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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.83 of 2025

S. Sujithra

... Appellant

Vs.

1. The Correspondent
S.Murugaiyan Memorial Model Higher Secondary School,
5. Kizhanaikarai Road,
Thiruvannamalai Taluk & District – 606 603.

2. The Oriental Insurance Company Ltd.,
No.115, Prakasam Salai, Broadway,
Chennai – 600 001

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal by enhancing the award passed by the Tribunal (III Judge, Small Causes Court, Chennai) In M.C.O.P.No.3698/2018 dated 20.08.2024 and pass orders.

For Appellant : Mr.S. Udhayakumar

For Respondent-1 : Mr.S. Dharmakkan

For Respondent-2 : Mr.S. Senthil Kumar



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JUDGMENT

The appellant had filed this appeal to enhance the award passed by the Tribunal (III Judge, Small Causes Court, Chennai) in M.C.O.P.No.3698 of 2018 dated 20.08.2024.

2. The brief facts of the case of the appellant/claimants is as follows:

On 09.05.2018 at about 9.15 hours when the appellant was travelling in the first respondent's School Van TN 25 BC 8742 to attend a special class to the school, one cyclist suddenly crossed the road. The driver to avoid a hit on the cyclist applied sudden brake and the van capsized due to sudden brake. The accident caused amputation to right hand to the appellant. Hence the appellant filed a claim petition before the Tribunal seeking compensation of a sum of Rs.75,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.32,45,900/- as compensation, directed the second respondent to pay



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the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the appellant sustained 80% permanent disability but the Tribunal has taken only 60% and no reason was assigned for reduction of the disability fixed by the medical board. The amount awarded by the Tribunal towards loss of marital life and future medical expenses is very low. Further the amount awarded under all other heads is also not reasonable. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.



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7. Heard both sides and perused the materials on record.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.21,77,280/- towards Disability; Rs.40,000/- towards Pain and sufferings: Rs.4,000/- towards Transportation; Rs.5,2,298/- towards Medical Expenses; Rs.2,00,000/- towards Future Medical Expenses; Rs.10,000/- towards Extra Nourishment; Rs.6,300/- towards Attender charges, Rs.1,000/- towards damages of clothes; Rs.2,00,000/- towards loss of martial status; Rs.25,000/- towards loss of amenities.

9. Considering the age of the injured and other relevant factors it would be just and appropriate to fix Rs.15,000/- as her notional income. As per the decision rendered in the case of *National Insurance Co. vs Pranay sethi and others*, reported in **2017 (2) TNMAC 601** 40% is to be added towards future prospects. Considering the age of the appellant at the time of the accident the proper multiplier to be adopted in the instance case is 18. With regard to disability the Tribunal has taken only 60% and the same is enhanced to 70%.



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Calculation

Notional Income = Rs.15,000/-

40% Future Prospects = 15,000 + 6,000 = 21,000/-.

Disability

= Rs.21,000 x 12 x 18 x 70/100

= Rs.31,75,200/-.

The amount awarded under the heads Transportation is enhanced to Rs.15,000/-; Considering the nature of injuries and the treatment taken by the injured the heads Pain and sufferings, Transportation, Extra nourishment, Attender charges and damages of clothes is enhanced to Rs1,00,000/-, Rs.15,000/-,Rs.20,000/-, Rs.9,000/- and Rs.5,000/- respectively. The compensation awarded under the other heads are reasonable and does not require interference of this Court.

10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:



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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	21,77,280/-	31,75,200/-.
2.	Pain and sufferings	40,000/-	1,00,000/-
3.	Transportation	4,000/-	15,000/-
4.	Medical Expenses	5,82,298/-	5,82,298/-
5	Future Medical Expenses	2,00,000/-	2,00,000/-
6.	Extra Nourishment	10,000/-	20,000/-
7	Attender charges	6,300/-	9,000/-
8	Damages of clothes	1,000/-	5,000/-
9	Loss of Marital Status	25,000/-	2,00,000/-
10	Loss of amenities	25,000/-	25,000/-
	Total	32,45,878/-	43,31,498/-
		rounded off to 32,45,900/-	rounded off to 43,31,500/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.32,45,900/- to Rs. 43,31,500/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.



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ii. The compensation awarded by the Tribunal is enhanced from

Rs.32,45,900/- to Rs. 43,31,500/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent/The Oriental Insurance Company Ltd., is directed to deposit the enhanced compensation amount, i.e., **Rs.43,31,500/-** (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of **M.C.O.P.No.3698 of 2018, Motor Accident Claims Tribunal, III Judge, Small Causes Court, Chennai** within a period of eight weeks from the date of receipt or uploading of a copy of this order.

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



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vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

01.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The III Judge, Small Causes Court, Chennai
2. The Correspondent
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5. Kizhanaikarai Road,
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3. The Oriental Insurance Company Ltd.,
No.115, Prakasam Salai, Broadway,
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4. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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