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C.M.A.No.1276 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.11.2025**

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THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.1276 of 2024

Renukadevi

... Appellant / Petitioner

Vs.

1. K.Rajendran
2. United India Insurance Co. Ltd., (exonerated),
represented by its Branch Manager,
Perambalur.
3. Bajaj Allianz General Insurance Co. Ltd.,
G.E Plaza, Airport Road, Yerwada,
Pune – 411 006.

(The 3rd respondent was impleaded as per Order passed in I.A.Nos.1976 / 2018 to 1983 / 2018 dated 23.08.2018)

... Respondents / Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to allow the Civil Miscellaneous Appeal and for enhancement of the Award passed by the Motor Accident Claims Tribunal / Principal District Judge, Perambalur by its Judgment dated 29.11.2023 made in M.C.O.P.No.301 of 2018.



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For Appellant : Mr.C.Vidhusan
For R1 : Mr.A.Saravanan
For R2 : Ms.R.Rathna Thara
For R3 : Mr.J.Michael Visuvasam
for M/s.R.V.Sivaraj

JUDGMENT

Not being satisfied with the Award dated 29.11.2023 made in M.C.O.P.No.301 of 2018 on the file of the Motor Accidents Claims Tribunal / Principal District Court, Perambalur, the claimant herein has preferred this Civil Miscellaneous Appeal for enhancement of compensation.

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

3. Case of the claimant is that on 06.02.2017 at about 16.45 hours, while the claimant's husband Elankumaran was driving Car bearing Registration No.TN 22 BH 4214 which belongs to the 1st respondent, insured with the 3rd respondent, along with his family members proceeding from north to south along Thuraiyur-Musiri main road. When the Car was nearing one Palaniyappan's house at Jambunathapuram, as the Car was driven in a rash and negligent manner, it went out of the control of the driver and dashed upon the tamarind tree. Due to the said impact, the claimant's minor daughter



Dhanurika two years old succumbed to the injuries. The claimant and another son minor Lakshidhan sustained serious injuries. Therefore, the 1st respondent as the owner of the vehicle and the 3rd respondent who is the insurer of the same are liable to pay compensation to the petitioner herein.

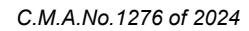
4. Details of counter of 1st respondent would state in brief:-

The 1st respondent had insured his vehicle with the 3rd respondent in Policy No. OG-17-1501-1081-00026418 for a period from 14.12.2016 to 17.12.2017. Tvl.Elankumaran purchased the above said vehicle and took delivery of the vehicle from the 1st respondent on 26.01.2017. The accident took place due to the rash and negligent act of the above said person and a case was registered against him.

5. Details of counter of 3rd respondent is stated in brief:-

The interest of the 1st respondent in vehicle No.TN 22 BH 4214 was covered at the material time under the policy of insurance issued by the 3rd respondent.

6. At trial, on the claimant's side, two witnesses were examined and thirteen documents were marked. Ex.C1 is the disability Certificate of Renukadevi issued by District Medical Board, Perambalure. On the side of the respondents, one witness was examined and photo copy of the Insurance



7. The Tribunal upon consideration of the oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.1,50,671/- under various heads is tabulated hereunder:-

Sl. No.	Description	Amount awarded by Tribunal (in Rs.)
1	For Disability (22% x Rs.5000/-)	Rs.1,10,000/-
2	For Pain and Sufferings	Rs.10,000/-
3	For Extra Nourishment	Rs. 5,000/-
4	For Transportation	Rs. 5,000/-
5	For Loss of Income	Rs.13,000/-
6	Medical Expenses (Ex.P6 series)	Rs.7,671/-
		Rs.1,50,671/-

8. The learned counsel for the appellant would strenuously contend that the claimant sustained fracture of both bones left leg, fracture of left elbow and fracture of left humerus. She was admitted as inpatient at Kauvery Hospital, Trichy, from 06.02.2017 to 15.02.2017 and she underwent surgery, wherein, plates were fixed in left humerus and she was again hospitalized on 07.02.2017 and got discharged on the next day and nailing was done in tibia. He would further state that the petitioner was working as Assistant in a private company and earning Rs.15,000/- per month.

9. Per contra, Mr.J.Michael Visuvasam, learned counsel appearing for



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the 3rd respondent / Baja Allianz General Insurance Company would vehemently contend that the amounts granted under different heads by the Tribunal are quite reasonable and sought for dismissal of the Appeal.

10. It has come on record through the evidence of P.W1 that she was working as Assistant in a private company and was earning Rs.15,000/- per month. No document is marked to substantiate the said details. As per the medical records, the claimant suffered fracture of both bone left leg, left elbow and left humerus and underwent two surgeries. In consideration of the above details, the notional income is fixed as Rs.10,000/- per month. In consideration of the above said injuries, the claimant is entitled for loss of income for four months (Rs.10,000/- x 4 = Rs.40,000/-). For pain and sufferings, Rs.20,000/- is granted in addition to the amount already granted by the Tribunal. For extra nourishment and for transportation, an amount of Rs.10,000/- under each head is granted in addition to the amount already granted by the Tribunal. For attender charges and for loss of amenities, an amount of Rs.20,000/- under each head is granted. As regards the other heads, the amounts granted by the Tribunal appear to be reasonable and acceptable and hence, it needs no interference by this Court. The amounts granted under various heads after rework is tabulated and given hereunder:-



Sl. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1	For Partial Permanent Disability	1,10,000/-	1,54,000/-	Enhanced
2	For Pain and Sufferings	10,000/-	30,000/-	Enhanced
3	For Extra Nourishment	5,000/-	15,000/-	Enhanced
4	For Transportation	5,000/-	15,000/-	Enhanced
5	For Loss of Income	13,000/-	40,000/-	Enhanced
6	For Medical Expenses (Ex.P6 series)	7,671/-	7,671/-	Confirmed
7	For Attender Charges	-	20,000/-	Granted
8	For Loss of Amenities	-	20,000/-	Granted
	Total	1,50,671/-	3,01,671/- Rounded off as 3,02,000/-	Enhanced

11. Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,50,671/- to Rs.3,02,000/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation (excluding the period of default if any).

12. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.1,50,671/- to Rs.3,02,000/-.

(iii) The 3rd respondent / Insurance Company is directed to deposit the enhanced compensation amount now determined by this Court i.e.,



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Rs.3,02,000/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit (excluding the period of default if any) to the credit of M.C.O.P.No.301 of 2018 on the file of 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 appellant / claimant is permitted to withdraw the amount now determined by this Court, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The claimant is directed to pay the Court fee for the enhanced compensation amount, if required.

(vi) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimant.

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(2/3)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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R. KALAIMATHI, J.

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Copy to

1. The Motor Accident Claims Tribunal / Principal District Court, Perambalur.
2. The Section Officer,
VR Section,
High Court, Madras.

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