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CMA No. 2506 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 08-07-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 2506 of 2024**

S.Nanthakumar

Appellant

Vs

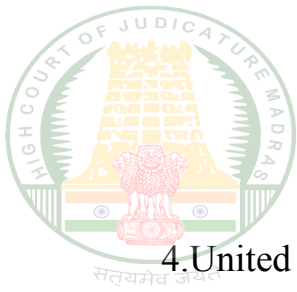
1. S.Mani

2.Rajaguru Spinning Mills Private  
Limited

No.3/249, Sankari main Road,  
Vediarasampalayam, Pallipalayam,  
Komarapalayam Taluk, Namakkal  
District-638008

3.United India Insurance Company  
Lintied

Branch Office at No.104-A, Ranga  
Building, Peramanur Main Road, Near  
Four Roads, Salem-636 007



4. United India Insurance Company  
Limited

Divisional Office at Muthiah Complex,  
No.1170, Mettur Road, Erode-11, Erode  
Taluk and District

Respondent(s)

**PRAYER:-** Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the compensation amount and fix the entire liability on the 3rd respondent made in Judgment and decree dated 21.11.2022 made in MCOP No.111/2020 dated on the file of the Motor Accidents Claims Tribunal Special subordinate Judge, Erode.

For Appellant: Mr.S.P.Yuaraj

For Respondents: RR1 and 2 - Notice Dispensed  
With  
Mr. D.Venkatachalam For RR3  
and 4

### **JUDGMENT**

The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.111 of 2020, dated 21.11.2022 has



preferred this appeal seeking for enhancement of compensation.

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2.The case of the petitioner is that on 13.01.2020 at about 06.20 a.m., when the petitioner was crossing the road from east to west direction on the Pallipalayam to Sankagiri road at Pallipalayam, in front of Cheran hospital, at that time, the driver of a van bearing Regn. No. TN-34 H-4008 from north to south direction, driven it in a rash and negligent manner, dashed on the petitioner and caused an accident. Due to which, the petitioner fell down on the road and sustained bone fracture and multiple grievous 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.30,00,000/-.

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 1<sup>st</sup> respondent. Having come to such a conclusion, the



Tribunal fixed the total compensation payable at Rs.6,44,000/- under various heads as follows:

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| S.No | Compensation awarded under the head            | Amount (in Rs.) |
|------|------------------------------------------------|-----------------|
| 1.   | Loss of earnings                               | 36,000          |
| 2.   | Transport to hospital                          | 5,000           |
| 3.   | Extra nourishment                              | 7,000           |
| 4.   | Attender charges                               | 10,000          |
| 5.   | Future medical expenses                        | nil             |
| 6.   | Damages for cloths and articles                | 2,000           |
| 7.   | Medical expenses                               | 3,49,000        |
| 8.   | Pain and sufferings                            | 50,000          |
| 9.   | Permanent disability and loss of earning power | 1,85,000        |
|      | <b>Total</b>                                   | <b>6,44,000</b> |

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

5.The petitioner 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.

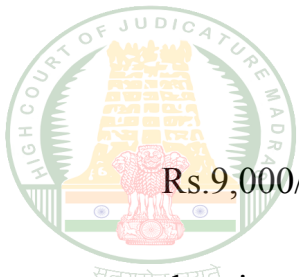


6. The learned counsel for appellant would submit that the petitioner was doing centering and stage decoration works and was earning a sum of Rs.20,000/- per month and the accident was happened in the year 2020. But, the tribunal has fixed only a sum of Rs.9,000/- as notional monthly income and the same is to be enhanced. Furthermore, the tribunal had fixed only a sum of Rs.5000/- per percentage of disability and the same is also to be enhanced. Hence, he prayed to enhance the compensation.

7. The learned counsel for respondents 3 and 4 would submit that to prove the income of petitioner, he has not produced any document to corroborate the same. Hence, the tribunal has rightly fixed the income of the petitioner as well as percentage of disability, which needs no interference of this court.

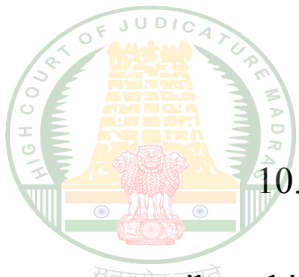
8. Heard and considered rival submissions made by both learned counsel for appellant as well as respondents 3 and 4 and perused materials available on record.

9. Considering both side submissions, the fact reveals that admittedly, the petitioner was doing centering and decoration work at the time of accident, which was happened in the year 2020. The tribunal had fixed only a sum of



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Rs.9,000/- towards notional income. Therefore, on considering cost of living at that time, he would have earned per day a sum of Rs.500/-, this Court is inclined to enhance the notional income from Rs.9,000/- per month to Rs.15,000/- per month. On seeing the facts, he has undergone surgeries during the treatment period and also took treatment as outpatient for some days in various hospitals. Considering that, the sum awarded for extra nourishment is to be increased from Rs.7,000/- to Rs.10,000/- . Considering the fact that as he has taken treatment period for 14 days, the petitioner required an attender. Hence, the attender charges is to be arrived at  $\text{Rs.}400 \times 16 = \text{Rs.}6,400/-$ . On considering the injuries as well as treatment period, the learned Tribunal fixed four months for loss of income, but the learned counsel for appellant argues that due to the injuries sustained, he was not able to move outside and nearly about five months, he was not able to attend his centering work. Hence, five months period is to be taken for loss of income. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

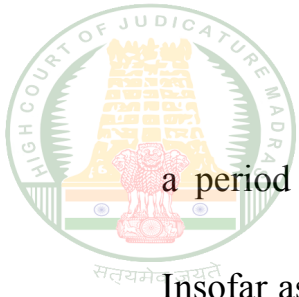


10. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

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| S.No | Compensation awarded under the head                                                           | Amount awarded by the tribunal (in Rs.) | Amount (in Rs.) | Amount confirmed or granted or enhanced |
|------|-----------------------------------------------------------------------------------------------|-----------------------------------------|-----------------|-----------------------------------------|
| 1.   | Loss of earning during the treatment period<br>$\text{Rs.}15,000/- \times 5 = 75,000$         | 36,000                                  | 75,000          | enhanced                                |
| 2.   | Transport to hospital                                                                         | 5,000                                   | 5,000           | confirmed                               |
| 3.   | Extra nourishment                                                                             | 7,000                                   | 10,000          | enhanced                                |
| 4.   | Attender charges                                                                              | 10,000                                  | 6,400           | reduced                                 |
| 5.   | Future medical expenses                                                                       | nil                                     | nil             |                                         |
| 6.   | Damages for cloths and articles                                                               | 2,000                                   | 2,000           | confirmed                               |
| 7.   | Medical expenses                                                                              | 3,49,000                                | 3,49,000        | confirmed                               |
| 8.   | Pain and sufferings                                                                           | 50,000                                  | 50,000          | confirmed                               |
| 9.   | Permanent disability and loss of earning power<br>$(\text{Rs.}9000/- \times 37\% = 3,33,000)$ | 1,85,000                                | 3,33,000        | enhanced                                |
|      | <b>Total</b>                                                                                  | <b>6,44,00</b>                          | <b>8,30,400</b> |                                         |

11. The compensation awarded by the tribunal at Rs.6,44,000/- is enhanced to Rs.8,30,400/-. The respondents 3 and 4 are directed to deposit the enhanced compensation, 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 copy of this judgment.

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

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

**08-07-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special Sub-Judge, Erode.

2. Section Officer, VR Section, Madras High Court.



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**T.V.THAMILSELVI J.**

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