



C.M.A.No.182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.A.No.182 of 2023

S.Duruvan

... Appellant

vs.

1.K.Babu

2.United India Insurance Company Ltd
No.134, Silingai Building
Greams Road
Chennai 600 006

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the Award in M.A.C.O.P.No.8209 of 2013, dated 22.02.2019 by the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidental Claims Petitions), Small Causes Court, Chennai.

For Appellant : Mr.G.Pugazhenth

For R2 : M/s.K.Kumudha

For R1 : No Appearance



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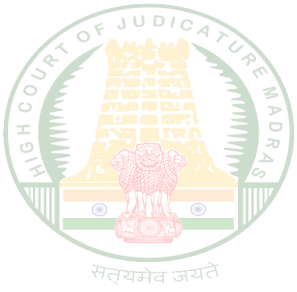
J U D G M E N T

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Not satisfied with the quantum of compensation granted by the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai in M.A.C.O.P.No.8209 of 2013, dated 22.02.2019, the injured/claimant has come by way of this appeal.

2. It is not in dispute that the appellant/claimant sustained grievous injuries in a road accident that had occurred on 13.10.2013. The claimant filed motor accident claim petition/original petition seeking compensation of Rs.34,75,000/-.

3. Before the Tribunal, the appellant/claimant was examined as PW.1 and a Private Doctor-M.Saravana Bavanantham was examined as PW.2. On the side of the appellant/claimant, 9 documents were marked as Exs.P1 to P9. On behalf of the 2nd respondent/Insurance Company, no witness was examined and no document was marked. The Disability Certificate issued by the Medical Board to the claimant was marked as Ex.C1.



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4. Based on the evidence available on record, the Tribunal awarded a sum of Rs.1,29,500/-. Aggrieved by the quantum of compensation fixed by the Tribunal, the claimant has come before this Court.

5. Heard the learned counsel appearing for the appellant and learned counsel appearing for the 2nd respondent.

6. Both the counsel appearing for the appellant as well as the learned counsel appearing for the 2nd respondent/Insurance Company have not advanced any arguments with regard to the questions of negligence as well as liability. Therefore, facts necessary to decide those questions are not considered in this appeal.

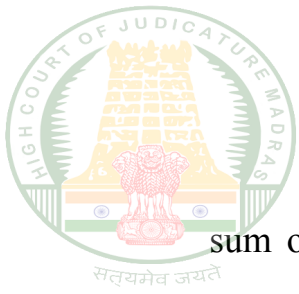
7. The only point argued by the learned counsel for the appellant/claimant is that under Ex.P2-Medical Bills, claimant incurred medical expenditure of Rs.2,59,364.72/- paise. Out of the above said amount, a sum of Rs.2,10,000/- was paid by the medical insurer of the claimant through Third Party Administrator (TPA), TTK Health Care Services Private Limited. Therefore, the amount actually paid by the



claimant was only Rs.49,365/-. Though the claimant was entitled to the said amount, the Tribunal awarded only a sum of Rs.6,685/-. Therefore, the learned counsel submits that the Tribunal should have awarded entire amount paid by the claimant while calculating compensation.

8. The learned counsel appearing for the 2nd respondent/Insurance Company would submit that Ex.P2-Medical Bills along with receipt for payment marked by the claimant would establish that the claimant paid an amount of Rs.49,365/- and he is entitled to the said amount towards medical expenses.

9. A perusal of Ex.P2-Medical Bills would establish that out of total medical expenditure of Rs.2,59,364.72 paise, the insurer of the claimant paid Rs.2,10,000/-. The claimant paid a sum of Rs.49,365/- from his pocket. The amount of Rs.40,000/- was paid by the claimant towards initial deposit and remaining amount of Rs.9,365/- was paid by him at the time of discharge. Therefore, it is clear that the claimant paid only Rs.49,365/- out of his pocket and he is entitled to the said amount towards medical expenditure. Therefore, the Tribunal committed an error in awarding only a



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sum of Rs.6,685/- under the head medical expenses Therefore, the award passed by the Tribunal is enhanced to Rs.1,72,115/-.

10. In respect of other amounts awarded by the Tribunal, the learned counsel for the appellant has not raised any objection, therefore, the said amounts are affirmed. The amount awarded by the Tribunal under various other heads are affirmed. Accordingly, the award passed by the Tribunal is modified as follows:-

Sl. No.	Description	Compensation awarded by the Tribunal	Compensation awarded by this Court	Remarks
1.	Disability	Rs.39,000/-	Rs.39,000/-	Confirmed
2.	Pain and Sufferings	Rs.20,000/-	Rs.20,000/-	Confirmed
3.	Transportation	Rs.5,000/-	Rs.5,000/-	Confirmed
4.	Medical Expenses	Rs.6,685/-	Rs.49,365/-	Enhanced
5.	Extra Nourishment	Rs.15,000/-	Rs.15,000/-	Confirmed
6.	Attender Charges	Rs.2,750/-	Rs.2,750/-	Confirmed
7.	Loss of Earnings	Rs.21,000/-	Rs.21,000/-	Confirmed
8.	Loss of Future Prospectus	Rs.20,000/-	Rs.20,000/-	Confirmed
	Total Compensation	Rs.1,29,435/- (rounded off to Rs.1,29,500/-)	Rs.1,72,115/-	Enhanced by Rs.42,615/-



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11. In view of the discussions made earlier, the compensation

awarded by the Tribunal is enhanced to Rs.1,72,115/- from Rs.1,29,500/-.

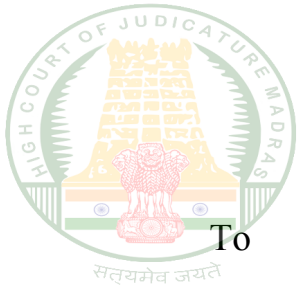
The 2nd respondent/Insurance Company is directed to deposit the enhanced award amount of Rs.1,72,115/- together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation (excluding the delay period of 271 days as per order in C.M.P.No.958 of 2022, dated 06.01.2023) and after deducting the amount already deposited, if any, to the credit of M.A.C.O.P.No.8209 of 2013 on the file of the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accidental Claims Petitions), Small Causes Court, Chennai, within a period of four weeks from the date of receipt of copy of this judgment. On such deposit, the appellant/claimant is entitled to withdraw the award amount by making formal application before the Tribunal.

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

20.03.2025

Index :Yes/No
Speaking order :Yes/No
Neutral Citation :Yes/No
dm

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To

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- 1.The Motor Accident Claims Tribunal,
(Special Sub Court No.1, Motor Accidental Claims Petitions),
Small Causes Court, Chennai.
- 2.United India Insurance Company Ltd
No.134, Silingai Building
Greens Road
Chennai 600 006
- 3.The Section Officer,
VR Section,
High Court, Madras.



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S.SOUNTHAR, J.

dm

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