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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1538 of 2025

1. MUNIAMMAL
W/o. Elumalai No. 63, 6th Kanagasabai Street, Dr.Kanu Nagar, Nesapakkam, Chennai 078

Appellant(s)

Vs

1. PARTHASARATHI
S/o. Krishnaswamy 51G-1, Park Dugar, Mount Poonamallee Road, Ramapuram, Chennai 089 (1st respondent was set exparte in the Trial court)

2.The Manager
United India Insurance Co Ltd. Third Party Hub, Silingi Building, No. 134, Greams Road, Murugesanaicker Street, Chennai 006

Respondent(s)

CMA No. 1538 of 2025

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PRAYER

To enhance the Award passed by Tribunal on the file of VI Court of Small Causes Court, Chennai dated 13.11.2024 made in M.A.C.T.O.P. No. 1061 of 2018 from Rs.1,91,300/- to Rs.3,41,300/- with interest, cost and thus render justice.

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For Appellant(s): Mr.K.V.Muthuvisakan

For Respondent(s): Ms.V.Pushpa For R2

ORDER

This Civil Miscellaneous appeal has been filed to enhance the Award passed by Tribunal on the file of VI Court of Small Causes Court, Chennai(in short "tribunal") dated 13.11.2024 made in M.A.C.T.O.P. No. 1061 of 2018 from Rs.1,91,300/- to Rs.3,41,300/- with interest.

2. On 25.10.2017 at about 12 hours the claimant was travelling as pillion rider in Motor Cycle bearing Registration No. TN 09 BC 8379 at P.T. Rajan Salai proceeding from East to West direction and when came near to Nagathamman Koil, K.K. Nagar, the motor cycle bearing registration No. TN 09 BA 7875 came behind the claimant in a rash and negligent manner dashed against the claimant so she fell down and sustained grievous injuries. Thereafter

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the claimant filed the petition before the tribunal claiming compensation. The second respondent contested the cased by filing counter. After considering the oral and documentary evidence the tribunal awarded compensation. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the petitioner submits that claimant has taken in-patient treatment for 48 days but without considering the same the tribunal awarded very less compensation. Further, the tribunal has fixed very less amount under the head of loss of income and also in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the second respondent submits that the tribunal has rightly fixed compensation which needs no interference. In fact, in his claim petition, the petitioner has claimed only Rs.6,000/- as his income. Therefore, the notional income fixed by the tribunal is reasonable. Hence, he prays to dismiss this appeal.

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5. Considering the fact that the petitioner has taken in-patient treatment for 48 days to that effect discharge summary marked as Ex.B2. Further the accident was happened in the year 2017 hence this Court is inclined to fix Rs.16,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.96,000/- under the head of loss of income for six months. Further, this Court is inclined to fix Rs.8,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.80,000/- under the head of disability. The claimant has sustained grievous injuries and taken in-patient treatment for 48 days but the tribunal fixed only Rs.15,000/-for pain and sufferings which is very meagre. Hence, this Court is inclined to enhance the amount awarded under the head of pain and sufferings from Rs.15,000/- to Rs.30,000/-. Further, the tribunal award very less amount under the head of transportation. Hence, this Court is inclined to enhance the amount awarded under the head of transportation from Rs.7,500/- to Rs.15,000/- and the tribunal has failed to award amount under the head of loss of clothes. Hence,this Court is inclined to fix Rs.5,000/- under the head of loss of clothes. Except above modification the award passed by the tribunal in other heads remain unchanged.

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

S.No.	***Head***	***Compensation awarded by the Tribunal***	***Compensation awarded by this Court***
1.	Pain and sufferings	Rs.15,000/-	Rs.30,000/-
2.	Loss of Income	Rs.54,800/-	Rs.96,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.7,500/-	Rs.15,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs.24,000/-	Rs.24,000/-
7.	Damages to cloths and article	Nil	Rs.5,000/-
8.	Lost of amenities	Rs. 10,000/-	Rs.10,000/-
9.	For permanent disability	Rs.70,000/-	Rs.80,000/-
10	Total	Rs. 1,91,300/-	Rs.2,70,000/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 2,70,000/-**. The second **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 M.A.C.T.O.P. No. 1061 of 2018 on the file of VI Court of Small Causes Court, Chennai**,** within a period eight weeks from the date of receipt of a copy of this

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judgement. On such deposit, the **appellant/claimant** is permitted to withdraw the award amount by making formal application before the Tribunal. The appellant is directed to pay court fee for enhanced amount.

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

24-07-2025

pbl
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
To
1. The VI Court of Small Causes Court, Chennai.
2. The Section Officer, V. R Section, High Court, Madras.

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T.V.THAMILSELVI J.

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