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CMA No. 1479 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1479 of 2025

1. Varunsekar
S/o.Gnansekaran, Near Balaji Vedio,
Vasantrya Naik Highway, No.276-A,
Shramjivi Nagar, Zopadpatti-1,
Shahakar Nagar-1, Chembur, Mumbai,
Maharashtra-400 071 now res.at
No.1/161B, North St, Nerkenam
Village, Arakandanallur Post,
Kandachipuram Tk, Villupuram Dist.

Appellant(s)

Vs

1. Krishnamoorthi
S/o.Arumugam, No.311, Mel St,
Melapoonchai Village, Vasudevanpattu
Post, Chengam Tk, Tiruvannamalai
Dist.

2.The Divisional Manager
The Oriental Insurance Company Ltd,
Hub 3rd Party Claims, Vijayalakshmi
Complex, 1st Floor, No.32/13, Phase-II,
Sathuvacheri, Vellore.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the award against the Judgment and Decree dated 31.01.2025 and made in MACTOP.NO.555/2021 on the file of Motor Accident Claims Tribunal, Tiruvannamalai (In the Court of the Special Sub Court, Tiruvannamalai) and thus render justice.



For Appellant(s): Ms.N.Lavanya
For Mrs.M.Malar

For Respondent(s): R1 - Deceased
Mr.S.Senthilkumar For R2

JUDGEMENT

The appellant has filed this appeal against the award passed in MACTOP.NO.555/2021 on the file of Motor Accident Claims Tribunal, Tiruvannamalai (In the Court of the Special Sub Court, Tiruvannamalai), dated 31.01.2025.

2. On considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.3,35,474/- as compensation, directed 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.

3. 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.

4. 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.

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5. 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.

6. The Medical Board assessed his partial permanent disability at 19%. 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 (19 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.1,71,000/- (Rs.9,000 x 19%) is awarded towards partial permanent disability.

7. The appellant was studying in a private college at Mumbai and also doing DTP Works as part time job and was earning Rs.20,000/- per month. However, the appellant has not produced any document to prove her 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 six months. Therefore, a sum of Rs.72,000/- (Rs.12,000 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 is enhanced to Rs.25,000/-. The compensation awarded under the other heads by the Tribunal is confirmed.

8. 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	95,000	1,71,000
2.	Pain and sufferings	50,000	50,000
3.	Extra nourishment	15,000	25,000
4.	Attender Charges	15,000	15,000
5.	Medical Expenses	40,474	40,474
6.	Loss of amenities	50,000	50,000
7.	Transportation	10,000	10,000
8.	Loss of income during treatment period	60,000	72,000
	Total	3,35,474	4,33,474



Thus, the compensation awarded by the Tribunal is enhanced from Rs.3,35,474/- to Rs.4,33,474/-, which shall carry interest at the rate of 7.5% per annum.

9. 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.3,35,474/- to Rs.4,33,474/-.

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 / the Oriental Insurance Company Limited, Vellore, is directed to deposit the amount awarded by this Court i.e., Rs.4,33,474/- (Rupees Four lakh Thirty Three thousand Four Hundred and Seventy Four only), together with interest at the rate of 7.5% per annum, from the date of claim petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order.

v. On such deposit being made by the second respondent, 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.

14-08-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

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Tiruvannamalai (In the Court of the
Special Sub Court, Tiruvannamalai).
4. The Section Officer,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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