



CMA No.1222 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.Nos.1222 of 2025

Alphonse Vareeth

... Appellant

Vs.

1.V.Balaji

2.M/s.Reliance General Insurance Company Ltd.,
No.6, Haddows Road,
Sasthri Bawan (Opp) Reliance Building,
6th Floor, Chennai-600 006.

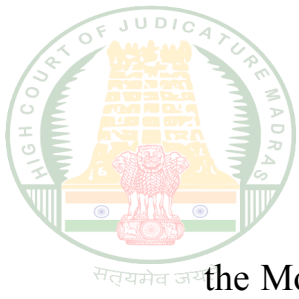
... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the judgement and decree dated 13.02.2024 passed in M.C.O.P.5448 of 2017, on the file of the Motor Accident Claims Tribunal, Chennai (III Court of Small Causes, Chennai).

For Appellant	: Mr.K.Ayyadurai
For R2	: Mr.P.Suresh Srinivasan
For R1	: Notice dispensed with

JUDGMENT

The appellant has filed this appeal to set aside the judgement and decree dated 13.02.2024 passed in M.C.O.P.5448 of 2017, on the file of



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the Motor Accident Claims Tribunal, Chennai (III Court of Small Causes, Chennai).

2. The brief facts of the case of the appellant/claimant are as follows: On 09.07.2017 at about 7.45 P.M. while the petitioner was riding in a motor cycle bearing Reg.No.TN-85-A-3660 along with his friend proceedings from Perunkalathur towards Sadananthapuram at Gandhi road in front of Karuna Tea shop at that time a Hero Honda Motorcycle bearing Reg.No.TN-22-CT-6862 opposite direction which came and very rash and negligent hit the appellant / petitioner motorcycle and caused grievous injuries to the appellant. The accident took place due to very rash and negligent driving of the Hero Honda Motorcycle driver alone. The 1st respondent is the owner of the vehicle and the 2nd respondent is the insurer of the vehicle.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,44,700/- as compensation, directing the 2nd respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per



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annum from the date of petition till the date of realisation.

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4. 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.

5. Heard Mr.K.Ayyadurai, learned counsel appearing for the appellant, and Mr.P.Suresh Srinivasan, learned counsel appearing for the 2nd respondent.

6. 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.

7. On the other hand, the learned counsel appearing for the 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.

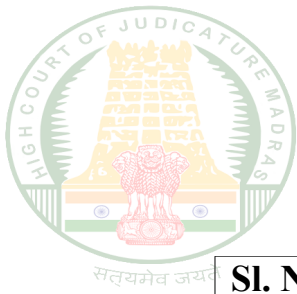


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8. The Medical Board assessed his partial permanent disability at 17%, which was marked as Ex.C1. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.5,000/- per percentage of disability. However, considering the claimant's age (38 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.7,000/- per percentage. Accordingly, a sum of Rs.1,19,000/- (Rs.7,000 x 17%) is awarded towards partial permanent disability. Due to the accident, the appellant would have been unable to attend to his regular work for at least three months. Therefore, a sum of Rs. 90,000/- (Rs.30,000 x 3 months) is awarded towards loss of income. Additionally, the amount awarded by the Tribunal under the heads of Pain and Sufferings, Transportation and Attender Charges are also enhanced to Rs.50,000/-, Rs.10,000/- and Rs.6,000/- respectively.

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



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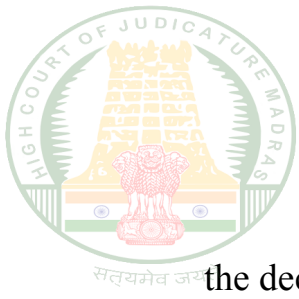
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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	85,000	1,19,000
2.	Pain and sufferings	20,000	50,000
3.	Transportation	4,000	10,000
4.	Medical Expenses	1,12,273	1,12,273
5.	Extra Nourishment	10,000	10,000
6.	Attender Charges	2,400	6,000
7.	Damages of Clothes	1,000	1,000
8.	Loss of Amenities	10,000	10,000
9.	Loss of Income	Nil	90,000
	Total	Rs.2,44,673/-	Rs.4,08,273

Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,44,673/- to Rs.4,08,273/-, which shall carry interest at the rate of 7.5% per annum.

10. 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.2,44,673/- to Rs.4,08,273/-.
- iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft



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the decree only after the receipt of the Court fee.

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iv. The 2nd respondent, Reliance General Insurance Company Limited, Chennai-600 006, is directed to deposit the enhanced compensation amount, i.e., Rs.4,08,273/- (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 deposit, to the credit of M.A.C.T.O.P. No.5448 of 2017 on the file of the Motor Accident Claims Tribunal, Chennai (III Court of Small Causes, Chennai), within a period of six weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, 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.

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Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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- To
1. The Motor Accident Claims Tribunal,
Chennai, (III Court of Small Causes, Chennai).
 - 2.M/s.Reliance General Insurance Company Ltd.,
No.6, Haddows Road,
Sasthri Bawan (Opp) Reliance Building,
6th Floor, Chennai-600 006.
 - 3.The Section Officer, V.R. Section,
High Court of Madras.



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T.V.THAMILSELVI, J.

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