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CMA No. 2055 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2055 of 2024

1. M.Gayathri

W/o. Muthukrishnan, No. B13/318,
Kendriya Vihar, Velappanchavadi,
Chennai 77

Appellant(s)

Vs

1. S.Ravichandran

No.9, Post Office Street, Mannady,
Chennai 001.

2.The New India Assurance Co.Ltd.

No.45, Moore St, Chennai 002

Respondent(s)

CMA No. 2055 of 2024

PRAYER

To enhance the amount awarded in M.C.O.P. No. 122 of 2015 dated 21.03.2024 on the file of the Motor Accidents Claims Tribunal (III Small Causes Court), Chennai

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

For Respondent(s): R2 -no Appearance R1 - No Such Person

JUDGEMENT

This petition has been filed to enhance the amount awarded in MCOP No. 122 of 2015 dated 21.03.2024 on the file of the Motor Accidents Claims Tribunal(III Small Causes Court), Chennai.

2. On 06.08.2014 at about 21 hours while the claimant was travelling as pillion rider in a motorcycle bearing registration No. TN 11 J 1560 along the Madurvoyal to Poonamalli Main Road, Near KVN Thirumana Mandapam, left side of the road from East to West direction, at that time Lorry bearing registration No. TN 01 B 2911, was coming from same direction in a rash and negligent manner dashed against the petitioner on his behind and thereby caused the grievous injuries. Thereafter, the petitioner/claimant filed the petition before the tribunal claiming compensation and second respondent contested the case by filing Counter.

After considering the oral and documentary evidence, the tribunal awarded



compensation. Challenging the quantum of compensation the claimant filed this appeal.

3. The learned counsel for the petitioner submits that the claimant has produced medical bills for a sum of Rs. 4,19,742/-. Though the tribunal has admitted that the claimant has took treatment in the hospital and undergone three surgeries it failed to award the amount under the head of medical bills and also awarded very less amount in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the claimant produced the xerox copies of the medical bills. Hence, the Tribunal rightly declined to award amount under the head of medical bill. Hence, he prays to dismiss this appeal.

5. Considering the fact that the accident was happened in the year 2014 and the medical bills were marked as Ex.P14 for a sum of Rs. 4,19,742/-. The Tribunal has accepted the treatment taken by the claimant. But it has failed to award amount under the head of medical bill despite



marking the medical bills, as such is unsustainable. This Court is inclined

to award Rs.4,19,742/- under the head of medical bills. Further, the

accident was happened in the year 2014 but the tribunal has awarded very

less amount under the head of notional income. Hence, this Court is

inclined to award Rs.12,000/- under the head of notional income. Due to

the accident the claimant would have lost his income for a period of 8

months. Hence, this Court is inclined to award Rs.96,000/- under the head

of loss of income for 8 months. Further, the accident happened in the year

2014 hence, this Court is inclined to fix Rs.4,000/- per percentage of

disability. Accordingly, the claimant is entitled to Rs. 1,00,000/- under the

head of disability. Further, the tribunal has awarded very meagre amount in

other heads. Considering the cost of living at the time of the accident, this

Court is inclined to enhance the award for pain and sufferings,

transportation and extra nourishment and damages to clothes and loss of

amenities from Rs.30,000/- to Rs.75,000/-, from Rs.4,000/- to Rs.15,000/-,

from Rs.10,000/- to Rs.25,000/-, from Rs.1000/- to Rs.2000/-, from



Rs.10,000/- to Rs.25,000/-, respectively.

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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.75,000/-
2.	Loss of Income	Rs.13,000/-	Rs. 96,000/-
3.	Medical Expenses	Nil	Rs.4,19,742/-
4.	Transportation expenses	Rs.4,000/-	Rs. 15,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs. 25,000/-
6.	Attender charges	Rs. 8400/-	Rs. 8400/-
7.	Damages to cloths and article	Rs.1000/-	Rs.2000/-
8.	Lost of amenities	Rs.10,000/-	Rs.25,000/-
9.	For permanent disability	Rs. 75,000/-	Rs.1,00,000/-
10	Total	Rs. 1,51,400/-	Rs.7,66,142/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 7,66,142/-**. 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 M.C.O.P. No. 122 of 2015 on the file of the Motor Accidents Claims Tribunal (III Small Causes Court), 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 been deposited before the tribunal.

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

07-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accidents Claims Tribunal (III Small Causes Court), Chennai.
2. The Section officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.
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