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CMA No. 560 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 560 of 2023

POONGUZHALI

Appellant

Vs

1. Ashok Kumar

2.IFFCO TOKKIO General Insurance
Company Ltd
NO 58A, Anjanaya Tower, 2nd Floor,
Pavazha Nagar, Villupuram Main Road,
Reddiyarpalayam, Pondicherry 605
005.

Respondents

PRAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to allow this appeal by enhancing the award passed by the Tribunal (Additional Sub-Court, Vridhachalam) in MCOP.89/2020 dated 14.10.2022.



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For Appellant: Mr.S.Udhayakumar

For Respondents: R1 - No Appearance
Mr.N.Anbumurugan For R2

JUDGMENT

The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.89 of 2020, dated 14.10.2022 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 30.09.2018 at about 07.00 hours, when the petitioner was travelling towards Vridhachalam from Kanniyakumari in the first respondent's taxi bearing Regn. No.TN-91 V-2992, near Ma.Pudaiyur bus stop in Trichy-Chennai NH road, it was driven by its driver in a rash and negligent manner, dashed against a stone and caused accident. Due to which, the petitioner sustained injuries, for which she underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.10,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the



accident had taken place only due to the rash and negligent driving on the part of the rider/1st respondent. Having come to such a conclusion, the Tribunal fixed

the total compensation payable at Rs.2,96,996/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	1,80,000
2.	Loss of income	18,000
3.	Pain and suffering	50,000
4.	Transportation	10,000
5.	Extra nourishment	10,000
6.	Attender charges	10,000
7.	Medical expenditure	18,996
	Total	2,96,996

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The appellant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.



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6. The learned counsel for appellant would submit that the medical board had assessed the disability at 36% of permanent disability, but without considering the permanent disability sustained by the appellant, the tribunal had awarded only a sum of Rs.50,000/- towards per percentage of disability. Hence, she prayed to enhance the compensation awarded for per percentage of disability. He would also submit that she was running Aruna Mess and earned considerably. But, the tribunal had fixed her monthly income only as Rs.9000/-. Hence, he prayed to enhance the compensation under the said head.

7. The learned counsel for 2nd respondent raised objections stating that the tribunal has rightly awarded compensation with regard to the amount fixed for per percentage of disability as well as her notional monthly income, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.



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9. Considering both side submissions, the fact reveals that the accident was happened in the year 2018 and as per the discharge summary, her disability was assessed as 36% of permanent disability, but the tribunal has awarded only a sum of Rs.5,000/- towards per percentage of disability. Considering that and also on considering the fact that the accident was happened in the year 2018 and considering the cost of living at that time, this Court is inclined to enhance the sum awarded for per percentage of disability from Rs.5000/- to Rs.7000/-. Furthermore, considering the fact that she was running Aruna mess, thereby she earned considerably and considering the cost of living at that time as well as considering his age, considering the fact that the accident was happened in the year 2018 and the fact that she had undergone two surgeries, this Court is inclined to enhance her notional monthly income from Rs.9,000/- per month to Rs.16,000/- per month.

10. On considering the nature of injuries as well as treatment period for more than 14 days as inpatient and she had undergone two surgeries, the learned Tribunal fixed two months for loss of income, but the learned counsel for appellant argues that due to the injuries sustained, she was not able to move



outside and nearly about eight months, she was not able to run her mess. Hence,

eight months period is to be taken for loss of income. By relying the discharge

summary, the learned counsel for respondent would submit that only 14 days,

she is in hospital, but however on seeing the grievous injury and surgeries, this

Court is inclined to modify the period for loss of income as eight months.

11. Furthermore, during the treatment period for more than 14 days as inpatient, she had incurred huge expenses towards transportation. Hence, this court is inclined to enhance the transportation charges from Rs.10,000/- to Rs.15,000/- and the attender charges is also enhanced from Rs.10,000/- to Rs.15,000/-. As she had suffered with permanent disability and undergone two surgeries, she was in need of more nourishment. Hence, this Court is inclined to enhance the sum awarded towards extra nourishment from Rs.10,000/- to Rs.15,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

12. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Permanent Disability (36% x Rs.7000)	1,80,000	2,52,000	enhanced
2.	Loss of income (Rs.16000 x 8)	18,000	1,28,000	enhanced
3.	Pain and sufferings	50,000	50,000	confirmed
4.	Extra nourishment	10,000	25,000	enhanced
5.	Transportation	10,000	15,000	enhanced
6.	Attender charges	10,000	15,000	enhanced
7.	Medical expenses	18,996	18,996	confirmed
	Total	2,96,996	5,03,996	
	Rounded off to		5,04,000	

13.The compensation awarded by the tribunal at Rs.2,96,996/- is enhanced to Rs.5,04,000/-. The 2nd respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the appellant is permitted to withdraw the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is



concerned, the deficit court fee, if not paid, shall be paid by the claimants. The

other directions issued by the Tribunal with regard to the mode of payment of

compensation remains unaltered.

14. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

26-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Addl. Sub-Judge, Vridhachalam.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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