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CMA NO. 1577 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA NO. 1577 of 2024

N. Tharun
S/o. N.Reddappa Naidu, No.9-24, Gobbilla Mitta
Village, Chippara Palli Post, Penumuru Mandal,
Chittoor District, Andhra Pradesh - 517 126.

Appellant(s)

Vs

P. Sudhakar
No.11-11 Chinna Podi Chenu Village,
Pachikapallam Post, Vedurukuppam Mandal,
Chittoor District, Andhra Pradesh - 517 569. and
another

Respondent(s)

For Appellant(s):

L. Mohan Rao

For Respondent(s):

M/s R. Neethi Perumal

For R2

R1 - Notice Dispensed With

ORDER

Today, the matter is listed under the caption "for being mentioned", at the instance of the learned counsel for the appellant.

2. Mr.L.Mohan Rao, learned counsel appearing for the appellant and Mr.R. Neethi Perumal, learned counsel appearing for the second respondent



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are present.

3. It is brought to the notice of this Court that some typographical error has been crept in paragraph Nos.6, 7 & 8 of the Judgement dated 20.06.2025. The said paragraph Nos.6, 7 & 8 are to be replaced as follows:

"6. Upon considering the submissions made by both sides and on perusal of the records, it is seen that the accident admittedly occurred in the year 2020. As per the medical report marked as Ex.C1, the Doctor assessed the disability at 53 %. However, since there is no evidence of total incapacitation, the partial permanent disabilities is reasonably fixed at 50%. On perusal of Ex.C1, the disability certificate, it is evident that the petitioner sustained injuries in his lower limb, resulting in post-traumatic Sequelae due to the road traffic accident (RTA). Taking into account the pain and suffering endure by the petitioner, the compensation under that head is enhanced to Rs.1,00,000/-. Considering the overall facts and circumstances of the present case, this Court is inclined to enhance the compensation awarded as tabulation below.



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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1	Disability	53% x 5,000 = 2,65,000	50% x 9,000 = 4,50,000
2	Pain and suffering	50,000	1,00,000
3	Loss of earning during treatment	Nil	Nil
4	Medical expenses	3,40,755	3,40,755
5	Loss of Amenities	50,000	75,000
6	Attender Charges	20,000	30,000
7	Transportation Charges	20,000	20,000
8	Extra Nourishment	20,000	20,000
	Total	7,65,755 round off to Rs.7,65,800/-	10,35,755 round off to Rs.10,35,800/-

7. Thus, the compensation awarded by the Tribunal is enhanced to Rs.10,35,800/- which would carry interest at the rate of 7.5% per annum.

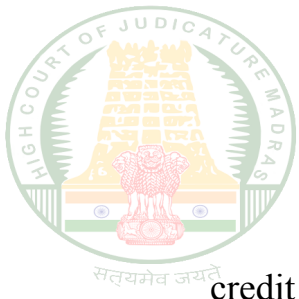
8. In the result,

i. The Civil Miscellaneous appeal is partly allowed. No costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.7,65,800/- to Rs.10,35,800/-.

iii. The appellant / claimant is directed to pay the Court fee for the enhanced compensation amount, if any, within a period of four weeks from the date of this order and the Registry is directed to draft the decree only after receipt of the Court fee.

iv. The 2nd respondent, the New India Assurance Co. Ltd., Motor Third Party Claims, Bombay Mutual Building, No.323, NSC Bose Road, Chennai-1, is directed to deposit the enhanced compensation amount i.e., Rs.10,35,800/- (Rupees Ten lakhs thirty five thousand and eight hundred only), less the amount already deposited, together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the



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credit of MCOP.No.2725 of 2020 on the file of the Motor Accident Claims Tribunal / II Judge, Court of Small Causes, Chennai, within a period of four weeks from the date of receipt of a copy of this order / uploading 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 is not entitled to claim interest for the period of delay of 168 days in filing this appeal."

4. Registry is directed to incorporate the above paragraph Nos.6, 7 & 8 quoted above and issue fresh order copy to the parties forthwith.

5. In other respects, the order dated 20.06.2025 shall remain unaltered.

02.07.2025

rri



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T.V.THAMILSELVI, J.

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