



WEB COPY

CMA No. 2004 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2004 of 2025

1. MEENAL

W/o.Subbaiya, No.1, Pulavar Govindan
Street, West Gandhi Nagar, Avadi,
Chennai-600054

Appellant(s)

Vs

1. V.Devendran

S/o.Venkat, No.59, Ranganathan Nagar,
Annamalai Nagar, 4th Cross Street,
Avadi, Chennai-600054

2.United India Insurance Co. Ltd.

No.48, Chandra Palaza, Arcot Road,
Saligram, Chennai-600093 (No relief
sought against the 1st Respondent
hence notice may be dispensed with)

Respondent(s)

For Appellant(s): Mr.C.Prabakaran

For Respondent(s): Mrs.C.Harini For



M/s.M.B.Gopalan Associates For
R2

PRAYER: This Civil Miscellaneous Appeal has been filed under the Section 173 of Motor Vehicles Act, 1988, to enhance enhance the award in judgement and decree dated 04.07.2023 made in MCOP No. 626 of 2019 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Poonamallee, Thiruvallur District.

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the award in judgement and decree dated 04.07.2023 made in MCOP No. 626 of 2019 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Poonamallee, Thiruvallur District.

2. On 07.11.209 at about 08.50 p.m, the claimant was travelling as pillion rider on a TVS Jupiter bearing registration No. TN 12 AC 9610 ridden by her daughter, along with here grandson,on the safer side of the N.M Road, from East towards west and a motorcycle bearing registration No. TN 12 AD 0637, ridden by its rider in a rash and negligent manner hit behind the claimant's travelling vehicle, due to the claimant sustained grievous injuries all over the body in the accident and was immediately taken to the hospital. Thereafter, the



claimant filed the petition before the tribunal claiming compensation. The

second respondent herein contested the case by filing counter. After considering

the oral and documentary evidence, the tribunal awarded compensation.

Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the appellant/claimant submits that the claimant was doing catering work at the time of the accident and also he was sustained grievous injuries but the tribunal has not awarded compensation under the head of loss of income and other heads. Further, the claimant has sustained permanent disability the tribunal ought to have adopted multiplier method without which it adopted per percentage method hence he prays to enhance the compensation.

4. The learned counsel for the second respondent raised strong objection stating that the claimant has sustained only partial disability hence the tribunal rightly fixed compensation which needs no interference. Hence, he prays to dismiss this appeal.

5. Considering the facts of the case and also the cost of living at the time of the accident, this Court is inclined to fix Rs.8,000/- per percentage of



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

disability. Further, this Court is inclined to fix Rs.12,000/- as notional income of

the claimant and claimant would have lost his income for four months.

Accordingly, the claimant is entitled to Rs.48,000/- under the head of loss of

income. Further, the claimant would have taken extra nourishment for the

injury. Hence, this Court is inclined to enhance the compensation awarded

under the head of extra nourishment from Rs.2,000/- to Rs.10,000/- and also

inclined to enhance the award passed under the head of transportation from

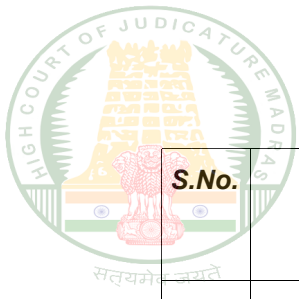
Rs.2,000/- to Rs.10,000/-. Except above modification, the award passed by the

tribunal in other heads remain unchanged.

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.10,000/-
2.	Loss of Income	Nil	Rs.48,000/-
3.	Medical Expenses	Rs.30,056/-	Rs.30,056/-
4.	Transportation expenses	Rs.2,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.2,000/-	Rs.10,000/-
6.	For permanent disability	Rs.50,000/-	Rs.80,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
7	Mental Agony	Rs.25,000/-	Rs.25,000/-
8	Total	Rs.1,19,056/-	Rs.2,13,056/-

Rounded off to Rs.2,13,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 2,13,000/-**. The second 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. 626 of 2019 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Poonamallee, Thiruvallur District, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the **claimant** is permitted to withdraw the award amount by making formal application before the Tribunal.

8. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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T.V.THAMILSELVI J.

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To

1. The Motor Accident Claims Tribunal, Subordinate Judge, Poonamallee, Thiruvallur District.
2. The Section Officer, V.R Section, High Court, Madras.

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