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CMA No. 2320 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2320 of 2023

AND

CMP NO. 21998 OF 2023

1. United India Insurance Company Ltd
Rep.by its Branch Manager, No.139,
C.G.complex, Kumaran Road, Tiruppur
641 601.

Appellant(s)

Vs

1. T.Selvi
W/o.Thangarasu, Pudhunallur,
Thekkalur Village, Avinasi Taluk

2.T.Shanmugasundram
S/o.Thangavell, No.22, Chellam Nagar,
4th Street, Tiruppur

Respondent(s)

CMA No. 2320 of 2023

PRAYER

To against the award and decree dated 10-04-2019 made in MCOP.no.1160 of 2015 on the file of the Motor Accidents Claims Tribunal (Principal Sub Court), Tiruppur.



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For Appellant(s): D.Bhaskaran

For Respondent(s): Ma.P.Thangavel For R1 R2 - Left

JUDGEMENT

This Civil Miscellaneous Appeal has been filed against the award and decree dated 10-04-2019 made in MCOP.no.1160 of 2015 on the file of the Motor Accidents Claims Tribunal (Principal Sub Court), Tiruppur(in short "tribunal").

2. On 28.05.2015 at about 07.00 p.m when the claimant was walking in Karuvalur – Thekkalur Road from North to South direction, the vehicle bearing registration No. TN 21 U 5758 driven by its driver in a rash and negligent manner dashed against the claimant due to which the claimant sustained greivous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The Insurance Company/Appellant herein contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a compensation. Challenging the quantum of compensation,



the tribunal filed this appeal.

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3. The learned counsel for the Insurance Company/appellant submits that the doctor who examined as PW.3 before the tribunal was not treated the claimant without which the tribunal awarded compensation by adopting multiplier method as such is erroneous and liable to be set aside.

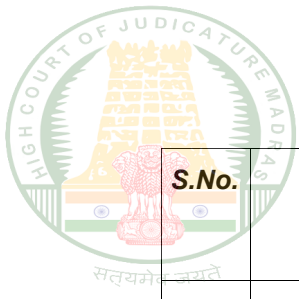
4. The learned counsel for the claimant submits that based on evidence of doctor and the disability certificate the tribunal awarded compensation which needs no interference. Hence, he prays to dismiss this appeal.

5. Considering the submissions on either side, the fact reveals that claimant sustained injuries, for that, he obtained disability certificate near about two years from the date of the accident and the doctor was examined as P.W.3, who certified that the claimant sustained 42% disability, but the learned judge adopted multiplier method and awarded compensation. Now, it is under challenge. On perusal of the disability certificate, which reveals that the



claimant has not sustained any permanent disability and has not undergone any surgery for the alleged fracture without which the tribunal has applied multiplier method as such is erroneous and liable to be set aside. Hence, this Court is inclined to fix Rs.4,000/- per percentage of disability. Accordingly, the claimant is entitled to **Rs.1,60,000/-** under the head of 40% disability. Further, the tribunal awarded Rs.15,000/- under the head of mental agony which is unwarranted. Accordingly, the amount awarded under the head of mental agony is ordered to be deleted. Further, the tribunal has awarded very meagre amount for pain and sufferings. Hence this Court is inclined to enhance the award from Rs.25,000/- to **Rs.40,000/-** under the head of pain and sufferings. Further the amount awarded under the head of Salary per month and Additional income is ordered to be deleted.

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.25,000/-	Rs.40,000/-
2.	Loss of Income	Rs.3,000/-	Nil
3.	Medical Expenses	Rs.47,246/-	Rs.47,246/-
4.	Transportation expenses	Rs.3,000/-	Rs.3,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Future medical expenses	Rs.20,000/-	Rs.20,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
7.	Salary per month	Rs7,500/-	Nil
8.	Lost of amenities	Rs.25,000/-	Rs.25,000/-
9.	For permanent disability	Rs.7,56,000/-	Rs.1,60,000/-
10.	Mental Agony	R.15,000/-	Nil
10	Total	Rs.9,01,249/- Rounded off Rs.9,00,000/-	Rs.3,05,246/- Rounded off to Rs.3,05,300/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is reduced to **Rs.3,05,300/-**. The appellant 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.1160 of 2015 on the file of the Motor Accidents Claims Tribunal (Principal Sub Court), Tiruppur. , within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The appellant may withdraw the amount, if any excessive amount has already deposited before the tribunal.



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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.T.Selvi

W/o.Thangarasu, Pudhunallur,
Thekkalur Village, Avinasi Taluk

2.T.Shanmugasundram

S/o.Thangavell, No.22, Chellam Nagar,
4th Street, Tiruppur.

3. The Section officer, V.R Section,
High Motor Accidents Claims Tribunal
(Principal Sub Court), Tiruppur.



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T.V.THAMILSELVI J.
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