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CMA No.1549 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No.1549 of 2025

Praveen Kumar

Appellant(s)

Vs

1. Nataraj
No.F1, 202, Vishal Residency,
Baphmanwada, Begumpet,
Hyderapad, Andhra Pradesh - 500 016.

2.Universal Sompo General Insurance Co. Ltd.,
Capital Towers, 5th Floor, B Wingh,
No.554 & 555, Anna Salai, Chennai – 600 018.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order made in M.C.O.P.No.5209 of 2014, dated 06.03.2024, on the file of the Motor Accident Claims Tribunal (In the II Court of Small Causes, Chennai.

For Appellant(s): Mr.K.Balaji

For Respondent(s): Mr.B.Sivakolappan for R2



ORDER

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The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the appellant.

2.It is brought to the notice of this Court that in few places of the judgment dated 01.08.2025, it was mentioned that “In the II Court of Small Causes, Chennai” may be modified as “Special Sub Judge II”, and there is correction in paragraph Nos.5, 6, 7 and 8 of the judgment, the same shall be replaced as follows:

5. As per the discharge summary/Ex.P10 as well as other medical records, the claimant is still taking treatment. Considering the records produced by claimant and also the present condition of the claimant, this Court is inclined to fix 60% disability on the claimant. The accident was happened in the year 2014 and also considering the cost of living at the time of the accident, this Court is inclined to fix Rs.15,000/- (500x30days) as notional income for the claimant. Accordingly, the claimant is entitled to Rs.27,21,600/- [Rs.15,000+Rs.6,000 x 12 x 18 x 60/100] under the head of disability.

6. Further, the claimant is taking treatment till date hence this Court is inclined to enhance the compensation for pain and sufferings from



*Rs.60,000/- to **Rs.1,50,000/-** and the claimant has taken inpatient treatment for 212 days, this Court inclined to fix Rs.300 per day for attender. Accordingly, for 212 days the claimant is entitled to **Rs.1,23,500/-** for attender charges and **Rs.20,000/-** for transportation and **Rs.40,000/-** for loss of amenities, **Rs.30,000/-** for extra nourishment and **Rs.50,000/-** for future medical expenses. Further, the loss of income is unwarranted accordingly loss of income is ordered to be deleted.*

7. 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.60,000/-	Rs.1,50,000/-
2.	Loss of Income	Rs.60,000/-	Nil
3.	Future Medical Expenses	Nil	Rs.50,000/-
4.	Transportation expenses	Rs.10,000/-	Rs.20,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.30,000/-
6.	Attender charges	Rs.63,500/-	Rs.1,23,500/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.10,000/-	Rs.40,000/-
9.	For permanent disability	Rs.6,80,500/-	Rs.27,21,600/-
10	Future medical expenses	-	Rs.50,000/-
	Total	Rs.8,94,000/-	Rs.31,85,100/-

*8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.31,85,100/-**. The 2nd respondent*



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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.5209 of 2014 on the file of the Motor Accident Claims Tribunal (In the II 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.

3.All other conditions imposed in the order dated 01.08.2025 shall remain intact except for the above said correction.

4.Registry is directed to carry out the necessary correction in the judgment dated 01.08.2025 and issue a fresh copy of the order to the learned counsel for the parties.

11.08.2025

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T.V.THAMILSELVI, J.

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1549 of 2025

1. Praveen Kumar

S/o. Mani, No.7, Vasantham Nagar, 3rd

Cross, Avadi, Chennai 054.

Appellant(s)

Vs

1. Nataraj

No.F1, 202, Vishal Residency,

Baphmanwada, Begumpet, Hyderapad,

Andhra Pradesh 500 016.

2.Universal Sompo General Insurance

Co.Ltd.,

Capital Towers, 5th Floor, B Wingh,

No.554 and 555, Anna Salai, Chennai

018.

