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CMA No. 1667 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1667 of 2023

M. Lakshmanan

Appellant(s)

Vs

1. G. Vinothkumar

2. Shriram General Insurance Co.Ltd.,
Plot No.5, I st Floor, Saravana Nagar,
Perungudi, Chennai 96.

Respondent(s)

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to allow the appeal and enhance the compensation in MCOP No.6156 of 2018 on the file of the Motor Accidents Claims Tribunal in the IV Court of Small Causes, Chennai.

For Appellant: Mr. R.Mohan Babu

For Respondents: R1 - Exparte
Mr.S.Dhakshnamoorthy For R2



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JUDGMENT

The claimant not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.6156 of 2018, dated 28.03.2023 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 01.08.2018 at about 14.30 hrs., when the petitioner was riding his two wheeler bearing Regn. No. TN-07-BH2935 in Nazaratpettai Agaram Mel Erikkarai Road, near SKR Engineering College, the driver of a Van bearing Regn. No.TN-20 CA 8563 drove it in a rash and negligent manner came from the opposite direction, dashed the petitioner's two wheeler and caused an accident. Due to which, the claimant sustained injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.15,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the



accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent. Having come to such a conclusion, the

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Tribunal fixed the total compensation payable at Rs.2,11,061/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability	1,25,000
2.	Medical Expenses	8,061
3.	Loss of income	11,000
4.	Pain and Suffering	25,000
5.	Transportation expenses	5,000
6.	Nutrition expenses	10,000
7.	Damages to cloths	2,000
8.	Loss of amenities	25,000
	Total	2,11,061

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The claimants not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation



6. The learned counsel for appellant argues that due to the accident happened on 01.08.2018, the petitioner sustained injury on both borne of his right leg, due to which, he was not able to drive the vehicle and he sustained 25% disability, but the tribunal has fixed only a sum of Rs.5000/- per percentage of disability as such is erroneous one and prayed for enhancement of compensation.

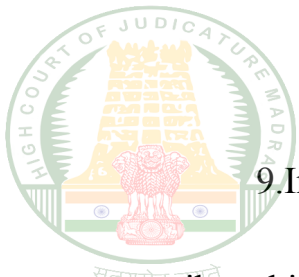
7. The learned counsel for 2nd respondent insurance company argues that the tribunal granted the award under various heads is well-reasoned one, which needs no interference. Hence, he raised strong objections and prayed to dismiss this appeal.

8. On perusal of award passed by the Tribunal below, the fact reveals that at the time of accident, the claimant was the driver. So, the notional income was fixed for one month. On considering the injuries as well as treatment period, the learned Tribunal fixed one month for loss of income, but the learned counsel for appellant argues that due to the injuries sustained, he was not able to drive the vehicle for nearly about four months. Hence, four months period is to be taken for loss of income. By relying the discharge summary, the learned counsel for



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2nd respondent would submit that only 29 days, he is in hospital, but however on seeing the grievous injury, this Court is inclined to modify the treatment period from one month to four months. Furthermore, the learned Tribunal had fixed one month for loss of income, but on seeing the grievous injury, this Court is inclined to modify the period for loss of income as four months. The accident was happened in the year 2018 and he was aged about 34 years. Therefore, on considering the cost of living as well as age of petitioner, this Court is inclined to fix the notional income as Rs.15000/- per month. Considering the 25% of disability, this court is inclined to enhance the sum awarded as Rs.5000/- per percentage to Rs.8000/- per percentage. On seeing the facts, he has undergone surgeries during the treatment period and also took treatment for more than 29 days in various hospitals. Hence, for the pain and sufferings, the sum awarded as Rs.25,000/- is enhanced to Rs.50,000/-. Considering the fact that during the treatment period, the petitioner required an attender, the attender charges is to be arrived as Rs.12,000/- and the transportation expenses is also to be enhanced from Rs.5000/- to Rs.10,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.



9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Disability/loss of income (25% x Rs.8000/- = Rs.2,00,000/-)/ (Rs.15000 x 4 = Rs.60,000/-)	2,60,000
2.	Medical Expenses	8,061
3.	Pain and Suffering	50,000
4.	Transportation expenses	10,000
5.	Nutrition expenses	10,000
6.	Damages to cloths	2,000
7.	Loss of amenities	25,000
8.	Attender charges	12,000
	Total	3,77,061
	Rounded off	3,77,070

10. The compensation awarded by the tribunal at Rs.2,11,061/- is enhanced to Rs.3,77,070/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.3,77,070/-, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of



receipt of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

11. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

17-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, IV Judge, Court of Small Causes, Chennai.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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