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CMA No. 1463 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1463 of 2025

Joseph Dhanaraj
No. 28, New Street, Ayanavaram,
Chennai-23.

Appellant(s)

Vs

1.Chinna Samy R
No. 403/A, Brock Road, Ayanavaram,
Chennai-23.

2.The Manager,
United India Insurance Co. Ltd.,
Silingi Building, No.134, Greams Road,
IV Floor, Chennai - 600 006.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the amount awarded in MCOP No. 5678 of 2018 dated 29.11.2024 on the file of Motor Accident Claims Tribunal, (II Judge, Court of Small Causes, Chennai).



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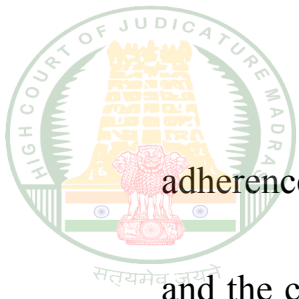
For Appellant(s): Mr. K.Varadha Kamaraj

For Respondent(s): Mrs.R.Sreevidhya For R2
R1 - No Such Person

JUDGMENT

The appellant has filed this appeal against the award passed in M.C.O.P. No. 5678 of 2018 on the file of the Motor Accident Claims Tribunal, (II Judge, Court of Small Causes), Chennai, dated 29.11.2024.

2. The brief facts of the case of the appellant/claimant are as follows: On 18.07.2018, at about 20.30 hours, the appellant was walking as a pedestrian with a bicycle on Nungambakkam, Sterling Road, near the Sri Lankan Embassy. At that time, a motorcycle bearing Registration No. TN 01 T 5150, coming from Chetpet towards Loyola College, was driven in a rash and negligent manner, endangering public safety, and dashed against the appellant. As a result of the impact, the appellant fell down and sustained grievous injuries. Therefore, the accident occurred solely due to the rash and negligent driving of the rider of the 1st respondent's motorcycle bearing Registration No. TN 01 T 5150. Had the rider of the 1st respondent's vehicle driven with due care and caution, and in



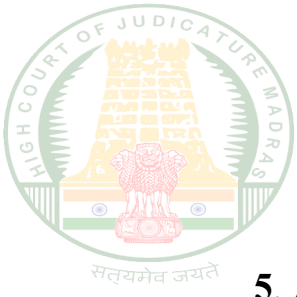
adherence to traffic rules and regulations, the accident would not have occurred, and the claimant would not have sustained the said injuries and disability. The

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Pondy Bazaar Police Station, Chennai, Teynampet Division, South District, registered a case against the rider of the motorcycle in Cr. No. 260/2018 under Sections 279 and 337 of the Indian Penal Code. Hence, this petition.

3. Before the Tribunal, the owner of the vehicle remained absent and was set ex parte. The second respondent, M/s. United India Insurance Company Ltd., resisted the claim petition on all grounds available to an insurer under Section 170 of the Motor Vehicles Act.

4. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,01,600/- as compensation, directing the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.



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5. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

6. Heard Mr. K.Varadha Kamaraj, learned counsel appearing for the appellant, and Mrs.R.Sreevidhya, learned counsel appearing for the second respondent.

7. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of the compensation.

8. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be disturbed.



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9. The Medical Board assessed the claimant's permanent disability at 27%, which is marked as Ex.C1. The Tribunal awarded Rs. 5,000/- per percentage of disability. However, considering the claimant's age (65 years at the time of the accident) and the nature of injuries, it would be appropriate to enhance the rate to Rs. 8,000/- per percentage. Accordingly, a sum of Rs. 2,16,000/- (Rs. 8,000 x 27%) is awarded towards partial permanent disability.

10. The appellant was working as a Security guard and was earning a sum of Rs. 10,000/- per month. The Tribunal has rightly fixed the monthly income at Rs. 14,100/-, which requires no interference. Due to the accident, the appellant would have been unable to attend to his regular work for at least three months. Therefore, a sum of Rs. 42,300/- (Rs. 14,100 x 3 months) is awarded towards loss of income. However, the sum of Rs.25,000/- awarded by the Tribunal towards pain and suffering is found to be meagre and is enhanced to Rs.40,000/-. Further, the amount awarded by the Tribunal under the heads of "Transportation, Extra Nourishment, and Attender charges are enhanced to



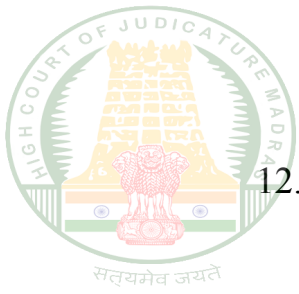
Rs.10,000/-, Rs.10,000/- and Rs.12,000/- respectively.

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11. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Income during treatment period	14,100	42,300
2.	Pain and Suffering	25,000	40,000
3.	Loss of Amenities	25,000	25,000
4.	Transportation Charges	500	10,000
5.	Extra Nourishment	1,000	10,000
6.	Attender Charges	1,000	12,000
7.	Disability	1,35,000	2,16,000
.			
	Total	2,01,600	3,55,300

Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,01,600/- to Rs.3,55,300/-, which shall carry interest at the rate of 7.5% per annum.



12. In the result:

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i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.2,01,600/- to Rs.3,55,300 /-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent, M/s.United India Insurance Company Ltd., is directed to deposit the enhanced compensation amount, i.e., Rs.3,55,300/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 5678 of 2018 on the file of the Motor Accident Claims Tribunal, No.II Judge, Court of Small Causes, Chennai, within a period of four weeks from the date of receipt or uploading of a copy of this order.



v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

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vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

25-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. The Motor Accident Claims Tribunal,
(II Judge, Court of Small Causes,
Chennai).

2. The Manager,
United India Insurance Co Ltd., Silingi
Building No. 134, Greams Road,
IV Floor, Chennai-6.



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T.V.THAMILSELVI J.
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