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CMA No. 1343 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1343 of 2025

1. R. Thavalgiri,
S/o.Rangasami, No.1/45/2, Middle
Street, Thellur Village, Tiruvannamalai-
604 404.

Appellant(s)

Vs

1. L. Vinoth,
S/o.R.Lokesh, No.63-B, Jeevarathnam
Nagar, Royapuram, Chennai - 600 013.

2.The Manager,
The ICICI Lombard General Insurance
Company Ltd., Arihant Plaza, 1st Floor,
No.84 and 85, Waltax Road, Chennai-
600 003. Policy
No.3005/A/2013602124/BO/00000025

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Respondent(s)

PRAYER:To enhance the amount awarded in M.C.O.P.No.1008 of 2021 dated 25.11.2024, on the file of Motor Accident Claims Tribunal, (In the VI Court of Small Causes), Chennai, as prayed for with interest and cost.



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For Appellant(s): Mr.K.Varadha Kamaraj

For Respondent(s): R1 - No Appearance
Ms.L.Saipooja For Mr.M.Jayaraj
For R2

JUDGMENT

The appellant has filed this appeal praying to enhance the compensation awarded in MCOP No. 1008 of 2021 dated 25.11.2024 on the file of Motor Accident Claims Tribunal, (VI Court of Small Causes), Chennai.

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

On 14.11.2020 at about 18.30 hrs while the petitioner was riding the motorcycle bearing Reg.No.TN 97 Y 5298 proceeding at left side of the Vandavasi -Arni Road, near Karani Koot Road, Tiruvannamalai District, at that time a motorcycle bearing Reg.No.TN 04 AS 3325 driven by its rider in a rash and negligent manner came from opposite direction and hit the petitioner. As a result the petitioner sustained grievous injuries. Since the accident happened due to the first respondent motorcycle rider, the first respondent is the owner of the vehicle and the second respondent as an insurer of the offending vehicle.



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3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.22,11,960/- 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, at the first instance with the liberty to recover the same from the 1st respondent.

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 as a load man and earning Rs.700/- per day.

However, the appellant has not produced any document to prove his income.

Considering the cost of living in the year 2021 and partial permanent disability,

this Court reasonably fixes the monthly income at Rs. 18,000/- per month, with

25% addition towards future prospects. The compensation awarded under the

other heads by the Tribunal is confirmed.

8. Calculation

Notional Income = Rs.18,000/-

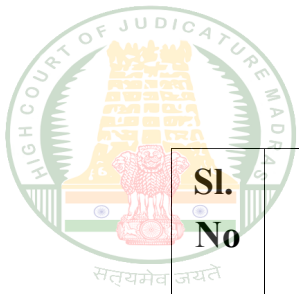
25% Future Prospects = $18,000 + 4,500 = 22,500$

Loss of earning capacity = $22,500 \times 12m \times 14 \times 63/100$

= Rs.23,81,400/-

9. 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	20,10,960	23,81,400
2.	Pain and suffering	1,00,000	1,00,000
3.	Medical Expenses	Nil	Nil
4.	Attender charges	26,000	26,000
5.	Transportation	25,000	25,000
6.	Loss of Income	Nil	Nil
7.	Loss of Amenities	25,000	25,000
8.	Extra Nourishment	25,000	25,000
	Total	22,11,960	25,82,400

Thus, the compensation awarded by the Tribunal is enhanced from Rs.22,11,960/- to Rs.25,82,400/-, 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.22,11,960/- to Rs.25,82,400/-.



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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 2nd respondent, ICICI Lombard General Insurance Co.Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.25,82,400 /- (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.C.O.P. No. 1008 of 2019 on the file of the Motor Accidents Claims Tribunal (VI 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, in the first instance. Thereafter, the Insurance Company is at liberty to recover the same from the owner of the vehicle / 1st respondent, under the same cause of action.

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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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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2.The Manager,
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3.The Motor Accidents Claims Tribunal
(VI Judge, Court of Small Causes,
Chennai.

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



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T.V.THAMILSELVI J.
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