



C.M.A.No.2119 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2119 of 2025

Kalaiarasan

...Appellant(s)

Vs.

1.S.Senthilkumar

2.S.Kumarasamy

3.United India Insurance Co. Ltd., imited,
Big Bazaar Street,
Dharapuram.

...Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award dated 19.04.2023, made in M.C.O.P.No.37 of 2021, on the file of the Motor Accident Claims Tribunal, Subordinate Court, Kangayam.

For Appellant(s) : Mr.D.Rameshkumar

For Respondent(s) : Mr.D.Venkatachalam for R3

J U D G M E N T



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This appeal is filed by the appellant challenging the order dated 19.04.2023 passed in M.C.O.P.No.37 of 2021 on the file of Motor Accidents Claims Tribunal/Subordinate Court, Kangayam

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioner is the claimant, first respondent is the driver of the vehicle, second respondent is the owner of the vehicle and third respondent is the Insurance Company before the Tribunal.

4.The brief facts of the case are as follows:

On 07.11.2020 at about 12.45 hours, when the petitioner was riding the two wheeler bearing Registration No.TN 99 E 6439 from East to West direction from Keeranur to Naalroad near Naalroad Tasmac shop, at that time, a bus bearing Registration No.TN 42 V 7099 driven by its driver in a rash and negligent manner and hit against the petitioner's two wheeler and caused the accident. Due to the accident, the petitioner



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sustained grievous injuries all over the body. Immediately after the accident, he was taken to Government Hospital, Kangeyam where he was given first aid treatment. Thereafter, he was taken to Medwin Hospital and took treatment as inpatient and outpatient. The petitioners filed a claim petition before the Tribunal in M.C.O.P.No.37 of 2021, the Tribunal awarded a sum of Rs.89,766/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that though the appellant sustained fractures and grievous injuries, the Tribunal has not awarded any compensation for disability. He further submitted that the compensation awarded by the Tribunal is very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the third respondent submitted that Tribunal after considering the oral and documentary evidence has awarded the compensation which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.



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7.Heard learned counsel appearing for the appellant, learned counsel for the third respondent and perused the materials available on record.

8.Before the Tribunal, the petitioner was examined as PW1 and on the side of the petitioners, 13 documents were marked as Exs.P1 to P13. On the side of the respondents, no oral and documentary evidence were adduced.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.10,000/- for loss of income, Rs.3,000/- for transportation, Rs.5,000/- for extra nourishment, Rs.10,000/- for mental agony and pain & suffering, Rs.61,766/- for medical bills and arrived at a total compensation of Rs.89,766/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.On perusal of the records, it is seen that the petitioner was aged 52 years and was working as a security at the time of the accident.



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11.The amount awarded under the head medical bills in the opinion of this Court is just and reasonable and the same is confirmed. The amount awarded under the heads loss of income, transportation, extra nourishment and mental agony & Pain and suffering, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said heads. Accordingly, the amount awarded under the head loss of income is enhanced to Rs.45,000/- from Rs.10,000/-. Accordingly, the amount awarded under the head transportation is enhanced to Rs.10,000/- from Rs.3,000/-. Accordingly, the amount awarded under the head extra nourishment is enhanced to Rs.10,000/- from Rs.5,000/-. Accordingly, the amount awarded under the head mental agony and pain and suffering is enhanced to Rs.30,000/- from Rs.10,000/-.

12.Considering the facts and circumstances of the case and the submission made by the learned counsel for the appellant, this Court is inclined to fix Rs.15,000/- (Rs.500/- per day x 30 days = Rs.15,000/- x



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for 3 months = Rs.45,000/-) as notional income of the appellant, modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

<i>S.No.</i>	<i>Description</i>	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Loss of income	10,000/-	45,000/-
2	Transportation	3,000/-	10,000/-
3	Extra nourishment	5,000/-	10,000/-
4	Mental agony, Pain and suffering	10,000/-	30,000/-
5	Medical bills	61,766/-	61,766/-
	Total	89,766/-	1,56,766/-

13.The appellants/claimants are entitled to total compensation of Rs.1,56,766/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

14.The judgment and decree passed by the Motor Accident Claims Tribunal/Subordinate Court, Kangayam in M.C.O.P.No.37 of 2021 dated 19.04.2023 is modified to the above extent.



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15.The third respondent Insurance Company is directed to deposit the modified/enhanced award amount before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant/claimant is permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

16.The appellant/claimant shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellant/claimant is directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal/Subordinate Court, Kangayam shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellant/claimant.



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17.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.

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Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Motor Accidents Claims Tribunal,
Subordinate Court, Kangayam.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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T.V.THAMILSELVI, J.

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