



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1657 of 2025

1. S.Thameen Ansari @ Tamin Ansari
S/o Sathik Basha, No.15, Akkaiya
Naidu Road, Water Tank 3rd Cross
Street, Tiruttani, Thiruvallur District
631 209

Appellant(s)

Vs

1. K.Ramu
S/o Kuppusamy, No.1, M N Kuppam,
Kolamedu, Thirukalukundram Taluk,
Kancheepuram District 603 109 (First
respondent herein was set exparte.
Hence notice in the appeal against him
may be dispensed with)

2.Shriram General Insurance Co Ltd
Motor Third Party Claims Hub, No.5,
Ramachandran Street, Srivaram,
Perungudi, Chennai 600 096

Respondent(s)



CMA No. 1657 of 2025

PRAYER

To set aside the Order dated 20.02.2025 passed by the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accident Claims Petitions) Small Causes Court, Chennai made in MCOP.No. 5583 of 2018 and enhance the award by allowing the appeal with interest from the date of filing of the claim petition till date of payment with costs and thus render justice

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For Appellant(s): Mr. V.Venkatesan

For Respondent(s): Mr.B.Sivakollapan For R2

ORDER

This petition has been filed to set aside the Order dated 20.02.2025 passed by the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accident Claims Petitions) Small Causes Court, Chennai made in MCOP.No. 5583 of 2018 and enhance the award by allowing the appeal.

2. On 26.06.2018 at about 18.30 hours, while the petitioner was driving the load auto bearing registration No. TN 73 E 0330 from Thirukalukundram to Nerumbur Main Road near Thirukalukundram Court on proper side of the road at that time the JCB(earth moving equipment MMV) bearing registration No. TN 21 L 5051 driven by its driver in a rash and negligent manner came in



the opposite direction to his wrong side and hit the load auto and caused the accident. Thereby the petitioner sustained grievous injuries result on amputation of right leg. Thereafter the claimant filed the petition before the tribunal claiming compensation and second respondent contested the case by filing counter. Challenging the quantum of compensation, the claimant filed this appeal.

3. The learned counsel for the appellant/claimant submits that the claimant is driver by profession due to the said accident his leg was amputated so that he is not able to do his regular work. Further, he submits that the petitioner has earned Rs.20,000/- per month but the tribunal fixed only Rs. 11,000/- as notional income of the deceased. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the claimant has not produced any income proof to prove the income hence the tribunal rightly fixed notional income which needs no interference.

5. Considering the cost of living at the time of the accident, this Court is inclined to fix Rs.15,000/- as notional income of the claimant. Accordingly, the



claimant is entitled to Rs. 29,98,800/-(15000+6000x12x17x70/100) under the head of disability.

5.1. The claimant has taken in-patient treatment for 50 days. Hence, this Court is inclined to enhance the amount awarded under the head of pain and sufferings from Rs.50,000/- to Rs.1,00,000/-.

5.2. Further, considering the distance between the claimant's residence and hospital, this Court is inclined to fix Rs.15,000/- as transportation expenses, and the claimant leg was amputated, he require extra nourishment for recovery hence this Court is inclined to enhance the amount awarded under the head of extra nourishment from Rs.10,000/- to Rs.25,000/-. Further, the claimant has lost his leg hence this Court is inclined to award Rs. 1,50,000/- for future medical expense to purchase artificial limb. The award passed under the head of loss of amenities is unwarranted. Accordingly, award passed under the head of loss of amenities is deleted.

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



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.50,000/-	Rs.1,00,000/-
2.	Loss of Income	Nil	Nil
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.4,000/-	Rs.15,000/-
5.	Extra Nourishment	Rs10,000/-	Rs.25,000/-
6.	Attender charges	Rs.15,000/-	Rs.15,000/-
7.	Future medical expense	Nil	Rs.1,50,000/-
8.	Lost of amenities	Rs.20,000/-	Nil
9.	For permanent disability	Rs.21,99,120/-	Rs.29,98,800/-
10	Total	Rs.22,98,500/-	Rs.33,03,800/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 33,02,800/-**. The 2nd **respondent** is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP.No. 5583 of 2018 on the file of the Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accident Claims Petitions) Small Causes Court, Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the **appellant/claimant** is permitted to withdraw the award amount by making formal application before the Tribunal.

The respondent may deduct the amount, if any excessive amount has already



been deposited before the tribunal.

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8. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal (Special Sub Court No.1, Motor Accident Claims Petitioners) Small Causes Court, Chennai.
2. The Section Officer, V. R Section, High Court, Madras.



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