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CMA No. 2112 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2112 of 2023

R.Mahikrishnan
S/o. Radhakrishnan No. 51, Road St,
Thirumundeecharam, Giramam,
Ulundurpet Taluk,
Villupuram Dist. 607 203.

Appellant

Vs

1. D.Kumaresan
S/o. Dhulkanam NO. 525 Attru
Colony, Thiruthuraiyur, Panruti Tk, 607
205.

2.The Chief Manager
Shriram General Insurance Co.Ltd. 1st
Floor, Plot No.5, Ramachandran St,
Saravana Nagar, Seevaram, Perungudi,
Chennai 096.

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the compensation in MCOP.No. 467 of 2019 dated 09.01.2023 on the file of the Motor Accident Claims Tribunal, Sub Judge, Panruti.



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For Appellant: Ms.Ramya V. Rao

For Respondent(s): R.Sree Vidhya For R2
R1 - No Appearance

JUDGMENT

The claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.467 of 2019, dated 09.01.2023 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 29.07.2019 at about 08.00 hours, when the petitioner was walking on the left side of the road proceeding to his house, a two wheeler was driven on his backside in a rash and negligent manner with great high speed, hit the petitioner and caused an accident. Due to which, the claimant 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.15,00,000/-.

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 the 1st respondent. Having come to such a conclusion, the

Tribunal fixed the total compensation payable at Rs.3,03,000/- under various

heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	2,50,000
2.	Loss of income	18,000
3.	Pain and suffering	15,000
4.	Transportation expenses	5,000
5.	Nutrition expenses	10,000
6.	Attender charges	5,000
	Total	3,03,000

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

5.The claimants 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. On perusal of award passed by the Tribunal below, the fact reveals that the accident was happened in the year 2019 and the claimant was doing



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centering work. On considering the injuries as well as treatment period, the learned Tribunal fixed two 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 two months, he was not able to attend his work. But, the learned Tribunal had fixed two months for loss of income, however, on seeing the grievous injury, this Court is inclined to modify the period for loss of income as six months. The claimant is aged about 41 years. The medical board fixed the permanent disability at 50% and the tribunal had fixed a sum of Rs.5000/- per percentage of disability without taking note of the fact that the accident was happened in the year 2019. Therefore, on considering the cost of living, this Court is inclined to enhance the notional income from Rs.9,000/- to Rs.15,000/- per month and towards permanent disability of 50%, it is to be enhanced from Rs.5000/- to Rs.7000/- per percentage. As the petitioner sustained injuries and suffered disability, he would have been in need of Nutrition expenses. Hence, the nutrition expenses is enhanced from Rs.10,000/- to Rs.15,000/-. Considering the fact that the petitioner took treatment in the hospital for more than one month, he would have required the services of an



attender, it has been increased from Rs.5,000/- to Rs.15,000/-. The

compensation that has been fixed under the other heads are reasonable and does

not require the interference of this Court.

7.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 (in Rs.)
1.	Permanent Disability (Rs.7000 x 50%)	3,50,000
2.	Loss of income (Rs.15,000 x 6)	90,000
3.	Pain and suffering	50,000
4.	Transportation expenses	10,000
5.	Nutrition expenses	15,000
6.	Attender charges	15,000
	Total	5,30,000

8.The compensation awarded by the tribunal at Rs.3,03,000/- is enhanced to Rs.5,30,000/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.5,30,000/-, 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 four weeks from the date of receipt of this



judgment. 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

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Tribunal with regard to the mode of payment of compensation remains unaltered. It goes without saying that the enhanced compensation that is paid by the Insurance Company can be recovered from the owner of the vehicle as was ordered by the Tribunal.

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

10-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Sub-Court, Panruti.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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