



C.M.A.No.2695 of 2024

C.M.A.No. 2695 of 2024

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T.V.THAMILSELVI, J.

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the appellant.

2. The learned counsel for appellant would submit that this Court by Judgment dated 18.07.2025 partly allowed the above Civil Miscellaneous Appeal. However, he would submit that in para 4, 5th line, the amount awarded under the head of disability was wrongly calculated. He would also submit that instead of mentioning the medical expenses granted by the tribunal at Rs.6,00,268/-, it was wrongly mentioned as Rs.2,000/- as well as Rs.50,000/-. He would also submit that instead of mentioning the amount awarded by the tribunal towards permanent partial disability at Rs.5,18,400/-, it was wrongly mentioned as Rs.6,00,268/- and the amount awarded by this court under the said head is also to be modified. Hence, he prayed to modify the calculation column and requested to issue fresh order copy.

3. Heard the contentions of learned counsel for appellant and perused the order.



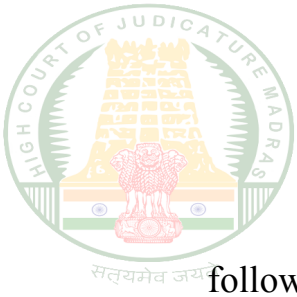
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4.Considering his submissions, Registry is directed to substitute the amount mentioned in para 4, 5th line viz., Rs.20,73,600/- as **Rs.12,96,000/-**.

(i) Registry is also directed to substitute calculation column in para 5 of judgment as follows:-

S.No	Compensation awarded under the head	Amount awarded by Tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	Pain and sufferings	2,000	50,000	enhanced
2.	Medical expenses	6,00,268	6,00,268	confirmed
3.	Future Medical expenses	2,000	50,000	enhanced
4.	Transportation expenses	2,000	10,000	enhanced
5.	Extra nourishment	2,000	10,000	enhanced
6.	Attender charges	2,000	15,000	enhanced
7.	Damages to cloths and article	nil	nil	confirmed
8.	Loss of amenities	2,000	25,000	enhanced
9.	For permanent disability (16000 x 12 x 9 x 75%)	5,18,400	12,96,000	enhanced
	Total	11,30,668	20,56,268	enhanced
	Less : 10% of contributory negligence	1,13,066	2,05,626	
	Compensation awarded	10,17,602	18,50,642	enhanced

(ii) Registry is also directed to substitute para 6 of the order as



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follows:-

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“6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.18,50,642/-. 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.291 of 2019 on the file of the Motor Accident Claims Tribunal/Addl. District Judge, Hosur 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.”

5. Registry is directed to incorporate above correction in the judgment of this Court in C.M.A.No.2695 of 2025 dated 18.07.2025 and issue fresh order copy to the appellant.

10.10.2025

rpp

T.V.THAMILSELVI, J.

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10.10.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.07.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2695 of 2024

Munireddy

... Appellant

Vs.

1. Singadurai. A
2.The Branch Manager,
United India Insurance Company Limited,
No.1/127A, Trunk Road, Poonamalle,
Chennai – 600 056.

...Respondents

PRAYER: This Appeal has been filed under Section 173 of Motor Vehicle Act, 1988, to modify the order dated 25.08.2022 passed in MCOP No. 291 of 2019 on the file of MACT/Additional District Judge, Hosur.

For Appellant : Mr. Pa. Sudesh Kumar

For R2 : Mr.D. Venkatachalam.

None appeared for R1

JUDGMENT

This Civil Miscellaneous Appeal has been filed to modify the



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order dated 25.08.2022 passed in MCOP No. 291 of 2019 on the file of
MACT/Additional District Judge, Hosur(in short tribunal).

2. On 30.09.2018, at about 01.20 p.m., the claimant after filling petrol to his motorcycle bearing registration No. TN 70 J 6376, in the Sapthagiri Fuel Station petrol bunk, at Andhivadi check post – TVS road he was entering on main road with indicator, at that time the vehicle bearing registration No. TN 12 F 8448, driven by its driver in a rash and negligent manner dashed against the claimant. Due to which, the claimant sustained greivous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second respondent contested the case by filing counter. After considering the oral and documentary evidence tribunal awarded compensation. Challenging the quantum of compensation the appellant filed this appeal.

3. The learned counsel for the appellant/claimant submits that due to the said accident the claimant left leg was amputated so the claimant being the agriculture coolie his entire livelihood is affected without considering the above fact the tribunal awarded very less amount as compensation. Hence, he prays to enhance the compensation. On the other side, the learned counsel for the second respondent submits that the tribunal



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has rightly passed the award which needs no interference. Hence, he prays to dismiss this appeal.

4.Considering the fact that the claimant leg was amputated and also the medical board assessed 75% disability and also the cost of living at the time of the accident this Court is inclined to fix Rs.16,000/- as the notional income of the claimant. Accordingly, the claimant is entitled to Rs.20,73,600/-(16000x12x9x75/100) under the head of disability. Further, this court is inclined to fix Rs.50,000/- under head of pain and sufferings. Further, the claimant leg was amputated hence he would have taken extra nourishment and amputation may cause future medical expenses. Hence, this Court is inclined to fix Rs.50,000/- for future medical expenses and Rs.10,000/- for extra nourishment. Further, this Court is inclined to fix Rs.25,000/- for loss of amenities. The claimant has taken treatment of 17 days. Hence, this Court is inclined to fix Rs.10,000/- transportation expenses and Rs.15,000/- for attender charges. Except above modification, the award passed by the tribunal in other heads remain unchanged.

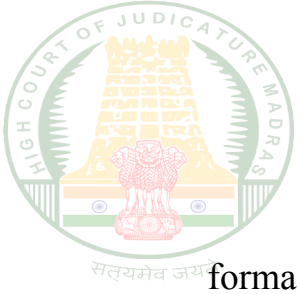
5. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-



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<i>S.No</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Pain and sufferings	Rs.2,000/-	RS.50,000/-
2.	Medical expenses	Rs.2,000/-	Rs.50,000/-
3.	Future Medical Expenses	Rs.2,000/-	Rs.50,000/-
4.	Transportation expenses	Rs.2,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.2,000/-	Rs.10,000/-
6.	Attender charges	Rs.2,000/-	Rs.15,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.2,000/-	Rs.25,000/-
9.	For permanent disability	Rs.6,00,268/-	Rs.20,73,600/-
10	Total	Rs.10,17,602/-	Rs.22,83,600/-

6. After decuting 10% for contributory negligence, the claimant is entitled to Rs. 20,55,240/-. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs. 20,55,240/-. 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. 291 of 2019 on the file of MACT/Additional District Judge, Hosur, 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



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formal application before the Tribunal.

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

18.07.2025

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To

1. The MACT/Additional District Judge, Hosur.
2. The Section Officer,
V.R Section, High Court, Madras.

T.V.THAMILSELVI,J.



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CMA No. 2965 of 2024

18.07.2025