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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1904 of 2025

T. Saraswathy

... Appellant

Vs.

1.R. Dinesh Babu

2.The Manager,
The National Insurance Co. Ltd.,
C/o Motor III Party Claims Office
Moore Street, Chennai 600 001
(now at Murugesu Naicker complex
Greens Road, Thousand Lights,
Chennai 600 006.)

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the Judgment and award for the Motor Accident Claims Tribunal, VI Judge, Chennai dated 22.10.2024 made in MCOP No.1881/2017 and pass orders.

For Appellant : MrT.G. Balachandran
For Respondent : Mr.S. Senthil Kumar



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JUDGMENT

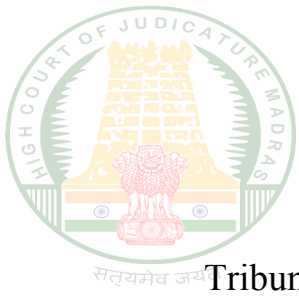
The appellant had filed this appeal against the Judgment and award for the Motor Accident Claims Tribunal, VI Judge, Chennai dated 22.10.2024 made in MCOP No.1881/2017 and pass orders

2. The brief facts of the case of the appellants/claimants are as follows:

On 09.11.2016 at about 19:15 hours when the appellant was crossing the road near Maruthi Showroom at Velachery Main road a TV vehicle bearing Reg. No. TN 54 H 0438 driven by its driver in a very rash and negligent manner and dashed against the appellant. Due to the said accident the appellant sustained injuries. Hence, the appellant has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.7,72,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,58,700/- as compensation, directed the second 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.

4. Aggrieved by the quantum of compensation awarded by the



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Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Tribunal erred in awarding Rs.6,500/- as monthly income of the injured as he was earning Rs.20,000/- per month at the time of accident. 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.

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

8. On a analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.90,000/- towards Part disability; Rs.10,000/- towards Pain and Suffering; Rs.5,100/- towards Medical Expenses; Rs.2,000/- towards attendant charges; Rs.5,000/- towards Transportation;



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Rs.26,600/- towards Loss of Income; Rs.10,000/- towards loss of amenities; Rs.10,000/- towards Extra Nourishment. Thus the total compensation comes to Rs.1,58,700/-

9. Considering the occupation of the injured it would be just and appropriate to fix Rs.12,000/- as his monthly income and due to the injuries he would have not gone for job atleast for a period of 6 months. Therefore, the amount awarded under the head loss of income is enhanced to Rs.72,000/- (Rs.12,000 x 6). The amount awarded under the heads Pain and suffering, Attendant charges, Transportation, loss of amenities and Extra nourishment is also very low and the same is enhanced. Rs.50,000/- towards Pain and sufferings; Rs.10,000/- each towards Attendant charges and Transportation; Rs.20,000/- towards loss of amenities and Rs.15,000/- towards Extra nourishment. The Tribunal has taken per centage to award under the head Part Disability and the same does not require interference.

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

Sl. No	Heads	Amount (in Rs.) awarded	Amount (in Rs.) awarded by the
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		by the Tribunal	High Court
1.	Part disability	Rs.90,000/-	Rs.90,000/-
2.	Pain and sufferings	Rs.10,000/-	Rs.50,000/-
3.	Medical Expenses	Rs.5,100/-	Rs.5,100/-
4.	Attendant charges	Rs.2,000/-	Rs.10,000/-
5	Transportation	Rs.5,000/-	Rs.10,000/-
6.	Loss of Income	Rs.26,600/-	Rs.72,000/-
7.	Loss of amenities	Rs.10,000/-	Rs.15,000/-
8	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
	Total	Rs.1,58,700/-	Rs.2,67,100/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.1,58,700/- to Rs.2,67,100/-** , which shall carry interest at the rate of 7.5% per annum.

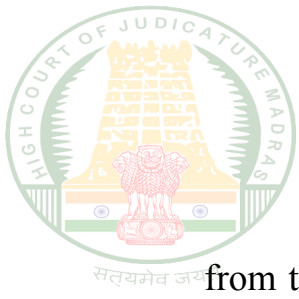
11. In the result:

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

ii. The compensation awarded by the Tribunal is enhanced from **Rs.1,58,700/- to Rs.2,67,100/-**

iii. The appellants/claimants are 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 is directed to deposit the enhanced compensation amount, i.e., **Rs.2,67,100/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum



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from the date of the claim petition till the date of deposit, to the credit of **MCOP No.1881/2017 on the file of the Motor Accident Claims Tribunal, VI Judge, 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.

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

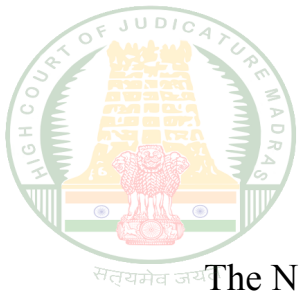
13.08.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
smn

To

1. The **Motor Accident Claims Tribunal, VI Judge, Chennai**
2. The Manager,

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The National Insurance Co. Ltd.,
C/o Motor III Party Claims Office
Moore Street, Chennai 600 001
(now at Murugesu Naicker complex
Greaves Road, Thousand Lights,
Chennai 600 006.)

3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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