



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 01-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 909 of 2023

AND

CMA NO. 911 OF 2023

CMA No. 909 of 2023:

1. T.Dhanam

Appellant(s)

Vs

1. K.Mari

2.IFFCO TOKYO General Insurance
Company Limited
Rep. by its Branch Manager, Sri
Nivasam Arcade, First Floor, No.9/4,
Advaita Ashram Road, Salem, Tamil
Nadu- 636004.

Respondent(s)

CMA No. 911 of 2023:

1. T.Manivasagam

Appellant(s)

Vs



1. K.Mari

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2.IFFCO TOKYO General Insurance
Company Limited
Rep. by its Branch Manager, Sri
Nivasam Arcade, First Floor, No.9/4,
Advaita Ashram Road, Salem, Tamil
Nadu- 636004.

Respondent(s)

PRAYER in CMA No. 909 of 2023: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 16-04-2021 made in MCOP No.1014 of 2018 on the file of the learned Principal Subordinate Court, Motor Accident Claims Tribunal, Dharmapuri.

PRAYER in CMA No. 911 of 2023: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 16-04-2021 made in MCOP No.1015 of 2018 on the file of the learned Principal Subordinate Court, Motor Accident Claims Tribunal, Dharmapuri.

For Appellant(s): Mr.S.Chinnasamy
in both appeals

For Respondent(s): Mr. S. Arunkumar for R2
in both appeals

R1 – Unclaimed
in both appeals



ORDER

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The above Civil Miscellaneous Appeal arises against the the Award and Decree dated 16-04-2021 made in MCOP Nos.1014 and 1015 of 2018 on the file of the learned Principal Subordinate Court, Motor Accident Claims Tribunal, Dharmapuri.

2.It is the case of the claimants that they filed claims for compensation under the Motor Vehicles Act for injuries sustained in the accident. The claimants submitted that the disability caused by the accident has severely affected their earning capacity. Hence, they prayed for enhancement of monthly income, percentage of disability, and other heads of compensation.

3.The Insurance Company, in its written submissions before the Tribunal, contested the claim for enhancement, submitting that the compensation awarded by the Tribunal was fair and adequate. The respondent did not dispute the liability for the accident but contended that the claimants' monthly income and disability assessment were properly considered by the Tribunal.



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4.The Tribunal, after considering the evidence, awarded compensation under various heads including disability, medical expenses, pain and suffering, and miscellaneous expenses. The monthly income and percentage of disability were fixed as per the Tribunal's assessment.

5.The learned counsel for the claimants argued that the monthly income of the injured persons was fixed at Rs.6,000/- per month. The percentage of disability should be considered at Rs.7,000/- per percentage. Accordingly, they sought enhancement of compensation under the disability head.

6.The learned counsel for the respondents submitted that the Tribunal had correctly assessed all heads of compensation and opposed the enhancement sought by the claimants.

7.On careful consideration of the pleadings, evidence, and submissions of both parties, the claimants have provided sufficient evidence to justify an enhancement of their monthly income. Hence, this Court fixes the monthly income from Rs.6,000/- to Rs.7,000/- per month. In accordance with the percentage method, the disability compensation is Rs.7,000/- per percentage of



disability. Both the claimants are entitled to compensation calculated on this revised rate. All other heads of compensation awarded by the Tribunal, including medical expenses, pain and suffering, and miscellaneous expenses, are confirmed as reasonable. The Court, therefore, partly allows the appeal by enhancing the disability compensation while confirming all other heads of the award.

C.M.A.No.909 of 2023:

Heads of Compensation	Award of this Court
Disability / Loss of earning capacity	Rs.70,000/-
Pain and suffering / Loss of amenities	Rs.10,000/-
Transportation / Miscellaneous expenses	Rs.5,000/-
Attendant charges	Rs.5,000/-
Extra nourishment	Rs.5,000/-
Loss of income	Rs.18,000/-
Total Compensation	Rs.1,13,000/-

C.M.A.No.911 of 2023:

Heads of Compensation	Award of this Court
Disability / Loss of earning capacity	Rs.1,40,000/-
Pain and suffering / Loss of	Rs.25,000/-

**Heads of Compensation****Award of this Court**

amenities

Transportation / Miscellaneous
expenses

Rs.30,000/-

Attendant charges

Rs.10,000/-

Extra nourishment

Rs.10,000/-

Loss of income

Rs.1,00,500/-

Medical Bills

Rs.1,15,426/-

Total compensation**Rs.4,30,926/-**

8. Accordingly, these Civil Miscellaneous Appeals are partly allowed.

The 2nd respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.1,13,000/- awarded by this Court in C.M.A.No.909 of 2023, and a sum of Rs.4,30,926/- awarded by this Court in C.M.A.No.911 of 2023, with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.Nos.1014 and 1015 of 2018, respectively, on the file of the learned Principal Subordinate Court, Motor Accident Claims Tribunal, Dharmapuri within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimants are not entitled to get interest for the default period. On



such deposit, the claimants are permitted to withdraw the entire award amount with proportionate accrued interest and costs by making necessary applications.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants. No costs.

01-07-2025

mps

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Dharmapuri.

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



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T.V.THAMILSELVI J.

mps

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