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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. 230 OF 2025

1. V.Manju

W/o. Velu, No. 248, 3rd Street,
Govindharajapuram, Palavedu Post,
Avadi IAF, Chennai 600 055.

Appellant(s)

Vs

1. C.Vijaya Gopal

No. 9, Hyder Garden, Jamaliya,
Chennai, HP With Chandan Prakash
Finance, Chennai 600 011. (Was Set
exparte in Trial Court)

2.The united India Insurance Co. Ltd,
Motor III Party Claims Office, Shilling
Building, 134 Greams Road, Chennai
600 006.

Respondent(s)

CMA No. 230 of 2025

PRAYER

To set aside the Judgment and decree dated 05.11.2019 passed in MCOP
No.3562 of 2016 by the Motor Accident Claims Tribunal Chennai (In the IV



Judge, Court of Small Causes).

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CMA No. 230 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

JUDGEMENT

This Civil Miscellaneous appeal has been filed to set aside the Judgment and decree dated 05.11.2019 passed in MCOP No.3562 of 2016 by the Motor Accident Claims Tribunal Chennai (In the IV Judge, Court of Small Causes).

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



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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.. 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. Further, the accident was happened in the year 2016 and also

considering the cost of living at the time of the accident, this Court is inclined to

enhance notional income of the claimant from Rs.8,000/- to Rs.12,000/-.

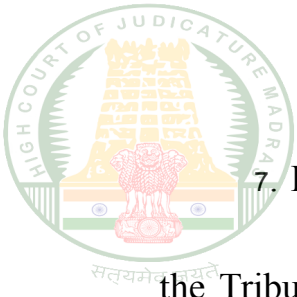
Accordingly, the claimant is entitled to Rs.36,000/- under the head of loss of

income for three months. Further, the claimant has taken treatment for 15 days.

Hence, this Court is inclined to enhance Rs.25,000/- for pain and sufferings.

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

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.10,000/-	Rs.25,000/-
2.	Transportation expenses	Rs.5,000/-	Rs.5,000/-
3.	Extra Nourishment	Rs.5,000/-	Rs.5,000/-
4.	Attender charges	Rs.4,500/-	Rs.4,500/-
5.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
6.	Lost of amenities	Rs.10,000/-	Rs.10,000/-
7.	For disability	Rs.45,000/-	Rs.1,80,000/-
8.	Loss of income	Rs.16,000/-	Rs.36,000/-
9.	Medical expenses	Rs.9,600/-	Rs.9,600/-
8	Total	Rs.1,06,100/-	Rs.2,76,100/-



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7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.2,76,100/-. The 2nd 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.3562 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

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
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T.V.THAMILSELVI J.
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