



CMA No. 1339 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1339 of 2025

1. SURESH

S/o.Sakkarai, Pillaiyar Koil Street,
Vasantha Krishnapuram Village and
Post, Kandachipuram Taluk,
Villupuram District

Appellant(s)

Vs

1. ELUMALAI

S/o.Kullan, No.2/137, South Street,
Nedumudaiyan Village, Vengur Post,
Tirukoilur Taluk, Villupuram District

2.The Divisional Manager

The New India Assurance Co. Ltd. CSI
Building, 2nd Floor, No.1, Officers
Line, Near Voorhees college, Vellore-1

3.The Branch Manager

The New India Assurance Co. Ltd.
No.42, Big Street, Tiruvannamalai



CMA No. 1339 of 2025



Respondent(s)

CMA No. 1339 of 2025

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PRAYER

To enhance the award against the Judgement and Decree dt. 29.03.2023 and made in MACT OP No.770/2019 on the file of Motor Accident Claims Tribunal, Tiruvannamalai (In the court of the Special Sub Court, Tiruvannamalai)

CMA No. 1339 of 2025

For Appellant(s): Mr.F.Terry Chella Raja For
Mrs.M.Malar

For Respondent(s):

JUDGEMENT

This Civil Miscellaneous appeal has been filed to enhance the award against the Judgement and Decree dated 29.03.2023 and made in MACT OP No.770/2019 on the file of Motor Accident Claims Tribunal, Tiruvannamalai (In the court of the Special Sub Court, Tiruvannamalai).

2. According to the appellant, On 06.02.2018 at about 07.00 p.m, the petitioner was going in his two wheeler bearing registration number TN 32 AE 6510 from his village towards Anthili village on the left extreme of the road in soil path on Arakandanallur to Anthili road and while he was going near policer



quarters, the driver of the Tractor bearing registration number TN 32 AK 0888

along with tipper drove the vehicle in opposite direction with rash and negligent manner hence the tractor tipper back door automatically opened and dashed on the petitioner. Due to which the appellant sustained injury in all over his body.

Therefore, the filed petition claiming Rs.5,00,000/- as compensation. After considering the oral and documentary evidence the tribunal awarded a compensation of Rs.2,01,704/- to the appellant herein. Not satisfied with the quantum of compensation, the injured/claimant has come by way of this appeal.

3. The learned counsel for the petitioner submits that the accident was happened in the year 2018 and the petitioner is aged about 26 years at the time of the accident and earned Rs.30,000/- per month. However, without taking note of the above fact the tribunal has fixed Rs.9,000/- as monthly income.

4. Considering the facts and circumstances of the case, the accident was happened in the year 2018 and permanent disability caused to the petitioner is 10%. Hence, this Court fix a sum of Rs.7,000/- per percentage for injuries which comes around Rs.70,000/-. Except above enhancement, this Court is not inclined to enhance the compensation as awarded by the tribunal in other heads.



5. In view of the discussions made earlier, the award passed by the

Tribunal is modified as follows:-

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Sl. No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Disability	Rs.50,000/-	Rs,70,000/-
2.	Pain and Sufferings	Rs.30,000/-	Rs.30,000/-
3.	Extra Nourishment	Rs.5,000/-	Rs.5,000/-
4.	Attender Charges	Rs.5,000/-	Rs.5,000/-
5.	Medical Expenses	Rs.44,704/-	Rs.44,704/-
6.	Transportation Expenses	Rs.5,000/-	Rs.5,000/-
7.	Loss of income during treatment period	Rs.27,000/-	Rs.27,000/-
8.	Loss of Amenities	Rs.35,000/-	Rs.35,000/-
	Total	Rs.2,01,704/-	Rs.2,21,704/-

6. Therefore, the total compensation payable to the petitioner is enhanced to Rs.2,21,704/-. The respondents/Insurance Company is directed to deposit the said amount to the credit of MCOP No. 770 of 20219 on the file of the Motor Accident Claims Tribunal, Tiruvannamalai (In the court of the Special Sub Court, Tiruvannamalai) within a period of eight weeks from the date of receipt of a copy of this judgment. On Such deposit, the claimant is permitted to



withdraw the award amount by making formal application before the Tribunal.

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7. With the above directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Pending petition(s), if any, is/are closed.

03-06-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Motor Accident Claims Tribunal, Tiruvannamalai (In the court of the Special Sub Court, Tiruvannamalai).

2.The Divisional Manager

The New India Assurance Co. Ltd. CSI Building, 2nd Floor, No.1, Officers Line, Near Voorhees college, Vellore-1



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CMA No. 1339 of 2025



T.V.THAMILSELVI J.

pbl

CMA No. 1339 of 2025



WEB COPY

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03-06-2025