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CMA No. 1412 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1412 of 2025

1. C. Jothi

W/o. Chinnaiah, Plot No.32 Door
No.14, Ezhil Nagar, Thoriapakkam,
Chennai - 600 094.

Appellant(s)

Vs

1. Lakshmi Narasimhan .S

7B MGR Main Road, Manickam Nagar
Extn., Noothencherry, Madambakkam,
Chennai - 600 042.

2.United India Insurance Co. Ltd.,

No.134 Greaves Road, 4th Floor, Anna
Salai, Chennai - 600 006.

Respondent(s)

CMA No. 1412 of 2025

PRAYER

To enhance the award dated 18-06-2024 and made in MCOP.No.6763/2018 on the file of the MACT V Judge of Court of Small Causes (MACT) Chennai.



CMA No. 1412 of 2025

For Appellant(s): Ms.N.Lavanya For Mrs.M.Malar

For Respondent(s): Mr. V. Dakshnamoorthy For R2
R1 - Notice Dispensed With

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JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the award dated 18-06-2024 and made in MCOP.No.6763/2018 on the file of the MACT V Judge of Court of Small Causes (MACT) Chennai, (in short "tribunal").

2. On 04.09.2018 at about 18.00 hours while the claimant was crossing the road at Thoraipakkam Rajiv Gandhi Salai, Near Jain College, the motorcycle bearing registration No. TN 13 B 7975 ridden the vehicle in a rash and negligent manner dashed against the claimant. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second 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 the claimant has sustained grievous injuries had taken treatment at various hospital



for more than 90 days however the tribunal has fixed very less amount. Further,

the claimant has taken in-patient treatment for more than 90 days but the

tribunal has awarded less amount for loss of income. Further, he submits that

the tribunal has fixed only Rs.9,000/- as notional income of the claimant for a

period of five months and also the tribunal has awarded very less amount in

other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the claimant has sustained only partial permanent disability and the same was rightly appreciated by the tribunal and awarded compensation. Hence, he prays to dismiss this appeal.

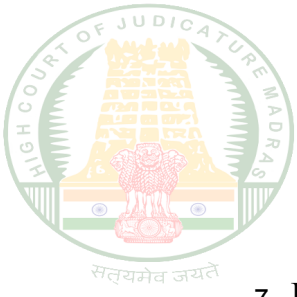
5. Considering the fact that the accident was happened in the year 2018 and also considering the cost of living at the time of the accident, this Court is inclined to fix Rs.12,000/- as notional income of the claimant for a period of five months. Accordingly, the claimant is entitled to Rs.60,000/- under the head of loss of income. Further, this Court is inclined to fix Rs.7,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.1,33,000/- under the head of disability. Further, the claimant has taken in-patient treatment for 90



days hence this Court is inclined to enhance the compensation for attender charges from Rs.22,000/- to 40,000/- and for also transportation charges from Rs.5,000/- to Rs.10,000/- and the claimant has sustained grievous injuries he would have to take nutritious food hence this Court inclined to enhance compensation for extra nourishment from Rs.10,000/- to Rs.15,000/-. 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.30,000/-	Rs.30,000/-
2.	Loss of Income	Rs.45,000/-	Rs.60,000/-
3.	Medical Expenses	Rs.63,500/-	Rs.63,500/-
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.22,000/-	Rs.40,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.15,000/-	Rs.15,000/-
9.	For permanent disability	Rs.95,000/-	Rs.1,33,000/-
10	Total	Rs.2,85,500/-	Rs.3,66,500/-



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7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.3,66,500/-**. The 2nd 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.6763/2018 on the file of the MACT V Judge of Court of Small Causes (MACT) 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 excessive amount has already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

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

16-07-2025

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To

1. The MACT V Judge of Court of Small Causes (MACT) Chennai
2. The Section Officer, V.R Section, High Court, Madras.

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T.V.THAMILSELVI J.
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