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CMA No. 1571 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1571 of 2025

A.Chinnasamy

Appellant

Vs

1. Ramesh

2.The Divisional Manager

United India Insurance Company Ltd, Third Party
Service Hub, Plot No. 35,36,37, A.R.Plaza, 45 Feet
road, Balaji Nagar Extn. Saram, Puducherry -11.

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow the appeal and enhance compensation in MCOP No. 3353 of 2018 dt. 02.07.2024 (on the file of the Motor Accidents Claims Tribunal/Special District Court II, Cuddalore.



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For Appellant: Ms.Ramya V. Rao

For Respondents: Mr.S.Arun Kumar For R2
R1 - No Appearance

JUDGMENT

The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.3353 of 2018, dated 02.07.2024 has preferred this appeal seeking for enhancement of compensation.

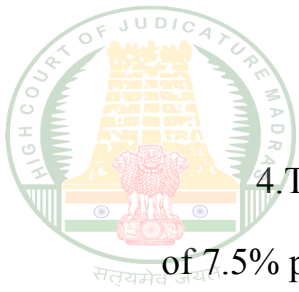
2.The case of the petitioner is that on 13.04.2018 at about 17.30 hours, when the petitioner was standing on the extreme mud portion of Cuddalore to Rasapalayam Road, near bus stop, the 1st respondent's two wheeler bearing Regn. No.PY..AQ-3241 came from east to west in a rash and negligent manner, dashed on him and caused an accident. Due to which, the petitioner sustained fracture and multiple grievous 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.



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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 two wheeler/1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.2,95,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	1,90,000
2.	Pain and sufferings	20,000
3.	Loss of comfort and amenities	20,000
4.	Extra Nourishment	5,000
5.	Attender charges	3,500
6.	Medical expenses	36,374
7.	Transport expenses	5,000
8.	Loss of expectation in life	10,000
9.	Loss of cloths and articles	nil
10.	Loss of income during treatment	5,000
11.	Future medical expenses	nil
	Total	2,94,874
	Rounded off	2,95,000



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.

6. The learned counsel for appellant would submit that the tribunal has failed to take note of the fact that the accident was happened in the year 2018 , but the tribunal had erroneously fixed only a sum of Rs.5000/- per percentage of disability without considering 38% of disability sustained by the appellant. He would also submit that he was a mason at the time of accident and earned a sum of Rs.15000/- per month, but the tribunal had fixed only a sum of Rs.5000/- towards notional monthly income. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent would submit that the tribunal has rightly awarded compensation with regard to disability on considering nature of injury as well as notional monthly income of appellant on considering his avocation as a mason, which needs no interference of this court.



8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent 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 38% of partial disability, but the tribunal has awarded only a sum of Rs.5,000/- towards per percentage of disability. Therefore, considering the fact that the accident was happened in the year 2018 and he was aged about 60 years at the time of accident and also the fact that he had sustained grievous injury, this Court is inclined to fix a sum of Rs.7000/- for 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.5,000/- per month to Rs.12,000/- per month. On considering the nature of injuries as well as treatment period and according to the learned counsel for appellant due to the injuries sustained, he was not able to move outside and nearly about six months, he is unable to do his avocation, this Court is inclined to fix the period for loss of income as four months. Considering the nature of injury and undergone



treatment in various hospitals, this court is inclined to enhance the sum awarded towards pain and sufferings from Rs.20,000/- to Rs.30,000/-. 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:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Disability (38% x Rs.7000)	1,90,000	2,66,000	enhanced
2.	Pain and sufferings	20,000	30,000	enhanced
3.	Loss of comfort and amenities	20,000	20,000	confirmed
4.	Extra nourishment	5,000	5,000	confirmed
5.	Attender charges	3,500	3,500	confirmed
6.	Medical expenses	36,374	36,374	confirmed
7.	Transport expenses	5,000	5,000	confirmed
8.	Loss of expectation of life	10,000	10,000	confirmed
9.	Loss of cloths and articles	nil	nil	
10.	Loss of income during treatment	5,000	48,000	enhanced
11.	Future medical expenses	nil		
	Total	2,95,000	4,23,874	
	Rounded off to		4,23,880	



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11. The compensation awarded by the tribunal at Rs.2,95,000/- is enhanced to Rs.4,23,880/-. The 2nd respondent 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 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 appellant. 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.

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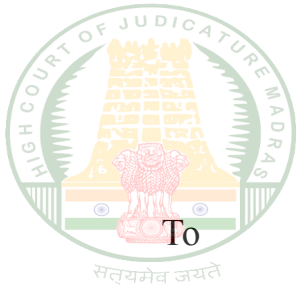
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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1. Motor Accident Claims Tribunal, Special District Court No.II, Cuddalore.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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