



C.M.A.No.1931 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 23.07.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.M.A.No.1931 of 2025

Haseena Begam

... Appellant

..Vs..

1.T.Gopalan

2.M/s.The New India Assurance Co., Ltd.,

Sethu Krishna Trading Centre

2nd floor, No.133/31-A

Trichy Main Road, Gugai,

Salem-636 006

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the judgment and decree dated 24.04.2023 made in MCOP.No.2036 of 2019 on the file of the Motor Accidents Claims Tribunal/Special Sub-Court-I, Salem.

For Appellant : Mr.S.Ramprabu
for Mr.K.Vasanthanayagan

For Respondents :Mr.K.J.Sivakumar for R2
Notice dispense with for R1

JUDGMENT

The appellant/claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP.No.2036 of 2019, dated 24.04.2023 has preferred this appeal seeking for enhancement of compensation.



C.M.A.No.1931 of 2025

WEB COPY

2.The case of the claimant is that on 29.06.2019 at 4.30 p.m., appellant was travelling as a pillion rider with her husband in a motor cycle bearing Regn.No.TN-30-BJ-6402 and he came near Royal Agencies Petrol Bunk, a car bearing Regn. No.TN-30-BJ-5206, which came behind and over took the appellant's vehicle in a rash and negligent manner, hit on the appellant's motorcycle and caused an accident, due to which, the claimant was thrown to the road and sustained multiple grievous injuries, severe blood injury in the backside of the head, blood clot, bleeding in nose and bulge in the brain, and blood injuries all over the body, for which she underwent treatment in the hospital. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

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 driver of the car. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.3,35,362/- under various heads as follows:



WEB COPY

<i>Heads</i>	<i>Award Amount(Rs.)</i>
Pain and sufferings	25,000/-
Loss of income	16,000/-
Medical expenses	1,53,362/-
Transportation expenses	10,000/-
Extra nourishment	10,000/-
Attender charges	10,000/-
Damages to clothes	1,000/-
Loss of amenities	10,000/-
Permanent Disability	1,00,000/-
Total	3,35,362/-

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The claimant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation by raising the following grounds:-

(a) The Tribunal has failed to note that as per the Ex.C1, the petitioner sustained 20% of disability as conservative head injury and she was working as a tailor. Hence, the court



WEB COPY



C.M.A.No.1931 of 2025

below ought to have adopt multiplier method for assessing the loss of earning capacity.

(b) The Tribunal has taken only Rs.5000/- for each percentage of permanent disability, which is very meagre and the same needs to be enhanced.

(c) The Tribunal without considering that the appellant was earning around Rs.15000/- p.m., has taken only a sum of Rs.8000/-as notional income and the same needs interference of this court.

(d) The Tribunal erred in not awarding any amount towards attender charges since the appellant needs an attender to do her normal day-to-day works.

(e) The appellant could have undergone more pain and agony at the time of accident and it would continue rest of her life. But the Tribunal has awarded only a sum of Rs.25,000/- for pain and sufferings which is on lower side

(f) The Tribunal has erred in not awarding any compensation towards loss of amenities as the appellant had sustained grievous head injury which would affect her remaining life to do her work.

6. The learned counsel for the 2nd respondent submitted that the appellant had not sustained any permanent disability and is able to work as



C.M.A.No.1931 of 2025

before the accident since she sustained simple injuries alone. The appellant is completely healed and attending her routine work. The appellant did not produce any proof to show that she is aged about 55 years old and she was earning Rs.15000/- by doing tailoring work. He further submitted that the appellant has not suffer permanent disability whereas she states that she sustained head injury and there is no locomotive and neural disability. Therefore, the Tribunal has awarded a just and fair compensation to the appellant and the same does not need interference of this court.

7. Heard both sides and perused the records.

8. Insofar as the assessment of disability by the Tribunal is concerned, the Tribunal has awarded Rs.1,00,000/- by taking Rs.5000/- per percentage which is on lower side. This court, after considering the grievous injury sustained by her, is inclined to enhance to Rs.9000/- for each percentage. Thus, a sum of Rs.1,80,000/-(Rs.9000X20%) is awarded towards compensation for permanent disability.



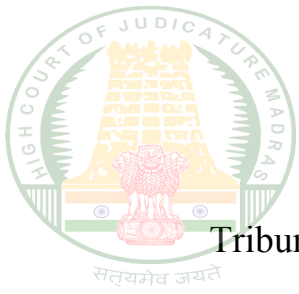
C.M.A.No.1931 of 2025

WEB COPY

9. Insofar as the compensation awarded towards loss of income is concerned, the Tribunal has awarded only a meagre amount of Rs.16,000/- towards loss of income. Since the appellant by doing tailoring work was earning a considerable amount and due to the grievous injury sustained by her in the accident, she could not continue her work at least for six months, this court fixed the monthly income of the appellant/claimant as Rs.12000/- and thus, calculated the loss of income at Rs.72,000/- (Rs.12000/- x 6 months)

10. From the records, it is also seen that the appellant has sustained grievous injury on head and multiple injuries all over the body but the Tribunal has awarded a meagre sum of Rs.25000/- towards Pain and sufferings and hence the same needs revisit. Hence, a sum of Rs.50,000/- is fixed by this court towards Pain and sufferings.

11. Due to the grievous injuries sustained by the appellant, she had taken assistance of the attender to do her routine work, for which the



C.M.A.No.1931 of 2025

WEB COPY

Tribunal has wrongly awarded a meagre sum of Rs.10,000/- towards attender charges. Hence, the award granted under the head of attender charges is enhanced to Rs.15,000/-.

12. The claimant would suffer because of disability, which would not permit her to work as a tailor or do any other job. Taking into consideration the future economic loss and grievous injuries sustained by the appellant, this court is of the view that the compensation awarded under the head of loss of amenities of Rs.10,000/- is on the lower side and thus the same needs revisit. Hence, this court is inclined to award Rs.20,000/- towards loss of amenities.

13. Insofar as the other heads such as medical bills, the assessment of the compensation awarded by the Tribunal is a just compensation since it is based on medical bills. Similarly, the compensation awarded on other heads such as transportation expenses, extra nourishment and damages to clothes are just compensation, they do not call for any interference by this Court.



C.M.A.No.1931 of 2025

14. 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.	Pain and suffering	50,000
2.	Loss of income (12000X6)	72,000
3.	Medical Expenses	1,53,362
4.	Transportation expenses	10,000
5.	Extra Nourishment	10,000
6.	Attender Charges	15,000
7.	Damages to clothes	1,000
8.	Loss of Amenities	20,000
9.	Permanent disability(20%x9000)	1,80,000
	Total	5,11,362

15. The compensation awarded by the Tribunal at Rs.3,35,362/- is enhanced to Rs.5,11,362/-. The second respondent/Insurance Company is directed to deposit the enhanced compensation of Rs.5,11,362/-, 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 period of four weeks from the date of receipt of copy of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by



C.M.A.No.1931 of 2025

the claimant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

16.In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

23.07.2025

Index:Yes/No
Internet:Yes/No
Speaking/Non-speaking Order

To

1. The Motor Accidents Claims Tribunal/Special Sub-Court-I, Salem.
- 2.The Section Officer
V.R.Section, High Court of Madras.



WEB COPY



C.M.A.No.1931 of 2025

T.V.THAMILSELVI.,J

gv

C.M.A.No.1931 of 2025

23.07.2025