



C.M.A.No.2378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

Coram

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2378 of 2024

A.R.Mohamed Riyas,
S/o.Abdul Rashak,
No.2/63, Bazaar Street,
Padappai, Kancheepuram District.

...Appellant

Vs.

1.K.Arokya Samy,
S/o.Kaspar Raj,
Old No.5, New No.10,
Nesamani Street,
Anakkaputhur,
Chennai - 600 070.
(1st respondent remained *ex-parte*)

2.The New India Assurance Co. Ltd.,
Motor Third Party Hubb,
6th Floor, Bombay Muthal Building,
No.232, NSC Bose Road
Chennai - 600 001.

...Respondents

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 27.09.2023 passed in M.A.C.T.O.P.No.2685 of 2018 on the file of the IV Small Causes court (Motor Accidents Claims Tribunal) Chennai.



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For Appellant : Mr.R.Kalai Arasan

For Respondents : Mr.T.Jayaraman -R2
R1 - Exparte

J U D G M E N T

The appellant has filed the above Civil Miscellaneous Appeal aggrieved by the very meagre compensation that has been granted by the IV Small Causes Court (Motor Accidents Claims Tribunal), Chennai, in M.A.C.T.O.P.No.2685 of 2018 dated 27.09.2023.

2. The claimant is the appellant seeking enhancement of compensation granted by the Tribunal. It is the case of the claimant that on 11.10.2017 at about 15.00 hours, he was riding his two wheeler bearing Registration No.TN-10-U-9106 from Sriperumbudur to Padappai Road. While he was proceeding near Syndicate Bank, Malaipattu, the Lorry bearing Registration No.TN-20-BH-9771 came from the opposite direction and hit against the petitioner. Due to which, the petitioner sustained severe injuries in his right leg. The accident occurred only due to the rash and negligent driving of the driver of the Lorry and he is solely responsible for the same. The



petitioner was 23 years old and was earning Rs.25,000/- per month, as he was running a Chicken and Mutton Stall at the time of the accident. The 1st respondent as the owner of the vehicle and the 2nd respondent as the insurer of the vehicle, they are liable to pay a sum of Rs.40,00,000/- as compensation for the petitioner.

3. The 1st respondent remained absent and was set *ex parte*. The 2nd respondent / Insurance Company filed their counter disputing the manner of the accident. The 2nd respondent admitted that the 1st respondent is the owner of the vehicle and the offending vehicle was insured with them. The 2nd respondent disputed the accident, stating that the driver of the offending vehicle with precautionary measures drove the vehicle, but the petitioner drove the vehicle in a rash and negligent manner. He further submitted that the appellant did not even produce the original medical bills and they produced only duplicate copy and the same was rightly rejected by the Tribunal, stating that without the original bills, it cannot be considered.

4. In reply, the learned counsel for the appellant submits that those



original medical bills were misplaced. Therefore, they produced the duplicate copy and the same was marked by the staff of the hospital P.W.2. According to the appellant, he took 58 days of treatment in a private hospital and incurred Rs.10,00,000/- for medical expenses.

5. The learned counsel for the appellant also submitted that the accident is of the year 2017 and without taking note of the cost of living at that time, the Tribunal fixed a sum of Rs.11,000/- per month towards disability. Further, in the accident, he sustained grievous injuries and his right leg completely suffered with infection and he was not able to walk and his right leg is likely to be amputated due to the infection, but without considering the same, the Tribunal awarded a meagre sum of Rs.16,77,400/- towards compensation and prayed for enhancement.

6. Heard the learned counsel appearing on either side and perused the papers.

7. On a perusal of records, it is seen that the petitioner was running



a Chicken and Mutton Stall and at the time of the accident, the petitioner was 23 years old. While considering the avocation, the notional income can be enhanced from Rs.11,000/- to a sum of Rs.18,000/- per month, to which future prospects of 50% are to be added. Therefore, the annual income would come to 2,16,000/-. Considering his age, the appropriate multiplier to be adopted is 18. The annual income would work out to a sum of Rs.19,44,000/- ($\text{Rs.}2,16,000/- \times 18 \times 50\% = \text{Rs.}19,44,000/-$). The Tribunal has granted only a sum of Rs.75,000/- towards pain and suffering and mental agony, which is enhanced to Rs.1,00,000/-. The Tribunal has also granted a sum of Rs.20,000/- towards Nutrition Expenses, which is enhanced to Rs.30,000/-, Rs.2,000/- towards damages to clothes, which is enhanced to Rs.5,000/-, and Rs.29,000/- towards Attender charges, which is enhanced to Rs.40,000/-.

8. In all other respects, the award remains unaltered. The enhanced compensation would be a sum of Rs.23,39,848/-. Therefore, taking into consideration the above aspects, the modified amount is as follows:



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S. No.	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted or reduced
1.	Disability	Rs.13,30,560/-	Rs.19,44,000/-	Enhanced
2.	Medical Expenses	Rs.30,848/-	Rs.30,848/-	Confirmed
3.	Future Medical Expenses	Rs.1,00,000/-	Rs.1,00,000/-	Confirmed
4.	Pain and Suffering and Mental Agony	Rs.75,000/-	Rs.1,00,000/-	Enhanced
5.	Transportation Expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
6.	Nutrition Expenses	Rs.20,000/-	Rs.30,000/-	Enhanced
7.	Damages to Clothes	Rs.2,000/-	Rs.5,000/-	Enhanced
8.	Attender Charges	Rs.29,000/-	Rs.40,000/-	Enhanced
9.	Loss of Amenities	Rs.75,000/-	Rs.75,000/-	Confirmed
	TOTAL	Rs.16,77,408/-	Rs.23,39,848/-	

9. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The 2nd respondent / Insurance Company is directed to deposit the entire amount, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.A.C.T.O.P.No.2685 of 2018 on the file of the IV Small Causes Court (Motor Accidents Claims Tribunal), Chennai, within a period of eight weeks from the date of receipt of a copy of this



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Judgment, if not deposited earlier.

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10. On such deposit, the appellant is permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

11. The appellant/petitioner is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the them. No costs.

19.08.2025

Speaking order / Non-Speaking order

Index : Yes / No

Neutral Citation : Yes / No

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T.V.THAMILSELVI, J.,

sri

To

- 1.The IV Small Causes Court
(Motor Accidents Claims Tribunal),
Chennai.
- 2.The New India Assurance Co. Ltd.,
Motor Third Party Hubb,
6th Floor, Bombay Muthal Building,
No.232, NSC Bose Road
Chennai - 600 001.
- 3.The Section Officer,
VR Section,
High Court of Madras.

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