



WEB COPY

CMA No. 1922 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1922 of 2023

1. KALAISELVI

W/o. late. Palanisamy, No.2/4-783,
Navapatty Post, Mettur Taluk, Salem
Dt.

Appellant(s)

Vs

1. SELVAM

S/o. Balaraman, No.4038, Ilaskuttalli
Devarmukkalam, Karadihalli,
Kaverypattinam, Krishnagiri Dt 635
111.

2.Chozhamandalam MS General
Insurance Co.Ltd., Rajaji Road, Salem
7.

Respondent(s)



CMA No. 1922 of 2023

PRAYER

To enhance the compensation amount made in Judgment and decree dt. 07.08.2021 made in MCOP No.835 of 2020 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Salem by allowing this CMA

CMA No. 1922 of 2023

For Appellant(s): S.P.Yuaraj

For Respondent(s): R-1 -no Appearance
M/s.J.Michael Visuvasam-
ms/778/1996 For R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation amount made in Judgment and decree dated 07.08.2021 made in MCOP No.835 of 2020 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Salem(in short 'tribunal').

2. The brief facts of the case:

On 15.06.2020 at about 05.45 p.m., the deceased Palanisamy@Umapathy was riding the two wheeler bearing registration number TN 52 Y 6311 along with the pillion rider namely the Kalaiselvi in Mettur Bhavani Main road on his extreme left and the lorry bearing registration No. TN23 AS 1371 belonging to the first respondent was driven by its driver in a rash and negligent



WEB COPY

manner hit the two wheeler due to which the claimant sustained grievous injury and Palanisamy died on the spot. Thereafter, the claimant/Appellant herein filed the petition before the tribunal claiming Rs.10,00,000/- as compensation. After considering the oral and documentary evidence the tribunal awarded Rs.2,20,000/- as compensation. Challenging the quantum of compensation the tribunal preferred this appeal.

3. The learned counsel for the claimant submits that the claimant suffered rib injury and the medical board determined 25% as permanent disability but the tribunal taken only Rs.3,000/- per percentage which is very meagre. Further, the claimant was aged about 29 years at the time of the accident and also the tribunal has failed to adopt multiplier method since the injuries are grievous in nature. Hence, he prays to enhance the compensation.

4. The learned counsel for the second respondent submits that the tribunal has rightly awarded compensation which needs no interference.

5. Considering the fact that the claimant has not sustained permanent disability therefore the tribunal rightly not adopted multiplier method which is sustainable one. Further, the accident was happened in the year 2020 and



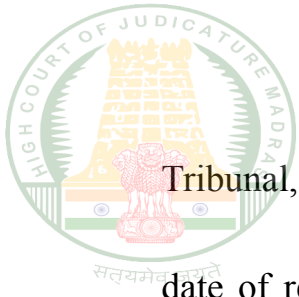
considering the cost of living at the time of the accident, the tribunal ought to have fixed Rs.8,000/- per percentage of disability. Accordingly, the claimant is

entitled to Rs.2,00,000/-(25x8000) for disability. Further, the petitioner is entitled to Rs.10,000/- for attender charges, Rs.10,000/- for transportation and Rs.10,000/- for extra nourishment.

6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.N o.	Head	Compensation awarded by tribunal	Compensation awarded by this Court
1	For Disability	Rs.75,000/-	Rs.2,00,000/-
2.	Pain and Sufferings	Rs.25,000/-	Rs.25,000/-
3.	Medical Expenses	Rs.1,20,000/-	Rs.1,20,000/-
4.	Attender charges	Nil	Rs.10,000/-
5.	Transportation	Nil	Rs.10,000/-
6.	Extra Nourishment	Nil	Rs.10,000/-
	Total	Rs.2,20,000/-	Rs.3,75,000/-

7. The 2nd Respondent/Insurance Company is directed to deposit the enhanced award amount of Rs.3,75,000/- - 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 in MCOP No.835 of 2020 on the file of the Motor Accidents Claims



CMA No. 1922 of 2023



Tribunal, Special District Judge, Salem, within a period of six weeks from the date of receipt of copy of this judgment. With the above directions, the Civil

WEB COPY

Miscellaneous Appeal is allowed. No Costs.

06-06-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 1922 of 2023



CMA No. 1922 of 2023

WEB COPY

To

1.SELVAM

S/o. Balaraman, No.4038, Ilaskuttalli

Devarmukkalam, Karadihalli,

Kaverypattinam, Krishnagiri Dt 635

111.

2.Chozhamandalam MS General

Insurance Co.Ltd., Rajaji Road, Salem

7.

3. The Motor Accidents Claims Tribunal, Special District Judge, Salem.

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



WEB COPY

CMA No. 1922 of 2023



T.V.THAMILSELVI J.

pbl

CMA No. 1922 of 2023

06-06-2025