



C.M.A.No.1873 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.08.2025

CORAM:
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1873 of 2024

Arumugam

...Appellant

Vs.

1.M.Karthi

2.Sellakumarasamy

3.SBI General Insurance Company Ltd.,

Rep. by its Manager,

Having office at 101/201/301,

Nataraj Junction of Western Express Highway,

Andheri Kural Road,

Andheri (East),

Mumbai – 400 069.

4.SBI General Insurance Company Ltd.,

Rep. by its Manager,

Having office at 24/1, 1st Floor,

Poosari Chennimalai Street,

Erode – 638 009.

...Respondents



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Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the order dated 13.09.2023 made in M.C.O.P.No.46 of 2022 on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Erode.

For Appellant : Mr.S.Arun Prasath

For Respondent : R1 & R2 – NDW

Mr.J.Michael Visuvasam for R3 & R4

J U D G M E N T

This appeal is filed by the appellant challenging the order dated 13.09.2023 passed in M.C.O.P.No.46 of 2022 on the file of the Motor Accidents Claims Tribunal/Special Subordinate Court, Erode.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioner is the claimant, first respondent is the driver of the vehicle, second respondent is owner of the vehicle, third respondent is the Insurance Company before the Tribunal.



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4.The brief facts of the case are as follows:

On 20.04.2021 at about 10.00 a.m., when the petitioner was proceeding his two wheeler bearing Registration No.TN 41 AW 9442 from South to North direction near Coimbatore Minerals Company, at that time, the first respondent's drove the tipper lorry bearing Registration No.TN 41 AU 1677 in a rash and negligent manner and dashed against the petitioner. Due to the accident, the petitioner sustained bone fracture and grievous injuries. Immediately, after the accident, the petitioner was taken to the Government Hospital, Pollachi for first aid treatment and thereafter, he was admitted in FIMS Hospital, Sundarapuram and took treatment as inpatient. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.46 of 2022, the Tribunal awarded a sum of Rs.9,03,000/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that the accident occurred only due to rash and negligent driving by the driver of the tipper lorry and due to the accident, the appellant sustained grievous



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injuries. He further submitted that the compensation awarded by the Tribunal is very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the respondents 3 & 4 submitted that the Tribunal after considering the oral and documentary evidence has awarded the compensation which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.

7.Heard learned counsel appearing for the appellant, learned counsel for the respondents 3 & 4 and perused the materials available on record.

8.Before the Tribunal, the petitioner was examined as PW1 and on the side of the petitioner, 13 documents were marked as Exs.P1 to P13. On the side of the respondents, no oral and documentary evidence were adduced.



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9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.52,000/- for loss of earning, Rs.10,000/- for transport to hospital, Rs.15,000/- for extra nourishment, Rs.15,000/- for attender charges, Rs.5,000/- for damages to clothes and articles, Rs.5,81,000/- for medical expenses, Rs.50,000/- for pain and suffering, Rs.1,75,000/- for permanent disability & loss of earning power and arrived at a total compensation of Rs.9,03,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.On perusal of the records, it is seen that the petitioner was aged 38 years and was working as a labour at the time of the accident.

11.The amount awarded under the heads transport to hospital, attender charges, damages to clothes and articles, medical expenses and pain & suffering, in the opinion of this Court is just and reasonable and the same is confirmed. The amount awarded under the heads loss of earning and extra nourishment, in the opinion of this Court is very



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meagre and this Court is inclined to enhance the amount awarded under the said heads. Accordingly, the amount awarded under the head loss of earning is enhanced to Rs.90,000/- from Rs.52,000/- (Rs.15,000/- x 6). Accordingly, the amount awarded under the head permanent disability is enhanced to Rs.3,15,000/- from Rs.1,75,000/-. Though the Tribunal has not awarded any amount for loss of amenities, this Court is inclined to award Rs.30,000/- for loss of amenities.

12.On perusal of records, it is seen that the petitioner sustained the following injuries:

(i)Multiple bone fracture and grievous injuries at RTA Multiple Injury.

(ii)Left leg type III B communicated fracture with posterior lateral compartment with severe contamination,

(iii)Right leg deep laceration with skin lesion left lateral aspect of leg with severe contamination with bimalleolar fracture with foot laceration.



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13.Considering the age, year of the accident, nature of the injuries sustained by the appellant and submission made by the learned counsel for the appellant, this Court is inclined to modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

<i>S.No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1	Loss of earning	52,000/-	90,000/-
2	Transport to hospital	10,000/-	10,000/-
3	Extra nourishment	15,000/-	25,000/-
4	Attender charges	15,000/-	15,000/-
5	Future medical expenses	Nil	Nil
6	Damages to clothes and articles	5,000/-	5,000/-
7	Medical expenses	5,81,000/-	5,81,000/-
8	Pain and suffering	50,000/-	50,000/-
9	Permanent disability & loss of earning power (Rs.9,000 x 35% disability)	1,75,000/-	3,15,000/-
10	Loss of amenities	-	30,000/-



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<i>S.No.</i>	<i>Description</i>	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
	Total	9,03,000/-	11,21,000/-

14.The appellant/claimant is entitled to total compensation of Rs.11,21,000/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

15.The judgment and decree passed by the Motor Accident Claims Tribunal/Special Subordinate Court, Erode in M.C.O.P.No.46 of 2022 dated 13.09.2023 is modified to the above extent.

16.The third respondent Insurance Company is directed to deposit the modified/enhanced award amount before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant is permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.



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17.The appellant/claimant shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellant/claimant is directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal/Special Subordinate Court, Erode shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellant/claimant.

18.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.

26.08.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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To

- 1.The Motor Accidents Claims Tribunal,
Special Subordinate Court, Erode.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.

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