



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2158 of 2024

1. K.Sowndharya
D/o Kathirvel, No 12, Extension Street
No 5, Ward No 26, Sathyamangalam
Taluk, Erode District. Now Res at 1-
833-A-1, Vijayalakshmi illam, MTP
Road, Konamoolai, SRT School Opp,
Ganthi Nagar, Sathyamangalam Taluk,
Erode District.

Appellant(s)

Vs

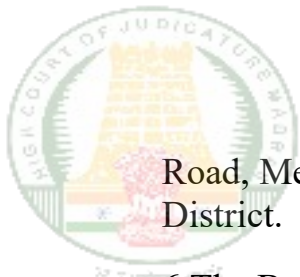
1. M.Senthilkumar
S/o Murugan, 79, New No 85,
Kattapomman Street, Planai, Dindigul
District.

2.P.Kumar
S/o Periyasamy, 9-48, Asthidraavidar
Street, Palayoor Post, Karur District.

3.The Branch Manager
Oriental Insurance Company ltd,
Divisional Office, PLA Building 1st
Floor, No 12A, Covai Road, Karur,
Karur District 639 002.

4.K.Loganathan
S/o Kanthasamy, 6/53,
Jadayampalayam, Mettupalayam -641
301, Coimbatore District.

5.M.Selvaraj
S/o Maruthasalam, No 1, Venkitasamy



Road, Mettupalayam, Coimbatore
District.

6. The Branch Manager
New India Assurance Company,
Mettupalayam, Coimbatore District.

Respondent(s)

PRAYER

To enhance the compensation awarded in judgement and decree dated 06-01-2024 made in MCOP No 96 of 2017 on the file of the Ld. Motor Accident Claims Tribunal/Sub Court, Sathyamangalam, Erode.

CMA No. 2158 of 2024

For Appellant(s): Mr.S.Shrish For Mr.N.
Manoharan

For Respondent(s): Ms.S.Srimadhi
For Mr. K. Elangoo For R6
R3 - No Appearance R1 ,R2,R4
and R5 - Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal been filed to enhance the compensation awarded in judgement and decree dated 06-01-2024 made in MCOP No 96 of 2017 on the file of the Motor Accident Claims Tribunal/Sub Court, Sathyamangalam, Erode.

2. The brief facts of the case:

On 11.02.2017 at about 11.00 p.m when the appellant and her brother standing on the left side of road nearby the scooter, a lorry bearing registration No. TN 40 J 7565 ran from East to West direction and at that time a lorry



bearing registration No. TN 27 L 4721 ran on the opposite direction which was driven by its driver Senthilkumar in a rash and negligent manner, on seeing the first lorry of the above which was moving on the road here and there, the driver of the lorry had over taken the lorry and hit against the minor Soundarya and her brother minor Sanjai as well as parked scooter and rubbing them on the road to certain distance with the lorry and caused grievous injuries to them and they have taken to the hospital. Thereafter, the claimants filed the petition before the tribunal claiming compensation. The 3rd respondent 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.

3. The learned Counsel for the claimant submits that due to the said accident the claimant has sustained injuries but the tribunal has adopted per percentage method instead of multiplier method. Hence, he prays to enhance the compensation.

4. The learned counsel for the sixth respondent submits that the Tribunal has rightly fixed the compensation which needs no interference.

5. None appeared for other respondents

6. A perusal of the records, it is seen that at the time of the accident, the driver of the lorry bearing Registration No. TN 22 L 4721 driven the lorry in a rash and negligent manner due to his negligence the accident was happened and he is liable for the said accident. The said lorry insured with the third respondent



hence tribunal has fixed liability upon the third respondent. This Court is not inclined to interfere with the findings of the Tribunal in respect of liability.

WEB COPY

5. As far as fixation of compensation is concerned, due to the said accident the claimant/appellant herein has sustained grievous injuries and the medical board has assessed 80% disability. Considering the cost of living at the time of the accident, this Court is inclined to fix Rs.8,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs. 6,40,000/- under the head of disability. Further, the tribunal has awarded very less amount in other heads. Hence, this Court is inclined to enhance the compensation awarded under the head of transportation, extra nourishment, attender charges and damages to clothes and articles, from Rs.6,000/- to Rs.15,000/-, from Rs.6,000/- to Rs.30,000/-, from Rs.6,000/-to Rs.30,000, and from Rs.3,000/- to Rs.5,000/-, respectively. Further, this Court is inclined to award Rs.30,000/- under the head of loss of amenities. 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.1,35,000/-	Rs.1,35,000/-
2.	Loss of Income	Nil	Nil



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
3.	Medical Expenses	Rs.8,10,170/-	Rs.8,10,170/-
4.	Transportation expenses	Rs.6,000/-	Rs.15,000/-
5.	Extra Nourishment	Rs.6,000/-	Rs.30,000/-
6.	Attender charges	Rs.6,000/-	Rs.30,000/-
7.	Damages to cloths and article	Rs.3,000/-	Rs.5,000/-
8.	Lost of amenities	Nil	Rs.30,000/-
9.	For permanent disability	Rs.5,00,000/-	Rs.6,40,000/-
10	Total	Rs.14,66,170/-	Rs. 16,95,170/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.16,95,170/-**. The 3rd **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 96 of 2017 on the file of the Motor Accident Claims Tribunal/Sub Court, Sathyamangalam, Erode, within a period eight weeks from the date of receipt of a copy of this judgement and recover the same from first and second respondent. 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 excessive amount has already been deposited before the tribunal.

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

31-07-2025

pbl



CMA No. 2158 of 2024



To

1. The Motor Accident Claims Tribunal/Sub Court, Sathyamangalam, Erode.
2. The Section Officer, V.R Section, High Court, Madras.

WEB COPY



WEB COPY

CMA No. 2158 of 2024



T.V.THAMILSELVI J.
pbl

CMA No. 2158 of 2024

31-07-2025