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CMA No. 1675 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1675 of 2025

1. P.S.Daniel Kamal

S/o. Sivaprakasam, No. 16B, D.No. 10,
1st Floor, Sriram Flats, 1st Cross Street,
Ramappa Nagar, Perungudi, Chennai
096

Appellant(s)

Vs

1. M/s. St. Joseph College Of
Engineering
Old Mahabalipuram Road,
Semmancherry, Chennai 119

2.United India Insurance Co Ltd.
Motor Third Party Hub, Silingi
Building, 4th Floory, No. 134, Greams
Road, Chennai 006

Respondent(s)



PRAYER

To enhance the compensation amount in Judgment and Decree dated 26.07.2023 in M.C.O.P. No. 4864 / 2019 on the file of the Motor Accidents Claims Tribunal (III Court of Small Causes, Chennai) to a just and reasonable amount, with costs.

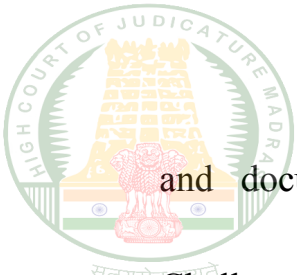
For Appellant(s): Mr.R.Nalliyappan

For Respondent(s): Mrs.R.Rathna Thara For R2 R1 -
Notice Dispensed With

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation amount in Judgment and Decree dated 26.07.2023 in M.C.O.P. No. 4864 / 2019 on the file of the Motor Accidents Claims Tribunal (III Court of Small Causes, Chennai).

2. On 24.06.2019 at about 19.20 hours when the claimant was riding the motorcycle bearing registration No. TN 09 CE 3111 at the junction of Madipakkam MRTS Road & Ram Nagar North 7th Main Road towards Kialveli direction, at the time the car bearing registration No. TN 14 J 1735 came in a rash and negligent manner dashed against the claimant's motorcycle due to which the claimant sustained grievous injuries. Thereafter, the claimant filed the petition before the tribunal claiming compensation. After considering the oral



and documentary the tribunal awarded compensation of Rs. 2,76,300/-.

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

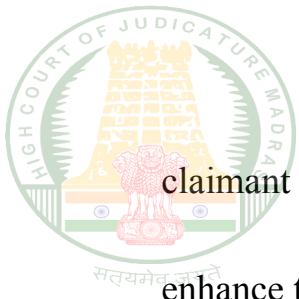
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3. The learned counsel for the claimant submits that the claimant has sustained grievous injuries and he undergone surgery but without considering the injuries sustained by the claimant, the tribunal awarded very less amount. Hence, he prays to enhance the compensation.

4. The learned counsel for the second respondent submits that the tribunal has rightly fixed the compensation which needs no interference. Hence, he prays to dismiss this appeal.

5. Considering the fact that the accident was happened in the year 2019 and also considering the cost of living at the time of the accident, this Court is inclined to fix Rs.8,000/- per percentage of disability. Accordingly, the claimant is entitled to Rs.2,00,000/- under the head of disability.

6. Further, the claimant has undergone surgery and taken inpatient treatment for 10 days. Hence, this Court is inclined to enhance the amount awarded under the head of pain and sufferings from Rs.20,000/- to Rs.30,000/- and also for transportation expenses from Rs.4,000/- to Rs.10,000/-. Further, the



claimant has taken inpatient treatment for 10 days hence this Court is inclined to

enhance the amount awarded under the head of attender charges from Rs.3,000/-

to Rs.12,000/-. Further, the claimant would have lost his income for 4 months

but the tribunal has fixed only for 2 months. Hence, this Court is inclined to

enhance the awarded amount from Rs.28,000/- to 56,000/- under the head of

loss of income for four months. Further, this court is inclined to enhance the

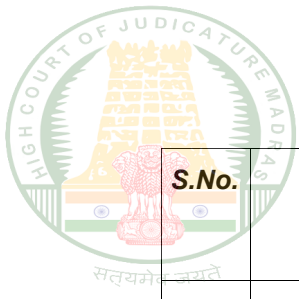
amount awarded for damages to clothes from Rs.1000/- to 5,000/-. Except

above modification, the award 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.30,000/-
2.	Loss of Income	Rs.28,000/-	Rs.56,000/-
3.	Medical Expenses	Rs.75,283/-	Rs.75,283/-
4.	Transportation expenses	Rs.4,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.10,000/-
6.	Attender charges	Rs.3,000/-	Rs.12,000/-
7.	Damages to cloths and article	Rs.1,000/-	Rs.5,000/-
8.	Lost of amenities	Rs.10,000/-	Rs.10,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
9.	For permanent disability	Rs.1,25,000/-	Rs.2,00,000/-
10	Total	Rs.2,76,283/-	Rs.4,08,283/- Rounded off to Rs.4,08,300/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 4,08,300/-**. 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. 4864 / 2019 on the file of the Motor Accidents Claims Tribunal (III 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 **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.



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

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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 Court of Small Causes, Chennai)
2. The Section officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.

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