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CMA No. 1536 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1536 of 2025

1. SELVAM

S/o. Natarajan, PL No.14, ALS Garden,
Vallalar Nagar, Mannivakkam,
Kancheepuram District-600 048

Appellant(s)

Vs

1. G.Sudarshan

No.18A, Vivekandhar Street, Arul
Nagar Extn II, Urapakkam West, Annai
Anjugam Nagar, Kancheepuram
District-603 211

2.HDFC ERGO General Insurance

Company Ltd.,
Motor III Party Claims office,
No.94/95, RR Towers, 2nd Floor, TVK
Industrial Estate, Guindy, Chennai-32

Respondent(s)

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PRAYER

To substantially enhance the quantum of compensation as granted under the Judgment and Decree dated 29.10.2024 made in MCOP No.2372 of 2022 on the file of the Motor Accidents Claims Tribunal Special Sub Judge II, Court of Small Causes, Chennai.

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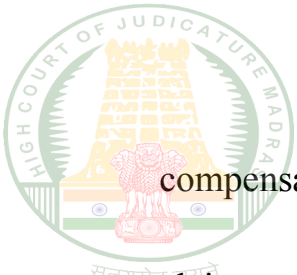
For Appellant(s): Mr.K.Sivakumar

For Respondent(s): Ms.C.Harini For
M/s.M.B.Gopalan Associates
For R2 R1 - Service Waited

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation awarded by the Motor Accidents Claims Tribunal Special Sub Judge II, Court of Small Causes, Chennai, in MCOP No.2372 of 2022.

2. On 22.04.2022 at about 20.30 hours when the claimant was walking near the NPR Marriage Hall, Guduvancherry, motorcycle bearing registration No. TN 11 AX 3120 ridden by its rider 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, the tribunal awarded



compensation of Rs.2,40,500/-. Challenging the quantum of compensation the claimant filed this appeal.

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3. The learned counsel for the claimant submits that the accident was happened in the year 2022 but the tribunal has fixed only Rs.5,000/- per percentage of disability. Further, the claimant is mechanic by profession but the tribunal awarded very less amount for loss of income and other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the claimant has not produced any proof to prove the loss of income and also the tribunal has rightly fixed compensation which needs no interference.

5. Heard the submission of the learned counsel for the appellant and the respondent.

6. Considering the facts of the case and also considering the cost of living at the time of the accident, this Court is inclined to fix Rs.9,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.2,52,000/-. Further, the claimant has sustained grievous injuries hence extra required nourishment for him to recover from the injuries however the tribunal has fixed very less amount



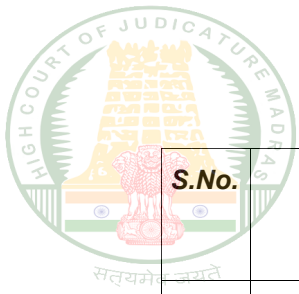
for extra nourishment. Therefore, this Court is inclined to enhance the award passed by the tribunal for extra nourishment from Rs.10,000/- to Rs.15,000/-.

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Further, the claimant has taken inpatient treatment for more than 20 days hence this Court is inclined to enhance the award under the head of transportation from Rs.10,000/- to Rs.15,000/-. Due to the said accident the claimant would have lost his income for a period of five months and he is a mechanic by profession. Hence, this Court is inclined to fix Rs.18,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.90,000/- under the head of loss of income for five months and also this Court inclined to enhance award for pain and sufferings from Rs.15,000/- to Rs.30,000/-. Except above modification the award passed by the tribunal in other heads remain unchanged.

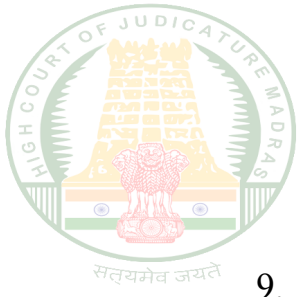
7. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

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.39,000/-	Rs.90,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.10,000/-	Rs.15,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.10,000/-	Rs.10,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Rs.1,40,000/-	Rs.2,52,000/-
10	Total	RS.2,40,070/-	Rs.4,12,000/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.4,12,000/-**. 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.2372 of 2022 on the file of the Motor Accidents Claims Tribunal Special Sub Judge 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.



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

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pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accidents Claims Tribunal Special Sub Judge II, Court of Small Causes, Chennai.
2. The Section Officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.

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