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CMA No. 1532 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1532 of 2025

1. A. Ranganathan

S/o. Late.Appayi No. 1/151, 5th Cross
Street, Gandhi Nagar, Mettukuppam,
Maduravoil, Chennai 95

Appellant(s)

Vs

1. M/s. Surface Logistics

New No. 81, (Old No. 39) Ground
Floor, Linghi Chetti Street, Chennai
001

2.United India Insurance Co Ltd.

Silingi Building, No. 134, Greams
Road, Chennai 006.

Respondent(s)

PRAYER: To enhance the amount awarded in MCOP.No. 4683/2017 dated 26.3.2024 on the file of Motor Accident Claims Tribunal (In the IV Court of Small Causes Court), Chennai, as prayed for with interest and cost.



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For Appellant(s): K.Varadha Kamaraj

For Respondent(s): M/s. K. Kumudha For R2

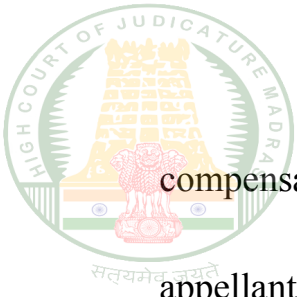
JUDGMENT

The appellant has filed this appeal praying to enhance the compensation awarded in MCOP.No. 4683 of 2017 dated 26.03.2024 on the file of Motor Accident Claims Tribunal (In the IV Court of Small Causes Court), Chennai.

2. The brief facts of the case of the appellant/claimant are as follows:

On 02.07.2017 at 7.20 p.m., the appellant / petitioner was a rider of the motorcycle bearing reg.No.TN-10-T-4766, while proceeding along poonamallee high road from East to West direction at Vanangar near Hote crescent at that time, a container lorry bearing reg. No.TN-04-AR-9397, which came rashly and negligently in the same direction, hit the deceased motorcycle and caused injuries. The first respondent is the owner of the vehicle and the second respondent as an insurer of the offending vehicle.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,00,500/- as

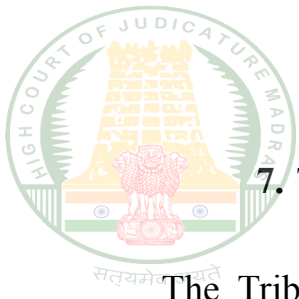


compensation, directing the 2nd respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. 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.

5. 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.

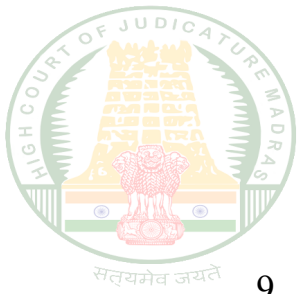
6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.



7. The Medical Board assessed his partial permanent disability at 20%.

The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.5,000/- per percentage of disability. However, considering the claimant's age (66 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.7,000/- per percentage. Accordingly, a sum of Rs.1,40,000/- (Rs.7,000 x 20%) is awarded towards partial permanent disability.

8. The claimant is working as a Coolie and earning Rs.800/- per day. 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. The compensation awarded under the other heads by the Tribunal is confirmed.



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9. 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 by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	1,00,000	1,40,000
2.	Loss of Income	21,000	72,000
3.	Pain and suffering	25,000	25,000
4.	Transportation	5,000	5,000
5.	Extra nourishment	5,000	5,000
6.	Damages to cloth	1,000	1,000
7.	Attender charges	13,500	13,500
8.	Loss of Amenities	30,000	30,000
	Total	2,00,500	2,91,500

Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,00,500/- to Rs.2,91,500/-, which shall carry interest at the rate of 7.5% per annum.

10. 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.2,00,500/- to Rs.2,91,500/-.

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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, United India Insurance Co.Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.2,91,500/- (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 realization, to the credit of M.C.O.P. No. 4683 of 2017 on the file of the Motor Accidents Claims Tribunal (IV Judge, Court of Small Causes, 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.

02-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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- 2.United India Insurance Co Ltd.
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3. The Motor Accidents Claims
Tribunal (III Judge, Court of Small
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- 4.The Section Officer,
VR Section, High Court of Madras.



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T.V.THAMILSELVI J.
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