



WEB COPY

CMA No. 2810 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-07-2025**

CORAM

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

**CMA No. 2810 of 2024**

**AND**

**CMP NO. 22787 OF 2024,CMA NO. 3148 OF 2024**

1. The Commissioner Of Police  
Vepery, Chennai 600 007.

2. The Inspector Of Police  
D4, Jam Bazaar Police Station,  
Triplicane, Chennai 014

D4, Jam Bazaar Police Station,  
Triplicane, Chennai.

Appellant(s)

Vs

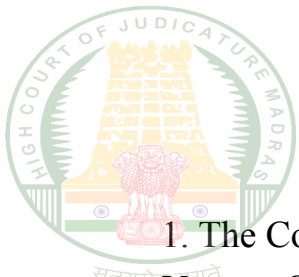
1. K.Balaji  
S/o. Kuppusamy No.15, NKR Puram,  
Thiruvallikeni, Chennai 005

Respondent(s)

**CMA No. 3148 of 2024**

1. K.Balaji  
S/o. Kuppusamy, No.15, NKR Puram,  
Thiruvallakkeni, Chennai - 005.

Appellant(s)



Vs

1. The Commissioner Of Police  
Vepery, Chennai - 007.

2. The Inspector Of Police  
D4, Jam Bazaar Police Station,  
Triplicane, Chennai - 014.

Respondent(s)

**CMA No. 2810 of 2024**

**PRAYER**

To set aside the Judgment and Decree passed by the Honble Motor Vehicle Accident Claims Tribunal/ on the file of Honble Motor Vehicle Accident Claims Tribunal/II Judge, Court of Small Causes Chennai in MCOP No. 5598/2019 vide order dated 22.09.2022 and thus render justice.

**CMA No. 3148 of 2024**

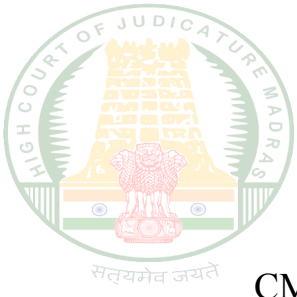
**PRAYER**

To enhance the amount awarded in MCOP.No.5598/2019 dated 22-09-2022 on the file of Motor Accident Claims Tribuna(II Judge, Court of Small Causes, Chennai as prayed for with interest and cost

**CMA No. 2810 of 2024**

For Appellant(s): Mr.C.Sathish Govt.Advocate

For Respondent(s): Mr. K. Varadha Kamaraj



## **COMMON JUDGEMENT**

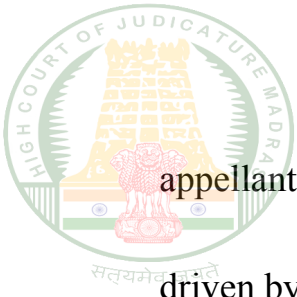
WEB COPY

CMA No. 2810 of 2024 has been filed by the Commissioner of Police, Vepery, Chennai, to set aside the Judgment and Decree passed by the Honble Motor Vehicle Accident Claims Tribunal/ on the file of Honble Motor Vehicle Accident Claims Tribunal/II Judge, Court of Small Causes Chennai in MCOP No. 5598/2019 vide order dated 22.09.2022.

2. CMA NO. 3148 of 2024 has been filed by the claimant to enhance the amount awarded in MCOP.No.5598/2019 dated 22-09-2022 on the file of Motor Accident Claims Tribunal(II Judge, Court of Small Causes, Chennai

3. For the sake of convenience the parties are denoted as per CMA No. 3148 of 2024. The learned counsel for the appellant/claimant submits that the claimant has sustained very grievous injuries but the tribunal has awarded very meagre amount as compensation. Hence, he prays to enhance the compensation.

