



WEB COPY

CMA No. 1090 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1090 of 2024

1. JAYABHARATHI

W/o.R. Jayapal. No. 119, Raja Street,
Dr.Seethapathi Nagar, Velachery,
Chennai 42

Appellant(s)

Vs

1. A.Nagarajan

No. 9, TNHB, Staff Quarters,
Dr.Ramasamy Salai, K.K.Nagar,
Chennai 78.

2.ICICI Lombard General Ins.Co.Ltd.

No. 84/85, Arihant Plaza, 1st Floor,
Wall Tax Road, Chennai 003.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to allow the present appeal award enhanced compensation in Judgement and Decree dated 23.11.2023 in M.C.O.P.No. 3910 of 2018 on the file of the Motor Accidents Claims Tribunal, III Judge, Small Causes Court, Chennai.



WEB COPY

CMA No. 1090 of 2024



For Appellant(s): Mr.R.Nalliyappan

For Respondent(s): R1 - Notice Dispensed With
R2 - No Appearance

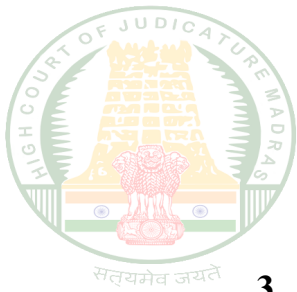
JUDGMENT

The appellant has filed this appeal to enhance compensation in Judgement and Decree dated 23.11.2023 in M.C.O.P.No. 3910 of 2018 on the file of the Motor Accidents Claims Tribunal, III Judge, Small Causes Court, Chennai.

2. The brief facts of the case as follows:

On 07.06.2018 at 9.15 hrs, when the petitioner was walking along the Rajiv Gandhi Salai in front of Kandanchavadi Thuriya Hotel from East to West direction with due care and diligence, at the time the Motorcycle bearing Reg.No.TN-09-CM-4471 came from North to South direction in a rash and negligent manner without following the traffic rules and regulations and dashed against the petitioner. In the impact the petitioner sustained grievance injuries.

The accident occurred owing to breakneck speed and reckless riding of the motorcycle is directly responsible for the gruesome accident. The first respondent is the owner of the vehicle and the 2nd respondent is the insurer.



WEB COPY

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.9,72,100/- as compensation, directing the second 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.

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

5. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for the enhancement of the compensation.

6. On the other hand, the learned counsel appearing for the second 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 disturbed.

WEB COPY

7. The Medical Board assessed his partial permanent disability at 26%, which was marked as Ex.C1. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.5,000/- per percentage of disability. However, considering the claimant's age (47 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.8,000/- per percentage. Accordingly, a sum of Rs.2,08,000/- (Rs.8,000 x 26%) is awarded towards partial permanent disability.

8. The appellant was working as Source Assistant and was earning a sum of Rs. 15,000/- per month. Considering the cost of living in the year 2018, this Court reasonably fixes the monthly income at Rs. 15,000/- per month. Due to the accident, the appellant would have been unable to attend to his regular work for at least six months. Therefore, a sum of Rs. 90,000/- (Rs. 15,000 x 6 months) is awarded towards loss of income. Additionally, the amount awarded



by the Tribunal under the heads of Extra nourishment, Attender Charges,

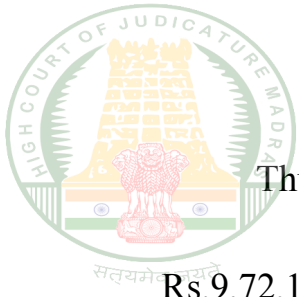
Damages of clothes and Loss of amenities are also enhanced to Rs.15,000/-,

Rs.15,000/-, Rs.5,000 and Rs.30,000/- respectively. In all other heads, the award

passed by the Tribunal remains unchanged.

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

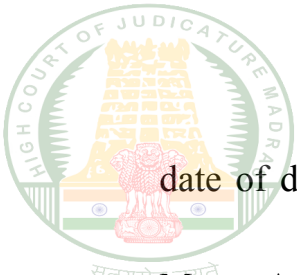
Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	1,30,000	2,08,000
2.	Pain and Suffering	40,000	40,000
3.	Transportation	4,000	4,000
4.	Medical expenses	7,43,642	7,43,642
5.	Extra Nourishment	10,000	15,000
6.	Attender Charges	7,500	15,000
7.	Damages of clothes	1,000	5,000
8.	Loss of Amenities	10,000	30,000
9.	Loss of Earnings	26,000	90,000
	Total	9,72,142	11,50,642
	Rounded off	9,72,100	



Thus, the compensation awarded by the Tribunal is enhanced from Rs.9,72,100/- to Rs.11,50,642/-, which shall carry interest at the rate of 7.5% per annum.

10. In the result:

- i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.
- ii. The compensation awarded by the Tribunal is enhanced from Rs.9,72,100/- to Rs.11,50,642/-.
- 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 Second respondent, ICICI Lombard General Insurance Company Ltd., is directed to deposit the enhanced compensation amount, i.e., Rs.11,50,642/- (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



WEB COPY

date of deposit, to the credit of M.C.O.P. No. 3910 of 2018 on the file of the Motor Accident Claims Tribunal, Judge No.III, 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, as per the apportionment made by the Tribunal, 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.

11-07-2025

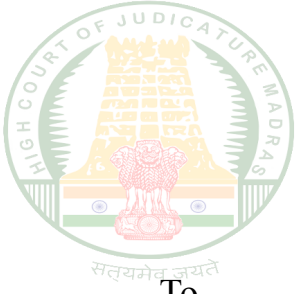
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rri



To
WEB COPY

1.A.Nagarajan

No. 9, TNHB, Staff Quarters,
Dr.Ramasamy Salai, K.K.Nagar,
Chennai 78.

2.ICICI Lombard General Ins.Co.Ltd.

No. 84/85, Arihant Plaza, 1st Floor,
Wall Tax Road, Chennai 003.

3.The Motor Accidents Claims
Tribunal, III Judge, Small Causes
Court, Chennai.

4.The Section Officer,
VR-Section, High Court of Madras.



WEB COPY

CMA No. 1090 of 2024



T.V.THAMILSELVI J.
rri

CMA No. 1090 of 2024

11-07-2025