



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 964 of 2025

1. M.Saravanan

S/o. P.Mani, No.11/5, St.Xavier Street,
Broadway, Chennai-600 001

Appellant(s)

Vs

1. M.Javed Basha

No.35, B-BlockParthasarathy Nagar,
Old Washermenpet, Chennai-600 021

2.IFFCO TOKIO General Insurance

Co.Ltd.,

No.128, Habibullah Road, IFFCO
Bhavan, 4th Floor, T.Nagar, Chennai-17

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the order and Decreetal order dated 16-03-2023 passed in MCOP.NO.3277 of 2017 by the Motor Accident Claims Tribunal, V Judge Small Causes Court, Chennai.



For Appellant(s): Mr.T.G. Ravichandran

For Respondent(s): Mr.N.Anbumurugan For R2
R1 - Notice Dispensed With

JUDGMENT

The appellant has filed this appeal praying to set aside the judgement and decree, dated 16-03-2023 passed in MCOP.NO.3277 of 2017 by the Motor Accident Claims Tribunal, V Judge Small Causes Court, Chennai.

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,23,500/- as compensation, directing the 2nd respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation in the first instance. Thereafter, the Insurance Company is at liberty to recover the same from the owner of the vehicle / 1st respondent under the same cause of action.

3. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the



Motor Vehicles Act, 1988.

4. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.

5. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

6. The Medical Board assessed his partial permanent disability at 13%. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.5,000/- per percentage of disability. However, considering the claimant's age (39 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.6,000/- per percentage. Accordingly, a sum of Rs.78,000/- (Rs.6,000 x 13%) is awarded towards partial permanent disability.



7. The claimant is working as a Auto driver and earning Rs.20,000/- per month. However, the appellant has not produced any document to prove his income. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.15,000/- would meet the ends of justice. Due to the accident, the appellant would have been unable to attend to his regular work for at least eight months. Therefore, a sum of Rs.1,20,000/- (Rs.15,000 x 8 months) is awarded towards loss of income during the period of treatment and recovery. Additionally, the amount awarded by the Tribunal under the heads of Pain and sufferings & Mental agony, Transportation, Extra Nourishment, damages to clothes, Attender Charges and loss of amenities are enhanced to Rs.30,000/-, Rs.10,000/-, Rs.15,000/-, Rs.3,000/-, Rs.9,000/- and Rs.25,000/- respectively. The compensation awarded under the other heads by the Tribunal is confirmed.

8. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:



Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	65,000	78,000
2.	Medical Expenses	Nil	
3.	Loss of Income	10,000	1,20,000
4.	Pain and suffering and mental agony	15,000	30,000
5.	Transportation	5,000	10,000
6.	Extra Nourishment	10,000	15,000
7.	Damages to clothes	1,000	3,000
8.	Attender charges	2,500	9,000
9.	Loss of Amenities	15,000	25,000
	Total	1,23,500	2,90,000

Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,23,500/- to Rs.2,90,000/-, which shall carry interest at the rate of 7.5% per annum.

9. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.



ii. The compensation awarded by the Tribunal is enhanced from Rs.1,23,500/- to Rs.2,90,000/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The 2nd respondent, Insurance Company, is directed to deposit the enhanced compensation amount, i.e., Rs.2,90,000/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization, to the credit of M.C.O.P. No. 3277 of 2017 on the file of the Motor Accidents Claims Tribunal V Judge, Court of Small Causes, Chennai, within a period of eight weeks from the date of receipt or uploading of a copy of this order in the first instance. Thereafter, the Insurance Company / 2nd respondent is at liberty to recover the same from the owner of the vehicle / 1st respondent under the same cause of action.

v. On such deposit being made by the 2nd respondent, the appellant/claimant is at liberty to withdraw the same, as per the apportionment



made by the Tribunal, after following due process of law.

vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

14-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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1.The Motor Accident Claims Tribunal,
V Judge Small Causes Court, Chennai.

2.IFFCO TOKIO Genral Insurance
Co.Ltd.,
No.128, Habibullah Road, IFFCO
Bhavan, 4th Floor, T.Nagar, Chennai-17

3.The Section Officer,
VR Section, High Court of Madras.



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T.V.THAMILSELVI J.
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