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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.3266 of 2021

S. Gopal

... Appellant

Vs.

1.K. Krishnan

2. National Insurance Company Limited,
having Branch office at
32/2E, Salem Main Road,
Mettur Dam R.S.Mettur Dam -636 402

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 20.07.2020 passed by M.A.C.T cum Special Subordinate Judge Court, Erode in M.C.O.P.No.219 of 2017 and pass orders

For Appellant : Mrs. Ramya Rao
For Respondent-2 : Mr.B. Surekha



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JUDGMENT

The appellant had filed this appeal to set aside the award dated 20.07.2020 passed by M.A.C.T cum Special Subordinate Judge Court, Erode in M.C.O.P.No.219 of 2017

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

On 16.10.2015 when the appellant was proceedings in a two wheeler bearing Registration No.TN-30-AZ-3649 a lorry bearing Registration No. TN-29-C-9599 came in a opposite direction and dashed against the appellant two wheeler. As a result of which the appellant sustained grievous injuries. Since the accident happened only due to the driver of the lorry, the appellant filed a claim petition against the first respondent/owner of the car and the second respondent/insurer of the lorry before the Tribunal claiming compensation at Rs.50,00,000/- .

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.14,70,000/- as compensation, directed the second 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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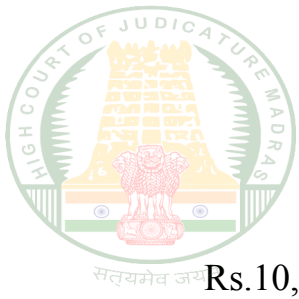
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.3,000/- towards the head disability for the accident occurred on 16.10.2015. He further submitted that the amount awarded under all other heads are very low. Hence prays to enhance the compensation by allowing this petition.

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. Heard both sides and perused the materials available on record.

8. On an analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.20,000/- towards transport to Hospital,



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Rs.10,000/- towards Extra Nourishment; Rs.2,000/- towards Damages for clothes and Articles; Rs.12,25,000/- towards Medical Expenses; Rs.90,000/- towards pain and sufferings and Rs.1,23,000/- towards Permanent Disability & Loss of Earning Power. Thus the compensation is arrived at Rs.14,70,000/-.

9. Considering the disability of the injured this Court is inclined to enhance Rs.4,000/- per percentage, whereas the Tribunal has taken only Rs.3,000/- and the same is enhanced. Thus the amount under the head disability is quantified to Rs. 1,64,000/- (Rs.4,000x41%). Further the Tribunal has awarded Rs.1,23,000/- under the head Permanent Disability and loss of earning power. The same is modified as Rs.1,64,000/- under the head disability and Rs.5,00,000/- towards future loss of earning power. Due to the accident the injured would have not gone for job at least for a period of 6 months and Rs.9,000/- is taken as his monthly income and Rs. 54,000/- is awarded under the head loss of earnings. No amount was awarded under the head Attender charges and future medical expenses, hence Rs.9,000/- and Rs.20,000/- is awarded under the same respectively. The amount awarded under the head Extra nourishment and



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Pain and sufferings is enhanced to Rs.20,000/- and Rs.2,00,000/- respectively. The amount awarded under other heads remains intact.

10. 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.	Loss of earnings	Nil	Rs.54,000/-
2.	Transport to Hospital	Rs.20,000/-	Rs.20,000/-
3.	Extra Nourishment	Rs.10,000/-	Rs.20,000/-
4.	Attender charges	Nil	Rs.9,000/-
5	Future Medical Expenses	Nil	Rs.20,000/-
6	Damage for clothes and Articles	Rs.2,000/-	Rs.2,000/-
7	Medical Expenses	Rs.12,25,000/-	Rs.12,25,000/-
8	Pain and sufferings	Rs.90,000/-	Rs.2,00,000/-
9	Permanent Disability & Loss of Earning power Permanent Disability Loss of Earning power	Rs.1,23,000/-	 Rs. 1,64,000/- Rs.5,00,000/-
	Total	Rs.14,70,000/-	Rs. 22,14,000/-



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Thus, the compensation awarded by the Tribunal is enhanced from **Rs.14,70,000/ to Rs. 22,14,000/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

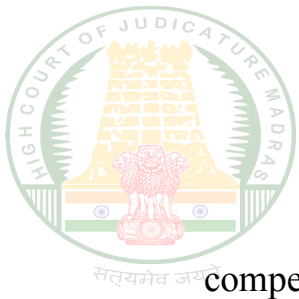
i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.14,70,000/ to Rs. 22,14,000/-**.

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.

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 is directed to deposit the enhanced



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compensation amount, i.e., **Rs. 22,14,000/-**, (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 deposit, to the credit of **M.C.O.P.No.219 of 2017 on the file of Motor Accident Claims Tribunal cum Special Subordinate Judge Court, Erode** 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.

13.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Special Subordinate Judge Court, Erode

2. National Insurance Company Limited,

having Branch office at

32/2E, Salem Main Road,

Mettur Dam R.S. Mettur Dam -636 402

3. The Section Officer, V.R. Section, High Court of Madras.

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T.V.THAMILSELVI, J.

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C.M.A.No.3266 of 2021

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