



C.M.A.No.2177 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2177 of 2025

K.Janaranjani

...Appellant

Vs.

1.Dinesh

2.Reliance General Insurance Co. Ltd.,

No.6, Haddows Road,

4th Floor,

Chennai – 600 006.

...Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the decree and judgment dated 28.08.2024 made in M.C.O.P.No.4554 of 2018, on the file of the Motor Accident Claims Tribunal, (In the V Court of Small Causes, Chennai).

For Appellant : Mr.K.Varadha Kamaraj

For Respondents : Mr.S.Sukumar for R1

Mr.P.Suresh Srinivasan for R2

J U D G M E N T



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This appeal is filed by the appellant challenging the order dated 28.08.2024 passed in M.C.O.P.No.4554 of 2018 on the file of Motor Accidents Claims Tribunal/V Court of Small Causes, Chennai.

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 owner of the vehicle and second respondent is the Insurance Company before the Tribunal.

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

On 20.06.2018 at about 18.00 hrs., when the petitioner was proceeding in a two wheeler bearing Registration No.TN 18 D 4712 from East to West, Ellaiyamman Nagar First Main Salai Junction at Korattur Agraharam Road, at that time, another motorcyle bearing Registration No.TN 13 M 2066 driven by its rider in a rash and negligent manner and hit against the petitioner's motorcyle. Due to the accident, the petitioner



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sustained grievous injuries. Immediately, after the accident, the petitioner was taken to SIMS Hospital, Vadapalani, Chennai and took treatment as inpatient. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.4554 of 2018, the Tribunal awarded a sum of Rs.7,89,000/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that due to the rash and negligent riding by the rider of motorcycle bearing Registration No.TN 13 M 2066, the appellant sustained grievous 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 second respondent 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.



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7.Heard learned counsel appearing for the appellant, learned counsel for the first respondent, learned counsel for the second respondent and perused the materials available on record.

8.Before the Tribunal, the petitioner was examined as PW1 and on the side of the petitioner, 17 documents were marked as Exs.P1 to P17. On the side of the respondents, no oral and documentary evidence were adduced. The disability certificate issued by the Medical Board was marked as Ex.C1.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.6,30,000/- for loss of earning capacity, Rs.30,000/- for pain and suffering, Rs.30,000/- for loss of income, Rs.42,000/- for medical expenses, Rs.4,000/- for attendant charges, Rs.28,000/- for transportation, Rs.15,000/- for loss of amenities, Rs.10,000/- for extra nourishment and arrived at a total compensation of Rs.7,89,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.



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10.On perusal of the records, it is seen that the petitioner was aged 37 years and was working as a Teacher in a private school at the time of the accident.

11.The amount awarded under the heads medical expenses, attendant charges and transportation, in the opinion of this Court is just and reasonable and the same is confirmed. The amount awarded under the heads loss of earning capacity, pain and suffering, loss of amenities and extra nourishment, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said heads. Accordingly, the amount awarded under the head partial disability is enhanced to Rs.7,05,600/- from Rs.6,30,000/-. Accordingly, the amount awarded under the head pain and suffering is enhanced to Rs.50,000/- from Rs.30,000/-. Accordingly, the amount awarded under the head loss of amenities is enhanced to Rs.50,000/- from Rs.15,000/-. Accordingly, the amount awarded under the head extra nourishment is enhanced to Rs.20,000/- from Rs.10,000/-. Though the Tribunal has



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awarded a sum of Rs.30,000/- for loss of income, this Court is not inclined to award any compensation under the said head as already sufficient amount awarded for loss of earning capacity.

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

- (i)Left leg crush injuries
- (ii)Fracture and head injuries
- (iii)Multiple injuries all over the body

13.Considering 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>	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Loss of earning	6,30,000/-	7,05,600/-



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<i>S.No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
	capacity (Rs.14,000 x 12 x 15 x 28/100)		
2	Pain and suffering	30,000/-	50,000/-
3	Loss of income	30,000/-	-
4	Medical expenses	42,000/-	42,000/-
5	Attendant charges	4,000/-	12,000/-
6	Transportation	28,000/-	28,000/-
7	Loss of amenities	15,000/-	50,000/-
8	Extra nourishment	10,000/-	20,000/-
	Total	7,89,000/-	9,07,600/-

14.The appellant/claimant is entitled to total compensation of Rs.9,07,600/- 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/V Court of Small Causes, Chennai in M.C.O.P.No.4554 of 2018 dated 28.08.2024 is modified to the above extent.



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16.The second 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.

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/V Court of Small Causes, Chennai shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellant/claimant.



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

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Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

1.The Motor Accidents Claims Tribunal,
V Court of Small Causes, Chennai.

2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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T.V.THAMILSELVI, J.

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