



WEB COPY

CMA No. 1357 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1357 of 2025

1. Vennila,
W/o.Saravanan, D.No.143/1,
Mattarapalli, Bandaseemanur Post,
Bargur Taluk, Krishnagiri District-635
001.

Appellant(s)

Vs

1. Madhaiyan K
S/o.Kannupaiyan, No.240/65, Indra
Nagar, Sigaralapalli, Bargur Taluk,
Krishnagiri District - 635104.

2.The Divisional Manager,
The Oriental Insurance Co. Ltd., No.94,
III Floor, Jawaharlal Nehru Road, 100
Ft. Road, (Opp. to HCTEL Ambica
Empire and above SB) Vadapalani,
Chennai-600 026.

Respondent(s)



CMA No. 1357 of 2025

PRAYER

To enhance the compensation amount made in fix the entire liability on 2nd respondent in order dated 25.04.2023 made in M.C.O.P.No.159 of 2020 on the file of the Motor Vehicle Accident Claims Tribunal, Special Subordinate Court, Krishnagiri by allowing this Civil Miscellaneous Appeal and thus render justice.

CMA No. 1357 of 2025

For Appellant(s): S.P.Yuaraj

For Respondent(s): M/s. R. Sree Vidhya For R2 R1 -
Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to fix the entire liability on 2nd respondent in order dated 25.04.2023 made in M.C.O.P.No.159 of 2020 on the file of the Motor Vehicle Accident Claims Tribunal, Special Subordinate Court, Krishnagiri.

2. On 01.09.2017 at about 15.00 hours the claimant was driving her TVS Strack bearing registration No. TN 24 AA 1346 in Kappalvadi to Thogarapalli road, near Dharga at Mattarapalli Cross Road. At that time, in the opposite direction, the rider of the Bajaj Pulsar Bearing registration No. TN 24 AH 1696 driven the two wheeler in a rash and negligent and dashed against the claimant, due to which, the claimant sustained greivous injury. Thereafter, the claimant



filed the petition before the tribunal claiming compensation. The second respondent/Insurance company contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a sum of Rs.3,51,000/- as compensation. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the claimant submits that the claimant earned Rs.20,000/- per month by doing cloth business but the tribunal has erroneously fixed the income of the claimant as Rs.8,000/- which is very meagre. Further, the claimant has sustained 50% partial permanent disability and lost his earning capacity instead of applying multiplier method the tribunal awarded only Rs.5,000/- per percentage of disability. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submit that the tribunal has rightly awarded compensation which needs no interference. Hence, he prays to dismiss this appeal.

5. Considering the facts and circumstances of the case, the claimant has not produced any evidence to prove her functional disability. However,



considering the disability sustained by the claimant, this Court is inclined to fix

Rs.7,000/- per percentage for disability. Accordingly, the claimant is entitled to

Rs. 3,15,000/- under the head of disability. Further, this Court is inclined to

enhance compensation for additional nourishment, damages to cloths, attender

charges from Rs.10,000/- to Rs.20,000/-, Rs.1600/- to Rs.5,000/-, Rs.5,000/- to

10,000/-, respectively. Except above modification, the award passed by the

tribunal in other heads remain unchanged.

6. In view of the discussions made earlier, the award passed by the

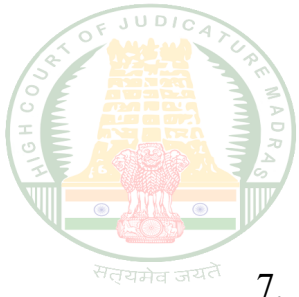
Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.25,000/-	Rs.25,000/-
2.	Loss of Income	Rs.16,000/-	Rs.16,000/-
3.	Medical Expenses	Rs.78,400/-	Rs.78,400/-
4.	Transportation expenses	Rs.10,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.20,000/-
6.	Attender charges	Rs.5,000/-	Rs.10,000/-
7.	Damages to cloths and article	Rs.1600/-	Rs.5,000/-
8.	Lost of amenities	Rs.20,000/-	Rs.20,000/-
9.	For permanent disability	Rs.2,25,000/-	Rs.3,15,000/-
10	Total	Rs.3,91,000/-	Rs.4,81,000/-



WEB COPY

7. The contributory negligence on the side of the claimant is 10%. Hence, the claimant is entitled to Rs.4,32,900/-. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.4,32,900/- . The respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of M.C.O.P.No.159 of 2020, on the file of the Motor Vehicle Accident Claims Tribunal, Special Subordinate Court, Krishnagiri , within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).



WEB COPY

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

24-06-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 1357 of 2025

WEB COPY

To

1.Madhaiyan K

S/o.Kannupaiyan, No.240/65, Indra
Nagar, Sigaralapalli, Bargur Taluk,
Krishnagiri District - 635104.

2.The Divisional Manager,
The Oriental Insurance Co. Ltd., No.94,
III Floor, Jawaharlal Nehru Road, 100
Ft. Road, (Opp. to HCTEL Ambica
Empire and above SB) Vadapalani,
Chennai-600 026.

3. The Section Officer, V.R Section,
HighCourt, Madras.

4. The Motor Vehicle Accident Claims
Tribunal, Special Subordinate Court,
Krishnagiri



WEB COPY

CMA No. 1357 of 2025



T.V.THAMILSELVI J.
pbl

CMA No. 1357 of 2025

24-06-2025