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CMA NO. 1365 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CMA NO. 1365 of 2025
and CMP.No.8231 of 2025**

RAJA
S/o. Sithan, D.No. 3/64, Parai Vattam, Sarkar
Kollapatty, Salem Dist. 636030

Appellant(s)

Vs

B. Barath
S/o. Balan D.No. 3-150, Veerakaran Koil Street,
Sarkar Kollapatty, Salem Dist. 636030 and
another

Respondent(s)

For Appellant(s):

Mr.S.Ram Prabu For Mr.K.Vasanthanayagan

For Respondent(s):

M/s. D. Venkatachalam For R2
R1 - Dispensed With

ORDER

Today, the matter is listed under the caption "for being mentioned".

2. Mr.S.Ram Prabu, learned counsel appearing for the appellant and Mr.D.Venkatachalam, learned counsel appearing for the second respondent are present.



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3. It is brought to the notice of this Court that some typographical error has been crept in paragraph Nos.3, 11 & 12 of the order dated 04.06.2025. The said paragraph Nos.3, 11 & 12 are to be replaced as follows:

"3.The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the two wheeler. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.13,53,596/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Towards Disability	7,72,200
2.	Towards Pain and Sufferings	1,00,000
3.	Towards Loss of earning during treatment	1,00,000
4.	Towards Medical Expenses	2,30,396
5.	Towards Attender Charges	50,000
6.	Towards Transportation Charges	50,000
7.	Towards Extra Nourishment	50,000
8.	Damages to clothing and articles	1,000
	Total	13,53,596
	Rounded off	13,53,600



11. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Cost of artificial limb and its maintenance	2,00,000
2.	Towards Functional Disability / Loss of Earning Capacity (Rs.19,000 x 12 x 9 = Rs.21,38,400 x 65%)	13,89,960
2.	Towards Pain and Sufferings	1,00,000
4.	Towards Medical Expenses	2,30,396
5.	Towards Attender Charges	50,000
6.	Towards Transportation Charges	50,000
7.	Towards Extra Nourishment	50,000
8.	Damages to clothing and articles	1,000
	Total	20,71,356
	Rounded off	20,71,360

12. On perusal of records, it reveals that the appellant/claimant filed the claim petition with the delay of 736 days. Hence, the interest for the delay period is ordered to be waived. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. Furthermore, the compensation awarded by the tribunal at Rs.13,53,596/- is enhanced to Rs.20,71,356/-. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a



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period of eight weeks from the date of receipt of this judgment."

4. Registry is directed to incorporate the above paragraph Nos.3, 11 & 12 quoted above and issue fresh order copy to the parties forthwith.

5. In other respects, the order dated 04.06.2025 shall remain unaltered.

16.06.2025

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T.V.THAMILSELVI, J.



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