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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.1648 of 2025

Ravichandran

... Appellant

Vs.

1. P. Sabareesh

2. Reliance General Insurance Co., Ltd.,
Rep by its Manager, Sri Lakshmi Complex,
1st Floor, Bharathi Street, Omalur Main Road,
Swarnapuri, Salem – 636 004

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation amount made in the fair order dated 19.12.2024 made in M.C.O.P.No.24 of 2022 on the file of the Motor Vehicle Accident Claims Tribunal, Principal Subordinate Court, Krishnagiri by allowing this Civil Miscellaneous Appeal.

For Appellant : Mr.S.P. Yuvaraj
For Respondent-2 : Mr.P. Suresh Srinivasan



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JUDGMENT

The appellant had filed this appeal to enhance the compensation amount made in the fair order dated 19.12.2024 made in M.C.O.P.No.24 of 2022 on the file of the Motor Vehicle Accident Claims Tribunal, Principal Subordinate Court, Krishnagiri

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

On 13.08.2011 when the appellant was riding a two wheeler bearing Registration No.TN-29-CZ-3371 a car bearing Registration No.Tn-77-AZ-1077 came in the opposite direction and dashed against the appellant. As a result of which the appellant sustained grievous injuries. Since the accident happened only due to the driver of the car, the appellant filed a claim petition against the first respondent/owner of the car and the second respondent/insurer of the car before the Tribunal claiming compensation at Rs.69,52,000/- .

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.6,81,890/- as compensation, directed the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per



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annum from the date of petition till the date of realisation.

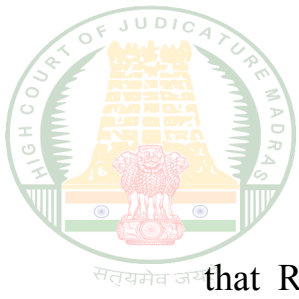
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) had filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.10,000/- as monthly income of the appellant as he was earning Rs.18,000/- per month at the time of accident. He further submitted that the amount awarded under the other heads is also 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



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that Rs.2,80,000/- was awarded under the head the Partial Permanent; Rs.90,000/- towards the head pain and sufferings; Rs.40,000/- towards the head loss of amenities; Rs.42,000/- towards the head Extra Nourishment; Rs.28,000/- towards the head attender charges; Rs.15,000/- towards the head Transport to Hospital; Rs.86,890/- towards the head Medical Expenses; Rs.1,00,000/- towards For temporary loss of income. Thus the total compensation is quantified to Rs. 6,81,890/-

9. The Tribunal has awarded Rs.7,000/- per percentage for the disability, but considering the disability sustained by the appellant, this Court is inclined to enhance the same to Rs.9,000/- per percentage. Thus the amount under the head Partial permanent disability is arrived at Rs.3,60,000/-(Rs.9,000x40%). The Tribunal has taken Rs.10,000/- as monthly income of the injured and the same is modified to Rs.15,000/- per month. Considering the injuries sustained he would have not gone for job for a period of six months, but the Tribunal has taken 10 months and the same is also modified. Thus, the amount awarded under the head loss of income comes to Rs. 90,000/- (Rs.15,000 x 6) . The amount awarded under the head pain and sufferings is enhanced to Rs.1,00,000/-. The



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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.	For Partial permanent disability	Rs.2,80,000/-	Rs. 3,60,000/-
2.	Pain and sufferings	Rs.90,000/-	Rs.1,00,000/-
3.	Loss of amenities	Rs.,40,000/-	Rs.,40,000/-
4.	Extra Nourishment	Rs.42,000/-	Rs.42,000/-
5.	Attender charges	Rs.28,000/-	Rs.28,000/-
6	Transport to Hospital	Rs.15,000/-	Rs.15,000/-
7	Medical Expenses	Rs.86,890/-	Rs.86,890/-
8	Loss of income	Rs.1,00,000/-	Rs.90,000/-
	Total	Rs.6,81,890/-	Rs.7,61,890

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.6,81,890/- to Rs.7,61,890/-** which shall carry interest at the rate of 7.5% per annum.

11. In the result:



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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.6,81,890/- to Rs.7,61,890/-**.

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 compensation amount, i.e., **Rs.17,16,389/-**, (after deducting the amount already deposited), jointly 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.24 of 2022 on the file of the Motor Vehicle Accident Claims Tribunal, Principal Subordinate Court, Krishnagiri** within a period of eight weeks from the date of receipt or uploading of a copy of this order.



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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

smn

To

1. The Motor Vehicle Accident Claims Tribunal, Principal Subordinate Court, Krishnagiri

2. Reliance General Insurance Co., Ltd.,
Rep by its Manager, Sri Lakshmi Complex,
1st Floor, Bharathi Street, Omalur Main Road,
Swarnapuri, Salem – 636 004

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

T.V.THAMILSELVI, J.

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