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C.M.A.No.2843 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2025

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.2843 of 2025

Govinthan

... Appellants

Versus

1.Chandru
2.Murugan
3.The New India Assurance
MSC Complex, 1st Floor, Dharampuri Main Road,
Omalur

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No.45 of 2019, dated 23.09.2022, on the file of the Motor Accident Claims Tribunal cum Subordinate Judge, Omalur.

For Appellants : Mr.C.Paraneedharan

For Respondent : Mr.J.Chandran
for R3

JUDGMENT



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This appeal is directed as against the award of the Motor Accident Claims Tribunal cum Subordinate Judge, Omalur in M.C.O.P.No.45 of 2019, dated 23.09.2022.

2.Briefly stated, on 14.11.2018, the petitioner Govinthan was riding his Hero Honda Splendor Plus motor cycle bearing Reg. No.TN 29 AE 8406, the Tipper lorry bearing Reg. No.TN 46 B 8650 driven by its driver in a rash and negligent manner dashed against the petitioner's motor cycle and caused the accident. The petitioner suffered grievous injuries in the said accident. Due to injuries sustained in the accident, he suffered permanent disablement despite the best treatment given to him.

3.On the aforesaid grounds, the appellant filed a claim petition before the Claims Tribunal claiming compensation for loss caused to him. He claimed amounts under different heads and in all, claimed a total sum of Rs.15,00,000/- as compensation. His claim was opposed by the 3rd respondent/Insurance Company. The learned Tribunal, after trying the issues partly allowed the claim of the appellant and awarded a sum of Rs.5,37,218/- as compensation. Feeling the sum awarded to him was insufficient, this appeal under Section 173 of the Motor Vehicles Act has been filed by the appellant/claimant.



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4.The learned counsel for the 3rd respondent/Insurance Company has submitted that the accident had not been caused due to any negligence on the part of the 1st respondent/driver, therefore, respondents are not liable for payment of any compensation to the appellant. He would further submit that, the Tribunal has awarded just compensation which warrants any interference by this Court.

5.The findings of the learned Tribunal regarding the involvement of vehicle, the negligence of the respondent No.1, driver of the vehicle and the appellant having sustained injuries which ultimately resulted in permanent disablement are against the respondents. Respondents have not filed any appeal against these findings nor have they challenged these findings by way of cross objections or cross appeal. Even otherwise, after going through the materials on record, the aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere in the aforesaid findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

6.Now, the question arises as to whether appellant is entitled to get



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any sum as compensation in addition to what has already been awarded by the learned Tribunal. The compensation awarded by the learned Tribunal under various heads are extracted hereunder:

S.No	Description	Amount awarded by Tribunal (Rs.)
1.	Disability (20% x Rs.5000)	Rs.1,00,000/-
2.	Attender charges (18 days x 300)	Rs.5,400/-
3.	Loss of amenities	Rs.15,000/-
4.	Towards pain and sufferings	Rs.15,000/-
5.	Towards Extra Nourishment & Transportation	Rs.10,000/-
6.	Damages to clothes	Rs.1,000/-
7.	Loss of Income for 3 months	Rs.27,000/-
8.	Medical bills	Rs.3,63,818/-
	Total	Rs.5,37,218/-

7.Considering the age and nature of injury sustained by the appellant /claimant, due to the disablement, he might suffer some financial loss as he would not be able to do the weaving work as efficiently as he might have performed.

8.In view of the above and in the facts and circumstances of the



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case, it would be proper to award just compensation to the appellant / claimant which are as follows:

S.No	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Disability	1,00,000	1,60,000 (20 x 8000/-)	Enhanced
2.	Attender charges	5,400	10,000	Enhanced
3.	Loss of amenities	15,000	25,000	Enhanced
4.	Towards pain and sufferings	15,000	30,000	Enhanced
5.	Towards Extra Nourishment & Transportation	10,000	25,000	Enhanced
6.	Damages to clothes	1000	1000	Enhanced
7.	Loss of Income for 3 months	27,000	45,000 (5 x 9000)	Enhanced
8.	Medical bills	3,63,818	3,63,818	Confirmed
	Future Medical Expenses	-	20,000	Granted
	Total	Rs.5,37,218/-	Rs.6,79,818-	Enhanced by Rs.1,42,600

9.Hence, this appeal is partly allowed. The impugned award is modified only to the extent indicated above and the amount of compensation is enhanced from Rs.5,37,218/- to Rs.6,79,818/- the appellant shall also be entitled to get interest at 7.5 % per annum on the enhanced amount (excluding the amount awarded by this Court under the head future medical expense.) The 3rd respondent shall be liable to pay



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the amount of the award as enhanced in this appeal. The amount of award shall be deposited within 4 weeks from the date of receipt of this order and it should be payable in accordance with the directions contained in the impugned award. No costs.

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vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1.The Subordinate Judge,
The Motor Vehicle Accident Tribunal,
Omalur.

2.The Section Officer,
VR Section, High Court, Madras.

K.GOVINDARAJAN THILAKAVADI,J.

vsn



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