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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1682 of 2024

Devaraj

... Appellant

Vs.

Deputy Controller of Stores,
Shell Division,
Integral Coach Factory,
Chennai 600 038.

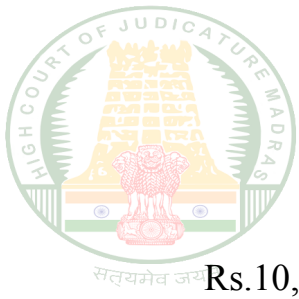
... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the order passed by the Hon'ble Tribunal on the file of IV Court of Small Causes Court, Chennai dated 17.03.2023 made in M.A.C.T.O.P.No.5979 of 2013 from Rs.1,78,500/- to Rs.10,00,000/-

For Appellant : MrK.V. Muthu Visakam
For Respondent : MrA.R. Sakthivel

JUDGMENT

The appellant had filed this appeal to enhance the order passed by the Tribunal on the file of IV Court of Small Causes Court, Chennai dated 17.03.2023 made in M.A.C.T.O.P.No.5979 of 2013 from Rs.1,78,500/- to



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Rs.10,00,000/- and pass orders.

2. The brief facts of the case of the appellants/claimants are as follows:

On 14.07.2013 when the appellant was riding the motor cycle bearing Registration No.TN-20-BF-7396 at M.T.H.Road a Car bearing Registration No.TN-05-B-3487 came from South to North direction in a rash and negligent manner and dashed against the appellant's motor cycle. As a result of which the appellant sustained grievous and multiple injuries. The accident has occurred only due to the rash and negligent driving of the driver of the car. Hence, the appellant filed a claim petition before the Tribunal seeking a sum of Rs.10,00,000/- as compensation.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,78,329/- as compensation, directed the respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.



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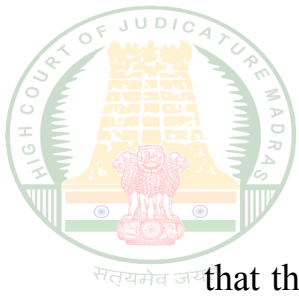
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Tribunal erred in awarding Rs.7,500/- as monthly income of the injured as he was earning Rs.20,000/- per month at the time of accident. He further submitted that the amount awarded under all the heads are very low. Hence prays to enhance the compensation by allowing this petition.

6. 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.

7. Heard both sides and perused the materials available on record.

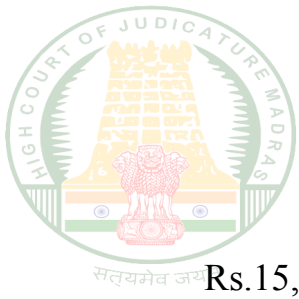
8. On an analysis of the award of the Tribunal would go to show



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that the Tribunal has awarded Rs.75,000/- towards Disability; Rs.50,329/- towards Medical Expenses; Rs.7,500/- towards Loss of Income; Rs.15,000/- towards pain and sufferings; Rs.5,000/- each towards Transportation Expenses and Nutrition Expenses; Rs.1,000/- towards Damages to clothes; Rs.4,500/- towards Attender charges; Rs.15,000/- towards loss of amenities.

9. On going through the amount awarded by the Tribunal, it is seen that 25 % was taken as disability and thereby awarded Rs.3,000/- per percentage and awarded Rs.75,000/- under the head Disability. Considering the disability suffered by the appellant, the same is enhanced to Rs.4,000/- per percentage and thus the total amount comes to Rs.1,00,000/- (Rs.4,000 x 25%). Considering the nature of injuries sustained by the appellant, he would have not gone for job atleast for a period of 8 months. Hence, the amount awarded under the head loss of income is enhanced to Rs.1,20,000/-(Rs.15,000 x 8) is awarded under the head loss of income. Further the amount awarded under the head Pain and sufferings, Transportation, Nutrition, Damages to clothes, Attender charges, loss of amenities are enhanced to Rs.50,000/- Rs.10,000/-



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Rs.15,000/- Rs.2,000/- ,Rs.14,400/- and Rs.30,000/-. The amount awarded under the head Medical Expenses remains the same

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

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	Rs.75,000/-	Rs.1,00,000/-
2.	Medical Expenses	Rs.50,329/-	Rs.50,329/-
3.	Loss of Income	Rs.7,500/-	Rs.1,20,000/-
4.	Pain and sufferings	Rs.15,000/-	Rs.50,000/-
5	Transportation Expenses	Rs.5,000/-	Rs.10,000/-
6	Nutrition Expenses	Rs.5,000/-	Rs.15,000/-
7	Damages to Clothes	Rs.1,000/-	Rs.2,000/-
8	Attender Charges	Rs.4,500/-	Rs.14,400/-
9	Loss of Amenities	Rs.15,000/-	Rs.30,000/-
	Total	Rs.1,78,329/-	Rs.3,91,729/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.1,78,329/- to Rs.3,91,729/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

- The Civil Miscellaneous Appeal is partly allowed. There shall be



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no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from

Rs.1,78,329/- to Rs.3,91,729/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The respondent, is directed to deposit the enhanced compensation amount, i.e., **Rs.3,91,729/-**, (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.5979 of 2013 on the file of the IV Court of Small Causes Court, Chennai** within a period of eight 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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20.08.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The IV Court of Small Causes Court, Chennai

2. The Deputy Controller of Stores,
Shell Division,
Integral Coach Factory,
Chennai 600 038.

3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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