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CMA No. 1359 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1359 of 2025

1. P.Shriram,
S/o.Pandurangan, No.18, Roja Street,
Thiruvalluvar Nagar, Avadi, Chennai -
600 069.

Appellant(s)

Vs

1. S.Varadarajan,
S/o.Selvaraj, No.4/15,
Angalaparameswari Koil Street, Mettu
Sekkadu, Kamaraj Nagar, Avadi,
Chennai - 600 071. (R1 Set - Exparty in
Trial Court on 11.10.2017)

2.United India Insurance Company
Limited,
Third Party Claim Office, Siling
Building, IV Floor, (Present-Ist Floor)
134, Greams Road, Chennai- 600 006.

Respondent(s)



PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the award from Rs.21,98,500/- to Rs.31,98,500/- in MCOP.No.1522/2017 on the file of Motor Accident Claim Tribunal (IV Small Causes Court at Chennai) and thus render justice.

For Appellant(s): Ms.P.T.Saleem Fathima

For Respondent(s): Ms.R.Vijaya Kamala For R2
R1 - No Appearance

JUDGEMENT

The appellant has filed this appeal praying to enhance the compensation awarded in MCOP.No. 1522 of 2017 dated 12.11.2024 on the file of Motor Accident Claims Tribunal (IV Small Causes Court), Chennai.

2. The brief facts of the case of the appellant/claimant are as follows:

On 12.02.2017 at about 10.30 hrs, when the petitioner riding the motorcycle bearing Reg.No.TN.12F 4152 at CTH Road, at that time Tractor bearing Reg.No.TN 20 CV 4065 driven by its driver in a rash and negligent manner and hit on the backside of the petitioner's motorcycle. Due to that, petitioner sustained grievous injuries. The first respondent is the owner of the vehicle and the second respondent as an insurer of the offending vehicle.



3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.21,98,500/- as compensation, directing the 2nd 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.

4. 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.

5. 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 compensation.

6. 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 interfered.



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7. The claimant is working in a private hotel and earning Rs.10,000/- per month. However, the appellant has not produced any document to prove his income. Considering the cost of living in the year 2017 and partial permanent disability of 42%, this Court reasonably fixes the monthly income at Rs. 14,000/- per month, with 40% addition towards future prospects. Due to the accident, the appellant would have been unable to attend to his regular work for at least ten months. Therefore, a sum of Rs.1,40,000/- (Rs.14,000 x 10 months) is awarded towards loss of income during the period of treatment and recovery. The compensation awarded under the other heads by the Tribunal is confirmed.

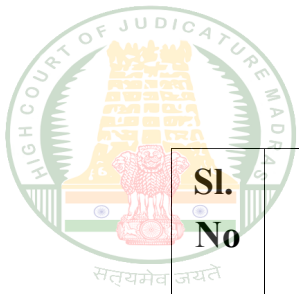
Calculation

Notional Income = Rs.14,000/-

40% Future Prospects = $14,000 + 5,600 = 19,600$

Loss of earning capacity = $19,600 \times 12m \times 17 \times 42/100$
= Rs.16,79,328/-

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



Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	11,99,520	16,79,328
2.	Loss of earning	1,00,000	1,40,000
3.	Pain and suffering	1,50,000	1,50,000
4.	Transportation	20,000	20,000
5.	Extra nourishment	25,000	25,000
6.	Attender charges	25,000	25,000
7.	Loss of Amenities	75,000	75,000
8.	Medical Expenses	6,04,013	6,04,013
	Total	21,98,533	27,18,341
	Rounded off	21,98,500	27,18,500

9. Thus, the compensation awarded by the Tribunal is enhanced from Rs.21,98,500/- to Rs.27,18,500/-, which shall carry interest at the rate of 7.5% per annum.

10. 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.21,98,500/- to Rs.27,18,500/-.



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 2nd respondent, United India Insurance Co.Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.27,18,500/- (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 realization, to the credit of M.A.C.T.O.P. No.1522 of 2017 on the file of the Motor Accidents Claims Tribunal (IV Small Causes Court), Chennai, within a period of eight 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, as per the apportionment made by the Tribunal, 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.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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3.The Motor Accidents Claims Tribunal
(IV Small Causes Court), Chennai.

4.The Section Officer,
VR Section, High Court of Madras.



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T.V.THAMILSELVI J.
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