



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1097 of 2025

1. V.Velu

S/o.Velayutham, 5/36A, Pillaiyar Koil
Street, Chinnamayanthal Village,
Seerpananthal Post, Sankarapuram
Taluk, Villupuram District

Appellant(s)

Vs

1. K.P.A.Selvaraj

S/o.K.P.Annamalai, 2A, Meenakshi
Amman Koil street, Thengiyanatham
Village and Post, Kallakurichi Taluk

2.The New India Assurance Co. Ltd.

Divisional Office, 179, 2nd Floor,
Jawaharlal Nehru Street, Puducherry-
605001

Respondent(s)



PRAYER

To enhance the compensation awarded in judgment and decree dt. 24.10.2019 made in MCOP No.77/2018 on the file of the Ld. Motor Accident Claims Tribunal (Third Additional District Court), Villupuram @ Kallakurichi by allowing this CMA

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For Appellant(s): Mr.N.Manoharan

For Respondent(s): Mr.C.Ramesh Babu For R1 and
R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation awarded in judgment and decree dt. 24.10.2019 made in MCOP No.77/2018 on the file of the Ld. Motor Accident Claims Tribunal (Third Additional District Court), Villupuram @ Kallakurichi.

2. The brief facts of the case:

On 27.09.2017, at about 10.30 a.m., while the petitioner was riding his two wheeler bearing unregistered vehicle(TVS Star City) to proceed towards his native from S. Kulathur to Devapandalam road opposite Maniyakkar land, when the first respondent vehicle bearing registration No. TN 32 L 4579(Rajan Brothers Bus) which was rode by its driver in a rash and negligent manner



dashed against the claimant's/appellant's vehicle and caused the accident. Due to which the appellant sustained grievous injuries. Thereafter, the claimant/appellant filed the petition claiming compensation and second respondent contested the case. After considering the oral and documentary evidence the tribunal awarded compensation. Challenging the award passed by the tribunal the claimant filed this appeal.

3. The learned counsel for the appellant submits that the claimant has sustained grievous injuries and incurred Rs.3,14,662/- toward medical bill and respondent also filed a memo dated 25.09.2017 to accept the medical bills but the tribunal has awarded only Rs.72,951/- as medical bills. Hence, he prays to enhance the award passed by the tribunal and to enhance the amount awarded under medical bills.

3.1. The learned counsel for the respondents submit that Tribunal has rightly fixed compensation which needs no interference.

3.2. Heard, the submission of the learned counsel for the petitioner and the learned counsel for the respondents.



4. As per memo dated 25.09.2017, the 2nd respondent stating that on their verification they found medical bills for Rs.3,14,662/- is sustainable. The tribunal should have considered the entire medical bills but it had failed. Hence, this court is inclined to fix Rs.3,14,662/- under head of medical bills. Further, the claimant has not sustained any permanent disability without which the tribunal adopted multiplier method which is unsustainable. Accordingly, this Court is inclined to adopt per percentage method and the claimant is entitled to Rs. 7,000/- per percentage for disability. Accordingly, the claimant is entitled to Rs. 1,05,000/- under the head of disability.

5. Further, the Tribunal has awarded very meagre amount in other heads. Hence, this Court is inclined to enhance the amount awarded under the head of pain and sufferings, extra nourishment and attender charges, from Rs. 20,000/- to Rs.50,000/-, from Rs.10,000/- to Rs.20,000/-, from Rs.2,000/- to 8,000/-, respectively. Further, this Court is inclined to award Rs.60,000/- under the head of loss of income. Except above modification, the award passed by the tribunal in other heads remain unchanged.



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

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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.20,000/-	Rs.50,000/-
2.	Loss of Income	Nil	Rs.60,000/-
3.	Medical Expenses	Rs. 72,951/-	Rs. 3,14,662/-
4.	Transportation expenses	Rs.10,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.20,000/-
6.	Attender charges	Rs. 2,000/-	Rs.8,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Rs.1,00,800/-	Rs.1,05,000/-
10	Total	Rs. 2,15,751/-	Rs.5,67,662/- Rounded off to Rs. 5,68,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 5,68,000/-**. 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 MCOP No.77/2018 on the file of the Ld. Motor Accident Claims Tribunal (Third Additional District Court), Villupuram @ Kallakurichi, 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.

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

26-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal (Third Additional District Court), Villupuram @ Kallakurichi.

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



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T.V.THAMILSELVI J.
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