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C.M.A.No. 1529 of 2025

T.V.THAMILSELVI, J.

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the appellant.

2. The learned counsel for appellant would submit that this Court by Judgment dated 14.07.2025 partly allowed the above Civil Miscellaneous Appeal. However, he would submit that in paras 5 to 7 of the judgment, the calculation arrived for awarding compensation needs to be modified. He would also submit that after para 7 of judgment, instead of mentioning number of para 8, it was mentioned as 7. Hence, he prayed to amend the same and requested to issue fresh order copy.

3. Heard the contentions of learned counsel for appellant and perused the order.

4. Considering his submissions, paras 5 to 7 and 7 of the judgment shall be substituted as follows :-

“5. Considering the date of the accident and also cost of living at the time of the accident, this Court is inclined to fix Rs.15,000/- as notional income of the claimant. Further, the claimant has sustained permanent disability hence this Court is inclined to



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adopt multiplier method, since the claimant is aged about 36 years at the time of the accident. Therefore, the multiplier is arrived at 16 and 40% future prospects is also to be arrived. Accordingly, the claimant is entitled to Rs.8,06,400/- {15,000+6000x12x16x20/100} under the head of disability. Further, the respondent counsel claimed that the claimant was inebriated mood at the time of the accident, however except A.R copy there is no medical proof adduced on the side of the respondent to prove that the claimant was in inebriated mood at the time of the accident. Hence, this Court is inclined to fix 10% contributory negligence on the part of the claimant. Further, this Court amount awarded under the head of attender charge, loss of amenities and extra nourishment are very meagre. Hence, this Court is inclined to enhance the sum as Rs.14,000/- for attender charges and Rs.10,000/- for transportation and Rs.15,000/- for loss of amenities and Rs.15,000/- for extra nourishment. Except above modification, the award passed by the tribunal in other heads remain unchanged.

6. In view of the discussions made earlier, the award

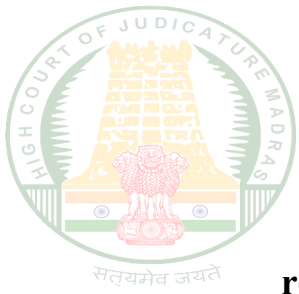


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passed by the Tribunal is modified as follows:-

S.No	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.40,000/-	Rs.40,000/-
2.	Loss of Income	Rs.36,000/-	Rs.36,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.7,000/-	Rs.14,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.10,000/-	Rs.15,000/-
9.	For disability	Rs.2,45,000/-	Rs.8,06,400/-
10	Total	Rs.3,53,000/-	Rs.9,36,400/-
	Less : 10% contributory negligence	Rs.70,600/-	Rs.93,640/-
	Net Compensation	Rs.2,82,400/-	Rs.8,42,760

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.8,42,760/-. 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 M.C.O.P. No. 1842 of 2019 on the file of the Motor Accidents Claims Tribunal (In the V Court of Small Causes, Chennai), within a period eight weeks from the date of



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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 2nd respondent may deduct the amount, if any amount has already deposited before the tribunal. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

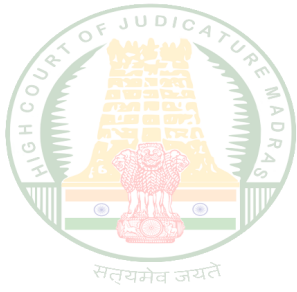
8. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.”

5. Registry is directed to incorporate above correction in the judgment of this Court in C.M.A.No.1529 of 2025 dated 14.07.2025 and issue fresh order copy to the appellant.

08.08.2025

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T.V.THAMILSELVI, J.



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C.M.A. No.1529 of 2025

08.08.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1529 of 2025

1. P. Kannan
S/o. Palayam, No. 2/87, Gandhi
Street, Bharathi Nagar, Tharapakkam,
Thandalam, Chennai 122

Appellant(s)

Vs

1. M. Surya
S/o. Manivannan, No. 17, Vinayaga
Nagar, 1st Main Road,
Kamarajapuram, Anakaputhur,
Chennai 70

2. United India Insurance Company
Limited
Silling Building, 4th Floor, No. 134,
Greens Road, Chennai 006

Respondent(s)

CMA No. 1529 of 2025

PRAYER

To enhancing the compensation awarded in the Judgment and Decree, dated 25.09.2024 passed in M.C.O.P. No. 1842 of 2019 on the file of the Motor Accidents Claims Tribunal (In the V Court of Small Causes, Chennai)



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CMA No. 1529 of 2025

For Appellant(s): Mr.K.Balaji

For Respondent(s): Mr.K.Swaminathan For R2 R1
-notice Sent Service Awaited

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation awarded in the Judgment and Decree, dated 25.09.2024 passed in M.C.O.P. No. 1842 of 2019 on the file of the Motor Accidents Claims Tribunal (In the V Court of Small Causes, Chennai) (in short"tribunal").

