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CMA No. 1818 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1818 of 2025

1. ARUL

Son of Rathinavel, Door No.3/208/2,
Near MGR Statue,
A.Ayyamperumalpatti, Salem District
-636 302.

Appellant(s)

Vs

1. K.Balakrishnan

Son of Kanda Gounder, Door No.1/60,
Anna Nagar, Majara Kollapatti, Salem
-636 030.

2.The United India Insurance Company
Ltd.,

D.No.4/198, Namachivayam Complex,
Salem Steel Plant Main Road,
Maramangalathupatty, Salem -636 030.

(The 1st respondent is set exparte
before the tribunal, hence notice may be
dispensed with for the 1st respondent in
this CMP)

Respondent(s)

PRAYER



Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the 20 percentage negligence fixed upon the appellant and to enhance the compensation granted in Award dated 14-06-2024 made in MCOP.No.616 of 2023, on the file of the MACT Spl.Court No.II, at Salem.

For Appellant(s): Mr.M.Lokesh

For Respondent(s): Mr.D.Venkatachalam For R2
R-1 Notice Sent Service Awaited

JUDGMENT

The appellant has filed this appeal praying to set aside the 20 percentage negligence fixed upon the appellant and to enhance the compensation made in MCOP.No.616 of 2023, on the file of the MACT Spl.Sub.Court No.II, at Salem, dated 14.06.2024.

2. Considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a total compensation of Rs.3,79,020/-. Out of the said amount, the 2nd respondent was directed to pay 80% liability fixed, with interest at the rate of 7.5% per annum from the date of petition till the date of realization, and the remaining 20% of the liability was fixed on the appellant.

3. Aggrieved by the quantum of compensation awarded by the Tribunal,



the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

4. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He also submitted that the accident due to the rash and negligent of offending vehicle, but the Tribunal failed to appreciate the fact and erroneously fixed 20% contributory negligence upon the appellant is liable to be set aside.

5. 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.

6. The Medical Board assessed his partial permanent disability at 20%. The Tribunal did not find any functional disability, and therefore, awarded compensation at the rate of Rs.5,000/- per percentage of disability. However, considering the claimant's age (25 years at the time of accident) and the nature



of injuries sustained, it would be appropriate to enhance the compensation to Rs.10,000/- per percentage. Accordingly, a sum of Rs.2,00,000/- (Rs.10,000 x 20%) is awarded towards partial permanent disability.

7. The claimant is working as roofing sheet worker and earning Rs.25,000/- per month. However, the appellant has not produced any document to prove his income. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.15,000/- would meet the ends of justice. Due to the accident, the appellant would have been unable to attend to his regular work for at least six months. Therefore, a sum of Rs.90,000/- (Rs.15,000 x 6 months) is awarded towards loss of income during the period of treatment and recovery. The compensation awarded under the other heads by the Tribunal is confirmed.

8. Even, if the accident occurred due to the rash and negligent driving of the offending vehicle, the appellant did not possess a valid driving licence, at the time of accident. Therefore, this Court is of the opinion that the contributory



negligence on the part of the appellant should be reduced from 20% to 10%.

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9. 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.	Pain and sufferings	50,000	2,00,000
2.	Loss of Income	30,000	90,000
3.	Medical bills	1,18,020	1,18,020
4.	Transportation	20,000	20,000
5.	Extra nourishment	20,000	20,000
6.	Attender charges	20,000	20,000
7.	Damages to cloths	1,000	1,000
8.	Loss of amenities	20,000	20,000
9	Permanent disability	1,00,000	1,00,000
	Total	3,79,020	5,89,020
	Less Contributory Negligence	75,804	58,902
	Total	3,03,216	5,30,118

Thus, the compensation awarded by the Tribunal is enhanced from Rs.3,03,216/- to Rs.5,30,118/-, which shall carry interest at the rate of 7.5% per annum.

10. 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.3,03,216/- to Rs.5,30,118 /-.

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 2nd respondent, United India Insurance Co.Ltd., Salem, is directed to deposit the enhanced compensation amount, i.e., Rs.5,30,118/- (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 realization, to the credit of M.C.O.P. No. 616 of 2023 on the file of the Motor Accidents Claims Tribunal / Special Subordinate Court – II, Salem, within a period of eight weeks from the date of receipt or uploading of a copy of this order

v. On such deposit being made, the appellant/claimant is at liberty to



withdraw the same, as per the apportionment made by the Tribunal, 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.

23-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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i. The Motor Accidents Claims Tribunal
/ Special Subordinate Court – II, Salem

2.The United India Insurance Company
Ltd.,
D.No.4/198, Namachivayam Complex,
Salem Steel Plant Main Road,
Maramangalathupatty, Salem -636 030.

3.The Section Officer,
VR Section, High Court of Madras.



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T.V.THAMILSELVI J.
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T.V.THAMILSELVI,J.,

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Today, this matter is listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioner.

2. After hearing the learned counsel on both sides, the para nos.9 and 10 of the order dated 23.07.2025 shall be substituted as follows:

“9. 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.	Pain and sufferings	50,000	50,000
2.	Loss of Income	30,000	90,000
3.	Medical bills	1,18,020	1,18,020
4.	Transportation	20,000	20,000
5.	Extra nourishment	20,000	20,000
6.	Attender charges	20,000	20,000
7.	Damages to cloths	1,000	1,000
8.	Loss of amenities	20,000	20,000
9	Permanent disability	1,00,000	2,00,000
	Total	3,79,020	5,39,020
	Less Contributory Negligence	75,804	53,902
	Total	3,03,216	4,85,118/-

Thus, the compensation awarded by the Tribunal is enhanced from



Rs.3,03,216/- to Rs.4,85,118/-, which shall carry interest at the rate of 7.5% per annum.

10. 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.3,03,216/- to Rs.4,85,118/-.

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 2nd respondent, United India Insurance Co.Ltd., Salem, is directed to deposit the enhanced compensation amount, i.e., Rs.4,85,118/- (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 realization, to the credit of M.C.O.P. No. 616 of 2023 on the file of the Motor Accidents Claims Tribunal / Special Subordinate Court – II, Salem, 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, as per the apportionment made by the Tribunal, 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.”

3. In view of the modification of the order dated 23.07.2025, as above, time granted for the payment of aforesaid amount shall run from the date of receipt of the copy of this order.

4. Except the same, all other aspects shall remain intact.

5. Registry is directed to make necessary corrections and issue a fresh order copy in the Civil Miscellaneous Appeal at the earliest.

06.11.2025

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T.V.THAMILSELVI,J.,

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