



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 07-07-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 2170 of 2024**

1. Amarnath

S/o. Rajaram, No. C1, St. Johns Street,  
Visalatchi Nagar Extn, Vengaivasal,  
Santhosapuram, Chennai - 73.

Appellant(s)

Vs

1. M.Srinivasan

No.34/147, Malliga Street, Sirunallur,  
Maduranthagam - 603306. (R1 -  
Already set Exparte in Lower Court)  
(R1-Notice may be dispense with)

2.The New India Assurance Com. Ltd  
Motor III Party Claims Office, No.232,  
6th Floor, Bombay Mutual Building,  
N.S.C.Bose Road, Chennai - 1.

Respondent(s)

**PRAYER**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation amount and fix the entire liability on the 2nd respondent made in Judgment and degree dated 05.09.2022 made in



MCOP No.6024 of 2016 on the file of the Motor Accident Claims Tribunal, VI Judge, Court of Small Causes, Chennai.

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For Appellant(s): M/S. J.Mahalingam

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

### **JUDGMENT**

The appellant has filed this appeal to enhance the compensation amount and fix the entire liability on the 2nd respondent made in Judgment and degree dated 05.09.2022 made in MCOP No.6024 of 2016 on the file of the Motor Accident Claims Tribunal, VI Judge, Court of Small Causes, Chennai.

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,02,763/- as compensation, directing 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.

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 further submitted that the appellant sustained “Fracture of ischium left side (Pelvis) Fracture of 3<sup>rd</sup> Finger Right Hand, injuries over the groin area, Head injury”, and he was treated as in-patient in SRM Medical College, Chennai from 31.10.2014 to 20.11.2014, and the Doctors certified 35 % permanent disability. Instead of 35 % disability, the Tribunal fixed only 10% as permanent disability. Hence, he prays for the enhancement of the 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 disturbed.

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6. A perusal of the discharge summary shows that the claimant sustained “Fracture of ischium left side (Pelvis) Fracture of 3<sup>rd</sup> Finger Right Hand, injuries over the groin area, Head injury”. Since the disability certificate was obtained by the claimant, the Tribunal awarded only 10% towards disability. However, considering the claimant’s age (34 years at the time of the accident) and the nature of injuries, this Court is inclined to fix disability at 25% and awarded Rs.5,000/- per percentage. Accordingly, a sum of Rs. 1,25,000/- (Rs. 5,000 x 25%) is awarded towards partial permanent disability.

7. The appellant was working as Senior Documents Specialist at Williams Lea (India) Pvt.Ltd., and was earning a sum of Rs. 20,000/- per month. Considering the cost of living in the year 2016, this Court reasonably fixes the monthly income at Rs. 12,000/- per month. Due to the accident, the appellant would have been unable to attend to his regular work for at least three months. Therefore, a sum of Rs. 36,000/- (Rs. 12,000 x 3 months) is awarded towards



loss of income. Additionally, the amount awarded by the Tribunal under the heads of pain and sufferings, Extra nourishment, and attender charges are enhanced to Rs.25,000/-, Rs.10,000/- and Rs.12,000/- respectively. In all other heads, the award passed by the Tribunal remains unchanged.

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.)<br>awarded by the<br>Tribunal | Amount (in Rs.)<br>awarded by the<br>High Court |
|--------|-------------------------------|-----------------------------------------------|-------------------------------------------------|
| 1.     | Medical Bills                 | 17,763                                        | 17,763                                          |
| 2.     | Transportation                | 5,000                                         | 5,000                                           |
| 3.     | Extra Nourishment             | 5,000                                         | 10,000                                          |
| 4.     | Attender Charges              | 5,000                                         | 12,000                                          |
| 5.     | Loss Clothes and<br>amenities | Nil                                           |                                                 |
| 6.     | Disability                    | 30,000                                        | 1,25,000                                        |
| 7.     | Loss of income                | 30,000                                        | 36,000                                          |
| 8.     | Pain and sufferings           | 10,000                                        | 25,000                                          |
|        | <b>Total</b>                  | <b>1,02,763</b>                               | <b>2,30,763</b>                                 |

Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,02,763/- to Rs.2,30,763/-, 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.1,02,763/- to Rs.2,30,763/-.

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, New India Assurance Company Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.2,30,763/- (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. 6024 of 2016 on the file of the Motor Accident Claims Tribunal, Judge-VI, Court of Small Causes, 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 2<sup>nd</sup> 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.

**07-07-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The New India Insurance Com. Ltd.,  
Motor III Party Claims Office, No.232,  
6th Floor, Bombay Mutual Building,  
N.S.C.Bose Road, Chennai – 1.

2. The Motor Accident Claims Tribunal,  
VI Judge, Court of Small Causes,  
Chennai.

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



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**T.V.THAMILSELVI J.**  
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