



CMA.No.820 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.820 of 2025

N.Hariram

... Appellant

Vs.

1.C.Baskar

2.United India Insurance Co., Ltd.,
Third Party Claim Office,
No.134, Greams Road,
Chennai - 600 006.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to allow this CMA by enhancing the compensation awarded in the Judgment and decree dt. 05.10.2023 passed in MCOP No.3273/2015, on the file of the Motor Accident Claims Tribunal (In the V Court of Small Causes, at chennai)

For Appellant	: Mr.S.Suriya Prakash
For Respondent	:M/s.R.Sree Vidhya for R2
	R1- Notice dispensed with



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JUDGMENT

Not satisfied with the quantum of compensation awarded by the Tribunal, the injured claimant has come before this court by way of this appeal.

2. It is the case of the claimant that on 01-2-2015, he was driving a motorcycle in HVF Road, Avadi. When he came near Hyderabad Biryani centre to cross the road, the first respondent's auto came in a rash and negligent manner and dashed against the claimant's motorcycle. Hence, he sustained grievous injuries. The claim petition was filed seeking compensation of Rs.10,00,000/-

3. The first respondent, owner of the auto, remained ex-parte before the Tribunal. The second respondent, insurer, contested the claim petition by denying the manner of accident as described in the claim petition. It was the case of the second respondent that the accident had occurred only due to the negligence on the part of the claimant.

4. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the rash and negligent driving of the auto by its driver. The compensation payable to the claimant was quantified at Rs.70,673/-. Not satisfied



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WEB COPY with the quantum, the claimant has come before this Court.

5. Both the learned counsel for the appellant as well as learned counsel for the 2nd respondent have not advanced any arguments on the questions of negligence and liability. Therefore, the facts necessary to decide those questions are not discussed in this appeal.

6. The learned counsel for the Appellant submitted that as per Exhibit C1, Disability Certificate issued by the Medical Board, the claimant suffered 3% disability. The Tribunal awarded only Rs.4000/- per percentage of the disability and the same requires enhancement. He also submitted that the amount awarded under the heads pain and suffering, loss of amenities are on the lower side.

7. The learned counsel for the Second Respondent/ Insurance company submitted that having regard to the nature of injury suffered by the claimant, the quantum of compensation awarded by the Tribunal is just and reasonable.

8. It is seen from Exhibit C1, the Disability Certificate issued by the Medical Board, the claimant suffered 3% disability. As per the law



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WEB COPY laid down by the Division Bench of this court in CMA.No.3334 of 2022, a sum of Rs.5000/- could be granted for per percentage of the disability for the accident occurred in the year 2015. Therefore, the amount awarded by the Tribunal under the head disability is increased to Rs.15,000/- (Rs.5000 x 3). It is seen from the award copy that the claimant suffered proximal interphalangeal joint dislocation in 2nd toe of right foot and also suffered injury in right lower limb.

9. It is seen from Ex.P3 and Ex.P4, the claimant has been in hospital for nearly 9 days. Taking into consideration the said fact, the amount awarded under the heads pain and suffering and loss of amenities are increased to Rs.15,000/- each. The amount awarded by the Tribunal under various other heads are confirmed. In all, the claimant is entitled to Rs.83,673/-

10. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

Sl. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court	Award confirmed or enhanced



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			(Rs)	or granted
1.	Pain and Suffering	10,000/-	15,000/-	Enhanced
2.	Attender Charges	4,500/-	4,500/-	Confirmed
3.	Nutrition Expenses	10,000/-	10,000/-	Confirmed
4.	Transportation Expenses	8,000/-	8,000/-	Confirmed
5.	Disability	12,000/-	15,000/-	Enhanced
6.	Medical Expenses	5,173/-	5,173/-	Confirmed
7.	Loss of Amenities	10,000/-	15,000/-	Enhanced
8.	Damage to clothes	1,000/-	1,000	Confirmed
9.	Mental Agony	10,000/-	10,000/-	Confirmed
	Total	70,673/-	83,673	Enhanced by Rs.13,000/-

11. With the above modifications, the Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.70,673/- is hereby enhanced to Rs.83,673/-. The appellant/claimant is entitled to interest at the rate of 7.5% per annum (excluding the delay period, if any) from the date of filing of the claim petition till the date of realization. The 2nd respondent /Insurance Company is directed to deposit the enhanced award amount, to the



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WEB COPY credit of MCOP.No.3273/2015 on the file of Motor Accident Claims

Tribunal, the V Court of Small Causes, Chennai, along with interests and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the claimant is permitted to withdraw the same along with interest and costs, less the amount if any, already withdrawn by filing a formal application before the Tribunal. No costs.

21.03.2025

Index:Yes/No
Internet:Yes/No
nr

To

1. Motor Accident Claims Tribunal,
The V Court of Small Causes, Chennai,
2. The Section Officer,
VR Section,
High Court, Madras.



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S.SOUNTCHAR, J.

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