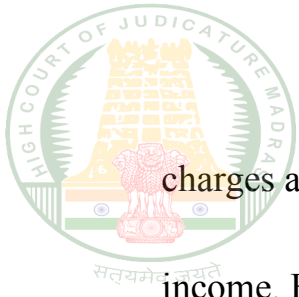
4. The learned counsel for the respondent submits that the tribunal has erroneously fixed entire liability upon the respondent without taking note of the fact that there was a negligence on the part of the injured. On the other side, the



appellant counsel submits that the injured was hit by the police jeep which was driven by its driver in a rash and negligent manner. Hence, he prays to dismiss the appeal.

5. A perusal of the FIR, it reveals that at the time of the accident, when the injured was standing on side of the road he was hit by police jeep driven by its driver in a rash and negligent manner to disprove the same there is no evidence was produced on the side of the respondent. Therefore, the tribunal has rightly fixed liability on the respondent which needs no interference. Accordingly, CMA No. 3148 of 2024 is dismissed.

6. In respect of appeal filed by the appellant for enhancement of compensation, the tribunal has fixed only 5,000/- per percentage of disability which is very meagre. Hence, this Court is inclined to fix Rs.8,000/- per percentage of disability. Accordingly, the appellant is entitled to Rs.2,40,000/- under the head of disability. Further, the appellant has sustained grievous injuries and taken inpatient treatment for 9 days. Hence, this Court is inclined to enhance the award amount from Rs.20,000/- to Rs.60,000/- for pain and sufferings, and Rs.60,000/- for loss of earnings and Rs.10,000/- for attender



charges and Rs.10,000/- for transportation charges and Rs.60,000/- for loss of

income. Except above modification, the order passed by the tribunal in other

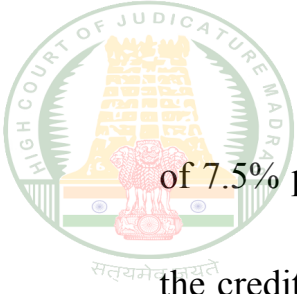
heads remain unchanged.

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.20,000/-                          | Rs.60,000/-                        |
| 2.    | Loss of Income                | Rs.12,210/-                          | Rs.60,000/-                        |
| 3.    | Medical Expenses              | Rs.10,39,329/-                       | Rs.10,39,329/-                     |
| 4.    | Transportation expenses       | Rs.3,000/-                           | Rs.10,000/-                        |
| 5.    | Extra Nourishment             | Rs.5,000/-                           | Rs.5,000/-                         |
| 6.    | Attender charges              | Rs.3,000/-                           | Rs.10,000/-                        |
| 7.    | Damages to cloths and article | Nil                                  | Nil                                |
| 8.    | Lost of amenities             | Rs.10,000/-                          | Rs.10,000/-                        |
| 9.    | For permanent disability      | Rs.1.50,000/-                        | Rs.2,40,000/-                      |
| 10    | Total                         | Rs.12,42,539/-                       | Rs.14,34,329/-                     |

Rounded off to Rs.14,34,400/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.14,34,400/-**. The respondents in CMA No. 3148 of 2024 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. 5598/2019, on the file of the Motor Vehicle Accident

WEB COPY

Claims Tribunal/II Judge, 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, CMA No. 3148 of 2024 is partly allowed. No costs. Pending petition(s), if any, is/are closed.

**03-07-2025**

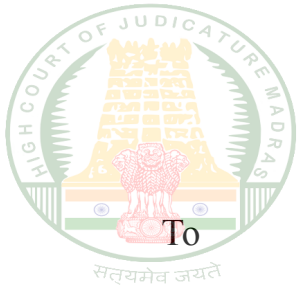
pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 2810 of 2024



WEB C.M.A.

1.K.Balaji

S/o. Kuppusamy No.15, NKR Puram,  
Thiruvallikeni, Chennai 005.

2. The Motor Vehicle Accident Claims  
Tribunal/II Judge, Court of Small  
Causes Chennai.

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



WEB COPY

CMA No. 2810 of 2024



**T.V.THAMILSELVI J.**  
pbl

**CMA No. 2810 of 2024  
AND CMP NO. 22787  
OF 2024,CMA NO. 3148  
OF 2024**

**03-07-2025**