



WEB COPY

CMA No. 1567 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1567 of 2025

1. M. Atchaya
W/o. Mugilan, No.55, Anumanthi
Kuppam 1, Anumanthai, Villupuram
604 303.

Appellant(s)

Vs

1. T. Gnanamani
S/o. K.R. Thirunavukkarasu, 42/52,
Abbu Subbaiyar St, Pichanoor,
Gudiyattam, North Arcot 632 602.

2.The Manager
The Oriental Insurance Co.Ltd.,
Oriental Hosue, II Floor, N.No.216,
O.No.115, Prakasam Salai, Broadway,
Chennai 108.

Respondent(s)



CMA No. 1567 of 2025

PRAYER

To allow the appeal and enhance compensation in MCOP No.10 of 2022 dated 30.11.2023 on the file of the Motor Accidents Claims Tribunal/In the II Court of Small Causes, Chennai.

CMA No. 1567 of 2025

For Appellant(s): Ramya V. Rao S. Chakravarthi S.
Nazirabanu

For Respondent(s): M/s. J. Chandran For R2

JUDGEMENT

This appeal has been filed to enhance compensation in MCOP No.10 of 2022 dated 30.11.2023 on the file of the Motor Accidents Claims Tribunal/In the II Court of Small Causes, Chennai(in short "tribunal").

2. On 18.12.2021 at about 17.00 hours, when the claimant and other person travelling in a Motorcycle bearing registration No. PY 01 CV 7146, proceeding from Solerikattukuppam towards chennai to Pondy ECR Road, at that time a Bolero vehicle bearing registration NO. TN 23 BU 7801, which was driven by its driver in a rash and negligent manner from opposite direction and hit against the claimant, due to which, the claimant sustained greivous intjuries. Thereafter, the claimant filed the petition before the tribunal claiming

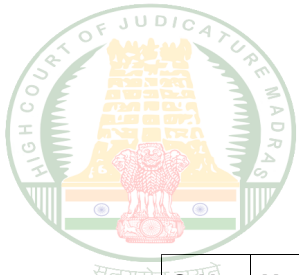


compensation. The second Insurance company contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded a compensation of Rs.4,31,900/-. Challenging the quantum of compensation the claimant filed this appeal.

2. The learned counsel for the claimant submits that the claimant has sustained 40% permanent disability and the accident was happened in the year 2021, instead of awarding Rs.10,000/- per percentage, the tribunal awarded Rs.4,000/- per percentage for disability and also awarded very meagre amount for other heads. Hence, he prays to enhance the compensation.

3. The learned counsel for the respondent submits that the tribunal has rightly fixed the compensation which needs no interference.

4. Considering the fact that the accident was happened in the year 2021 and also considering the injury sustained by the claimant. This Court is inclined to fix Rs.9,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.3,60,000/- under the head of disability. Except above modification, the award passed by the tribunal in other heads remain unchanged.



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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.50,000/-	Rs.50,000/-
2.	Loss of Income	Rs.10,000/-	Rs.10,000/-
3.	Medical Expenses	Rs.41,873/-	Rs.41,873/-
4.	Transportation expenses	Rs.10,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs.10,000/-	Rs.10,000/-
7.	Future plate removing estimation expenses	Rs.50,000/-	Rs.50,000/-
8.	Lost of amenities	Rs.50,000/-	Rs.50,000/-
9.	For permanent disability	Rs.2,00,000/-	Rs.3,60,000/-
10.	Total	Rs.4,31,873/-	Rs.5,91,873/-

Rounded of to

Rs.5,91,900/-

5. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.5,91,900/-. 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.10 of 2022, on the file of the Motor Accidents Claims Tribunal/In the II Court of Small Causes, Chennai, 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.

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

24-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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3. The section officer, V. R Section,
High Court, Madras.

4. The Motor Accidents Claims
Tribunal/In the II Court of Small
Causes, Chennai.



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T.V.THAMILSELVI J.
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