



CMA No.1224 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1224 of 2025

Sasi Priya

... Appellant

Vs.

1.S.J.Solomon Dinakaran
2.M/s.United India Insurance Company Ltd.,
No.140 - A, 1st floor,
Ranga Building,
Peramanur Main Road, Salem - 7.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the order and decree dated 10.01.2025 passed in M.C.O.P.1198 of 2022 on the file of the Motor Accident Claims Tribunal No.II, Special Subordinate Court No II, Salem.

For Appellant : Mr.S.Ramprabu
for Mr.K.Vasanthanayagan

For R2 : Mr.D.Venkatachalam
for R1 Notice dispensed with

JUDGMENT

The appellant has filed this appeal against the award passed in M.C.O.P. No. 1198 of 2022 on the file of the Motor Accident Claims Tribunal, II, Special Subordinate Court No II, Salem, dated 10.01.2025.



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2. The brief facts of the case of the appellant/claimant are as follows: On 03.09.2022, the appellant, along with some others, was travelling as a passenger in a National Travels bus bearing Registration No. TN-59-CL-1909 from Chennai to Salem. The said bus was proceeding along the Chennai-Salem National Highway. At about 3.45 a.m., near Kallakurichi, in front of Subbulakshmi Moden Rice Mill, the driver of the bus drove the vehicle in a rash and negligent manner at an uncontrollable speed and hit the rear side of the Tarass lorry bearing Registration No. TN-33-BV-0995, which was moving ahead of the bus, thereby causing the accident. Due to the accident. the appellant sustained grievous injuries and incurred medical expenses amounting to approximately Rs.5,00,000/- (Rupees Five Lakhs). Prior to the accident, the appellant was hale and healthy, employed in the IT field in Chennai, and earning a sum of Rs.50,000/- per month.

3. According to the appellant/claimant, the accident occurred solely due to the rash and negligent driving of the driver of the National Travels bus bearing Registration No. TN-59-CL-1909. A criminal case was registered against the said driver in Crime No. 374 of 2022 under Sections



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279 and 337 of the Indian Penal Code by Kallakurichi Police Station. The first respondent is the owner of the said bus, and the second respondent is the insurer of the said vehicle. The first and second respondents are jointly and severally liable to pay compensation to the appellant.

4. Before the Tribunal, the owner of the vehicle remained absent and was set ex parte. The second respondent, M/s. United India Insurance Company Ltd., resisted the claim petition on all grounds available to an insurer under Section 170 of the Motor Vehicles Act.

5. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.4,75,109/- as compensation, directing the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

6. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.



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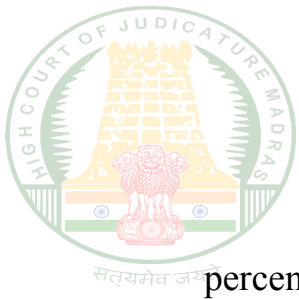
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7. Heard Mr. K.Vasanthanayagan, learned counsel appearing for the appellant, and Mr. D.Venkatachalam, learned counsel appearing for the second respondent.

8. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of the compensation.

9. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be disturbed.

10. A perusal of the discharge summary shows that the claimant sustained an "L5 burst fracture with retropulsion and canal stenosis, along with chronic urticaria." The Medical Board assessed the claimant's permanent disability at 30%. The Tribunal awarded Rs. 7,000/- per



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percentage of disability. However, considering the claimant's age (24 years at the time of the accident) and the nature of injuries, it would be appropriate to enhance the rate to Rs. 9,000/- per percentage. Accordingly, a sum of Rs. 2,70,000/- (Rs. 9,000 x 30%) is awarded towards partial permanent disability.

11. The appellant was working in the IT field in Chennai and was earning a sum of Rs. 50,000/- per month. The Tribunal, however, fixed the monthly income at only Rs. 10,000/-. Considering the cost of living in the year 2022, this Court reasonably fixes the monthly income at Rs. 16,000/-. Due to the accident, the appellant would have been unable to attend to his regular work for at least four months. Therefore, a sum of Rs. 64,000/- (Rs. 16,000 x 4 months) is awarded towards loss of income.

12. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:



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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	30% Permanent Disability	2,10,000	2,70,000
2.	Pain and Suffering	50,000	50,000
3.	Loss of Amenities	10,000	20,000
4.	Loss of Income	30,000	64,000
5.	Medical Bills	1,44,109	1,44,109
6.	Transportation Charges	10,000	10,000
7.	Extra Nourishment	10,000	30,000
8.	Attender Charges	10,000	15,000
9.	Damages to Clothes	1,000	1,000
	Total	4,75,109	6,04,109

Thus, the compensation awarded by the Tribunal is enhanced from Rs.4,75,109/- to Rs.6,04,109/-, which shall carry interest at the rate of 7.5% per annum.

13. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.4,75,109/- to Rs.6,04,109/-.



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iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent, M/s.United India Insurance Company Ltd., is directed to deposit the enhanced compensation amount, i.e., Rs.6,04,109/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 1198 of 2022 on the file of the Motor Accident Claims Tribunal No.II, Special Subordinate Court, No.II, Salem, within a period of four weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

18.06.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
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To

1. Motor Accident Claims Tribunal No.II,
Special Subordinate Court No II, Salem.
- 2.M/s.United India Insurance Company Ltd.,
No.140 - A, 1st floor,
Ranga Building,
Peramanur Main Road, Salem - 7.
3. The Section Officer, V.R. Section, High Court, Madras.



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T.V.THAMILSELVI, J.

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