the relevant point of time, per percentage of disability is Rs.6000/- , whereas the Tribunal had awarded only a sum of Rs.3,000/- per percentage of disability which is *per se* unsustainable. In respect of medical bills, the appellant marked Ex.P6 Medical Bills. Though, the total medical bill amounts to Rs.3,80,014/-, however, the Claims Tribunal awarded only a sum of Rs. 830/- which is very meager.

5. Per contra, the learned counsel for the second respondent / insurance company would submit that though total Medical Bills marked by the appellant amounts to a sum of Rs.3,80,014/-, however, there are series of medical bills, in which the page numbers of the said medical bills are not correct and some of the medical bills were not found. Considering all these aspect, the Tribunal awarded a sum of Rs.830/- towards medical bills which need not be interfered with and the other



C.M.A.No.2608 of 2021

heads are also reasonable and thus prayed for dismissal of the petition.

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6. Heard the learned counsel for the appellant and the learned counsel for the respondent.

7. The present appeal is filed not on the ground of negligence. Since the appeal is filed by the claimant, there is no need for discussion with regard to negligence aspect. The learned counsel appearing for the appellant fairly submits that, the appeal is filed only on two grounds, one of which is for disability and the other one is for medical bills. In the present case, the Medical Board assessed the disability of the appellant as 20% and the accident had happened in the year 2016. As there are page numbers of the medical bills are mismatching, the Tribunal has awarded only a sum of Rs.830/- which does not require any interference.

8. However, considering the age and nature of injury sustained by the claimant and the extent of the disability would really hamper the claimant from discharging his day to day, this Court fixes Rs.6000/- per



C.M.A.No.2608 of 2021

percentage of disability. Therefore, the compensation awarded under the head “Disability” is modified to Rs.1,20,000/- ($20\% * 6000 = 1,20,000/-$).

A sum of Rs.40,000/- has been awarded under the head pain and suffering which is very meagre and the same is enhanced to a sum of Rs.1,20,000/-. A sum of Rs.40,000/- has been granted under the head extra nourishment and transportation charges, which is also on the lower side, and the same is enhanced to a sum of Rs.60,000/-. Insofar as the compensation awarded under the heads loss of amenities, no compensation can be awarded under such head as the said heads is not conventional head, which does not attract any compensation. Therefore, the compensation awarded under the said head is accordingly set aside. A sum of Rs.4,800/- has been awarded under the head attender charges, which is very meagre and the same is enhanced to a sum of Rs.10,000/-. The other heads awarded by the Tribunal does not require any interference.

11. In view of the above, the compensation awarded by the Tribunal is modified as under :-



C.M.A.No.2608 of 2021

<i>S.No.</i>	<i>Description</i>	<i>Awarded by the Tribunal (Amount in Rs.)</i>	<i>Awarded by this Court (Amount in Rs.)</i>
1	Pain and Suffering	40,000/-	1,20,000/- (enhanced)
2	Extra Nourishment and transportation charges	40,000/-	60,000/- (enhanced)
3	Disability	60,000/-	1,20,000/- (enhanced)
4	Medical Bills	830/-	830/-
5	Loss of amenities	40,000/-	-
6	Damages to clothes	1,000/-	1,000/-
7	Attender charges	4,800/-	10,000/- (enhanced)
8	Loss of income for 2 months	44,550/-	44,550/-
	Total	2,31,180/-	3,56,380/-

12. Accordingly, this appeal is allowed in part and the compensation amount is deducted from **Rs.2,31,180/- to Rs.3,56,380/-** and the second respondent / Insurance Company is directed to deposit the compensation amount, awarded by this Court above, to the credit of M.C.O.P.No.1556 of 2017 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less the amount, if any already deposited, within a period of six weeks (6) from the date of receipt of a copy of this



C.M.A.No.2608 of 2021

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judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the appellant /claimant through RTGS within a period of two weeks thereafter. There shall be no order as to costs in the present appeal. Consequently, the connected miscellaneous petition is closed.

28.11.2024

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

To

1. Motor Accidents Claims Tribunal (III Court of Small Causes),
Chennai
2. The Section Officer, V.R.Section, High Court, Madras.



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C.M.A.No.2608 of 2021

M.DHANDAPANI, J.,

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C.M.A.No.2608 of 2021

28.11.2024