



CMA No.1951 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1951 of 2025

N.Ayyappan

... Appellant

Vs.

1.M.Raghu

2.The Manager,
United India Insurance Co. Ltd.,
Motor T.P.Claim Office,
Siling Building, No.134.
Greens Road, Chennai – 600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the contributory negligence and to enhance the award from Rs.4,09,100/- to Rs.20,00,000/- in M.C.O.P.No.7434 of 2018 on the file of Motor Accident Claims Tribunal III Small Causes Court, Chennai.

For Appellant : Ms.T.Saleem Fathima

For Respondents : Mr.D.Bhaskaran for R2



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ORDER

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at the instance of the learned counsel for the appellant.

2.It is brought to the notice of this Court that there is correction in paragraph Nos.8 and 9 of the judgment dated 25.07.2025, the same shall be replaced as follows:

“8. On going through the amount awarded by the Tribunal, it is seen that 8 % was taken as disability and thereby awarded Rs.5,000/- per percentage and awarded Rs.40,000/- under the head Disability . Considering the nature of injuries sustained by the petitioner, the same is enhanced to Rs.64,000/- (Rs.8,000 x 8%). Taking note of the medical report, earning power of the injured, this Court is inclined to enhance the amount awarded under the heads Transportation, Attender Charges, Loss of Amenities and loss of earning power and the same is enhanced accordingly. Therefore, the amount awarded under the heads Transportation, Attender Charges and loss of amenities is enhanced to ,Rs.10,000/-, Rs.15,000/- and Rs.15,000/- from Rs.4,000/- and Rs.5,700/- and Rs.10,000/- respectively. With regard to loss of income the Tribunal had arrived Rs.26,000/- taking note of the fact that the petitioner would be earning Rs.13,000/- per month and he would have not gone for job for a period of two months. This Court is of the opinion that the petitioner would not have gone for job atleast for four months, hence the same is enhanced to Rs.52,000/-(Rs.13,000x4). The other heads



awarded by the Tribunal remains the same. However, 30% fixed as contributory negligence on the part of the deceased is set aside as per the order made in C.M.A.No.1950 of 2025. The modified amount awarded by the Tribunal is as follows:

Sl. No	Heads	Amount awarded by the Tribunal (Rs.)	Amount awarded by the High Court (Rs.)
1	Disability	40,000/-	64,000/-
2	Pain and sufferings	30,000/-	30000/-
3	Transportation	4,000/-	10,000/-
4	Medical Expenses	4,57,664/-	4,57,664/-
5	Extra Nourishment	10,000/-	10,000/-
6	Attender Charges	5,700/-	15,000/-
7	Damages of clothes	10,000/-	10,000/-
8	Loss of Amenities	10,000/-	15,000/-
9	Loss of Earnings	26,000/-	52,000/-
	Total Compensation	5,84,364/-	6,63,664/-
	Total compensation rounded off	5,84,400/-	6,63,700/-
	70% of the compensation after deducting 30% towards contributory negligence	4,09,080/-	-
	Rounded Off	4,09,100/-	6,63,700/-

Thus, the compensation awarded by the Tribunal is enhanced from Rs.4,09,100/- to Rs.6,63,700/- which shall carry interest at the rate of 7.5% per annum.

9. In the result:



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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 from Rs.4,09,100/- to Rs.6,63,700/-

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, United India Insurance Co. Ltd, is directed to deposit the enhanced compensation amount, i.e., Rs.6,63,700/- (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.7434/2018 on the file of the Motor Accident Claims Tribunal, Chennai (III 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.

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

3.All other conditions imposed in the order dated 25.07.2025 shall remain intact except for the above said correction.

4.Registry is directed to carry out necessary correction in the



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judgment dated 25.07.2025 and issue a fresh copy of the judgment to the
learned counsel for the parties.

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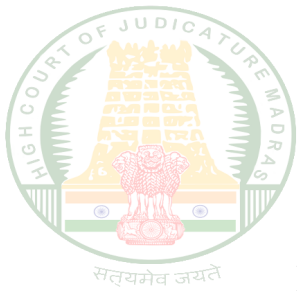
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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1951 of 2025

N. Ayyappan

... Appellant

Vs.

1. M. Raghu

2. The Manager,
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... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the contributory negligence and to enhance the award from Rs.4,09,100/- to Rs.20,00,000/- in M.C.O.P.No.7434 of 2018 on the file of Motor Accident Claims Tribunal III Small Causes Court, Chennai and pass orders.

