



WEB COPY

CMA No. 358 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 358 of 2024

1. G.Jothi

No. 799, S.V.Koil Street,
Sanjeevipuram, E.M.R.Kandigai Post,
Pallipat Taluk, Tiruvallur Dist.

Appellant(s)

Vs

1. G.Dhanapal

S/o. S.Ganesan (Exparte) Old No. 19,
New No. 13/19, Thiruvengkadiya 2nd
Street, Villivakkam, Chennai 049

2.M/s.Magma HDI General Ins.Co.Ltd.

Navins Presidium 3rd Floor, New No.
17/19, Old No. 103, B-Block 3A
Nelson Manickam Road, Aminjikarai,
Chennai 029

Respondent(s)



CMA No. 358 of 2024

PRAYER

WEB COPY To enhance the compensation in M.C.O.P.No. 3916 of 2019 on the file of the Motor Accidents Claims Tribunal in the IV Court of Small Causes, Chennai.

CMA No. 358 of 2024

For Appellant(s): Mr.R.Mohan Babu

For Respondent(s): Mrs.R.Sreevidhya For R2 R1 -
Exparte

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation in M.C.O.P.No. 3916 of 2019 on the file of the Motor Accidents Claims Tribunal in the IV Court of Small Causes, Chennai(tribunal).

2. On 25.05.2019 at about 17.45 hours when the claimant was walking near the junction of New Avadi Road and Aadhi Naidu Road from North to South direction at that time an Auto bearing registration No. TN 02 V 0842 came in the same road from East to West direction in a very rash and negligent manner and hit against the claimant and caused the accident. Due to which the claimant has sustained greivous injuries all over the body. Thereafter, the claimant has filed the petition before the tribunal claiming compensation. The second respondent contested the case by filing counter. After considering the



oral and documentary evidence, the tribunal has awarded compensation of

Rs.3,20,100/-. Challenging the quantum of compensation the claimant filed this

appeal.

3. The learned counsel for the claimant submits that the claimant has sustained grievous injuries and also the medical board has assessed 20% permanent disability but the tribunal awarded very meagre amount as compensation. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the facts of the case, the accident was happened in the year 2019 and also the claimant has sustained grievous injuries, medical board assessed 20% disability but the tribunal has fixed only Rs.5,000/- per percentage of disability which is very meagre. Hence, this Court is inclined to fix Rs.8,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.1,60,000/- under the head of disability.

6. Further, as per the discharge summary, the claimant has sustained fracture on right Iliac bone and scalp haematoma on right parietal region.

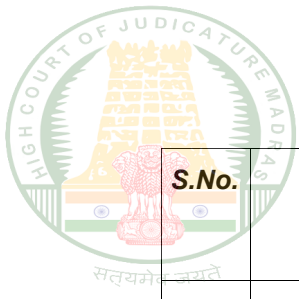


WEB COPY

Therefore, the claimant has lost his earnings during the treatment period and also considering the cost of living at the time of the accident, this Court is inclined to fix Rs.12,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.48,000/- under the head of loss of earning for four months. Further, this court is inclined to enhance award fixed for pain and sufferings, transportation expenses, nutrition expenses and attender charges, from Rs.15,000/- to Rs.25,000/-, from Rs.5,000/- to Rs.10,000/-, from Rs.5,000/- to Rs.10,000/- and from Rs.3,000/- to Rs.5,000/-, respectively. Except above modification, the award passed by the tribunal in other heads remain unchanged.

7. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.15,000/-	Rs.25,000/-
2.	Loss of Income	Rs.10,000/-	Rs.48,000/-
3.	Medical Expenses	Rs.1,66,055/-	Rs.1,66,055/-
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.5,000	Rs.10,000/-
6.	Attender charges	Rs.3,000/-	Rs.5,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
7.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
8.	Lost of amenities	Rs.15,000/-	Rs.15,000/-
9.	For permanent disability	Rs.1,00,000/-	Rs.1,60,000/-
10	Total	Rs.3,20,055/-	Rs.4,40,055/-

Rounded off to Rs.4,40,055/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.4,40,055/-**. The 2nd respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of M.C.O.P.No. 3916 of 2019 on the file of the Motor Accidents Claims Tribunal in the IV Court of Small Causes, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any excessive amount has already been deposited before the tribunal.



9. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

WEB COPY

24-07-2025

Pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accidents Claims Tribunal in the IV Court of Small Causes, Chennai.

2. The Section Officer, V.R Section, High Court, Madras.



WEB COPY

CMA No. 358 of 2024



T.V.THAMILSELVI J.
pbl

CMA No. 358 of 2024

24-07-2025