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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 72 of 2023

1. S.Sivaraman
S/o. Sugumar, 4/100, Bharathiyaar St,
Sirukadal Village, Thozhur Post,
Tiruvallur Taluk.

Appellant(s)

Vs

1. M. Shakul Hameed
No.28/2, Athikesavalunaidu St, Avadi,
Chennai 54.

2.The Bharti AXA General Ins.Co.ltd.,
having office at Metrto Plaza, 2 nd
Floor 162, Opp to Spenzar Plaza, Anna
Salai, Chennai 2.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the amount awarded in MCOP No.116 of 2016 order dated 04.06.2019 on the file of Motor Accident Claims Tribunal (Special Sub Court to deal with Motor Accidents Claims Tribunal No.II, Thiruvallur) (Special Subordinate Judge).

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For Appellant(s): Mr. U.Chithambaram

For Respondent(s): Ms. R. Rathna Thara For R2
R1 - No Such Person

JUDGMENT

The appellant has filed this appeal praying to enhance the compensation awarded in MCOP.No. 116 of 2016 dated 04.06.2019 on the file of Motor Accident Claims Tribunal (Special Subordinate Court to deal with Motor Accident Claims Tribunal No.II, Thiruvallur).

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,50,000/- as compensation, directing the 2nd respondent to pay 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.

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

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4. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.

5**.** 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.

6. The Medical Board assessed his partial permanent disability at 10%. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.3,000/- per percentage of disability. However, considering the claimant's age (18 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.5,000/- per percentage. Accordingly, a sum of Rs.50,000/- (Rs.5,000 x 10%) is awarded towards partial permanent disability.

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7. The claimant is working as a Co-Artist and earning Rs.12,000/- to Rs.15,000/- per month. However, the appellant has not produced any document to prove his income. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.12,000/- would meet the ends of justice. Due to the accident, the appellant would have been unable to attend to his regular work for at least six months. Therefore, a sum of Rs.72,000/- (Rs.12,000 x 6 months) is awarded towards loss of income during the period of treatment and recovery. Additionally, the amount awarded by the Tribunal under the heads of Extra nourishment, Attender charges and loss of hapiness and amenities are enhanced to Rs.10,000/-, Rs.10,000/- and Rs.15,000/-.The compensation awarded under the other heads by the Tribunal is confirmed.

8. 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.	Loss of income	54,000	72,000
2.	Disability	30,000	50,000
3.	Future Medical Treatment	1,00,000	1,00,000
4.	Transportation	5,000	5,000
5.	Extra Nourishment	5,000	10,000
6.	Damages to clothing and article	1,000	1,000
7.	Pain and sufferings	40,000	40,000
8.	Attender charges	5,000	10,000
9	Loss of happiness and amenities	10,000	15,000
	Total	**2,50,000**	**3,03,000**

Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,50,000/- to Rs.3,03,000/-, which shall carry interest at the rate of 7.5% per annum.

9. In the result:

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

ii. The compensation awarded by the Tribunal is enhanced from Rs.2,50,000/- to Rs.3,03,000/-.

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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 2nd respondent, Insurance Company is directed to deposit the enhanced compensation amount, i.e., Rs.3,03,000/- (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 realization, to the credit of M.C.O.P. No. 116 of 2016 on the file of the Motor Accident Claims Tribunal (Special Sub Court to deal with Motor Accidents Claims Tribunal No.II, Thiruvallur, 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 as per the apportionment made by the Tribunal, 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.

30-07-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To

1.Motor Accident Claims Tribunal
(Special Sub Court to deal with Motor
Accidents Claims Tribunal No.II)
Thiruvallur.

2.The Bharti AXA General Ins.Co.ltd.,
having office at Metrto Plaza, 2 nd
Floor 162, Opp to Spenzar Plaza, Anna
Salai, Chennai 2.

3.The Section Officer,
VR Section, High Court of Madras.

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T.V.THAMILSELVI J.
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