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CMA No. 1874 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1874 of 2024

R. Gandhi

Appellant

Vs

1. Vignesh

2.M/s.Reliance Genereal Insurance Co. Ltd.

No.1, 1st Floor, Dhanam Towers, Dinni Mail Road,
Tirupur-641601

3.M/s. Reliance General Insurance Co. Ltd.

Sakthi Super Market near, Perundurai Main Road,
Erode-638009

Respondents

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to enhance the compensation amount awarded in the order dt. 21.12.2022 made in MCOP No.348/2019 on the file of The Special District Court to Deal with MCOP Cases, Erode by allowing this CMA



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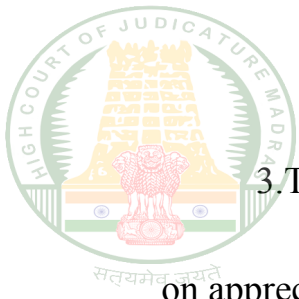
For Appellant: Mr.M.Guruprasad

For Respondents: Ms. G. Sugumari For RR 2 and 3

JUDGMENT

The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.348 of 2019, dated 21.12.2022 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 11.04.2019 at about 01.00 hours, when the petitioner was travelling as a pillion rider in a bike bearing Regn. No.TN-56 L-3134 with his younger brother Vignesh, near Veduvangadu, the 1st respondent drove the vehicle in a rash and negligent manner, dashed on him and caused an accident. Due to which, the petitioner sustained injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.10,00,000/-.



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3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.3,70,511/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	50,000
2.	Medial expenses	2,24,511
3.	Loss of earning	36,000
4.	Pain and sufferings	50,000
5.	Extra nourishment	5,000
6.	Transportation	5,000
	Total	3,70,511

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The appellant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.



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6. The learned counsel for appellant would submit that the medical board had assessed the disability at 30% of partial disability, but without considering the partial disability sustained by the appellant, the tribunal had awarded only a sum of Rs.50,000/- towards disability. Hence, he prayed to enhance the compensation for 30% of partial disability.

7. The learned counsel for respondents 2 and 3 would submit that the tribunal has rightly awarded compensation with regard to disability on considering the nature of injury, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as respondents 2 and 3 and perused materials available on record.

9. Considering both side submissions, the fact reveals that as per the discharge summary, medical board certified his disability as 30% of partial disability, but the tribunal has awarded only a sum of Rs.50,000/- towards disability. Considering that and also on considering the fact that the accident was happened in the year 2019 and he was an agricultural coolie, this Court is inclined to fix a sum of Rs.9000/- per percentage of disability. Furthermore,



considering the cost of living at that time as well as considering his age, this

Court is inclined to enhance the notional monthly income from Rs.9,000/- per

month to Rs.12,000/- per month. On considering the injuries as well as

treatment period, the learned Tribunal fixed four months for loss of income, but

the learned counsel for appellant argues that due to the injuries sustained, he

was not able to move outside and nearly about six months, he was not able to

attend his avocation. Hence, six months period is to be taken for loss of income.

By relying the discharge summary, the learned counsel for respondent would

submit that only 24 days, he is in hospital, but however on seeing the grievous

injury, this Court is inclined to modify the period for loss of income as six

months. As he had suffered with partial disability, he was in need of more

nourishment. Hence, this Court is inclined to enhance the sum awarded towards

extra nourishment from Rs.5,000/- to Rs.10,000/-. Considering the fact that

during the treatment period, he had incurred huge expenses towards

transportation, this court is inclined to enhance the transportation charges from

Rs.5,000/- to Rs.10,000/-. The compensation that has been fixed under the

other heads are reasonable and does not require the interference of this Court.



10. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Partial Disability (30% x Rs.9000)	50,000	2,70,000	enhanced
2.	Medical expenses	2,24,511	2,24,511	confirmed
3.	Loss of income (Rs.12000 x 6)	36,000	72,000	enhanced
4.	Pain and sufferings	50,000	50,000	confirmed
5.	Nourishment	5,000	10,000	enhanced
6.	Transportation	5,000	10,000	enhanced
	Total	3,70,511	6,36,511	
	Rounded off to		6,36,520	

11. The compensation awarded by the tribunal at Rs.3,70,511/- is enhanced to Rs.6,36,520/-. The 2nd and 3rd respondents insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the appellant is permitted to withdraw



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the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

24-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special District Court, Erode
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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