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CMA No. 873 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 873 of 2023

1. S.Rajesh

S/o Sundaram, No 21, Vinobalaji
Nagar, 10th Street, Hasthinapuram,
Chennai 600 064.

Appellant(s)

Vs

1. P.Devendiran

Vadamalampatti, Pochampalli Taluk,
Krishnagiri 635 001.

2.The Oriental Insurance Co Ltd

Motor Third Party Hub, No 115,
Broadway, Chennai 108.

Respondent(s)

CMA No. 873 of 2023

PRAYER

To allow the present appeal award enhanced compensation in Judgement and Decree dated 05.09.2022 in MCOP.No. 2348/2017 on the file of the Motor Accident Claims Tribunal, (VI Small Causes Court), Chennai



CMA No. 873 of 2023

For Appellant(s): Mr.R.Nalliyappan

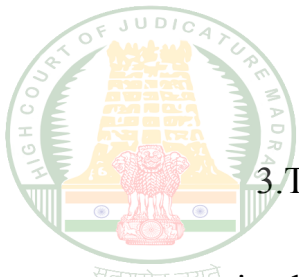
For Respondent(s): Mr.N.Sampath For R2 R1- In
Sufficient Address

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JUDGEMENT

This Civil Miscellaneous Appeal has been filed to allow the present appeal award enhanced compensation in Judgement and Decree dated 05.09.2022 in MCOP.No. 2348/2017 on the file of the Motor Accident Claims Tribunal, (VI Small Causes Court), Chennai.

2. On 23.03.2017 at about 09.00 p.m., when the claimant was walking on the side of the road nearer to the Kovilambakkam bus stop, the two wheeler bearing registration No. TN 24 AH 6563 ridden by its driver in a rash and negligent manner dashed against the claimant. Due to which the claimant sustained grievous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second respondent insurance company 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 35% disability to that the claimant marked the disability certificate as Ex.P10 but without considering the disability certificate the tribunal has taken only 15% disability and awarded very meagre compensation which is erroneous and liable to be set aside. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent insurance company submits that the disability certificate adduced by the claimant was not given by who treated the claimant. Hence, the tribunal rightly taken 15% disability.

5. A perusal of the records, it reveal that the claimant has sustained grievous injuries but the tribunal has taken only 15% disability. Hence, this Court is inclined to fix 20% disability and Rs.7,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.1,40,000/- under the head of disability. Further, this Court is inclined to fix Rs.36,000/-(3x12,000) under the head of loss of income and Rs.10,000 each for transportation charges and extra nourishment and Rs.12,000/- for attender charges. Further, the claimant has taken treatment for nearly 20 days hence this Court inclined to fix Rs.20,000/- under head of pain and sufferings. 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.10,000/-	Rs.20,000/-
2.	Loss of Income	Rs.30,000/-	Rs.36,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.5,000/-	Rs.10,000/-
6.	Attender charges	Rs.7,000/-	Rs.12,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Rs.60,000/-	Rs.1,40,000/-
10.	Total	Rs.1,17,000/-	Rs.2,28,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.2,28,000/-**. 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. 2348/2017 on the file of the Motor Accident Claims Tribunal, (VI 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 2nd 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.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.P.Devendiran

Vadamalampatti, Pochampalli Taluk,
Krishnagiri 635 001.

2.The Oriental Insurance Co Ltd
Motor Third Party Hub, No 115,
Broadway, Chennai 108.

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

4. The Motor Accident Claims Tribunal,
(VI Small Causes Court), Chennai



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T.V.THAMILSELVI J.
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