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CMA No. 1470 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1470 of 2023

Ranjith @ Ranjithkumar

Appellant(s)

Vs

1. Gnanaganesan

2.The Branch Manager

United India Insurance Company Ltd,

Opp to Radio Station, Bharathidasan

Salai, Cantonment, Tiruchirappalli.

Respondent(s)

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the Judgement and Award of the Motor Accident Claim Tribunal (Sub Court) Jayankondam in MCOP.No. 34 of 2018 dated 14.12.2022.

For Appellant: Mr. P.Parthikannan

For Respondents: Mr. C.Paranthaman For R2
R-1 - No Appearance



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JUDGMENT

The claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.34 of 2018, dated 14.12.2022 has preferred this appeal seeking for enhancement of compensation.

2.The case of the claimant is that on 22.09.2017 the petitioner was riding his vehicle to pour tar on the left side of Vadakkarai-Narasingamalam road from north to south direction, the driver of mini bus bearing Regn. No. TN-25 W-7479 drove it in a rash and negligent manner without any signal or sound, dashed on the back side of the petitioner and caused an accident. Due to which, the claimant sustained serious injuries, for which he 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.30,00,000/-.

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.4,18,000/- under various heads as follows:

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income	54,000
2.	50% disability	2,50,000
3.	Medical expenses	5,000
4.	Pain and sufferings	3,000
5.	Extra nourishment	2,000
6.	Damages to cloths	1,000
7.	Transportation expenses	3,000
8.	Loss of amenities	1,00,000
	Total	4,18,000

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The claimants 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.



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6. The learned counsel for appellant argues that due to the accident happened on 22.09.2017, the petitioner sustained grievous injury, due to which, he was not able to do his work of laying tar road and he sustained 70% of permanent disability, but the tribunal has fixed only a sum of Rs.5000/- per percentage of disability as such is erroneous one and prayed for enhancement of compensation.

7. The learned counsel for 2nd respondent insurance company argues that the award passed by the under various heads is well-reasoned one, which needs no interference. Hence, he raised strong objections and prayed to dismiss this appeal.

8. On perusal of award passed by the Tribunal below, the fact reveals that at the time of accident, the claimant was doing the work in laying tar road. So, the notional income was fixed for six months. On considering the injuries as well as treatment period, the learned Tribunal fixed six months for loss of income, but the learned counsel for appellant argues that due to the injuries sustained, he was not able to move outside and nearly about ten months, he was



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not able to attend his work. Hence, on seeing the grievous injury as well as considering the period of treatment, this Court is inclined to modify the period for loss of income as ten months. The accident was happened in the year 2017 and he was aged about 19 years. Therefore, on considering the cost of living, this Court is inclined to enhance the notional income from Rs.9,000/- per month to Rs.10,000/- per month. Considering the 50% of permanent disability, this court is inclined to enhance the sum of Rs.5000/- per percentage to Rs.8000/- per percentage. Furthermore, on seeing the facts, he has undergone surgeries as well as treatment in various hospitals. Hence, for the pain and sufferings, the sum awarded as Rs.3,000/- is enhanced to Rs.50,000/-. As he is in need of more nourishment, the nutrition expenses awarded as Rs.2,000/- is enhanced as Rs.10,000/-. Considering the fact that during the treatment period, the petitioner required an attender, the attender charges is to be arrived as Rs.12,000/- and the transportation expenses is also to be enhanced from Rs.3000/- to Rs.5000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.



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

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability/loss of income (50% x Rs.8000= Rs.4,00,000/-)/ (Rs.10000/- x 10 months= Rs.1,00,000/-)	5,00,000
2.	Medical Expenses	5,000
3.	Pain and Suffering	50,000
4.	Extra nourishment	10,000
5.	Damages to cloths	1,000
6.	Transportation expenses	5,000
7.	Attender charges	12,000
8.	Loss of amenities	1,00,000
	Total	6,83,000

10. The compensation awarded by the tribunal at Rs.4,18,000/- is enhanced to Rs.6,83,000/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.6,83,000/-, 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 this judgment. Insofar as the enhanced compensation is concerned,



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.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

17-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Sub-Judge, Jayankondam.

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



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T.V.THAMILSELVI J.

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