Respondent(s)

PRAYER

To allow this Civil Miscellaneous Appeal by enhancing the compensation awarded in the Judgement and Decree, dated 06.03.2024 passed in MCOP No.5209 of 2014 on the file of the Motor Accident Claims Tribunal (In the II Court of Small Causes, Chennai.



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For Appellant(s): Mr.K.Balaji

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

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation awarded in the Judgement and Decree, dated 06.03.2024 passed in MCOP No.5209 of 2014 on the file of the Motor Accident Claims Tribunal (In the II Court of Small Causes, Chennai(in short "tribunal")).

2. On 13.03.2014 at about 07.00 hours when the claimant was riding his two wheeler bearing registration No. TN 21 3065 at Poonamalle bye pass road near ACS Hospital at that time a car bearing registration No. AP 29 AB 3964 came behind the two wheeler at high speed in a rash and negligent manner hit against the claimant, due to which he sustained multiple greivous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. The second respondent contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation the claimant filed this appeal.

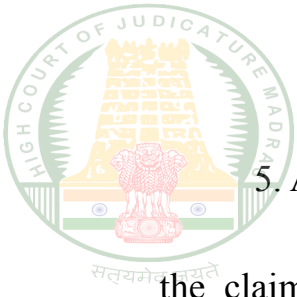


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3. Appellant and his counsel appeared before this Court. The learned counsel for the appellant submits that the accident was happened in the year 2014, but till date the claimant's wound is not healed and blood oozing in his leg and the doctor's suggested for amputation of his leg. To prove his treatment the claimant produced the medical records but the tribunal has failed to appreciate the said records only awarded very meagre amount. The appellant/claimant appeared before this Court and blood is oozing in his leg, which shows that the claimant is not fully recovered and also doctor suggested for amputation of leg.

3.1. Further, the learned counsel for produced the medical records before this Court, which shows that the claimant has been taking treatment from the year 2014 till date. Therefore, due to the said accident the claimant is not able to continue his driver profession as he did before the accident.

4. The learned counsel for the respondent raised strong objection to allow this appeal.



5. As per the discharge summary/Ex.P10 as well as other medical records, the claimant is still taking treatment. Considering the records produced by claimant and also the present condition of the claimant, this Court is inclined to fix 60% disability on the claimant. The accident was happened in the year 2014 and also considering the cost of living at the time of the accident, this Court is inclined to fix Rs.15,000/-(500x30days) as notional income for the claimant. Accordingly, the claimant is entitled to Rs.27,21,600/- under the head of disability.

6. Further, the claimant is taking treatment till date hence this Court is inclined to enhance the compensation for pain and sufferings from Rs.60,000/- to **Rs.1,50,000/-** and the claimant has taken inpatient treatment for 212 days, this Court inclined to fix Rs.300 per day for attender. Accordingly, for 212 days the claimant is entitled to **Rs.1,23,500/-** for attender charges and **Rs.20,000/-** for transportation and **Rs.40,000/-** for loss of amenities and **Rs.30,000/-** for extra nourishment. Further, the loss of income is unwarranted accordingly loss of income is ordered to be deleted.



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

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S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
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9.	For permanent disability	Rs.6,80,500/-	Rs.27,21,600/-
10	Total	Rs.8,94,000/-	Rs.31,35,100/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.31,35,100/-**. 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 MCOP No.5209 of 2014 on the file of the Motor Accident Claims Tribunal (In the II 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.

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

01-08-2025

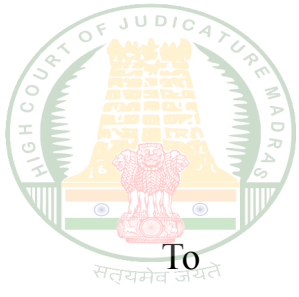
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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1. The Section Officer, V.R Section,
High Court, Madras.
2. The Motor Accident Claims Tribunal
(In the II Court of Small Causes, Chennai).



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T.V.THAMILSELVI J.
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