2. On 09.12.2018 at about 21.15 hours while the claimant was riding the motorcycle bearing registration No. TN 11 R 0752 proceeding at the left side of the Gandhi Main road near Malar medical shop, Pammal, at that time another motorcycle bearing registration No. TN 85 H 0443 ridden by its rider in a rash and negligent manner came from opposite side and hit the claimant motorcycle due to which claimant fell down and sustained greivous injuries. Thereafter, the appellant filed the petition before the tribunal claiming compensation. The second respondent Insurance company contested the case by filing counter. After considering the oral and



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documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation the claimant filed this appeal.

3. The learned counsel for the appellant submits that the appellant is trimmer and earned Rs.15,000/- per month but the tribunal has fixed only Rs.12,000/- as income of the appellant. Further, he submits that without any evidence the tribunal has erroneously fixed 20% contributory negligence upon the appellant. Further, the claimant has sustained 35% permanent disability instead of adopting multiplier method the tribunal has awarded Rs.7,000/- per percentage of disability. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent insurance compensation submits that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the date of the accident and also cost of living at the time of the accident, this Court is inclined to fix Rs.15,000/- as notional income of the claimant. Further, the claimant has sustained permanent disability hence this Court is inclined to adopt multiplier method, the claimant is aged about 36 years at the time of the accident. Therefore, the



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multiplier is 16 and 40% future prospects. Accordingly, the claimant is entitled to Rs.6,91,200/- $\{15,000+3000 \times 12 \times 16 \times 20 / 100\}$ under the head of disability. Further, the respondent counsel claimed that the claimant was inebriated at the time of the accident, however except A.R copy there is no medical proof adduced on the side of the respondent to prove that the claimant was in inebriated mood at the time of the accident. Hence, this Court is inclined to fix 10% contributory negligence on the part of the claimant. Further, this Court amount awarded under the head of attender charge, loss of amenities and extra nourishment are very meagre. Hence, this Court is inclined to fix Rs.14,000/- for attender charges and Rs.10,000/- for transportation and Rs.15,000/- for loss of amenities and Rs.15,000/- for extra nourishment. Except above modification, the award passed by the tribunal in other heads remain unchanged.

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

<i>S.No</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Pain and sufferings	Rs.40,000/-	Rs.40,000/-



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S.No	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
2.	Loss of Income	Rs.36,000/-	Rs.36,000/-
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.7,000/-	Rs.14,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.10,000/-	Rs.15,000/-
9.	For disability	Rs.2,45,000/-	Rs.6,91,200/-
10	Total	Rs.3,53,000/-	Rs.8,21,200/-

10% deducted for contributory negligence =

Rs.7,39,080/- rounded off to Rs.7,39,100/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.7,39,100/-**. 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 M.C.O.P. No. 1842 of 2019 on the file of the Motor Accidents Claims Tribunal (In the V Court of Small Causes, 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 amount has already deposited before the tribunal.



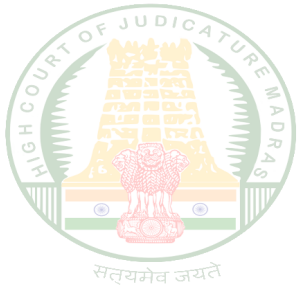
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In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimant(s).

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

14-07-2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



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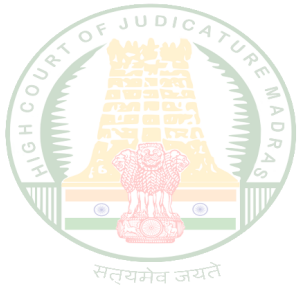
To

1.M. Surya
S/o. Manivannan, No. 17, Vinayaga
Nagar, 1st Main Road, Kamarajapuram,
Anakaputhur, Chennai 70

2.United India Insurance Company
Limited
Silling Building, 4th Floor, No. 134,
Greens Road, Chennai 006.

3. The Motor Accidents Claims
Tribunal (In the V Court of Small
Causes, Chennai).

4. The Section Officer, V.R Section,
High Court, Madras.



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T.V.THAMILSELVI J.
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CMA No. 1529 of 2025

14-07-2025