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CMA No. 1568 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1568 of 2025

1. T.N.Saravanan

S/o. Nagaraj, No. 11-A, Thangaraj
Street, Traffical Colony, Pallikaranai,
Chennai-100.

Appellant(s)

Vs

1. V.Deepak

S/o. B.Vedhagiri, No. 11/209,
Vengatesan Street, Medavakkam,
Chennai-100.

2.The Oriental Insurance Co. Ltd
Oriental House 2nd Floor, O.No.115,
N.No.216, Prakasam Salai, Broadway,
Chennai-108.

Respondent(s)



CMA No. 1568 of 2025

PRAYER

To allow this CMA by enhancing the Compensation awarded in the Judgment and Decree, dated 31.01.2025, Passed in MCOP No. 1229 of 2018, on the file of the Motor Accident Claims Tribunal (in the III Court of Small Causes, Chennai)

CMA No. 1568 of 2025

For Appellant(s): K.Balaji

For Respondent(s): M/s. J. Chandran For R2

JUDGEMENT

This Civil Miscellaneous Appeal has been filed for enhancing the Compensation awarded in the Judgment and Decree, dated 31.01.2025, Passed in MCOP No. 1229 of 2018, on the file of the Motor Accident Claims Tribunal (in the III Court of Small Causes, Chennai)(in short "tribunal").

2. On 29.07.2017, at about 04.30 hours, while the claimant was riding the motorcycle bearing registration No. TN 04 AR 1877 proceeding at Velachery Main Road, Near Sivan Koil, Pallikaranai, Chennai, at that time the motorcycle bearing registration No. TN 14 J 3009 riding its driver, riding in a very rash and negligent manner hit the claimant's motorcycle, due to which, the claimant sustained grievous injuries. Thereafter, the claimant filed the petition before the



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tribunal claiming compensation. The respondent Insurance company alone contested the case by filing counter. After considering the oral and documentary

evidence, the tribunal awarded a sum of Rs.1,51,000/- as compensation.

Challenging the quantum of compensation the claimant filed this appeal.

3. The learned counsel for the claimant submits that the claimant has earned a sum of Rs.20,000/- as income but the tribunal fixed Rs.13,000/- as income of the claimant, which is very meagre amount and also the tribunal has not adopted multiplier method. Hence, he prays to enhance the compensation.

5. The learned counsel for the contesting respondent submits that the tribunal has rightly passed the award which needs no interference.

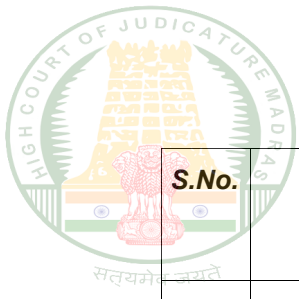
6. Considering the facts and circumstances of the case, the accident was happened in the year 2017 and also the claimant was working as Kovil Gurukkal. Hence, this Court is inclined to enhance the monthly income of the claimant from Rs.13,000/- to Rs.16,000/-. Accordingly, the claimant is entitled to Rs.80,000/- under the head of loss of income. Further, the claimant suffered



with grievous injuries. Hence, this Court is inclined to award Rs.7,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.98,000/- under the head of disability. Further, this Court is inclined to enhance compensation for pain and sufferings from Rs.10,000/- to Rs.20,000/-, and for transportation charges from Rs.2,000/- to Rs.5,000/-, and for extra nourishment from Rs.5,000/- to 10,000/-, and for attender charges from Rs.300/- to Rs.1000/- , and for loss of amenities from Rs. 5,000/- to Rs.10,000/- Except above modification, the award passed by the tribunal in other heads remain unchanged.

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.10,000/-	Rs.20,000/-
2.	Loss of Income	Rs.26,000/-	Rs.80,000/-
3.	Medical Expenses	Rs.31,719/-	Rs.31,719/-
4.	Transportation expenses	Rs.2,000/-	Rs.5,000/-
5.	Extra Nourishment	Rs.5,000/-	Rs.10,000/-
6.	Attender charges	Rs.300/-	Rs.1,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
7.	Damages to cloths and article	Rs.1,000/-	Rs.1,000/-
8.	Lost of amenities	Rs.5,000/-	Rs.10,000/-
9.	For disability	Rs.70,000/-	Rs.98,000/-
10	Total	Rs.1,51,019/-	Rs.2,56,719/-

Rounded off to Rs.2,56,800/-

8. Therefore, the compensation payable to the claimant is enhanced to Rs.2,56,800/-. The 2nd respondent/Insurance company is directed to deposit the said amount to the credit of MCOP No. 1229 of 2018, on the file of the Motor Accident Claims Tribunal (in the III Court of Small Causes, Chennai), within a period of eight weeks from the date of receipt of a copy of this judgment. On Such deposit, the claimant is permitted to withdraw the award amount by making formal application before the Tribunal.

9. With the above directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Pending miscellaneous petition(s), if any, is/are closed.

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2.The Oriental Insurance Co. Ltd

Oriental House 2nd Floor, O.No.115,
N.No.216, Prakasam Salai, Broadway,
Chennai-108.

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

4. The Motor Accident Claims Tribunal
(in the III Court of Small Causes,
Chennai)



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T.V.THAMILSELVI J.
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