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CMA No. 1821 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1821 of 2025

1. Ulaganathan

S/o. Balachandran, Res. at D.No.

312/E, Kashthuri Bhai Street, Salem

District-636 015.

Appellant(s)

Vs

1. Jahir Hussain

S/o. Anwar Basha, Res. at D.No. 1/297,

TNHB Gandhigramam, Thanthoni,

Karur District-005.

2.Nalini Travels

Res. at D.No. 257, Fairlands, Salem

District-636 016.

3.The Oriental Insurance Co., Ltd.,

No. 3-L, Siddhaveerappa Chetty Street,

Dharmapuri Town and District-636701.

Respondent(s)

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PRAYER

To allow the above CMA and enhance the award in the Order dated 12.03.2024 made in MCOP No. 1432 of 2022 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge No.I, Salem and thus render justice.

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For Appellant(s): Mr.C.Paraneedharan

For Respondent(s): Mr.S.Senthilkumar For R3

ORDER

This Civil Miscellaneous Appeal has been filed to enhance the award in the Order dated 12.03.2024 made in MCOP No. 1432 of 2022 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge No.I, Salem.

2. On 05.09.2022 abut about 01.30 p.m when the petitioner riding his motorcycle bearing registration No. TN 30 AH 8580 at that time the vehicle bearing registration No. TN 01 BF 9832 driven by its driver in a rash and negligent manner dashed against the petitioner's motorcycle due to which the petitioner sustained injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation and third 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.

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3. The learned counsel for the petitioner submits that the petitioner has sustained very grievous injuries but the tribunal has awarded very less compensation. Hence, he prays to enhance the compensation.

4. The learned counsel for the insurance company submits that tribunal rightly passed the award which needs no interference.

5. Considering the fact that the accident was happened in the year 2022 and also the cost of living at the time of the accident and other amenities this Court is inclined to fix Rs.10,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.1,50,000/- under head of disability. Further, the claimant has sustained grievous injuries. Hence, this Court is inclined to fix Rs.60,000/- for pain and sufferings and Rs.60,000/- under the head of loss of income for six months and this Court inclined to fix Rs. 15,000/- for transportation and Rs. 25,000/- for extra nourishment and Rs.2000/- for damages to cloths and Rs.15,000/- loss of amenities. Except above modification 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:-

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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.40,000/-	Rs.60,000/-
2.	Loss of Income	Rs.20,000/-	Rs.60,000/-
3.	Medical Expenses	Rs. 1,10,983/-	Rs. 1,10,983/-
4.	Transportation expenses	Rs.10,000/-	Rs.15,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.25,000/-
6.	Attender charges	Rs.10,000/-	Rs.10,000/-
7.	Damages to cloths and article	Rs.1,000/-	Rs.2000/-
8.	Lost of amenities	Rs.10,000/-	Rs.10,000/-
9.	For permanent disability	Rs.75,000/-	Rs.1,50,000/-
10	Total	Rs.2,86,983/-	Rs. 4,42,983/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 4,42,983/-**. The 3rd **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. 1432 of 2022 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge No.I, Salem, 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 been deposited before the tribunal.

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

01-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal/Special Subordinate Judge No.I, Salem
2. The Section officer, V. R Section, High Court Madras.



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T.V.THAMILSELVI J.
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