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CMA No. 1409 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1409 of 2025

1. R. Ramachandran

S/o.Rajan, No.281/106, Palani Andavar
Koil Street, Ayanavaram, Chennai - 600
023.

Appellant(s)

Vs

1. K. Dinesh

S/o.Kumar, No.73, 13th Lane,
Ashirvathapuram, Broadway, Chennai -
600 108.

2.United India Insurance Company

Ltd.,
No.134 Silingi Building, 4th Floor,
Greens Road, Chennai - 600 003.

Respondent(s)



CMA No. 1409 of 2025

PRAYER

To enhance the amount awarded in MCOP.No.3559 of 2022 dated 28-10-2024 on the file of the MACT (II Spl.Court of Small Causes Court) Chennai.

CMA No. 1409 of 2025

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

For Respondent(s): Mr.V.Balamurugan For R1
Mr.V.Dhakshanamoorthy For R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the amount awarded in MCOP.No.3559 of 2022 dated 28-10-2024 on the file of the MACT (II Spl.Court of Small Causes Court) Chennai.

2. On 16.06.2022 at about 09.20 a.m., when the claimant was walking in the road at K.H Road, Opposite to Kovai Textiles from South to North direction at that time the two wheeler bearing registration No. TN 04 AY 4102 came from the opposite direction hit the claimant due to which the claimant sustained injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. 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



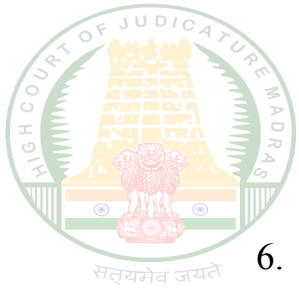
this appeal.

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3. The learned counsel for the appellant submits that the claimant has sustained grievous injuries but the tribunal awarded very less amount under other heads. 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 facts of the case and also considering the cost of living at the of the accident and also injuries sustained by the claimant, this Court is inclined to fix Rs.10,000/- per percentage of disability. Accordingly, this Court is inclined to fix Rs.30,000/- under the head of disability(3x10,000). Further, the claimant has sustained grievous injuries hence this Court is inclined to fix Rs.25,000/- for pain and sufferings and tribunal has rightly fixed Rs.13,000/- as notional income of the claimant however it has awarded only for three months , this Court is inclined to enhance for six months. Accordingly, the claimant is entitled to Rs.78,000/- under the head of loss of income and also this Court inclined to fix Rs.15,000/- for attender charges. Except above modification the award passed by the tribunal in other heads remain unchanged.



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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.15,000/-	Rs.25,000/-
2.	Loss of Income	Rs.39,000/-	Rs.78,000/-
3.	Medical Expenses	Rs.2,965/-	Rs.2,965/-
4.	Transportation expenses	Rs.10,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs. 10,000/-	Rs.15,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Rs.15,000/-	Rs.30,000/-
10	Total	Rs. 1,01,965/-	Rs.1,70,965/-

Rounded off to Rs.1,71,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.1,71,000/-**. 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.3559 of 2022 on the file of the MACT (II Spl.Court of 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.

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

16-07-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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

2. The MACT (II Spl. Court of Small Causes Court) Chennai.



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T.V.THAMILSELVI J.

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