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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.1980 of 2024

M. Muthukumar

... Appellant

Vs.

1. N. Mohan

2. United India Insurance Company Limited,
Minor 3rd Party Claims Office, No.134,
Shillingi Buildings, Greams Road, Chennai – 600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 19.08.2019 passed in M.C.O.P.No.7770 of 2014 by the Motor Accident Claims Tribunal Chennai (In the Special Judge-I, court of Small Causes) and enhance the award amount.

For Appellant : Mr.M. Pachaiyappan
For Respondent-2 : Mrs.M. Sree Vidhya

JUDGMENT



WEB COPY The appellant had filed this appeal to set aside the Judgment and Decree dated 19.08.2019 passed in M.C.O.P.No.7770 of 2014 by the Motor Accident Claims Tribunal Chennai (In the Special Judge-I, court of Small Causes) and enhance the award amount.

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

On 28.08.2014 at about 11.00 hours when the appellant was proceedings as a pillion rider in a Motor Cycle bearing Reg. No. TN-15-Y-1150 a car bearing Regn No. TN-30-Ak-8585 came in the opposite direction and dashed against the appellant. As a result of which the appellant sustained grievous injuries. Since the accident happened only due to the driver of the car, the appellant filed a claim petition against the first respondent/owner of the car and the second respondent/insurer of the car before the Tribunal claiming compensation at Rs.6,00,000/- .

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,13,850/- 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.



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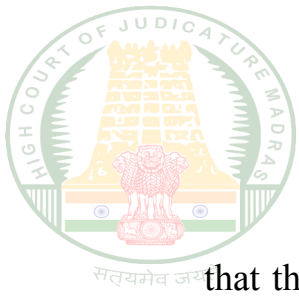
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.20,000/- towards compensation for pain and suffering. He further submitted that the amount awarded under all other heads is also very low. 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 An analysis of the award of the Tribunal would go to show

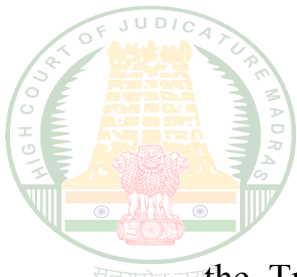


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that the Tribunal has awarded Rs.60,000/- towards disability; Rs.20,000/- towards Pain and Sufferings; Rs.5,000/- towards Transportation; Rs.10,000/- towards Extra Nourishment; Rs.5,500/- towards Attender charges; Rs.6,000/- towards loss of earnings; Rs.20,000/- towards loss of future prospectus. Thus the total compensation comes to Rs.1,13,850/- after deducting 10 % towards contributory negligence.

9. Considering the occupation of the appellant, the monthly income of the appellant is enhanced to Rs.10,000/- and the loss of earning is enhanced to Rs. 60,000/-. The amount awarded under the head Transportation, Extra nourishment, attender charges and pain and sufferings is enhanced to Rs.10,000/-,15,000/- and Rs.6,600/- and 30,000/- respectively. The Tribunal has taken Rs.3,000/- per percentage for the disability and awarded Rs.60,000/- (Rs.3,000 x 2%) towards the head disability. This Court is inclined to take Rs.4,000/- per percentage and Rs. 80,000/- (Rs.4,000 x 20%) The amount awarded under other heads remains intact.

10. The following tabular column sets out the amounts awarded by



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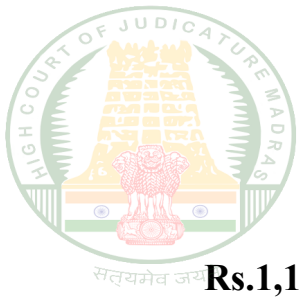
the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	Rs.60,000/-	Rs.80,000/-
2.	Pain and sufferings	Rs.20,000/-	Rs.30,000/-
3.	Transportation	Rs.5,000/-	RS.10,000/-
4.	Extra Nourishment	Rs.5,000/-	15,000/-
5	Attender Charges	Rs.5,500/-	Rs.6,600/-
6	Loss of Earnings	Rs.6,000/-	Rs.60,000
7	Loss of future prospectus	Rs.20,000/-	30,000/-
8	Total	Rs.1,26,500/-	Rs. 2,31,600/-
	After deducting contributory negligence	Rs.1,13,850/-	Rs.2,08,440/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.1,13,850/- to Rs.2,08,440/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

- The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.
- The compensation awarded by the Tribunal is enhanced from



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Rs.1,13,850/- to Rs.2,08,440/-.

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.

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 Company Limited,, is directed to deposit the enhanced compensation amount, i.e., **Rs.2,08,440/-**. (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.7770 of 2014** by the **Motor Accident Claims Tribunal Chennai on the file of the Special Judge-I, court of Small Causes** 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.

05.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The **Special Judge-I, court of Small Causes**

2. The United India Insurance Company Limited,
Minor 3rd Party Claims Office, No.134,
Shillingi Buildings, Greaves Road, Chennai – 600 006.

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

T.V.THAMILSELVI, J.

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