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CMA No. 2689 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2689 of 2024

R.Venkateswaran
S/o.Rajaram, Res at No.A-2-705, 7th
Floor, Akshaya Adora Apartments,
Padur, Old Mahabalipuram Road,
Chennai

Appellant(s)

Vs

1.M.Arun Kumar
S/o.Manickam
2.The Manager,
Reliance General Insurance Company Ltd.,
Chennai-600 002.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the quantum of compensation of Rs.22,00,000/- in the award passed by the Special Sub Judge No.II, Motor Accidents Claims Tribunal court Small Causes, Chennai in MCOP.No.7587 of 2017 dated 01-08-2023.



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For Appellant(s): Mr.S.Senthil

For Respondent(s): R1 - No Appearance R2 - Office
Vacated

JUDGEMENT

The appellant has filed this appeal against the award passed in M.C.O.P. No. 7587 of 2017, on the file of the Motor Accident Claims Tribunal, (Court of Small Causes), Chennai, dated 01.08.2023.

2. The brief facts of the case of the appellant/petitioner/claimant are as follows: On 23.01.2017 at about 10:15 P.M., while he was driving his Honda Jazz car bearing Registration No. TN 14 H 6469 from east to west, he parked the car on the side of the road near Parivakkam TVS Iyengar & Sons on Poonamallee Bypass Road to drop his co-passenger. When he got down and opened the car boot, a Bajaj Pulsar bearing Registration No. TN 07 CF 8148, coming from the same direction in a rash and negligent manner, hit the appellant and the vehicle from behind. As a result, the appellant fell and sustained grievous injuries. The accident occurred solely due to the negligence of the first respondent, the rider of the said motorcycle. Therefore, the first respondent, as



the owner of the vehicle, and the second respondent, being the insurer, are jointly and severally liable to pay compensation to the petitioner.

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3. The learned counsel for the appellant/claimant submitted that the appellant sustained grievous injuries in the said accident and underwent treatment for nearly six months. However, the Tribunal failed to consider the same while awarding compensation. He also challenged the finding of 10% contributory negligence fixed on the appellant, stating that the appellant had not violated any traffic rules and thus disputed that aspect of the finding.

4. On considering the submissions, it is evident from the wound certificate marked as Ex.P2 that the appellant was treated as an inpatient for 26 days for multiple injuries. The Medical Board certified that the appellant / claimant had suffered 45% disability. The Tribunal awarded compensation at the rate of Rs.5,000/- per percentage of disability, which is found to be reasonable and requires no interference. However, with regard to loss of income, the appellant claimed that he was an agriculturist and also an income tax assessee.



In support of this claim, income tax returns were produced and marked as

Ex.P12, which indicate a monthly income of Rs.25,000/-. It was also submitted

that the appellant underwent continuous treatment for approximately six months, which the Tribunal failed to consider.

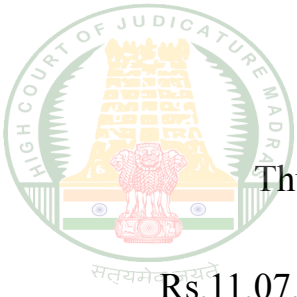
5. The Tribunal had fixed a notional income of Rs.25,000/- per month but restricted the loss of income to only 3 months. This Court is of the view that the period of loss of income should be enhanced to 6 months, considering the prolonged treatment undergone by the claimant. Accordingly, the loss of income is assessed at $\text{Rs.}25,000 \times 6 = \text{Rs.}1,50,000/-$. Hence, the amount awarded by the Tribunal under the head "Loss of Income" is enhanced from Rs.75,000/- to Rs.1,50,000/-. Further, the sum of Rs.50,000/- awarded by the Tribunal towards pain and suffering is enhanced to Rs.60,000/-. Additionally, the amount awarded by the Tribunal under the heads of Attender charges, Transportation, Loss of amenities and Extra Nourishment are also enhanced to Rs.20,000/-, Rs.15,000/- Rs.30,000/- and Rs.20,000/- respectively. It is admitted that there was no designated service lane in the area where the accident occurred. The petitioner



had parked the car on the highway itself. Therefore, the 10% contributory negligence fixed upon the claimant by the Tribunal is justified and requires no interference.

6. The following tabular column sets out the amounts awarded by the Tribunal and the modified 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.	Partial Disability	2,25,000	2,25,000
2.	Pain and Suffering	50,000	60,000
3.	Loss of Income	75,000	1,50,000
4.	Medical Expenses	8,32,000	8,32,000
5.	Attender Charges	13,000	20,000
6.	Transportation	10,000	15,000
7.	Loss of Amenities	10,000	30,000
8.	Extra Nourishment	15,000	20,000
	Total	12,30,000	13,52,000
	Less contributory negligence 10% of the award amount.	1,23,000	1,35,200
	Total	11,07,000	12,16,800



Thus, the compensation awarded by the Tribunal is enhanced from

Rs.11,07,000/- to Rs.12,16,800/-, which would carry interest at the rate of 7.5%

per annum.

7. 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 to Rs.12,16,800/-.

iii. The appellant / claimant is directed to pay the Court fee for the enhanced compensation amount, if any, within a period of four weeks from the date of receipt of a copy of this order and the Registry is directed to draft the decree only after receipt of the Court fee.

iv. The 2nd respondent, the Reliance General Insurance Company Ltd., is directed to deposit the enhanced compensation amount i.e., Rs.12,16,800 /- (Rupees Twelve lakhs sixteen thousand and eight hundred only), less the amount already deposited, together with interest at the rate of 7.5% per annum



from the date of claim petition till the date of deposit to the credit of

MCOP.No.7587 of 2017 on the file of the Special Sub Judge No.II, Motor

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Accident Claims Tribunal, Court of Small Causes, Chennai, within a period of

six weeks from the date of receipt of a copy of this order / uploading of this

order.

v. On such deposit being made, 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, if any, in filing this appeal.

30-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. The Special Sub Judge No.II,
Motor Accidents Claims Tribunal court
Small Causes, Chennai.

2.The Manager
Reliance General Insurance Company
Ltd.,Chennai-600 002.

3.The Section Officer.
VR Section, High Court of Madras.



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T.V.THAMILSELVI J.
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