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CMA No. 876 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 876 of 2024

1. R. Kannan

S/o. Rajasekar, No.27/14, Vanavil
Street, Bharathiyar Nagar, Pattabiram,
Chennai 72.

Appellant(s)

Vs

1. A. Bahurudeen

No.36, Mottai Karan Street, Mannady,
Chennai 1.

2.National Insurance Co.Ltd.,
Motor third Party Claims Office,
No.751, Anna Salai, Chennai 2.

Respondent(s)

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PRAYER

To allow the present appeal award enhanced compensation in Judgement and decree dated 19.10.2022 in MCOP No.7328/2015 on the file of the Motor Accidents claims Tribunal, III Judge Small Causes, Chennai.



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For Appellant(s): Mr.R.Nalliyappan

For Respondent(s): Mrs.R.Sree Vidhya For R2 R1 -
Exparte

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation in Judgement and decree dated 19.10.2022 in MCOP No.7324/2015 on the file of the Motor Accidents claims Tribunal, III Judge Small Causes, Chennai.

On 08.09.2015 at about 03.40 hours when the claimant was travelling as pillion rider in the motorcycle bearing registration No. TN 20 CY 0372 along the Guindy Anna Salai in front of HP Petrol Bunk from North to South directions, at the time the load auto bearing registration No. TN 04 AB 2062 came in a rash and negligent manner dashed against the said motorcycle 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



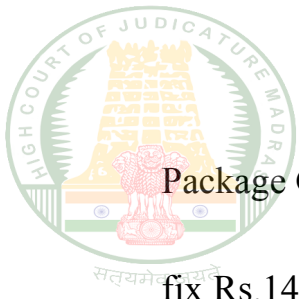
the quantum of compensation, the claimant filed this appeal.

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The learned counsel for the appellant submits that the appellant has sustained grievous injuries and he was not able to walk or stand under such circumstances the tribunal awarded only Rs.72,000/- under the head of disability which is very meagre and also in other heads the tribunal awarded very less amount. Hence, he prays to enhance the compensation.

The learned counsel for the second respondent submits that the tribunal has rightly awarded compensation which needs no interference. Hence, he prays to dismiss this appeal.

Considering the fact that the accident was happened in the year 2015 and also the cost of living at the time of the accident, this Court is inclined to fix Rs.5,000/- per percentage. Accordingly, the claimant is entitled to Rs.90,000/- under the head of disability. Further, the claimant has taken in-patient treatment for 17 days hence this Court is inclined to fix Rs.15,000/- for attender charges. Further, the claimant was worked as Senior Executive (Finance) in Hewelett



Package Global Jt. Solution, Tharamani, Chennai, hence this Court is inclined to

fix Rs.14,000/- as income of the claimant and due to the injuries was not able to

to do his work for six months. Accordingly, the claimant is entitled to

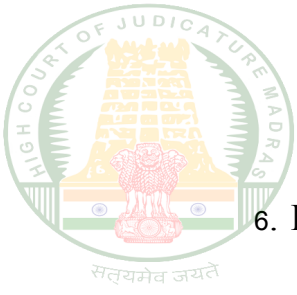
Rs.70,000/- under the head of loss of income. Except above modification, the

award passed by the tribunal in other heads remain unchanged.

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.50,000/-	Rs.50,000/-
2.	Loss of Income	Rs.50,044/-	Rs.70,000/-
3.	Medical Expenses	Rs.1,95,915/-	Rs.1,95,915/-
4.	Transportation expenses	Rs.4,000/-	Rs.4,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs.7,800/-	Rs.15,000/-
7.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Rs.72,000/-	Rs.90,000/-
10	Total	Rs.3,90,759/-	Rs.4,35,915/-

Rounded off to Rs.4,35,900/-



6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.4,35,900/-**. 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.7328/2015 on the file of the Motor Accidents claims Tribunal, III Judge 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 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.

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

10-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.A. Bahurudeen
No.36, Mottai Karan Street, Mannady,
Chennai 1.

2.National Insurance Co.Ltd.,
Motor third Party Claims Office,
No.751, Anna Salai, Chennai 2.

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

4. The Motor Accidents claims
Tribunal, III Judge Small Causes,
Chennai.



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T.V.THAMILSELVI J.
pbl

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