



CMA No.1475 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.Nos.1475 of 2025

K.Durai Govindarajan

... Appellant

Vs.

1.S.Jaganathnath, S/o.Suresh Kumar.
2. United India Insurance Company Limited,
Sillingi Building, 4th Floor,
Np.134, Greams Road,
Chennai-600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation awarded in the judgement and decree dated 28.08.2024 passed in M.C.O.P.1536 of 2021, on the file of the Motor Accident Claims Tribunal, Chennai (II Special Court, Small Causes Court, Chennai).

For Appellant	: Mr.K.Balaji
For R2	: Mr.K.Swaminathan
For R1	: Notice sent. Service awaited

JUDGMENT

The appellant has filed this appeal to enhance the compensation awarded in M.C.O.P. No. 1536 of 2021, on the file of the Motor Accident Claims Tribunal, Chennai, (II Special Court, Small Causes Court, Chennai), dated 28.08.2024.



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2. The brief facts of the case of the appellant/claimant are as follows: On 10.01.2021, at about 18.30 hours, while the appellant was riding the motorcycle bearing Registration No.T.N-13-Q-2154 along GST Road, near the Meenambakkam Airport Bridge, Chennai, another motorcycle bearing Registration No.TN-22-DS-4156, ridden in a rash and negligent manner endangering public safety, came from behind and hit the petitioner's motorcycle. As a result, the appellant fell on to the road and sustained grievous injuries. The accident occurred solely due to the rash and negligent riding of the motorcycle bearing Registration No.TN-22-DS-4156. Since the first respondent is the owner of the said vehicle and the second respondent is its insurer, both are vicariously and statutorily liable to pay compensation.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,24,000/- as compensation, directing the 2nd 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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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. Heard Mr. K.Balaji, learned counsel appearing for the appellant, and Mr.K.Swaminathan, learned counsel appearing for the 2nd respondent.

6. 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.

7. On the other hand, the learned counsel appearing for the 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.



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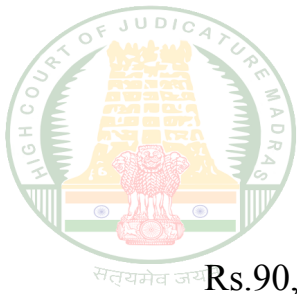
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8. A perusal of the discharge summary shows that the claimant sustained the following injuries:

- Crush injury left hand with complex comminuted fracture 3rd, 4th metacarpal bones.
- Contusion left knee with lacerated wound with skin loss over left knee and multiple injuries all over the body.

9. The Medical Board assessed his partial permanent disability at 5%, which was marked as Ex.C1. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.5,000/- per percentage of disability. However, considering the claimant's age (36 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.9,000/- per percentage. Accordingly, a sum of Rs.45,000/- (Rs.9,000 x 5%) is awarded towards partial permanent disability.

10. The appellant was working as a Branch Manager at Axis Bank Ltd., Chennai, and the Tribunal had fixed his monthly income at Rs.15,000/-. Due to the accident, the appellant would have been unable to attend to his regular work for at least six months. Therefore, a sum of



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Rs.90,000/- (Rs.15,000 x 6 months) is awarded towards loss of income during the period of treatment and recovery. Additionally, the amount awarded by the Tribunal under the heads of Extra nourishment and Pain and Sufferings are also enhanced to Rs.15,000/- and Rs.30,000/- respectively.

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.	Medical bills	24,618	24,618
2.	Transportation expenses	10,000	10,000
3.	Extra nourishment	9,000	15,000
4.	Attender charges	10,000	10,000
5.	Disability	25,000	45,000
6.	Loss of income during treatment period	30,000	90,000
7.	Pain and suffering	15,000	30,000
	Total	Rs.1,23,618/-	Rs.2,24,618



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Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,23,618/- to Rs.2,24,618/-, which shall carry interest at the rate of 7.5% per annum.

12. 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. 1,23,618/- to Rs.2,24,618/-.

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 2nd respondent, United India Insurance Company Limited, Chennai-600 006, is directed to deposit the enhanced compensation amount, i.e., Rs.2,24,618/- (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.



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No.1536 of 2021 on the file of the Motor Accident Claims Tribunal, Chennai (II Special Court, Small Causes Court, 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.

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

11.07.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accident Claims Tribunal,
Chennai, (II Special Court, Small Causes Court, Chennai).
- 2.United India Insurance Company Limited,
Sillingi Building, 4th Floor,
Np.134, Greams Road,
Chennai-600 006.
- 3.The Section Officer, V.R. Section,
High Court of Madras.

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T.V.THAMILSELVI, J.

rr

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