



WEB COPY

CMA No. 1322 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1322 of 2024

JEEVANANTHAN

Appellant

Vs

1. Mohammed Farook

2.Naveen Supramaniam

3.Icici Lombard General Insurance Co
Ltd

M.O.Office, Arun Illam, Shop NO.1,
Salem By Pass Road, Sigma Towers,
1st Floor, Narayanasamy Layout, 29/35,
Kattur Road, Coimbatore.

Respondents

PRAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the award and decree passed in M.C.O.P. No. 1347 of 2017 dated 07.04.2022 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Judge), Coimbatore, in so far as against the disallowed portion of the claim, by enhancing the compensation payable to the appellant.



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For Appellant: Mr.K.Selvakumar

For Respondents: RR 1 and 2 - Dispensed With
Mr. M. Jayaraj For R3

JUDGMENT

The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.1347 of 2017, dated 07.04.2022 has preferred this appeal seeking for enhancement of compensation.

2.The case of the appellant is that on 11.09.2017 at about 10.30 hours, when the petitioner was travelling as a pillion rider in a bike bearing Regn. No.TN-34 Y-0073 with the 1st respondent at Madukkarai, Palathurai road, near Mettankadu extension from north to south direction, the 1st respondent drove the vehicle in a rash and negligent manner and caused accident. Due to which, the petitioner sustained injuries, for which he 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.20,00,000/-.

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



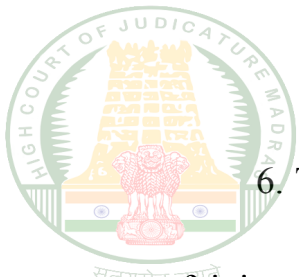
accident had taken place only due to the rash and negligent driving on the part of the rider/1st respondent. Having come to such a conclusion, the Tribunal fixed

the total compensation payable at Rs.14,71,428/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Pain and suffering	1,00,000
2.	Loss of amenities	1,00,000
3.	Permanent disability	1,75,000
4.	Medical expenditure	9,66,428
5.	Attender charges	50,000
6.	Extra nourishment	50,000
7.	Transportation	25,000
8.	Damages to cloths	5,000
	Total	14,71,428

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 as a consequence of injury sustained in the accident, it was contended that his disability will continue for the entire life of appellant, but the tribunal has not properly appreciated the disability sustained by the appellant and awarded less compensation without considering permanent disability certified by the medical board. Hence, he prayed to enhance the compensation.

7. The learned counsel for 3rd respondent would submit that the tribunal has rightly awarded compensation with regard to disability on considering the nature of injury, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 3rd respondent and perused materials available on record.

9. Considering both side submissions and on perusal of records, it reveals that before the tribunal, the private doctor has certified the disability at 35% and a sum of Rs.5000/- was awarded for per percentage of disability. But, the fact reveals that the tribunal had passed the award arriving his disability at 35% as per the certification of private doctor. Hence, he was again referred to Regional Medical Board, Coimbatore, wherein the Neuro Surgeon had opined that due to



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the said accident, he sustained with spinal injury and locomotor disability,

which was certified as 39% of partial permanent disability, out of which, he

suffered with 30% of locomotor disability and 9% of Neurogenic bowel.

Considering that, this Court is inclined to fix his disability as 39% of partial

permanent disability and the award passed by the tribunal with respect to 35%

of disability is set aside. Accordingly, considering his disability of 39% of

partial permanent disability, this Court is inclined to apply the multiplier of 18

and also to arrive 40% of future prospects.

10. Taking into consideration of the fact that he was an Engineering student at the time of accident, he was aged about 20 years, the accident was happened in the year 2017 and also considering the cost of living at that time, this court is inclined to fix his notional monthly income as Rs.15,000/- per month.

11. Considering the nature of injury and his disability, this Court is inclined to enhance the sum awarded towards loss of amenities from Rs.1,00,000/- to Rs.3,00,000/-. 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:

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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Partial Permanent Disability Rs.15,000/- (add 40% future prospects) $Rs.15,000 + 6000 = 21000$ $Rs.21000 \times 18 \times 12 \times 39\% =$ Rs.17,69,040/-	1,75,000	17,69,040	enhanced
2.	Pain and sufferings	1,00,000	1,00,000	confirmed
3.	Loss of estate	1,00,000	1,00,000	confirmed
4.	Medical bills	9,66,428	9,66,428	confirmed
5.	Attender charges	50,000	50,000	confirmed
6.	Extra nourishment	50,000	50,000	confirmed
7.	Transportation	25,000	25,000	confirmed
8.	Damages to cloths	5,000	5,000	confirmed
	Total	14,71,428	30,65,468	enhanced
	Rounded off to		30,65,470	

13. The compensation awarded by the tribunal at Rs.14,71,428/- is enhanced to Rs.30,65,470/-. The 3rd 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.

25-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special Sub-Judge, Coimbatore.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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