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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 18.08.2025**

**CORAM:**

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

**C.M.A.No.1800 of 2023**

A. Prince

... Appellant

Vs.

1. S. Ravichandran

2. United India Insurance Company Limited,  
Motor 3<sup>rd</sup> Party Claims Office,  
Shillingi Buildings, No.134,  
Greens Road, Chennai – 600 006.

... Respondents

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 01.12.2018 passed in M.C.O.P.No.6484 of 2015 by the Motor Accident Claims Tribunal, Chennai ( In the Special Judge, Court of Small Causes, Chennai) and enhance the award amount in the interest of justice.

For Appellant : Mr.M. Pachaiyappan  
For Respondent-2 : Mr.K. Swaminathan

**JUDGMENT**



**WEB COPY** The appellant had filed this appeal to set aside the Judgment and Decree dated 01.12.2018 passed in M.C.O.P.No.6484 of 2015 by the Motor Accident Claims Tribunal, Chennai ( In the Special Judge, Court of Small Causes, Chennai) and enhance the award amount.

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

On 26.04.2015 at about 14.00 hours, when the appellant was walking along with the Poonamalle Trunk Road, near Government Taluk Hospital, Poonamallee a Motorcycle bearing Reg.No. TN-22-CA-0408 ridden by its rider in the rash and negligent manner. As a result of which the appellant sustained grievous injuries. Since the accident happened only due to the rider of the motor cycle, the car, the appellant filed a claim petition before the Tribunal claiming compensation at Rs.10,00,000/- .

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,06,250/- as compensation, directed the second 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.



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4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.20,000/- towards compensation for pain and suffering. He further submitted that the amount awarded under all other heads is also very low. Hence prays to enhance the compensation by allowing this petition.

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.

7. Heard both sides and perused the materials available on record.

8. On An analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.30,000/- towards disability;



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Rs.20,000/- towards Pain and Sufferings; Rs.10,000/- towards Extra Nourishment; Rs.10,000/- towards Transport charges; Rs.1,250/- towards Attender charges; Rs.1,250/-; Rs.20,000/- towards loss of studies; Rs.20,000/- towards loss of future prospectus/-. Thus the total compensation comes to Rs.1,06,250/-.

9. Considering the disability sustained by the appellant, this Court is inclined to enhance Rs.4,000/- per percentage and also take the disability as 20% and thus quantified Rs.80,000/- towards disability. The amount awarded under the head Pain and sufferings, Extra nourishment, attender charges and loss of studies are enhanced to Rs.40,000/- Rs.15,000/-, Rs.15,000/- Rs.60,000/- respectively. The amount awarded under other heads remains intact.

10. 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 | Rs.30,000/-                             | Rs.80,000/-                               |



|    |                          |                      |                      |
|----|--------------------------|----------------------|----------------------|
| 2. | Pain and sufferings      | Rs.20,000/-          | <b>Rs.40,000 /-</b>  |
| 3. | Extra Nourishment        | Rs.10,000/-          | <b>Rs.15,000/-</b>   |
| 4. | Transport Charges        | Rs.5,000/-           | Rs.5,000/-           |
| 5  | <b>Attender Charges</b>  | Rs.1,250/-           | <b>Rs.15,000/-</b>   |
| 6  | <b>Loss of studies</b>   | Rs.20,000/-          | <b>Rs.60,000/-</b>   |
| 7  | Loss of Future prospects | Rs.20,000/-          | Rs.20,000/-          |
|    | <b>Total</b>             | <b>Rs.1,06,250/-</b> | <b>Rs.2,35,000/-</b> |
|    |                          |                      |                      |
|    |                          |                      |                      |

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.1,06,250/- to Rs.2,35,000/-**, which shall carry interest at the rate of 7.5% per annum.

#### 11. 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.1,06,250/- to Rs.2,35,000/-**

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.



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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 second respondent Limited,, is directed to deposit the enhanced compensation amount, i.e., **Rs.2,35,000/-**. (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 deposit, to the credit of **M.C.O.P.No.6484 of 2015** by the **Motor Accident Claims Tribunal, Chennai, the Special Judge, Court of Small Causes, 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, 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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05.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The **Motor Accident Claims Tribunal, Chennai,**  
**The Special Judge, Court of Small Causes, Chennai**

2. The United India Insurance Company Limited,  
Motor 3<sup>rd</sup> Party Claims Office,  
Shillingi Buildings, No.134,  
Greens Road, Chennai – 600 006.

3. The Section Officer, V.R. Section, High Court of Madras.

**T.V.THAMILSELVI, J.**

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