



C.M.A.No.2926 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

**C.M.A.No.2926 of 2022**

Mohammed Shafi

... Appellant

vs.

1.Vasanthi

2.The Branch Manager,  
M/s.National Insurance Co. Ltd.,  
Venkatesapuram, Bank of India Upstairs,  
Perambalur.

3.Abdul Basheer

4.The Branch Manager,  
M/s.National Insurance Co. Ltd.,  
Venkatesapuram, Bank of India Upstairs,  
Perambalur.

... Respondents

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 26.09.2019 passed in M.C.O.P.No.270 of 2017 on the file of the Motor Accident Claims Tribunal / Principal District Court, Perambalur.

For Appellant : Mr.T.Gopinath

For Respondents : Mr.S.Arun Kumar [R2 & R4]

R1 and R3 – No Appearance



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## **JUDGMENT**

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This Civil Miscellaneous Appeal has been preferred by the claimant herein against the Award dated 26.09.2019 passed in M.C.O.P.No.270 of 2017 on the file of Motor Accident Claims Tribunal / Principal District Court, Perambalur for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The claimant herein has filed the claim petition under Section 166 of Motor Vehicles Act, 1988 claiming compensation of Rs.20,00,000/- from the respondents for the injuries sustained by him in a road traffic accident that occurred on 21.11.2016.

4. The Tribunal upon consideration of evidence granted compensation of Rs.5,92,000/- with interest at the rate of 7.5% p.a., from the date of filing of petition. The amounts granted by the Tribunal under various heads are given hereunder:



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| <b>Sl. No.</b> | <b>Description</b>                           | <b>Amount awarded by Tribunal</b> |
|----------------|----------------------------------------------|-----------------------------------|
| 1              | For Partial Permanent Disability             | Rs.1,50,000/-                     |
| 2              | For Loss of Earnings during treatment period | Rs. 90,000/-                      |
| 3              | For Extra Nourishment                        | Rs. 10,000/-                      |
| 4              | For Pain and Sufferings                      | Rs. 20,000/-                      |
| 5              | For Medical Expenses                         | Rs.3,22,000/-                     |
|                | <b>Total</b>                                 | <b>Rs.5,92,000/-</b>              |

5. It is the evidence of PW3 (claimant) that on account of the accident, he suffered fractures over his left elbow with bone loss and fracture of left distal humerus. Exs.P11 and P12 are the discharge summary issued by the Medical Trust Hospital, Cochin. As per the medical records, he was admitted on 23.11.2016 and discharged on 05.12.2016 and thereafter he was again admitted on 06.11.2017 and discharged on 11.11.2017. The Doctor(Dr.Jagadeesan-PW4) issued disability certificate Ex.P18 and partial permanent disability was calculated as 52%. Thereafter, he was referred to Medical Board and Medical Board fixed his disability at 50%. Therefore, in consideration of aforestated details, disability for the whole body is fixed as 50%. PW3 would further depose that he was working as Mohammedian Priest and earning a sum of Rs.30,000/- p.m.

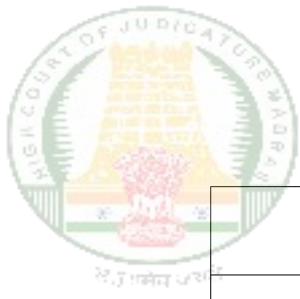


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6. In consideration of the above said details, though no document is marked to substantiate the same, the Tribunal has fixed the notional income of the injured at Rs.15,000/- cannot be found fault with. For partial permanent disability, Rs.5,000/- per percentage is granted(Rs.5,000/- X 50% = Rs.2,50,000/-). For pain and sufferings and for extra nourishment an amount of Rs.10,000/- under each head is granted in addition to the amounts already granted.

7. As regards other heads, the amount awarded by the Tribunal appears to be reasonable and acceptable and therefore it does not warrant any interference by this Court. Therefore, the amounts awarded as mentioned supra is reworked and tabulated as given hereunder:

| <b>Sl. No.</b> | <b>Description</b>               | <b>Amount awarded by Tribunal</b> | <b>Amount awarded by this Court</b> | <b>Award confirmed or enhanced or granted or reduced</b> |
|----------------|----------------------------------|-----------------------------------|-------------------------------------|----------------------------------------------------------|
| 1              | For partial permanent disability | Rs.1,50,000/-                     | Rs.2,50,000/-                       | <b>Enhanced</b>                                          |
| 2              | Towards loss of earning          | Rs. 90,000/-                      | Rs. 90,000/-                        | <b>Confirmed</b>                                         |
| 3              | Towards Extra Nourishment        | Rs. 10,000/-                      | Rs. 20,000/-                        | Enhanced                                                 |
| 4              | Towards pain and sufferings      | Rs. 20,000/-                      | Rs. 30,000/-                        | Enhanced                                                 |
| 5              | Towards                          | Rs. 3,22,000/-                    | Rs. 3,22,000/-                      | Confirmed                                                |



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|  |                  |                      |                      |  |
|--|------------------|----------------------|----------------------|--|
|  | Medical Expenses |                      |                      |  |
|  | <b>Total</b>     | <b>Rs.5,92,000/-</b> | <b>Rs.7,12,000/-</b> |  |

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8. Thus, the compensation awarded by the Tribunal is enhanced from Rs.5,92,000/- to **Rs.7,12,000/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

9. In the result,

(i) This Civil Miscellaneous Appeal stands partly allowed.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.5,92,000/- to **Rs.7,12,000/-**

(iii) The 2<sup>nd</sup> respondent / Insurance Company is directed to deposit the compensation amount now determined by this Court i.e., **Rs.7,12,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition (**excluding the period of default, if any**) to the credit of M.C.O.P.No.270 of 2017 before the Motor Accident Claims Tribunal / Principal District Court, Perambalur, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant is at liberty to withdraw the amount now determined by this Court along with interest and

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costs, after adjusting the amount, if any already withdrawn, by filing cheque application before the Tribunal. The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall disburse the compensation amount upon production of the certified copy showing proof of payment of Court fee by the claimant. Consequently, connected miscellaneous petition if any stands closed. No costs.

28.11.2025

Index : Yes/No  
Speaking / Non-speaking order  
ssn

To:

1. The Motor Accident Claims Tribunal,  
Principal District Judge, Perambalur.
2. The Section Officer,  
V.R.Section,  
High Court of Madras,  
Chennai.



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**R.KALAIMATHI, J.,**

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