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CMA No. 2840 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2840 of 2023

1. M. Selvakumar
S/o. Moorthiraman, No.15/6, Avvai
Pudu Street, St. Panruti, Temporary
Address Main Road, Maruthadu and
post, Cuddalore Taluk

Appellant(s)

Vs

1. K. Prabhu
S/o. Kaliyaperumal, No.147,
Thideerkuppam, Melkavavanur,
Paithambadi, Panruti-607 101,
Cuddalore District

2.TATA AIG General Insurance Co.,
Ltd.,
2nd Floor, Samson Towers, Pantheon
Road, Egmore, Chennai-600 008.

Respondent(s)

CMA No. 2840 of 2023



PRAYER

To allow the appeal and enhance the compensation in MCOP No.4005/2018 dt. 15.12.2022 on the file of the Motor Accidents claims Tribunal/CJM Court, Cuddalore

CMA No. 2840 of 2023

For Appellant(s): Ramya V. Rao

For Respondent(s): R1 - Dispensed With J.Michael
Visuvasam For R 2

JUDGEMENT

This appeal has been filed to enhance the compensation in MCOP No.4005/2018 dated 15.12.2022 on the file of the Motor Accidents claims Tribunal/CJM Court, Cuddalore.

2. The brief facts of the case:

On 11.06.2018 at about 12.00 hours when the the claimant was riding his two wheeler bearing registration No. TN 31 F 0201 on the way to Chennai, on the extreme left side of Panruti to Chennai Salai, near Seenivasa Thirumana Mandapam, the first respondent's TVS XL bearing registration No. TN 31 BM 5627 came from south to north in a rash and negligent manner dashed the claimant, due to which the claimant sustained injuries. Thereafter, claimant filed the petition before the tribunal claiming compensation. After



considering the oral and documentary evidence the tribunal awarded a sum of

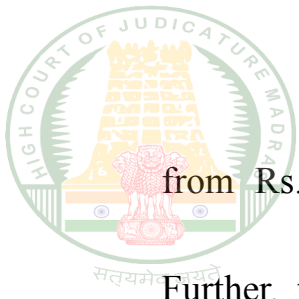
Rs.9,10,070/- as compensation. Challenging the quantum of compensation, the

claimant filed this appeal.

3. The learned counsel for the appellant submits the claimant was working as vessel maker earning Rs.60,000/- per month but the tribunal awarded only Rs.6,000/- per month. Further, he submits that the tribunal awarded very meagre amount for other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the tribunal has rightly fixed compensation which needs no interference.

5. Considering the facts and circumstances of the case, the claimant has sustained 55% disability and the accident was happened in the year 2018. Further, the claimant had sustained greivous injuries and taken in patient treatment. Hence, this Court is inclined to enhance monthly income of the claimant from Rs.6,000/- to 8,000/-. Further, the compensation granted by the Tribunal towards pain and sufferings, extra nourishment, are hereby enhanced



from Rs.40,000/- to 80,000/-, and Rs.10,000/- to Rs.20,000/-, respectively.

Further, the tribunal omitted to fix award for loss of amenities and loss of income. Accordingly, this Court is inclined to fix Rs. 10,000/- for loss of amenities and Rs.45,000/- for loss of income. Except above modification, the judgment passed by the tribunal remain unchanged.

S.N o.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Rs.40,000/-	Rs.80,000/-
2.	Loss of Income	Nil	Rs.45,000/-
3.	Medical Expenses	RS.1,15,068/-	Rs.1,15,068/-
4.	Transportation expenses	Rs.10,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs.40,000/-	Rs.40,000/-
7.	Damages to cloths and article	Rs.2,000/	Rs.2,000/-
8.	Lost of amenities	Nil	Rs.10,000/-
9.	Loss of dependency	Rs.6,93,000/-	Rs.9,24,000/-
10	Total	Rs.9,10,070/-	Rs.12,36,068/-

Rounded off to Rs.12,36,100/-

6. Therefore, the compensation payable to the claimant is enhanced to Rs.12,36,100/-. The respondent/Insurance company is directed to deposit the



said amount along with interest ordered by trial Court to the credit of MCOP

No.4005/2018, on the file of the Motor Accidents claims Tribunal/CJM Court,

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Cuddalore, within a period of eight weeks from the date of receipt of a copy of this judgment. On Such deposit, the claimant is permitted to withdraw the award amount by making formal application before the Tribunal.

7. With the above directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Pending miscellaneous petition(s), if any, is/are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.K. Prabhu

S/o. Kaliyaperumal, No.147,
Thideerkuppam, Melkavavanur,
Paithambadi, Panruti-607 101,
Cuddalore District

2.TATA AIG General Insurance Co.,
Ltd.,
2nd Floor, Samson Towers, Pantheon
Road, Egmore, Chennai-600 008.

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

4. The Motor Accidents claims
Tribunal/CJM Court, Cuddalore



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T.V.THAMILSELVI J.
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