



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1413 of 2022

M.Anand (since died)

- 1.Mariammal
2. Manmegalai
3. Manimaran
4. Manimalar
5. Manibharathi

...Appellants

Vs

1.N. Selvakumar

2. United India Insurance Company Limited,
Motor Third Party Claims Office
No.134, Greams road,
Sillingi Buildings, 4th floor, Chennai 600 006.

..Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in MACTOP.No.42 of 2015 dated 26.03.2021 on the file of Motor Accident Claims Tribunal, (IV Court of Small Causes, Chennai).

For Appellants : Mr.C.D.Kamaraj

For Respondents : No such person for R1

Mr.D.Venkatachalam for R2

J U D G M E N T



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This appeal has been filed by the appellants/claimants seeking enhancement of compensation under the impugned award dated 26.03.2024 passed by the Motor Accident Claims Tribunal (IV Court of Small Causes, Chennai) in MACTOP.No.42 of 2015.

2.The brief facts of the case are as follows:

On 29.09.2014 at about 08.00 hours, when the deceased/Anand was an occupant passenger in the Auto rickshaw bearing Regn.No.TN-05-Q-4545, proceeding from North to South and enter western side near Periyar Statue, the said auto capsized and the deceased was thrown out from the vehicle, due to which, he sustained multiple grievous injuries. Claiming that the driver of the auto rickshaw is responsible for the accident, the deceased has filed a claim petition before the Tribunal claiming a sum of Rs.6,00,000/-. The Tribunal after adjudicating the issues with reference to the documents and evidences, has awarded a total compensation of Rs.3,20,000/- with interest at 7.5% per annum from the date of numbering the petition till the date of realization with costs.

3. The appellants/claimants, unsatisfied with the quantum of



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compensation awarded by the Tribunal under the impugned award, has preferred this appeal seeking enhancement.

4. Heard the learned counsel for the appellants and learned counsel for the second respondent and perused the materials available on record.

5. The learned counsel appearing for the Appellants/Claimants submitted that the amount awarded to the dependants of the deceased were very low and the evidence of PW1 regarding medical bills of Rs.76,992.30 which was spent at the time of his course of treatment and marked as Ex.P6, the bill amount has been discarded by the court erroneously. The rate of interest fixed by the Tribunal is also very low and it ought to have been awarded at least 9%. Hence, he prayed to enhance the compensation.

6. Per contra, the learned counsel appearing for the second respondent/Insurance Company has submitted that the compensation claimed by the appellants is highly excessive and baseless. He further submitted that the Tribunal after analysing the evidences on record, has rightly awarded the compensation to the appellants/claimants and hence, the



award passed by the Tribunal does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

7. On perusal of records, it is seen that due to the said accident, the deceased has sustained multiple grievous injuries and fracture in clavicle left middle 3rd distal 3rd joint and strapping and also laceration over left leg near ankle region and the A.R.Copy /Ex.P3 and discharge summary /ExP4 proves that even after the accident, he took treatment in the hospital and it is diagnosed that the deceased had comminuted fracture in left clavicle and ORIF with LCP with bone grafting and Ex.P6/Medical bills proves that he spent a sum of Rs.76,992.30/- for the treatment. Thereafter he died on 03.07.2016. The Ex.P7/legal heirs certificate established that these appellants are the legal heirs of the deceased and hence they are entitled to get compensation. But the Tribunal failed to consider the medical bills produced by the claimants while calculating the compensation for the injuries sustained by the deceased. Hence, this court is inclined to take into consideration Rs.76,992,30/- also for granting compensation to the claimants.

8. In respect of other heads, the Tribunal has granted a just and fair



compensation and hence, they do not call for any interference of this court and the same remains unaltered.

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

Sl.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Functional Disability	2,52,000/-	2,52,000/-
2.	Pain and sufferings	20,000/-	20,000/-
3.	Extra Nourishment	15,000/-	15,000/-
4.	Transportation	15,000/-	15,000/-
5.	Damage to clothes	1,000/-	1,000/-
6.	Attender charges	2,000/-	2,000/-
7.	Loss of amenities	15,000/-	15,000/-
8.	Medical Expenses	---	76,992.30/-
10	Total	3,20,000/-	3,96,992.30/-

The amount is rounded off to Rs.3,97,000/-

10. Thus, the appellants/claimants are entitled to the enhanced compensation of Rs.3,97,000/- (Rupees Three Lakhs and Ninety Seven Thousand only).

11. The Civil Miscellaneous Appeal is partly allowed. No costs.



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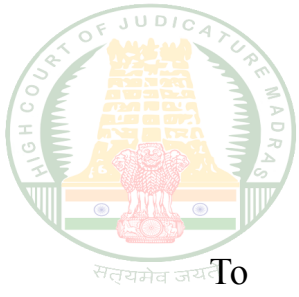
12. The second respondent/Insurance Company is directed to deposit the enhanced compensation as ordered above, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the appellants/claimants are permitted to withdraw the enhanced award amount, in the same ratio as apportioned by the Tribunal, by filing necessary applications before the Tribunal.

13. Since the compensation amount now enhanced is Rs.3,97,000/-, it is made clear that the appellants/claimants have to pay the appropriate Court fee in order to receive the enhanced award amount.

05.08.2025

Index : Yes/No
Internet : Yes/No
gv

T.V.THAMILSELVI.,J
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To

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1. The Motor Accident Claims Tribunal/
(IV Small Causes Court, Chennai)
2. The Section Officer,
VR Section, High Court, Madras.

C.M.A.No.1413 of 2022

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