



C.M.A.No.3496 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3496 of 2021

Valliyangiri

... Appellant

Vs.

1.Ravi

2.The Reliance General Insurance Co. Ltd.,
Sree Lakshmi Complex, 1st Floor,
Omalur Main Road, Bharathi Nagar,
Swarnapuri, Salem – 636 004.

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the above civil miscellaneous appeal and enhance the award in fair order dated 19.07.2021 made in M.C.O.P. No.1214 of 2019 on the file of the Motor Vehicle Accident Claims Tribunal / Special Subordinate Judge No-I, Salem.

For Appellant : Mr.T.S.Arthanareeswaran

For Respondents : R1 – No Appearance

Mrs.C.Bhuvanasundari for R2

J U D G M E N T

This appeal has been filed against the judgment and decree



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dated 19.07.2021 passed by the Motor Accidents Claims Tribunal/
Special Subordinate Judge No-I, Salem, in M.C.O.P.No.1214 of 2019.

2.The learned counsel appearing for the appellant submitted that on 18.02.2019, at about 2.45 p.m., the appellant travelled as a pillion rider in the motorcycle bearing Registration No.TN-28 BD-4962 driven by his co-employee on Thiruchengode to Sangagiri Main Road near Thiru Nagar Colony, S.S.Tools Shop in South to North direction. At that time, the rider of the motorcycle drove the vehicle in a rash and negligent manner and dashed against the unknown Gray Colour Indico Car, due to which, the appellant sustained injuries.

3.The learned counsel appearing for the appellant further submitted that thereafter, the injured claimant/ appellant filed claim petition before the Tribunal, claiming compensation of Rs.15 Lakhs. After adjudication, the Motor Accidents Claims Tribunal awarded a sum of Rs.2,90,490/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit and costs and directed that the second respondent to deposit the compensation. Aggrieved by the same, the appellant claimant has filed this appeal for enhancement in compensation.



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4.The learned counsel appearing for the appellant further submitted that the appellant has filed this appeal questioning the quantum of compensation awarded by the Tribunal. The learned counsel further submitted that the accident is of the year 2019, however, the Tribunal awarded a sum of Rs.30,000/- for loss of income which is not sustainable one and further submitted that the compensation awarded under the other heads also are meagre.

5.The learned counsel appearing for the second respondent Insurance Company submitted that the Tribunal after considering all the factual aspects, awarded the compensation which is just and reasonable and hence, the impugned judgment warrants no interference.

6.Heard the learned counsel appearing for the appellant claimant as well as the learned counsel appearing for the second respondent Insurance Company and perused the materials available on record.

7.This appeal has been filed only questioning the quantum of compensation awarded by the Tribunal. Hence, there is no need for



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any discussion with regard to negligence aspect.

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8.The tribunal after elaborately discussing the factual aspects awarded a sum of Rs.30,000/- for loss of income, Rs.20,000/- for pain and sufferings, Rs.1,04,490/- for medical expenses, Rs.10,000/- for transport charges, Rs.10,000/- for extra nourishment, Rs.10,000/- for attender charges, Rs.1,000/- for damage to clothes, Rs.20,000/- for loss of amenities, Rs.85,000/- for permanent disability and arrived at a total compensation of Rs.2,90,490/- with interest at the rate of 7.5%p.a. from the date of petition till the date of deposit.

9.The amount awarded under the heads loss of income, pain and sufferings, permanent disability, in the opinion of this Court are low and this Court is inclined to enhance the amount awarded under the said heads. Accordingly, the amount awarded for loss of income is enhanced to Rs.45,000/- from Rs.30,000/-, the amount awarded for pain and sufferings is enhanced to Rs.60,000/- from Rs.20,000/-, the amount awarded for permanent disability is enhanced to Rs.1,20,000/- from Rs.85,000/-. The amount awarded under the head loss of amenities, in the opinion of this Court is not necessary and the same is deleted. The amount awarded under the other heads, in the opinion



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of this Court are just and reasonable and the same are confirmed.

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10. Accordingly, the compensation amount is re-assessed as follows:

S.No.	Description	Amount Awarded by the Tribunal	Amount Awarded by this Court
1.	Permanent Disability	Rs. 85,000/-	Rs.1,20,000/-
2.	Pain and sufferings	Rs. 20,000/-	Rs. 60,000/-
3.	Extra nourishment	Rs. 10,000/-	Rs. 10,000/-
4.	Transport charges	Rs. 10,000/-	Rs. 10,000/-
5.	Damage to clothes	Rs. 1,000/-	Rs. 1,000/-
6.	Loss of income	Rs. 30,000/-	Rs. 45,000/-
7.	Medical expenses	Rs.1,04,490/-	Rs.1,04,490/-
8.	Loss of amenities	Rs. 20,000/-	---
9.	Attender charges	Rs. 10,000/-	Rs. 10,000/-
	Total	Rs.2,90,490/-	Rs.3,60,490/-

11. The appellant claimant is entitled to total compensation of Rs.3,60,490/- along with interest at the rate of 7.5% p.a. from the date of the petition till the date of deposit.

12. The civil miscellaneous appeal is partly allowed. The judgment and decree dated 19.07.2021 passed by the Motor Accidents Claims Tribunal/ Special Subordinate Judge No-I, Salem, is modified to the above extent.



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13.The second respondent Insurance Company is directed to deposit the modified/ enhanced award amount before the Tribunal within a period of six weeks from the date of receipt of a copy of this judgment, less the amount if any, already deposited. On such deposit being made, the appellant/ claimant is permitted to withdraw the modified/ enhanced award amount, along with accrued interest and costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

14.The appellant/ claimant shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellant/ claimant is directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accidents Claims Tribunal/ Special Subordinate Judge No-I, Salem, shall disburse the compensation amount upon production of certified copy showing proof of payment of Court fee by the appellant/ claimant.

15.The civil miscellaneous appeal is partly allowed. No costs.

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No
To

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1.The Motor Accidents Claims Tribunal/
Special Subordinate Judge No-I, Salem.

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M.DHANDAPANI,J.
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