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CMA No. 2042 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2042 of 2023

1. M.Shanmugam

S/O.Munusamy, O.No.9/2, N.No.165,
Valluvar St, Karuppanchavady,
Kattiyangkuppam, Cuddalore Tk.

Appellant(s)

Vs

1. S.Maridoss

S/O.Sowrimuthu, No.10, Annai Indira
Nagar, Pammal, Chennai 75.

2.The ICICI Lombard Gen Ins Co Ltd

Building NO.142, 1st Floor, ECR Main
Road, Near Latha Steel House,
Kottupalayam, Pondicherry 605 008.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the compensation in MCOP.No. 350 of 2015 dated 12.10.2022 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Cuddalore.



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For Appellant(s): Ramya V. Rao

For Respondent(s): M/s.R.Sree Vidhya For R2
R1 - Insufficient Address

JUDGMENT

The appellant has filed this appeal praying to enhance the compensation awarded in MCOP.No. 350 of 2015 dated 12.10.2022 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Cuddalore.

2. The brief facts of the case of the appellant/claimant are as follows:

On 05.12.2014 at about 8.30 p.m. while the petitioner was riding as pillion rider in the motorcycle bearing Reg.No.PY-01-X-7315 at his extreme left hand side of the Alappakkam -Kaattukoodalur road, at Ambalavanan Pettai Village the first respondent's vehicle bearing Reg.No.TN-11-A-8445 motorcycle came in the opposite direction at a very high speed in a rash and negligent manner, without making any horn with out following the traffic rules and regulations and hit against the petitioner travelled motorcycle and caused the accident. Due to the accident the petitioner thrown out of the motorcycle and sustained grievous injuries and multiple fractures all over his body and head.



The accident was only due to the rash and negligent act of the 1st respondent's vehicle bearing Reg.No.TN-11_A-8445 motorcycle driver.

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3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,00,000/- as compensation, directing the 2nd respondent to pay the said amount to the appellant along with interest at the rate of 8% per annum from the date of petition till the date of realisation.

4. 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.

5. 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 compensation.



6. 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 interfered.

7. The Medical Board assessed his partial permanent disability at 30%. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.3,000/- per percentage of disability. However, considering the claimant's age (27 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.5,000/- per percentage. Accordingly, a sum of Rs.1,50,000/- (Rs.5,000 x 30%) is awarded towards partial permanent disability. Further, the Tribunal has fixed a total sum of Rs.1,10,000/- towards Pain and suffering, Extra nutrition and Transportation.

8. The claimant is working as a contract labour at Southern Railway and earning Rs.15,000/- per month. However, the appellant has not produced any



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document to prove his income. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.12,000/- would meet the ends of justice. 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.36,000/- (Rs.12,000 x 3 months) is awarded towards loss of income during the period of treatment and recovery. Additionally, this Court awarded Rs.30,000/- for Pain and suffering, Rs.10,000/- for Attender charges, Rs.5,000/- for Transportation and Rs.25,000/- for Loss of amenities.

9. 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.	Disability	90,000	1,50,000
2.	Pain and suffering, Extra nutrition and Transportation	} 1,10,000	30,000 10,000 5,000
3.	Loss of amenities		25,000
4.	Loss of Income		36,000
5.	Future Medical expenses		25,000
	Total	2,00,000	2,81,000



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Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,00,000/- to Rs.2,81,000/-, which shall carry interest at the rate of 7.5% per annum.

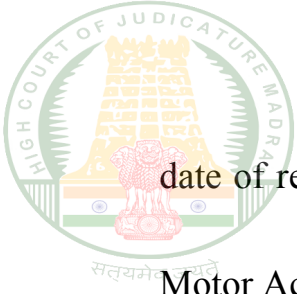
10. In the result:

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.2,00,000/- to Rs.2,81,000/-.

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, ICICI Lombard General Insurance Co.Ltd., Puducherry, is directed to deposit the enhanced compensation amount, i.e., Rs.2,81,000/- (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 realization, to the credit of M.C.O.P. No. 350 of 2015 on the file of the

Motor Accident Claims Tribunal, Principal District Judge, Cuddalore, within a

period of eight 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.

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

26-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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3. The Motor Accident Claims Tribunal,
Principal District Judge, Cuddalore.

4.The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI J.
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