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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.1828 of 2025

R. Kavinkumar

... Appellant

Vs.

1. Manikandan

2. C. Sathish

3. Cholamandalam Ms

General Insurance Company Limitd,
Office at D.No.14, Sri Senniappa Complex,
Thru.Vi.ka Road, Edaiyankattuvalasu (Post)
Erode Taluk, Erode District – 638 011

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Fair and Decreetal order made in M.C.O.P.No. 571 of 2019 dated 05.12.2022 on the file of the Motor Accident Claims Tribunal (Special Subordinate Judge Court), Erode.

For Appellant : Mr.Amar D. Pandiya for
M.Mohammed Riyaz

For Respondent : Mr.R. Sree Vidhya



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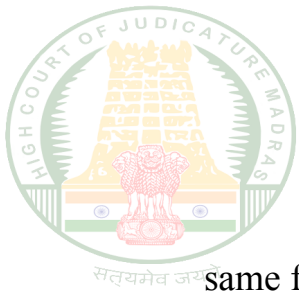
JUDGMENT

The appellant had filed this appeal against the Judgment and award made in M.C.O.P.No. 571 of 2019 dated 05.12.2022 on the file of the Motor Accident Claims Tribunal (Special Subordinate Judge Court), Erode.

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

On 25.06.2019 at about 8:15 p.m., when the appellant was proceedings in a two wheeler bearing Registration No.TN 48 AR 9173 a lorry bearing Registration No. TN-66-N-9171 came in the opposite direction and dashed against the appellant . Hence, the appellant has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.1,95,05,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.8,68,000/- as compensation, directed the third 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 and recover the



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same from the first and second respondents.

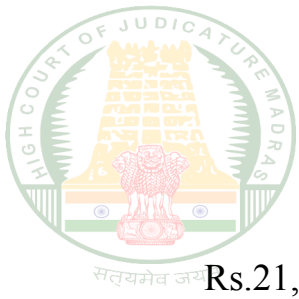
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Tribunal erred in awarding Rs.15,000/- as monthly income of the injured as he was earning Rs.30,000/- per month at the time of accident. 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 a analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.15,000/- towards Transport to Hospital;



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Rs.21,000/- towards Extra Nourishment; Rs.30,000/- towards Attender charges; Rs.20,000/- towards disfigurement; Rs.2,000/- towards damages for clothes and articles; Rs.3,91,000/- towards Medical Expenses; Rs.2,00,000/- towards pain and sufferings. Thus the total compensation comes to Rs.8,68,000/-

9. Considering the nature of injuries sustained by the appellant the amount awarded under the Permanent Disability and loss of earning power is enhanced by taking Rs.12,000/- as monthly income of the injured. Multiplier is taken as 18 and the disability is taken at 35%. Hence Rs. 9,07,200/- (Rs.12,000 x 12x 18 x 35%) Is awarded under the head Permanent Disability and loss of earning power The amount awarded under the other heads remains the same.

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	Amount (in Rs.) awarded by the
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		by the Tribunal	High Court
1.	Loss of Earnings	Nil	Nil
2.	Transport to Hospital	15,000/-	15,000/-
3.	Extra Nourishment	21,000/-	21,000/-
4.	Attender Charges	30,000/-	30,000/-
5	Disfigurement	20,000/-	20,000/-
6.	Damages for clothes and Articles	2,000/-	2,000/-
7.	Medical Expenses	3,91,000/-	3,91,000/-
8	Pain and sufferings	2,00,000/-	2,00,000/-
8	Permanent Disability & Loss of Earning power	1,89,000/-	Rs. 9,07,200/-
	Total	8,68,000/-	Rs.15,86,200/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.8,68,000/- to Rs.15,86,200/-** , which shall carry interest at the rate of 7.5% per annum.

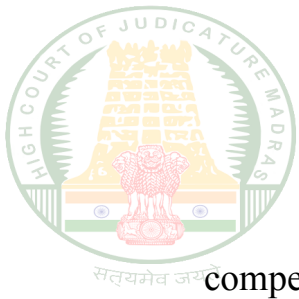
11. In the result:

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.8,68,000/- to Rs.15,86,200/-**

iii. The appellants/claimants are 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 third respondent is directed to deposit the enhanced



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compensation amount, i.e., **Rs.15,86,200/-**, (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. 571 of 2019 on the file of the Motor Accident Claims Tribunal (Special Subordinate Judge Court), Erode** within a period of eight weeks from the date of receipt or uploading of a copy of this order **and recover the same first and second respondents as per the order passed by the Tribunal.**

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 Motor Accident Claims Tribunal (Special Subordinate Judge Court), Erode.

2. The Cholamandalam Ms
General Insurance Company Limitd,
Office at D.No.14, Sri Senniappa Complex,
Thru. Vi.ka Road, Edaiyankattuvalasu (Post)
Erode Taluk, Erode District – 638 011

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

T.V.THAMILSELVI, J.

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