



WEB COPY

CMA No. 1225 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1225 of 2023

1. S. Karthi

S/o.Sankar, No.1/70, Nehru Street,
Sathur, Arcot Taluk, Vellore District.

Appellant(s)

Vs

1. V. Gopi

S/o.Viswanatha Mudaliar, No.50, New
No.57, Pillaiyar Koil Street, Parikalpet,
Arcot Taluk, Arcot, Pin - 632 503.

2.The New India Assurance Company

Ltd.,

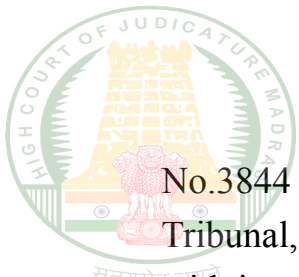
Motor Claims Third Party Cell, No.45,
Moore Street, 5th Floor, Chennai - 600
001.

Respondent(s)

CMA No. 1225 of 2023

PRAYER

To allow this appeal and be pleased to enhance the amount awarded in MCOP



No.3844 of 2015 dated 23.07.2021 on the file of Motor Accident Claims Tribunal, (Small Causes Court, Special Sub Judge No.2, Chennai) as prayed for with interest and cost

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For Appellant(s): M/s.K.Varadha Kamaraj

For Respondent(s): M/s. R.Rajesh For R 2 R-1 - No
Appearance

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the amount awarded in MCOP No.3844 of 2015 dated 23.07.2021 on the file of Motor Accident Claims Tribunal, (Small Causes Court, Special Sub Judge No.2, Chennai) (in short "tribunal").

2. The brief facts of the case:

On 27.02.2015 at about 11.00 hrs when the claimant was travelled on his motor cycle bearing Registration No. TN 22 AM 6559 at Timiri Arcot Road, Poonambadi Coot Road, Timiri P.S. Limit, Vellore District, at that time a Car bearing Registration No. TN 09 AL 7054 proceeding from Timiri direction was driven in a rash and negligent manner at a great high speed and without observing the traffic rules hit against the claimant's motor cycle. Due to which



the claimant thrown out and sustained grievous injuries. Thereafter, the

claimant filed the petition before the tribunal claiming compensation. The

insurance company contested the case by filing the counter. After considering

the oral and documentary evidence the tribunal awarded Rs.2,32,361/- as

compensation. Challenging the quantum of compensation the claimant preferred

this appeal.

3. The learned counsel for the claimant submits that the tribunal has awarded very meagre amount for disability and also for income of the claimant.

Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the tribunal has rightly awarded compensation which needs no interference. He prays to dismiss this appeal.

5. Considering the fact that the accident was happened in the year 2015 and also considering the cost of living at the time of the accident. This Court is inclined to award Rs.4,000/- per percentage for disability. Accordingly, the claimant is entitled to Rs.1,20,000/- for disability. Further, this Court inclined to award Rs.72,000/- (12,000x6) for loss of earnings and Rs.30,000/- for pain and

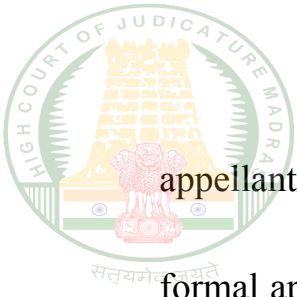


sufferings, and Rs. 10,000/- for transportation, and Rs.10,000/- for attender charges, and Rs.15,000/- for extra nourishment. In view of the discussions made

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.20,000/-	Rs.30,000/-
2.	Loss of earning	Rs.18,000/-	Rs.72,000/-
3.	Medical Expenses	Rs.76,861/-	Rs.76,861/-
4.	Transportation expenses	Rs.4,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.3,500/-	Rs.10,000/-
7.	Lost of amenities	Rs.20,000/-	Rs.20,000/-
8.	For disability	Rs.80,000/-	Rs.1,20,000/-
10	Total	Rs.2,23,361/-	Rs.3,53,861/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.3,53,861/-**. The 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 MCOP No.3844 of 2015 dated 23.07.2021 on the file of Motor Accident Claims Tribunal, (Small Causes Court, Special Sub Judge No.2, Chennai), within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the



appellant/claimant is permitted to withdraw the award amount by making

formal application before the Tribunal. The respondent may deduct the amount,

if any amount has already deposited before the tribunal.

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

17-06-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

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S/o.Viswanatha Mudaliar, No.50, New
No.57, Pillaiyar Koil Street, Parikalpet,
Arcot Taluk, Arcot, Pin - 632 503.

2.The New India Assurance Company
Ltd.,

Motor Claims Third Party Cell, No.45,
Moore Street, 5th Floor, Chennai - 600
001.

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

4. The Motor Accident Claims
Tribunal, (Small Causes Court, Special
Sub Judge No.2, Chennai)



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T.V.THAMILSELVI J.
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