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CMA No. 1060 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1060 of 2025

1. S Anand

S/o. Subramaniam, No. 17/56,
Sathanakadu High Road, Kaladipet,
Thiruvotriyur, Chennai 19

Appellant(s)

Vs

1. G.Arulmani

S/o. Ganesan No. 24-A, Audco Nagar,
Phase 2, Senneerkuppam, Poonamallee,
Chennai 56

2.Reliance General Insurance Co Ltd.
Legal Department, Reliance House, 6th
Floor, No. 6, Haddows Road,
Nungambakkam, Chennai 6

Respondent(s)

CMA No. 1060 of 2025

PRAYER

To enhance the amount awarded in MCOP No.7746/2016 dated 26-03-2024 on



the file of Motor Accident Claims Tribunal(Special Sub Court No.1, Small Causes Court, Chennai)

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CMA No. 1060 of 2025

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

For Respondent(s): M/s.G.Vasudevan For R2 R1 -
Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the amount awarded in MCOP No.7746/2016 dated 26-03-2024 on the file of Motor Accident Claims Tribunal(Special Sub Court No.1, Small Causes Court, Chennai) (in short "tribunal").

2. The brief facts of the case

On 31.08.2016 at about 21.30 hours, while the claimant was riding the motorcycle bearing Reg. No. TN-03-K-8274 proceeding from south to north at Anna Salai & Pallavan Salai Junction, Chennai, at that time the Car bearing Reg. No. TN-06. H-3895 driven by its driver, drove in a very rash and negligent manner came from west to east and hit the above said motorcycle and the claimant. Due to the accident the claimant sustained grievous injuries. Thereafter, the claimant filed petition before the tribunal claiming



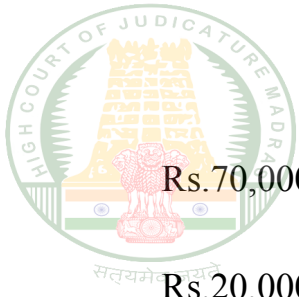
compensation. The second respondent insurance company contested the case by filing counter. On considering oral and documentary evidence, the tribunal

awarded a sum of Rs.1,98,000/- as compensation. Challenging the quantum of compensation, the respondent insurance company preferred this appeal.

3. The learned counsel for the claimant submits that the claimant has sustained grievous injuries but erroneously awarded very meagre amount as compensation. Hence, he prays to allow this petition.

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

5. Considering the fact that the accident was happened in the year 2016 and was suffered with fracture of left Tibia. Hence, this Court is inclined to fix Rs.6,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs. 84,000/- for disability. Further, the claimant was working as a driver and had taken treatment for 60 days Hence, this Court inclined to fix Rs.15000 per month as loss of income. Accordingly, the claimant is entitled to Rs.15,000/-x8= 1,20,000/-. Further, this Court is inclined to enhance



Rs.70,000/- for pain and suffering and Rs.10,000/- for transportation and

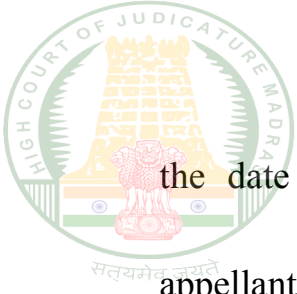
Rs.20,000/- for extra nourishment. Except above modification, the awarded

passed by the tribunal is confirmed.

S.No.	Heads	Compensation awarded by the tribunal	Compensation awarded by this Court
1.	Disability	Rs.70,000/-	Rs.84,000/-
2.	Pain and sufferings	Rs.45,000/-	Rs.70,000/-
3.	Transportation	Rs.4,0000/-	Rs.10,000/-
4.	Extra Nourishment	Rs.10,000/-	Rs.20,000/-
5.	Attender charges	Rs.18,900/-	Rs.18,900/-
6.	Loss of earnings	Rs.40,000/-	Rs.1,20,000/-
7.	Loss of Amenities	Rs.10,000/-	Rs.10,000/-
8.	Total	Rs.1,97,900/-	Rs.3,32,900/-

Rounded off to Rs.3,33,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.3,33,000/-. 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.7746/2016. on the file of Motor Accident Claims Tribunal(Special Sub Court No.1, Small Causes Court, 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.

16-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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S/o. Ganesan No. 24-A, Audco Nagar,
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Chennai 56

2.Reliance General Insurance Co Ltd.

Legal Department, Reliance House, 6th
Floor, No. 6, Haddows Road,
Nungambakkam, Chennai 6.

3.The Motor Accident Claims

Tribunal(Special Sub Court No.1, Small
Causes Court, Chennai).

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



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T.V.THAMILSELVI J.
pbl

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