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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.951 of 2025

Kondappan

... Appellant

Vs.

1. Mr.S. Ajith Kumar

2. Iffco Tokio General Insurance Company Limited,
138/2, L.M.R. Complex, 2nd Floor, Opposite M.G.M. Theatre,
Salem Main Road, Namakkal District- 637 001

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the award in the order dated 30.10.2023 made in MCOP. No.327 of 2020 on the file of the Motor Accident Claims Tribunal/ I Additional District Judge Court, Namakkal and pass orders.

For Appellant : Mr.T.S. Arthanareeswaran

For Respondent-1 : Dispensed with

For Respondent-2 : Mr.J. Arun Kumar



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JUDGMENT

The appellants have filed this appeal to enhance the award in the order dated 30.10.2023 made in MCOP. No.327 of 2020 on the file of the Motor Accident Claims Tribunal/ I Additional District Judge Court, Namakkal and pass orders.

2. The brief facts of the case of the appellant/claimant is as follows:

On 06.09.2020 when the appellant was riding his two wheeler bearing Reg No.Tn-28-AM-7358 from Paramthi to Thindamangalam main road, the first respondent drove his vehicle bearing Reg.No.TN-88-V-3844 in a rash and negligent manner and dashed against the petitioner's vehicle. Due to which the petitioner sustained multiple injuries. Hence, he filed a claim petition claiming a total sum of Rs.17,55,000/- as compensation under various heads.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.3,92,245/- as compensation, directed the second 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 realisation.



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4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that at the time of accident the petitioner was a milk vendor and earning Rs.20,000/- per month but the Tribunal notionally fixed his monthly income as Rs.5,000/-. Further more the appellant has spent Rs.4,07,590/- towards medical expenses, but the Tribunal has taken Rs.67,425/- only. Hence prays to enhance the compensation by allowing this petition.

6. 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 interfered.

7. Heard Mr.T.S. Arthanareeswaran, learned counsel for the appellant and Mr.J. Arun Kumar, learned counsel for the second respondent.



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8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.5,000/- per percentage for disability and for 46% of disability quantified Rs.2,30,000/-(Rs.5,000 x 46%). For loss of income the Tribunal has awarded Rs.15,000/- taking note of the fact that the petitioner would be earning Rs.5,000/- per month and he would have not gone for job atleast for a period of 3 months. Rs.67,240/- was awarded under the head medical bills.

9. The accident has occurred on 06.09.2020. No amount was awarded under the head loss of amenities and future medical expenses. Hence Rs.30,000/- was awarded under the head loss of amenities and Rs.25,000/- was awarded under the head future medical expenses. On perusal of records with regard to disability, it would be proper to award Rs.9,000/- per percentage for disability and Rs. 4,14,000/-(Rs.9,000/- x 46%) is quantified towards the head disability. Taking note of the injuries suffered by the petitioner he would have not gone for job atleast for a period of 6 months and considering the occupation of the appellant he would be earning Rs.15,000/- per month. Hence Rs.15,000/- is taken as monthly income and Rs.90,000/- (Rs.15,000 x 6) is awarded under the

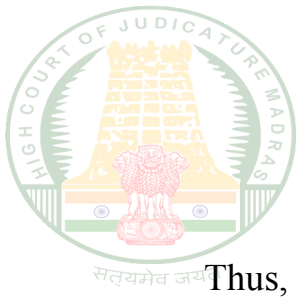


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head loss of income. The amount awarded under the head Transportation and attender charges would not be suffice. Hence the same is enhanced to Rs.15,000/- and Rs.20,000/-.. The compensation awarded under the other heads are reasonable and does not require interference of this Court.

10. 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.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	2,30,000/-	4,14,000/-
2.	Pain and sufferings	50,000/-	1,00,000/-
3.	Loss of income	15,000/-	90,000/-
4.	Nutrition charges	10,000/-	10,000/-
5	Attender Charges	10,000/-	20,000/-
5.	Medical Bills	67,245/-	67,245/-
6.	Transportion charges	10,000/-	15,000/-
7.	Loss of amenities	-Nil-	30,000/-
8.	Future Medical Expenses	-Nil-	25,000/-
	Total	Rs.3,92,245/-	Rs.7,71,245/-



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Thus, the compensation awarded by the Tribunal is enhanced from **Rs.3,92,245/- to Rs. 7,71,245/-**, which shall carry interest at the rate of 7.5% per annum.

11. 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.3,92,245/- to Rs. 7,71,245/-**

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/Iffco Tokio General Insurance Company Limited, is directed to deposit the enhanced compensation amount, i.e., **Rs.7,71,245/-**, (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 MCOP. No.327 of 2020 on the file of the Motor Accident Claims Tribunal/ I Additional District Judge Court, Namakkal within a period of eight weeks from the date of receipt or uploading of a copy of this order.



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v. On such deposit being made by the appellant/claimant is at liberty to withdraw the same, after following due process of law.

vi. The appellant/claimant is not entitled to claim interest for the period of delay, as per the orders passed by this Court in CMP No.3406 of 2025 in CMASrNo19115 of 2025 dated 18.03.2025.

31.07.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accident Claims Tribunal,
(II Judge, Court of Small Causes) Chennai
2. The Manager, ICIC Lombard General Insurance Co. Ltd.,
No.84 and 85, Waltax Road, 1st Floor, Arihant Plaza.
Chennai – 600 003.
3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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C.M.A.No.951 of 2025

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