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CMA No. 2152 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2152 of 2024

1. J.Punniyakodi

S/o.Jayaraman, No.2/48, Pillaiyar Koil
Street, Old Colony, Thenkodippakkam
Village and Post, Vaur Taluk,
Villupuram district-604102

Appellant(s)

Vs

1. R.S.N.Moorthy

s/o.Ramadoss, No.4A, Rajagopal Street,
West Tambaram, Chennai-600045

2.The United India Insurance Co. Ltd.

Third Party Cell, Silingi Building,
No.134, Greaves Road, Chennai-600006

Respondent(s)

CMA No. 2152 of 2024

PRAYER

To set aside the order dt. 27.03.2024 passed in MCOP No.3183/2020, by the
Learned Special Sub court No.1 and Motor Accident Claims Tribunal, Chennai



and enhancing compensation as prayed in the petition in MCOP No.3183/2020

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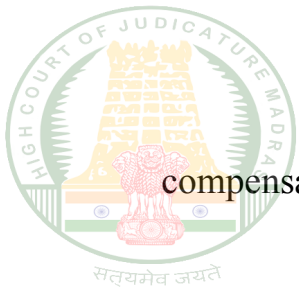
For Appellant(s): Mr.D.Ashokkumar

For Respondent(s): R1 - Exparte Mr. T.K.
Premkumar For R2

JUDGEMENT

Challenging the order dated 27.03.2024 passed in MCOP No.3183/2020, by the Learned Special Sub court No.1 and Motor Accident Claims Tribunal, Chennai,(in short"tribunal") the appellant/claimant filed this appeal.

2. On 23.07.2020 at about 07.30 p.m., the claimant was riding the two wheeler bearing registration No. PY 01 BJ 0041 towards Tambaram, at that time the car bearing registration No. TN 11 AA 2255 was driven by its driver in a rash and negligent manner hit the claimant due to which the claimant sustained multiple injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation in the said petition the second respondent contested the case by filing counter. After considering the oral and documentary evidence the tribunal awarded compensation of Rs.1,27,000/-. Challenging the quantum of



compensation the claimant filed this appeal.

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3. The contention of the claimant is that the due to the said accident the claimant sustained greivous injuries in his right wrist but the tribunal has fixed very meagre amount as compensation. Hence, he prays to enhance the compensation.

4. On the other side, the learned counsel for the second respondent submits that the claimant has not to produced disability certificate to prove the disability hence based on the available records the tribunal passed award which needs no interference. He prays to dismiss this appeal.

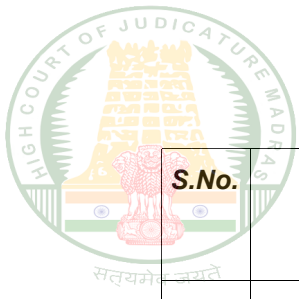
5. Considering the facts of the case the claimant has not produced any disability certificate. However, this Court matter referred for mediation but the report not yet submitted. As per the medical records, the claimant has suffered with comminuted fracture distal radius right upper limb hence this Court is inclined to fix 15% as disability of the claimant. Further, the accident was happened in the year 2020 hence this Court is inclined to fix Rs.8,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.1,20,000/-



under the head of disability. Further, the claimant has taken in-patient treatment for three days and surgery was conducted but the tribunal has awarded very less amount under the head of transportation and attender charges. Hence, this Court is inclined to fix Rs.10,000/- for transportation and Rs.3000/- for attender charges. Further, this Court is inclined to fix Rs.15,000/- as notional income of the claimant. Accordingly, the claimant is entitled to Rs.45,000/- under the head of loss of earning for three months. Except above modification, the award passed by the tribunal in other heads remain unchanged.

6. 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.30,000/-	Rs.30,000/-
2.	Loss of Income	Rs.24,000/-	Rs.45,000/-
3.	Medical Expenses	Rs.17,467/-	Rs.17,467/-
4.	Transportation expenses	Rs.4,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs.900/-	Rs.3,000/-
7.	Future medical expenses	Rs.20,000/-	Rs.20,000/-
8.	Lost of amenities	Rs.20,000/-	Rs.20,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
9.	For disability	Nil	Rs.1,20,000/-
10	Total	Rs.1,26,36/-	Rs.2,75,467/-

Rounded off to Rs. 2,75,500/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 2,75,500/-**. The 2nd respondent 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.3183/2020 on the file of the Special Sub court No.1 and Motor Accident Claims Tribunal, 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 excessive amount has already deposited before the tribunal.

8. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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To

1.R.S.N.Moorthy
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2.The United India Insurance Co. Ltd.
Third Party Cell, Silingi Building,
No.134, Greams Road, Chennai-600006

3. The Special Sub court No.1 and
Motor Accident Claims Tribunal,
Chennai.

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



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T.V.THAMILSELVI J.
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