



WEB COPY

CMA No. 1069 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1069 of 2025

1. G.S.Pandian

No. 5/3, 2nd Street, Lalitha Nagar, Near
Rosary Higher Secondary School,
Mylapore, Chennai-4.

Appellant(s)

Vs

1. Sia Carriers Llp

Room No. 3, Block No. 3, First Floor,
Kannappathidal Building, First Floor,
Chennai-112.

2.ICICI Lombard General Insurance
Company Limited

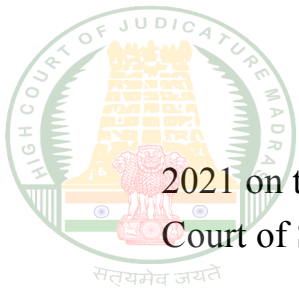
No. 84/85, Arihant Plaza, 1st Floor,
Wall Tax Road, Chennai-1

Respondent(s)

CMA No. 1069 of 2025

PRAYER

To enhance the award dated 10.01.2024 and made in MACTOP No. 4983 of



2021 on the file of the Motor Accident Claims Tribunal, Chennai (in the IV Court of Small Causes, Chennai)

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For Appellant(s): A.Deepa

For Respondent(s): Mr.B.Sivakollapan For R2 R-1

Dispensed With

JUDGEMENT

This Civil Miscellaneous appeal has been filed to enhance the award dated 10.01.2024 and made in MACTOP No. 4983 of 2021 on the file of the Motor Accident Claims Tribunal, Chennai (in the IV Court of Small Causes, Chennai) (in short "tribunal").

2. The brief facts of the case:

On 10.09.2021 at about 19.15 hours the claimant was riding an Activa motorcycle bearing registration No. TN-06-T-3292 from south to north direction, at S.N.Chetty Road, Voora Apartment opposite, New Washermenpet, at that time a lorry bearing registration No.TN-04-AW-1476 drove by its driver in a rash and negligent manner hit behind the claimant's motorcycle. Due to which the claimant sustained grievous injuries. Thereafter, the claimant filed a petition before the tribunal claiming compensation. After considering the oral and documentary evidence the tribunal awarded a sum of Rs.5,97,354/- as

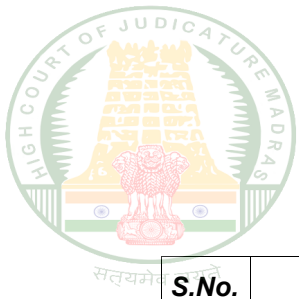


compensation. Challenging the quantum of compensation appellant/claimant filed this appeal.

3. The learned counsel for the appellant submits that the accident was happened in the year 2021 but the tribunal erroneously fixed very meagre amount for notional income and also awarded very meagre amount for other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the contesting respondent submits that the tribunal has rightly awarded compensation which needs no interference.

5. Considering the fact that accident was happened in the year 2021 and also cost of living at the time of the accident. This Court is inclined to enhance the notional income of claimant from Rs.5,000/- to Rs.18,000/- and also inclined to fix Rs.8,000/- per percentage for disability. Accordingly, the claimant is entitled Rs.1,36,000/- for disability. Further, the petitioner had taken treatment for 13 days. Hence, this Court is inclined to enhance award for pain and suffering from Rs.25,000 to Rs.50,000/- and Rs. 10,000 for nutrition expenses. Further, the claimant is entitled to Rs.1,08,000/- (6x18,000) for loss of income.



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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.25,000/-	Rs.50,000/-
2.	Loss of Income	Rs.12,000/-	Rs.1,08,000/-
3.	Medical Expenses	Rs.4,37,854/-	Rs.4,37,854/-
4.	Transportation expenses	Rs.5,000/-	Rs.5,000/-
5.	Extra Nourishment	Rs.5,000/-	Rs.10,000/-
6.	Attender charges	Rs.6,500/-	Rs.10,000/-
7.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
8.	Lost of amenities	Rs.20,000/-	Rs.20,000/-
9.	For permanent disability	Rs.85,000/-	Rs.1,36,000/-
10	Total	Rs.5,97,354/-	Rs.7,77,854/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.7,77,854/- The 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. 4983 of 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 withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already



been deposited before the tribunal.

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

13-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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2.ICICI Lombard General Insurance
Company Limited

No. 84/85, Arihant Plaza, 1st Floor,
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3. The section Officer, V. R section,
High Court, Madras.

4. The Motor Accident Claims Tirbunal,
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Causes, Chennai).



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T.V.THAMILSELVI J.
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