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CMA No. 1224 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1224 of 2023

1. N.Palayam

S/o.Natesan, No.192, Bajanai Koil
Street, Melakottaiyur, Kancheepuram,
Chennai-600048

Appellant(s)

Vs

1. Essel Pallavapuram Tambaram MSW
No.7, Pilliyar Koil Street, St. Thomas
Mount, Chennai-16

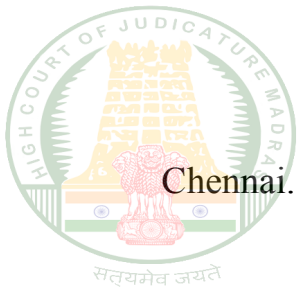
2.The New India Assurance Co. Ltd.,
Motor Third Party Claims Hub,
NO.223, Bombay Mutual Building, 6th
Floor, NSC Bose Road, Chennai-1

Respondent(s)

CMA No. 1224 of 2023

PRAYER

To enhance the amount awarded in MCOP.No. 1918 of 2018, dated 20.11.2021
On the file of Motor Accident Claims Tribunal (IV Small Causes Court),



CMA No. 1224 of 2023

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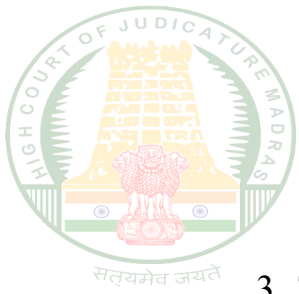
For Appellant(s): Mr. K. Varadha Kamaraj

For Respondent(s): Mr. T.Jayaraman For R2
R1 - Insufficient Address

JUDGEMENT

This appeal has been filed to enhance the amount awarded in MCOP.No. 1918 of 2018, dated 20.11.2021 On the file of Motor Accident Claims Tribunal (IV Small Causes Court), Chennai.

2. On 15.02.2018 at about 20.45 hours, when the petitioner/claimant riding in a two wheeler bearing registration No. TN 22 AZ 2287 in Vengadamangalam Road, Kandigai to Vengadamangalam side, near Vijaya Shanthi apartments, at that time a lorry bearing registration No. TN 22 CS 7364, driven by its driver in a very rash and negligent manner hit the claimant due to which the claimant sustained injuries. Thereafter, the claimant filed the petition before tribunal claiming compensation and the second respondent contested the case by filing counter. After considering the oral and documentary evidence the tribunal awarded compensation. Challenging the quantum of compensation, the claimant filed this appeal.



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3. The learned counsel for the petitioner submits that the petitioner has earned considerably but the tribunal has fixed only Rs.10,000/- as notional income which is very meagre. Further, he submits that petitioner's right leg was amputated. Hence, he prays to enhance the compensation.

4. The learned counsel for the second respondent submits that at the time of filing petition, the petitioner/claimant has claimed only Rs.13,000/- as monthly income as he was pump boy in the private concern and also pointed out that tribunal awarded exorbitant amount in other heads. Hence, he prays to dismiss this petition.

5. Considering the fact the accident was happened in the year 2018 and the petitioner's right leg knee was amputated. Considering the cost of living at the time of the accident, this inclined to award Rs.15,000/- under the head of notional income. Accordingly, the claimant is entitled to Rs. 15,75,000/- $(15000 + 3750 \times 12 \times 14 \times 50 / 100)$ under the head of disability. Loss of income awarded by the tribunal is unwarranted. Accordingly, loss of income awarded by the tribunal is ordered to be deleted. The claimant has lost his right leg knee

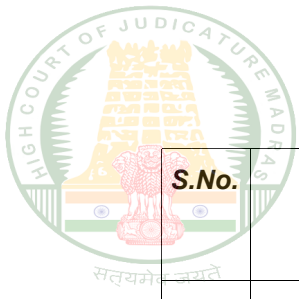


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hence he would have suffered lot of pain and sufferings. Hence, this Court is inclined to enhance the amount awarded under the head of pain and sufferings from Rs.30,000/- to Rs.75,000/- and he require extra nourishment for his recovery hence, the amount awarded under the head of extra nourishment is enhanced from Rs. 25,000/- to Rs.30,000/-. Further, the petitioner has taken in patient treatment for 13 days, hence the amount awarded under the head of attender charges is reduced to Rs. 4,200/- from Rs.6500/- and for transportation expense is enhanced to Rs.30,000/- from Rs. 15,000/-. This Court award Rs.50,000/- for purchasing artificial limb. Further, this Court award Rs.5,000/- for damage to cloths. Except above modification the award passed by the tribunal in other heads remain unchanged.

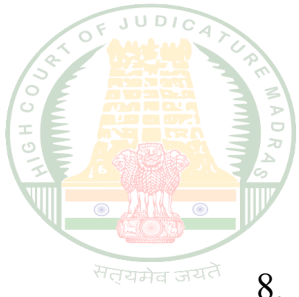
6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.30,000/-	Rs.75,000/-
2.	Loss of Income	Rs.50,000/-	Nil
3.	Medical Expenses	Rs.2,44,133/-	Rs. 2,44,133/-
4.	Transportation expenses	Rs.15,000/-	Rs.30,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
5.	Extra Nourishment	Rs.25,000/-	Rs. 30,000/--
6.	Attender charges	Rs.6,500/-	Rs.4,200/-
7.	Damages to cloths and article	Rs.1,000/-	Rs. 5,000/-
8.	Lost of amenities	Rs.30,000/-	Rs.30,000/-
9.	For permanent disability	Rs.10,50,000/-	Rs.15,75,000/-
10	For artificial limb		Rs.50,000/-
111	Total	Rs. 14,71,633/-	Rs.20,43,333/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 20,43,333/-**. The 2nd **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. 1918 of 2018, on the file of Motor Accident Claims Tribunal (IV 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 excessive amount has already been deposited before the tribunal.



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

29-08-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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CMA No. 1224 of 2023

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To

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T.V.THAMILSELVI J.

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