For Appellant : Mr.T. Saleem Fathima
For Respondent-2 : Mr.D. Bhaskaran



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JUDGMENT

The appellant has filed this appeal to set aside the contributory negligence and to enhance the award from Rs.4,09,100/- to Rs.20,00,000/- in M.C.O.P.No.7434 of 2018 on the file of Motor Accident Claims Tribunal III Small Causes Court, Chennai

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

On 29.06.2018 at about 6.00 hrs while the deceased and the appellant herein were travelling in a Gods Auto bearing Reg.No.TN-19-AZ-1897 the first respondent motor cycle bearing Regn.No.Tn-12-B-3913 proceeding in the same direction driven by its rider in a rash and negligent manner dashed behind a auto and thereby the deceased was thrown out of auto, and thereby he sustained severe head injuries and admitted in Rajiv Gandhi Govt Hospital and thereby he succumbed to the injuries. The appellant herein also sustained injuries. Hence he has filed the claim petition in M.C.O.P.No.7434 of 2018 before the Motor Accident Claims Tribunal III Judge, Small Causes Court, Chennai.



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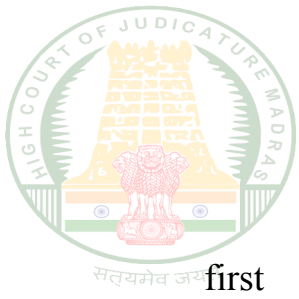
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3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.4,09,100/- as compensation. The second respondent was directed to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realization, excluding the default period, if any.

4. Aggrieved by the quantum of compensation awarded by the Tribunal and further the Tribunal has deducted 30% as contributory negligence from the compensation amount. Challenging the same the petitioner has filed the present appeal.

5. Heard Mr.T. Saleem Fathima and Mr.D. Bhaskaran learned counsel appearing for the second respondent.

6. The learned counsel for the appellant contended that the amount awarded under all the heads are very low. He further submitted that accident has occurred only due to the rash and negligent driving of the



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first respondent motor cyclist. Hence, deducting 30% towards contributory negligence by the Tribunal needs interference by this Court. Hence, the learned counsel prayed for enhancement of the compensation.

7. On the other hand, the learned counsel appearing for the second respondent submitted that the award passed by the Tribunal was based on well-settled legal principles applicable at the time and does not warrant any interference.

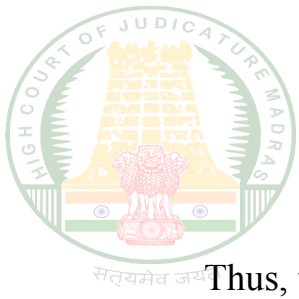
8. On going through the amount awarded by the Tribunal, it is seen that 8 % was taken as disability and thereby awarded Rs.5,000/- per percentage and awarded Rs.40,000/- under the head Disability . Considering the nature of injuries sustained by the petitioner, the same is enhanced to Rs.64,000/- (Rs.8,000 x 8%). Taking note of the medical report, earning power of the injured, this Court is inclined to enhance the amount awarded under the heads Transportation, Attender Charges, Loss of Amenities and loss of earning power and the same is enhanced accordingly. Therefore, the amount awarded under the heads Transportation, Attender Charges and loss of amenities is enhanced to ,Rs.10,000/-, Rs.15,000/- and Rs.15,000/- from Rs.4,000/- and Rs.5,700/- and Rs.10,000/-respectively. With regard to loss of income the



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Tribunal had arrived Rs.26,000/- taking note of the fact that the petitioner would be earning Rs.13,000/- per month and he would have not gone for job for a period of two months. This Court is of the opinion that the petitioner would not have gone for job atleast for four months, hence the same is enhanced to Rs.52,000/-(Rs.13,000x4). The other heads awarded by the Tribunal remains the same. The modified amount awarded by the Tribunal is as follows:

<i>Sl. No</i>	<i>Heads</i>	<i>Amount awarded by the Tribunal (Rs.)</i>	<i>Amount awarded by the High Court (Rs.)</i>
1	Disability	40,000/-	64,000/-
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8	Loss of Amenities	10,000/-	15,000/-
9	Loss of Earnings	26,000/-	52,000/-
	Total Compensation	5,84,364/-	6,63,664/-
	Total compensation rounded off	5,84,400/-	6,63,700/-
	70% of the compensation after deducting 30% towards contributory negligence	4,09,080/-	4,64,590/-
	Rounded Off	4,09,100/-	4,64,600/-



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Thus, the compensation awarded by the Tribunal is enhanced from Rs.4,09,100/- to Rs.4,64,600 /-which shall carry interest at the rate of 7.5% per annum.

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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.4,09,100/- to Rs.4,64,600 /-.

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, United India Insurance Co. Ltd, is directed to deposit the enhanced compensation amount, i.e., Rs.4,64,600/- (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.2142 of 2020 on the file of the Motor Accident Claims Tribunal, Chennai (II Special Court, Small Causes Court, Chennai) , within a period of eight weeks from the date of



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receipt or uploading of a copy of this order.

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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.

25.07.2025
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Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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To

1. The Motor Accident III Small Causes Court, Chennai
2. The Manager,
United India Insurance Co. Ltd.,
Motor T.P.Claim Office,
Siling Building, No.134.
Greens Road, Chennai – 600 006.
3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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