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CMA No. 2245 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2245 of 2023

ANJALINKEETHAANA

Appellant

Vs

1. Annapoorani

2. United India Insurance Co.Ltd.,
IBOB Building, 4 th Floor, State Bank
Road, Coimbatore 18.

Respondents

PRAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the compensation on the award dated 06.12.2022 made in MCOP No. 661 of 2016, on the Exclusive Motor Accidents Claims Tribunal file at Tiruppur.

For Appellant: Mr.M.Lokesh

For Respondents: Mr.D.Venkatachalam For R2
R1 - No Such Person



JUDGMENT

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The appellant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.661 of 2016, dated 06.12.2022 has preferred this appeal seeking for enhancement of compensation.

2.The case of the appellant is that on 13.01.2016 at about 12.45 p.m., when she was riding her two wheeler in front of Club Melenge Gate, from west to east near Sampath Nagar, Erode, at that time, the driver of a parked car bearing Regn. No. PY-01 BK-6660 opened the car door in a rash and negligent manner, dashed on the appellant and caused accident. Due to which, she sustained injuries, for which she 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.10,00,000/-.

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 of the 1st respondent. Having come to such a conclusion, the



Tribunal fixed the total compensation payable at Rs.45,000/- under various heads as follows:

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income	nil
2.	Compensation for grievous injury	25,000
3.	Expenses towards transportation, extra nourishment and attender charges	10,000
4.	Damages towards her cloths and articles	2,500
5.	Pain and suffering and loss of amenities	7,500
	Total	45,000

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.

6. The learned counsel for appellant would submit that though she had produced the medical bills, the same was not considered by the tribunal for the

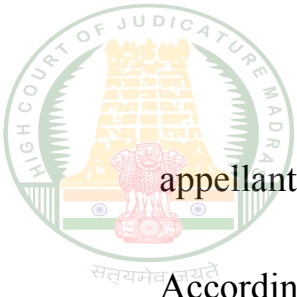


reason that it is a consolidated bill. However, she sustained injury, more particularly, she suffered with teeth broken. For that, she took treatment in Sims Hospital from 13.01.2016 to 17.01.2016 nearly about five days as inpatient. To that effect, a sum of Rs.1,01,500/- was the medical expenses met out by her, but it was not considered. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent raised objections stating that the medical bill was not supported with any prescription and the tribunal has rightly fixed the awarded compensation to the appellant, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.

9. Considering both side submissions and on perusal of records, the fact reveals that admittedly, she suffered with injury broken of teeth. For that, she took treatment in Sims Hospital from 13.01.2016 to 17.01.2016 nearly about five days as inpatient. To that effect, medical bills was produced, wherein the hospital authority had received a sum of Rs.1,01,540/- from the injured



appellant. Therefore, the consolidated bill marked as Ex.P4 is sustainable one.

Accordingly, this court is inclined to award a sum of Rs.1,01,540/- for the medical expenditure incurred by her.

10. Furthermore, on seeing the facts, it reveals that at the time of accident, she was a college student and she was working part time, thereby she earned a sum of Rs.10,000/- and due to the injury sustained in the accident, she suffered with injury of broken teeth. However, the tribunal has not awarded any sum towards loss of income. But, considering the fact that the accident was happened in the year 2015 and she sustained injury of broken teeth, for which she undergone treatment for more than 5 days as inpatient in hospital and also on considering the cost of living at that time as well as considering her age, this Court is inclined to award a sum of Rs.12,000/- towards her notional monthly income.

11. The learned counsel for appellant argues that due to the injuries sustained, she was not able to move outside and nearly about six months, she was not able to attend her college. Hence, six months period is to be taken for loss of income. By relying the discharge summary, the learned counsel for 2nd



respondent would submit that only 5 days, she is in hospital, but however on

seeing the grievous injury of broken teeth, this Court is inclined to fix the period

for loss of income as six months.

12. On seeing the facts, she had sustained injury due to the accident, for which the tribunal has awarded a consolidated sum of Rs.10,000/- for the expenses towards transportation, extra nourishment and attender charges. As she had suffered with broken teeth and undergone treatment for more than 5 days, this Court is inclined to award the sum towards extra nourishment Rs.20,000/- and also to award a sum towards transportation Rs.15,000/-. Moreover, due to the injury sustained in the accident, she had suffered with severe pain and suffering, but the tribunal awarded only a consolidated sum of Rs.7,500/- towards pain and sufferings and loss of amenities, which are very meagre one. Hence, this court is inclined to enhance the sum awarded under the said head from Rs.7,500/- to Rs.50,000/. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

13. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Loss of income (Rs.12000/- x 6)	nil	72,000	awarded
2.	Compensation for grievous injury	25,000	25,000	confirmed
3.	Expenses towards transportation, extra nourishment and attender charges	10,000		
	Transportation		15,000	awarded
	Extra nourishment		20,000	awarded
4.	Damages towards her cloths and articles	2,500	2,500	confirmed
5.	Pain and suffering and loss of amenities	7,500	50,000	enhanced
6.	Medical expenditure	nil	1,01,540	awarded
	Total	45,000	2,86,040	enhanced

14.The compensation awarded by the tribunal at Rs.45,000/- is enhanced to Rs.2,86,040/-. The 2nd 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,

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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.

15. 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, Tiruppur.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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