



WEB COPY

CMA No. 1806 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-06-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 1806 of 2023**

1. S.Varsha (minor)

Rep.by M.N.F.S. Guru Sundhari, D/o.  
Sampath, No.248, 3 rd Street,  
Govindharajapuram, Palavedu Post,  
Avadi, IAF, Chennai 55.

Appellant(s)

Vs

1. C.Vijaya Gopal

No.9, Hyder Garden, Jamaliya, Chennai  
HP with Chandan Prakash Finance,  
Chennai 11.

2.The United India Insurance Co.Ltd.,  
Motor III Party Claims Office, Shillingi  
Building, 134, Greams Road, Chennai  
6.

Respondent(s)

**CMA No. 1806 of 2023**

**PRAYER**

To set aside the Judgement and Decree dated 05.11.2019 passed in MCOP



No.4277 of 2016 by the Motor Accident Claims Tribunal Chennai (In the IV Judge Court of Small Causes) and enhance the award amount in the interest of justice

**CMA No. 1806 of 2023**

For Appellant(s): Mr .F.Terry Chella Raja For  
Mr.M.Pachaiyappan

For Respondent(s): M/s.R.Ratna Thara For R 2 R1-  
Exparte

**COMMON JUDGEMNT**

CMA No. 1806 of 2023 has been filed to set aside the Judgement and Decree dated 05.11.2019 passed in MCOP No.4277 of 2016 by the Motor Accident Claims Tribunal Chennai (In the IV Judge Court of Small Causes) ( in short "tribunal")

**2. The Brief facts of the case:**

On 29.02.2016 at about 01.30 p.m., the claimants were travelling as passengers in the auto-rickshaw bearing registration No. TN-05-AH-4560, at C.T.H. Road, from Tirunindravur to Koodambakkam, and when the auto-rickshaw was plying at the end portion of the overbridge in Tirunindravur near the Government Hospital, the driver of the auto-rickshaw drove the vehicle in a rash and negligent manner and endangering public safety, and hit the left side of



the unknown TATA ACE van, and as a result, the claimants sustained grievous injuries. The accident occurred only on account of the rash and negligent

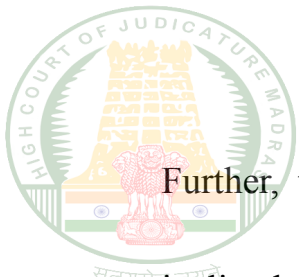
driving of the auto-rickshaw by its driver. Thereafter the claimants filed the petition before the tribunal claiming compensation. The Insurance company contested the case by filing counter. On considering oral and documentary evidence the tribunal awarded a sum of Rs.89,300/- as compensation.

Challenging the quantum of compensation the claimant preferred this appeal.

3. The learned counsel for the claimant submits that claimant sustained 30% disability but tribunal has taken only 15 % for disability which is unsustainable and also awarded very meagre amount as compensation. Hence, he prays to enhance the compensation.

4. The learned counsel for the contesting respondent submits that the tribunal has rightly awarded compensation which needs no interference.

5. Considering the fact that the accident was happened in the year 2016 and also through P.W.3/Doctor and Ex.P14/Disability certificate the claimant proved her 30% disability. But tribunal has taken only 15% disability which is erroneous. Hence, this Court is inclined to fix 30% disability for the claimant.



Further, the accident was happened in the year 2016. Hence, this Court is

inclined to award Rs.6,000/- per percentage of disability. Accordingly, the

claimant is entitled to Rs.1,80,000/- under the head of disability.

6. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

| <b>S.No.</b> | <b>Head</b>                   | <b>Compensation<br/>awarded by the<br/>Tribunal</b> | <b>Compensation<br/>awarded by this Court</b> |
|--------------|-------------------------------|-----------------------------------------------------|-----------------------------------------------|
| 1.           | Pain and sufferings           | Rs.15,000/-                                         | Rs.15,000/-                                   |
| 2.           | Transportation expenses       | Rs.5,000/-                                          | Rs.5,000/-                                    |
| 3.           | Extra Nourishment             | Rs.5,000/-                                          | Rs.5,000/-                                    |
| 4.           | Attender charges              | Rs.3,300/-                                          | Rs.3,300/-                                    |
| 5.           | Damages to cloths and article | Rs.1,000/-                                          | Rs.1,000/-                                    |
| 6.           | Lost of amenities             | Rs.15,000/-                                         | Rs.15,000/-                                   |
| 7.           | For disability                | Rs.45,000/-                                         | Rs.1,80,000/-                                 |
| 8.           | Total                         | Rs.89,300/-                                         | Rs.2,24,300/-                                 |

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.2,24,300/-. The respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No.4277 of 2016, on the file of the Motor Accident Claims Tribunal Chennai (In the IV



Judge Court of Small Causes), within a period eight weeks from the date of

receipt of a copy of this judgement. On such deposit, the appellant/claimant is

permitted to withdraw the award amount by making formal application before

the Tribunal. The respondent may deduct the amount, if any amount has already

deposited before the tribunal.

8. With the above direction, the Civil Miscellaneous Appeal is partly

allowed. No costs.

**19-06-2025**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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- 2.The United India Insurance Co.Ltd.,  
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3. The Section Officer, V.R Section,  
High Court, Madras.
4. The Motor Accident Claims Tribunal  
Chennai (In the IV Judge, Court of  
Small Causes).



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**T.V.THAMILSELVI J.**  
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