



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.743 of 2022

R. Pravin Raj

... Appellant

Vs.

1. Chotobhai Agencies
No.30,Landons Road,
Kilpauk, Chennai – 600 010.
[R1- Already set Exparte in Lower Court]
[R1 – Notice may be dispensed with]

2. ICICI Lombard Gen Ins Co.Ltd.,
No.140, Chottabhai Centre,
Nungambakkam High Road,
Chennai – 600 034.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award passed in M.C.O.P.No. 6682 of 2013 dated 30.10.2019 passed by the Motor Accidents Claims Tribunal, V – Judge at Chennai and enhance the award amount in the interest of justice.

For Appellant : Mr.S. J. Mahalingam
For Respondent-2 : Mrs.R. Sreevidhya



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JUDGMENT

The appellant had filed this appeal to set aside the award passed in M.C.O.P.No. 6682 of 2013 dated 30.10.2019 passed by the Motor Accidents Claims Tribunal, V – Judge at Chennai and enhance the award amount

2. The brief facts of the case of the appellant/claimants is as follows:

On 10.04.2007 at about 12:50 p.m when the appellant was standing on the eastern side edge of lotus garden police quarters road at that time a car bearing Registration No. TN-01-X-0149 driven by its driver in a rash and negligent manner and dashed against the appellant. As a result of which the appellant sustained grievous injuries Hence the appellant filed a claim petition before the Tribunal seeking compensation of a sum of Rs.15,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of



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Rs.2,39,700/- as compensation, directed 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) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Doctor has assessed disability to the tune of 35% but the Tribunal has erroneously fixed the disability at 15% and no reason was assigned for reduction of the disability. The amount awarded under all other heads is also very low. Hence prays to enhance the compensation by allowing this petition.

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 interfered.

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



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8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.50,000/- towards Pain and sufferings: Rs.40,000/- towards Extra Nourishment and Transport; Rs.45,000/- towards disability; Rs.5,000/- towards Medical Expenses; Rs.40,000/- towards loss of amenities; Rs.50,000/- towards Tution fees; Rs.1,000/- towards Damages to clothes and Rs.8,700/- towards attender charges.

9. Considering the nature of injuries and the treatment taken by the injured the head Pain and sufferings needs interference and the same is enhanced to Rs.75,000/- The compensation awarded under the other heads are reasonable and does not require interference of this Court.

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.	Towards Pain and sufferings	Rs.50,000/-	Rs.75,000/-
2.	Towards Extra	Rs.40,000/-	Rs.40,000/-



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	Nourishment and Transport		
3.	Disability 10% @ Rs.3,000/- per percentage	Rs.45,000/-	Rs.45,000/-
4.	Medical Expenses	Rs.5,000/-	Rs.5,000/-
5	Loss of amenities	Rs.40,000/-	Rs.40,000/-
6.	Tution fees	Rs.50,000/-	Rs.50,000/-
7	Damages to clothes	Rs.1,000/-	Rs.1,000/-
8	Attender charges	Rs.8,700/-	Rs.8,700
	Total	Rs.2,39,700/-	Rs.2,64,700/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.2,39,700/- to Rs.2,64,700/-**, which shall carry interest at the rate of 7.5% per annum.

11. 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.2,39,700/- to Rs.2,64,700/-**.

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, is directed to deposit the enhanced



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compensation amount, i.e., Rs.2,64,700/- (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.C.O.P.No. 6682 of 2013 dated 30.10.2019 passed by the Motor Accidents Claims Tribunal, V – Judge at 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.

25.08.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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To

1. The Motor Accidents Claims Tribunal, V – Judge at Chennai

1. Chotobhai Agencies
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[R1 – Notice may be dispensed with]
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2. ICICI Lombard Gen Ins Co.Ltd.,
No.140, Chottabhai Centre,
Nungambakkam High Road,
Chennai – 600 034.

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

T.V.THAMILSELVI, J.

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