



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-07-2025

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1484 of 2025

Tr.Venkatesh

Appellant

Vs

1. Tr.K Arumugam(Driver)

2.Tr.K.R.Ramesh

3.The Royal Sundaram Alliance
Insurance Company Ltd.,
No.46 Whites Road, Chennai - 600 014.

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to enhance the compensation amount made in the fair order dated 06-02-2025 made in MCOP.No.411 of 2019, on the file of the MACT, Addl. Dist. Court, Hosur.

For Appellant: Mr. S.P.Yuaraj

For Respondents: R1 – No appearance
R2 – Addressee not found
R3 – Mr.G.Vasudevan



JUDGMENT

WEB COPY

The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.411 of 2019, dated 06.02.2025 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 12.09.2023 at about 23.15 hours, when the petitioner was driving a van bearing Regn. No. TN-29 Q-6036 in Krishnagiri to Hosur NH Road, the said road was under work, it was closed. Hence, he was proceeding on the right side of road, near Bathalapalli Gabriel Company diversion road, at that time, the driver/1st respondent driving a vehicle bearing Regn. No. TN-31-D-9423 drove it in a rash and negligent manner, dashed on the petitioner's van and caused an accident. Due to which, the petitioner sustained head injury and other multiple injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.25,00,000/-.

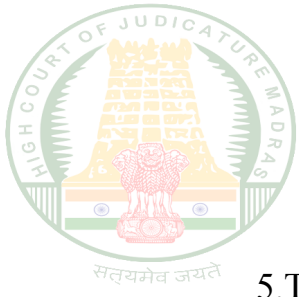


WEB COPY

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent professional courier driver. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.2,65,855/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Partial permanent disability	2,00,000
2.	Loss of income during treatment period	10,000
3.	Medical expenses	5,855
4.	Pain and sufferings and trauma	20,000
5.	Loss of amenities	10,000
6.	Transport expenses	10,000
7.	Nourishment	10,000
	Total	2,65,855

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

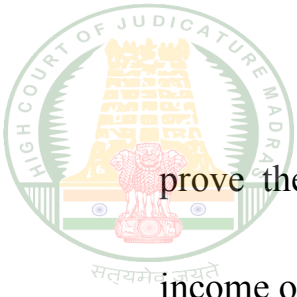


WEB COPY

5. The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

6. The learned counsel for appellant would submit that he had sustained multiple grievous injuries in the accident and medical board assessed the disability as partial permanent disability of 40%, however, the tribunal has taken only 40% as the loss of earning capacity instead of applying multiplier method and the tribunal has awarded a sum of Rs.5000/- for per percentage of disability that too for the accident happened in the year 2003. Furthermore, as he was a driver, he had earned a sum of Rs.12,000/- per month, but the tribunal erroneously assessed his notional monthly income at Rs.10,000/- per month and failed to add future prospects. Hence, he prayed to enhance compensation awarded by the tribunal.

7. The learned counsel for 3rd respondent would submit that at the time of accident, he was earning a sum of Rs.12,000/- per month and he was only a driver under owner of a van, but there is no documentary proof produced to



prove the income derived by him. Hence, the tribunal has rightly fixed the income of the petitioner, which needs no interference of this court.

WEB COPY

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 3rd respondent and perused materials available on record.

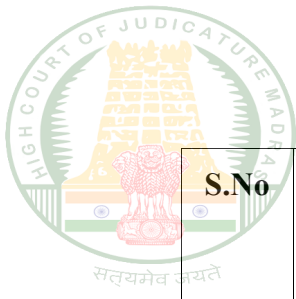
9. Considering both side submissions, the fact reveals that admittedly, he was a driver at the time of accident, which was happened in the year 2003 and as per the Ex.P10, the petitioner has suffered with multiple fracture and head injury. The medical board assessed his disability as 40% of partial permanent disability, for which the tribunal awarded a sum of Rs.5,000/- per percentage of disability as such is reasonable one, which needs no interference. Considering the fact that the accident was happened only in the year 2003 and he was a driver at the time of accident, this Court is inclined to fix the notional monthly income as Rs.8,000/- per month. Furthermore, on seeing the facts, he has undergone surgeries during the treatment period and also took treatment as outpatient for some days in various hospitals. Considering that, the Tribunal had fixed loss of income for one month, but the learned counsel for appellant argues that due to the injuries sustained, he was not able to move outside and nearly



WEB COPY

about six months, he was not able to drive the car. Hence, six months period is to be taken for loss of income. By relying the discharge summary, the learned counsel for 3rd respondent would submit that only 10 days, he is in hospital, but however on seeing the grievous injury, this Court is inclined to modify the period for loss of income as six months. Considering the nature of injury and the period of treatment, this Court is inclined to enhance the sum awarded towards loss of amenities from Rs.10,000/- to Rs.20,000/-. On seeing the facts, during the treatment period, the petitioner required an attender, for which the tribunal has not awarded any sum towards attender charges. Hence, this court is inclined to fix the attender charges as Rs.10,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

10. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Partial permanent Disability	2,00,000	2,00,000	confirmed
2.	Loss of income during treatment period (Rs.8000 x 6 = 48,000)	10,000	48,000	enhanced
3.	Medical expenses	5,855	5,855	confirmed
4.	Pain and sufferings and trauma	20,000	20,000	confirmed
5.	Loss of amenities	10,000	20,000	enhanced
6.	Transport expenses	10,000	10,000	confirmed
7.	Nourishment	10,000	10,000	confirmed
8.	Attender charges	-	10,000	granted
	Total Rounded off	2,65,855	3,23,855 3,23,860	enhanced

11.The compensation awarded by the tribunal at Rs.2,65,855/- is enhanced to Rs.3,23,860/-. The third respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the appellant is permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit



court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

18-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

1. Motor Accident Claims Tribunal, Addl. District Judge, Hosur.

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



WEB COPY

CMA No. 1484 of 2025





WEB COPY

CMA No. 1484 of 2025



T.V.THAMILSELVI J.

rpp

CMA No. 1484 of 2025

18-07-2025