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CMA No. 727 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 727 of 2024

1. M. Meenatchi

W/o.Muthukumar, 4/228, Vinayagar
Kovil Street, Nadu Karadu,
Seelanaickenpatty, Salem District.

Appellant(s)

Vs

1. A. Venkatachalam

S/o.arumugam, Sankari Road,
Seetharampalayam Post, Tiruchengode,
Namakkal District.

2.United Insurance Co.Ltd.,

T.P.HUB, Rep. by its Manager, Having
an Office at No.104-A, Sri Ranga
Complex, I Floor, Peramanur Main
Road, Salem. (the Respondent 1
remains set ex parte before the tribunal,
hence notice may be dispense with for
R1 in this appeal.

Respondent(s)



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PRAYER

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For Appellant(s): Mr.Ma.P.Thangavel For Mr.M.
Lokesh

For Respondent(s): Mr.C.Paranthaman For R2
R-1 Insufficient Address

ORDER

This Civil Miscellaneous Appeal has been filed to enhance the compensation in the award dated 01.11.2013 made in MCOP.No.748 of 2022 on the file of MACT/Special District Court at Salem.

2. On 12.03.2022 at about 09.45 a.m., when the petitioner was riding a two wheeler bearing registration No. TN 90 C 3879 in Salam – Namakkal main road, the bus bearing registration No. TN 34 U 6489 was driven by its driver in a rash and negligent manner hit against the claimant due to which the petitioner fell down and sustained injuries all over the body. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second



respondent/insurance Company contested the case by filing counter. After considering the oral and documentary evidence the tribunal awarded compensation of Rs.1,15,000/-. Challenging the quantum of compensation the claimant filed this appeal.

3. The learned counsel for the claimant submits that the claimant has sustained grievous injuries but the tribunal fixed very less amount as compensation. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the cost of living at the time of the accident, this Court is inclined to fix Rs.10,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs. 2,00,000/- under the head of disability. Further, this Court is inclined to fix Rs.12,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.48,000/- under the head of loss of income for 4 months.

5.1. Further, the tribunal has failed to award amount under the head of extra nourishment, transport expenses and attender charges. The claimant has



underwent surgery to that effect he produced the Medical records/Ex.P2, he, requires extra nourishment to improve his health. Hence, this court is inclined to

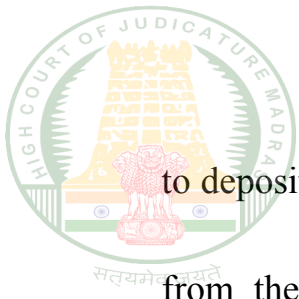
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fix Rs.10,000/- for extra nourishment and this Court award Rs.12,000/- for attender charges and Rs.10,000/- for transportation expenses. Except above modification, the award passed by the tribunal remain unchanged.

6. 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.20,000/-
2.	Loss of Income	Nil	Rs.48,000/-
3.	Medical Expenses	Rs.15,000/-	Rs.15,000/-
4.	Transportation expenses	Nil	Rs.10,000/-
5.	Extra Nourishment	Nil	Rs.10,000/-
6.	Attender charges	Nil	Rs.12,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Rs.80,000/-	Rs.2,00,000/-
10	Total	Rs.1,15,000/-	Rs.3,15,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 3,15,000/-**. The second **respondent** is directed



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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.748 of 2022 on the file of MACT/Special District Court at Salem, 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 excessive amount has already been deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

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

24-07-2025

pbl

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The MACT/Special District Court at Salem.

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



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T.V.THAMILSELVI J.

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