



CMA No.2098 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2098 of 2024

Lingesh @ Lingeshwaran
S/o. Ravichandran

... Appellant

Vs.

1. P.Pitchaimani
2. Universal Somp General Insurance Company Ltd.,
Represented by its Branch Manager,
Plot No.1, Kairasi Nagar,
Vayaloor Road,
Thriuchirappalli-620 102.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the order and decree dated 18.04.2024 passed in M.C.O.P.27 of 2020 on the file of the Motor Accident Claims Tribunal, Tindivanam.

For Appellant : Mr.V.Manohar
For R2 : Mr.N.Sampath
for R1 Notice dispensed with

JUDGMENT

The appellant has filed this appeal against the award passed in M.C.O.P. No. 27 of 2020 on the file of the Motor Accident Claims Tribunal, Tindivanam, dated 18.04.2024.



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2. The brief facts of the case of the appellant/claimant are as follows:

On 04.08.2019 at about 20.45 hrs, the appellant was travelling as a pillion rider on a motorcycle bearing Registration No. PY-05-C-7533 from Ongur to Aathur Tollgate. While crossing the Chennai-Trichy NH road at the Ongur crossroad median (open from East to West), the first respondent's vehicle bearing Registration No. TN-45-BA-6199 was driven in a rash and negligent manner at high speed, without blowing the horn and without following traffic rules. The respondent's vehicle dashed against the appellant's motorcycle with great force. As a result of the accident, the appellant sustained multiple fractures and injuries all over the body. He was immediately taken to the Government Hospital, Tindivanam, and subsequently admitted to JIPMER Hospital, Puducherry, and SRM College Hospital, Potheri, Chennai, for further treatment. The injuries resulted in partial and permanent disability, due to which he is unable to perform normal work and continues to undergo treatment.

3. According to the appellant/claimant, the accident occurred solely due to the rash and negligent driving of the first respondent's vehicle.



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There was no negligence on the part of the appellant. The first respondent is the owner of the offending vehicle and the second respondent is its insurer. Hence, both respondents are jointly and severally liable to pay compensation to the appellant.

4. Before the Tribunal, the owner of the vehicle remained absent and was set ex parte. The second respondent, Universal Sompo General Insurance Company Ltd., resisted the claim petition on all grounds available to an insurer under Section 170 of the Motor Vehicles Act.

5. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,53,557/- as compensation, directing the second respondent to pay the said amount to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

6. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.



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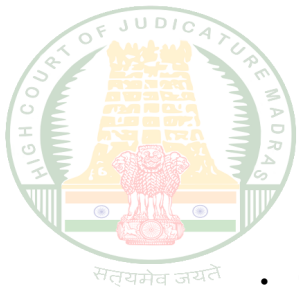
7. Heard Mr. V. Manohar, learned counsel appearing for the appellant, and Mr. N. Sampath, learned counsel appearing for the second respondent.

8. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.

9. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be disturbed.

10. A perusal of the discharge summary shows that the claimant sustained the following injuries:

- Humerus mid-shaft fracture (left)
- Femur shaft fracture (right)
- Fracture of both bones in the right leg



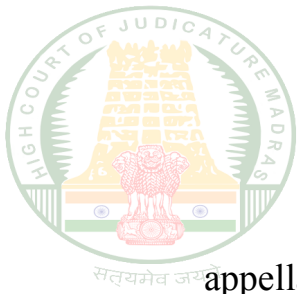
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- Crush injury on the right foot (2nd, 3rd, 4th, and 5th metatarsal fractures) and ankle
- Left pneumothorax
- Multiple rib fractures on the left side

11. The appellant / claimant was admitted as an in-patient from 07.08.2019 to 24.08.2019. The Medical Board attached to the Government Medical College & Hospital, Villupuram, assessed his partial permanent disability at 5%. The Tribunal awarded Rs.5,000/- per percentage of disability, since there was no functional disability assessed. However, considering the claimant's age (25 years at the time of accident) and nature of injuries, it would be appropriate to enhance the amount to Rs.7,000/- per percentage. Accordingly, a sum of Rs.35,000/- (Rs.7,000 x 5%) is awarded towards partial permanent disability.

12. The appellant was working as a supervisor in TVS company. Based on Exs.P.26 and P.27, the Tribunal fixed his monthly income at Rs.12,000/-. However, considering the cost of living in the year 2019, this Court fixes monthly income at Rs.15,000/-. Due to the accident, the



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appellant would have been unable to attend to his regular work for at least eight months. Therefore, a sum of Rs.1,20,000/- (Rs.15,000 x 8 months) is awarded towards loss of income.

13. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	25,000	35,000
2.	Loss of income	72,000	1,20,000
3.	Pain and suffering	75,000	1,00,000
4.	Medical bills	35,557	35,557
5.	Extra nourishment	10,000	20,000
6.	Loss of amenities	2,000	5,000
7.	Transportation expenses	10,000	20,000
8.	Attender charges	24,000	24,000
	Total	Rs.2,53,557/-	Rs.3,59,557/-

Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,53,557/- to Rs.3,59,557/-, which shall carry interest at the rate of 7.5% per annum.



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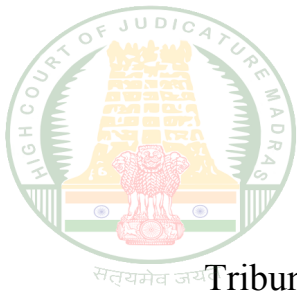
13. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.2,53,557/- to Rs.3,59,557/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The second respondent, Universal Sompo General Insurance Company Ltd., Tiruchirappalli, is directed to deposit the enhanced compensation amount, i.e., Rs.3,59,557/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 27 of 2020 on the file of the Motor Accident Claims



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Tribunal, Tindivanam, within a period of four weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

18.06.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accident Claims Tribunal,
Tindivanam.
2. Universal Sompa General Insurance Company Ltd.,
Represented by its Branch Manager,
Plot No.1, Kairasi Nagar,
Vayaloor Road,
Thriuchirappalli-620 102.
3. The Section Officer, V.R. Section, High Court, Madras.



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T.V.THAMILSELVI, J.

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