



C.M.A.No.1785 of 2025

C.M.A.No. 1785 of 2025

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T.V.THAMILSELVI, J.

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the appellant.

2. The learned counsel for appellant would submit that this Court by Judgment dated 10.07.2025 partly allowed the above Civil Miscellaneous Appeal. However, he would submit that this court enhanced compensation towards loss of income from Rs.12,000/- for one month to Rs.15,000/- for six months, but it was not added in the calculation column. Hence, he prayed to modify the calculation column and requested to issue fresh order copy. Accordingly, the matter has been listed today.

3. Heard the contentions of learned counsel for appellant and perused the order.

4.Considering his submissions, Registry is directed to substitute calculation column in para 6 and para 7 of judgment as follows:-



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S.No	Compensation awarded under the head	Amount awarded by Tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	Pain and sufferings	25,000	25,000	confirmed
2.	Loss of income	12,000	90,000	enhanced
3.	Medical expenses	11,281	11,281	confirmed
4.	Transportation expenses	5,000	5,000	confirmed
5.	Extra nourishment	5,000	10,000	enhanced
6.	Attender charges	2,500	5,000	enhanced
7.	Damages to cloths and article	2,000	2,000	confirmed
8.	Loss of amenities	25,000	25,000	confirmed
9.	For permanent disability (10% x Rs.9000)	50,000	90,000	enhanced
	Total	1,37,781	2,63,281	enhanced
	Rounded off		2,63,290	

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.2,63,290/-**. 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 MACTOP.No.3792/2021 on the file of the Motor Accident Claims Tribunal, Chennai (In the IV Court of Small Causes, 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



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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.”

5. Registry is directed to incorporate above correction in the judgment of this Court in C.M.A.No.1785 of 2025 dated 10.07.2025 and issue fresh order copy to the appellant.

18.08.2025

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18.08.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1785 of 2025

1. S.Thanigaivel
S/o. Subramani, No. 75, Anna Salai,
Erukanchery, Kodungaiyur, Chennai-
18.

Appellant(s)

Vs

1. N.Porkodi
W/o. Nagarajan, No. 163, Sarma
Nagar, 1st Main Road, Vyasarpadi,
Chennai-39.

2.United India Insurance Company
Limited
No. 134, Greams Road, IV Floor,
Anna Sali, Chennai-600 006.

Respondent(s)

CMA No. 1785 of 2025

PRAYER

To enhance the award dated 21-02-2024 and made in
MACTOP.No.3792/2021 on the file of the Motor Accident Claims
Tribunal, Chennai (In the IV Court of Small Causes, Chennai) and thus



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render justice
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For Appellant(s): Ms.A.Deepa

For Respondent(s): Ms.I.Malar For R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the award dated 21-02-2024 and made in MACTOP.No.3792/2021 on the file of the Motor Accident Claims Tribunal, Chennai (In the IV Court of Small Causes, Chennai).

2. On 05.04.2021 at about 13.30 hours the claimant was riding a motorcycle bearing registration No. TN 05 CC 4280 from South to North direction at Kodungaiyur Muthamil Nagar, North Avenue Road, at that time a motorcycle bearing registration No. TN 05 BU 1769 was driven in rash and negligent manner hit the claimant due to which the claimant sustained grievous 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.



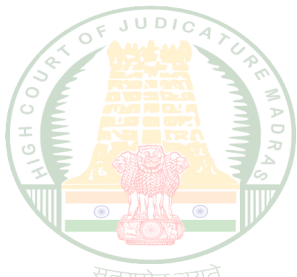
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3. The learned counsel for the appellant/claimant submits that the claimant was proprietor of Saravana Service Centre earned Rs.25,000/- per month but the tribunal has fixed only Rs.12,000/- as loss of income which is very meagre and also awarded very less amount in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent insurance company submits that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the fact that the accident was happened in the year 2021 and also considering the cost of living at the time of the accident this Court is inclined to fix Rs.9,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.90,000/- under the head of disability. Further, this Court is inclined to fix Rs.15,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.45,000/- under the head of loss of income for six months. Further, the claimant sustained greivous injuries hence the claimant require extra nourishment, hence this Court is inclined to enhance Rs.10,000/- for nutrition expenses and also the claimant has taken in-patient treatment for 5 days. Hence, this Court is inclined to fix Rs.5,000/- for attender charges. Except above modification, the award



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passed by the tribunal in other heads remain unchanged.

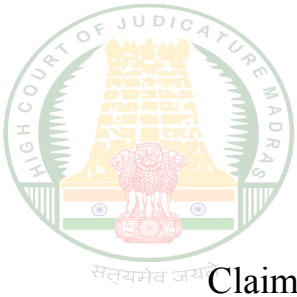
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6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

<i>S.No</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Pain and sufferings	Rs.25,000/-	Rs.25,000/-
2.	Loss of Income	Rs.12,000/-	Rs.45,000/-
3.	Medical Expenses	Rs.11,281/-	Rs.11,281/-
4.	Transportation expenses	Rs.5,000/-	Rs.5,000/-
5.	Extra Nourishment	Rs.5,000/-	Rs.10,000/-
6.	Attender charges	Rs.2,500/-	Rs.5,000/-
7.	Damages to cloths and article	Rs.2,000/-	Rs.2,000/-
8.	Lost of amenities	Rs.25,000/-	Rs.25,000/-
9.	For permanent disability	Rs.50,000/-	Rs.90,000/-
10	Total	Rs.1,37,781/-	Rs.2,18,281/-

Rounded off to Rs.2,18,300/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 2,18,300/-**. 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 MACTOP.No.3792/2021 on the file of the Motor Accident



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, 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.

10-07-2025

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 Motor Accident Claims Tribunal, Chennai (In the IV Court of Small Causes, Chennai)



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T.V.THAMILSELVI J.
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10-07-2025