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CMA No. 821 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 821 of 2025

1. Ayush Sanjeev

S/o. Sanjeev Subramanian, No.2-29,
Jawahar Street, Krishnamoorthy Nagar,
Kodungaiyur Chennai - 118.

Appellant(s)

Vs

1. Nekha Valsan

D/o. P. George Valsan, Kanirakkukattu
Puthenpurayil, Kovumbhagom p.o.,
Thiruvalla, Pathaamthitta, Kerala -
689102.

2.National Insurance Company Ltd
Motor Third Party Claims Hub, Rajina
Mansion - 3rd Floor, No.46, Moore
Street, Chennai - 002.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the Judgment and Award of the Motor Accidents Claims Tribunal at Chennai (On the file of Special Sub Judge No.2, Small Causes Court, Chennai) made in MCOP No.4253/2016 dated 14.09.2023.



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CMA No. 821 of 2025



For Appellant(s): Mr.P.Dinesh Kumar

For Respondent(s): Mr.J.Michael Visuvasam For R2
R1 - Notice Dispensed With

JUDGMENT

The appellant has filed this appeal against the award passed in MCOP.No. 4253 of 2016 on the file of the Motor Accidents Claims Tribunal (On the file of Special Sub Judge No.II, Small Causes Court, Chennai), dated 14.09.2023.

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.53,63,000/- as compensation, directed 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 realization.

3. 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.



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4. 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.

5. 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.

6. The claimant is studying B.E.Mechanical Engineering 2nd year in AVIT College, Mahabalipuram. Considering the facts and circumstances, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.15,000/- with 40% addition towards future prospects.. The compensation awarded under the other heads by the Tribunal is confirmed.



7. Calculation

Notional Income = Rs.15,000/-

40% Future Prospects = 15,000 + 6,000 = 21,000

Loss of earning capacity = 21,000 x 12m x 18 x 70/100

= Rs.31,75,200/-

8. 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.	Loss of earning capacity	27,52,000	31,75,200
2.	Disability	-	-
3.	Pain and suffering	2,00,000	2,00,000
4.	Loss of income	-	-
5.	Medical expenses	23,21,000	23,21,000
6.	Attender charges	25,000	25,000
7.	Transportation	15,000	15,000
8.	Loss of amenities	25,000	25,000
9.	Extra Nourishment	25,000	25,000
	Total	53,63,000	57,86,200



Thus, the compensation awarded by the Tribunal is enhanced from Rs.53,63,000/- to Rs.57,86,200/-, which shall carry interest at the rate of 7.5% per annum.

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.53,63,000/- to Rs.57,86,200/-.

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, National Insurance Co.Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.57,86,200/- (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. 4253 of 2016 on the file of the Motor Accidents Claims Tribunal at Chennai (On the file of Special Sub Judge No.2, Small Causes Court, 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 by the 2nd respondent, the appellant/claimant is at liberty to withdraw the same, as per the apportionment made by the Tribunal, 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.

17-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1. The Motor Accidents Claims Tribunal
at Chennai, (On the file of Special Sub
Judge No.II, Small Causes Court,
Chennai.

2. National Insurance Company Ltd
Motor Third Party Claims Hub, Rajina
Mansion - 3rd Floor, No.46, Moore
Street, Chennai – 002.

3. The Section Officer,
VR Section, High Court of Madras.



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T.V.THAMILSELVI J.
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