



C.M.A.No.175 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 28.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

C.M.A.No.175 of 2025

R.Ramasubramanian

..Appellant

Vs.

1. T.A.Kumaravel
2. The Manager,
United India Insurance Co.Ltd.,
Third Party Claim Office,
No.134, Greams Road,
Chennai – 600 006.

...Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award and Decree passed by the Motor Accidents Claims Tribunal (Special Sub-Court No.II, Small Causes Court at Chennai) made in M.C.O.P.No.1130 of 2016, dated 26.11.2021, awarding a sum of Rs.1,53,200/- in so far as awarding compensation is concerned.

For Appellant : Mr.S.Suriyaprakash

For Respondents : Mr.M.B.Raghavan for
M/s.M.B.Gopalan Associates for R2



C.M.A.No.175 of 2025

JUDGEMENT

WEB COPY

Challenging the judgment and decree dated 26.11.2021 made in M.C.O.P.No.1130 of 2016 on the file of the Motor Accidents Claims Tribunal (Special Sub-Court No.II, Small Causes Court at Chennai), the claimant is before this Court.

2. Mr.M.B.Raghavan, learned counsel takes notice on behalf of the 2nd respondent.

3. In view of the judgment being passed, notice to the first respondent is dispensed with.

4. It is the case of the appellant/claimant that, on 26.11.2015 at about 7.40 a.m, when the petitioner was travelling as a pillion rider in the motorcycle bearing Regn.No.TN-20-AD-9885, at that time, an Auto-rickshaw bearing Regn.No.TN 20 AQ 3002 driven by its driver belonging to the first respondent came in a rash and negligent manner and had hit the vehicle in which the

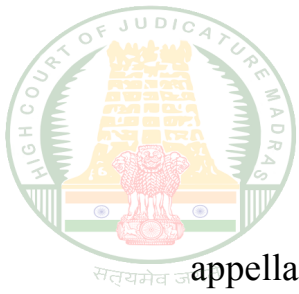


C.M.A.No.175 of 2025

claimant was travelling, due to which the claimant sustained grievous injuries all over his body. Thereby, the appellant filed a claim petition seeking compensation of Rs.15,00,000/-.

5. Before the tribunal, the claimant examined himself as P.W.1 and marked exhibits P.1 to P.10 and on the side of respondents they have neither examined any witnesses nor marked any documents. After trial, the Tribunal, on appreciation of oral and documentary evidence though came to a conclusion that the accident had taken place solely due to the rash and negligent driving of the driver of the 1st respondent, however, awarded a meagre compensation of Rs.1,53,200/-. Being not satisfied with the quantum of compensation awarded by the Tribunal, the appellant/claimant has come up with this appeal seeking enhancement of compensation.

6. Learned counsel appearing for the appellant submitted that admittedly, the above said accident occurred solely due to the rash and negligent driving of the driver of the 1st respondent vehicle, due to which, the



C.M.A.No.175 of 2025

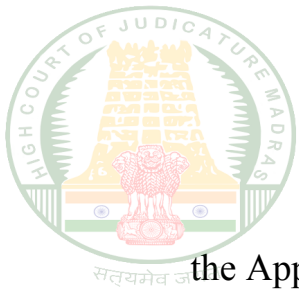
WEB COPY

appellant sustained grievous injuries all over his body. Moreso, the accident is of the year 2015, the tribunal had taken only a sum of Rs.4,000/- per percentage instead of Rs.5,000/-, which is not sustainable and the compensation awarded under the other heads are also on lower side and the same has to necessarily be enhanced. Accordingly, he prayed for appropriate orders.

7. Per contra, the learned counsel appearing for the 2nd respondent/ Insurance Company submitted that, by considering all the relevant documents, the Tribunal has rightly awarded the compensation, which does not require any enhancement. Accordingly, he prayed for dismissal of the appeal.

8. Heard the learned counsel on either side and perused the materials available on record.

9. The factum and manner of the accident is not disputed by the parties and the claimant has not raised any issue on the aspect of negligence and therefore, this Court is not venturing into the same. The major grievances of



C.M.A.No.175 of 2025

WEB COPY

the Appellant/claimant is with regard to the quantum of compensation awarded by the Tribunal. It is claimed by the appellant that though the accident is of the year 2015, however, the Tribunal had taken had erroneously taken a sum of Rs.4,000/- per percentage of disability. However, as per the existing law at the relevant point of time, the Tribunal ought to have fixed a sum of Rs.5,000/- per percentage of disability. Hence, this Court is inclined to fix a sum of Rs.5,000/- per percentage of disability. Therefore, the amount under the head Disability stands enhanced to a sum of Rs.75,000/- (15% x Rs.5,000/- = Rs.75,000/-).

10. A sum of Rs.25,000/-, Rs.4,000/-, Rs.10,000/-, Rs.2,700/- and Rs.19,000/- have been awarded under the heads Pain and Sufferings, Transportation, Extra nourishment, Attender Charges and loss of earnings, which are on the lower side and the same is enhanced to a sum of Rs.50,000/-, Rs.10,000/-, Rs.25,000/-, Rs.10,000/- and Rs.30,000/- respectively. Insofar as the compensation awarded under other heads are concerned, they are just and reasonable and the same does not require any interference.



WEB COPY

11. In view of the above, the compensation awarded by the Tribunal is modified as under :-

Heads	Awarded by the Tribunal (Amount in Rs.)	Awarded by this Court (Amount in Rs.)
Disability	60,000/-	75,000/-
Pain and sufferings	25,000/-	50,000/-
Transportation	4,000/-	10,000/-
Medical expenses	2,418/-	2,418/-
Extra nourishment	10,000/-	25,000/-
Attender charges	2,700/-	10,000/-
Future medical expenses	30,000/-	30,000/-
Loss of earnings	19,000/-	30,000/-
Total	1,53,118/-	2,32,418/-
Rounded off	1,53,200/-	2,32,500/-

12. Accordingly, the appeal is partly allowed and the impugned award of the Tribunal is modified enhancing the compensation amount from Rs.1,53,200/- to **Rs.2,32,500/-**. The 2nd respondent/Insurance Company is directed to deposit the said amount to the credit of MCOP.No.1130 of 2016



C.M.A.No.175 of 2025

WEB COPY

along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of four (4) weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the said amount directly to the bank account of the Appellant through RTGS within a period of two (2) weeks thereafter, upon production of proof with regard to payment of Court fee on the enhanced compensation by the appellant. It is underscored that the appellant is not entitled for any interest for the delay period if any. There shall be no order as to costs in the present appeal.

28.01.2025

rap

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes / No

To

- 1.Motor Accidents Claims Tribunal (Special Sub-Court No.II, Small Causes Court at Chennai)
2. The Section Officer,
V.R. Section, High Court, Madras.



WEB COPY



C.M.A.No.175 of 2025

M.DHANDAPANI, J.

rap

C.M.A.No.175 of 2025

28.01.2025