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CMA No. 1778 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1778 of 2025

1. RAGUPATHI

S/o. Guruswamy, No.15, Kanakar Pillai
Street, Tondiarpet, Chennai - 081.

Appellant(s)

Vs

1. M. Rajesh

Old No.2/126, New No.20/12,
Vadakkunallur, Ooreatchi, Ponneri
Taluk - 101.

2.The Manager

Reliance General Insurance Company
Limited, Reliance House, 5th Floor,
No.6, Haddows Road, Chennai - 006.

Respondent(s)

CMA No. 1778 of 2025

PRAYER

To allow the CMA by enhancing the compensation awarded in the Judgment and Decree, dated 31.10.2023, passed in MCOP No.3118 of 2016, on the file of



the Motor Accident Claims Tribunal (In the II Court of Small Causes, Chennai)
and pass such further order or orders as this Honble Court.

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CMA No. 1778 of 2025

For Appellant(s): Mr.K.Balaji

For Respondent(s): Mr.P.Suresh Srinivasan For R2

JUDEGMENT

This Civil Miscellaneous Appeal has been filed for enhancing the compensation awarded in the Judgment and Decree, dated 31.10.2023, passed in MCOP No.3118 of 2016, on the file of the Motor Accident Claims Tribunal (In the II Court of Small Causes, Chennai)(in short " tribunal").

2. On 14.12.2015 at about 14.00 hours while the petitioner was travelling as a pillion rider in a two wheeler bearing registration No. TN 18 AD 5908 at Arani to Pudevayol road when the two wheeler reach near Nagathamman Koil due to the rash and negligent driving of the rider of the two wheeler it sked on the road due to which the petitioner sustained injuries. Thereafter, the appellant/claimant filed the petition before the tribunal claiming compensation.

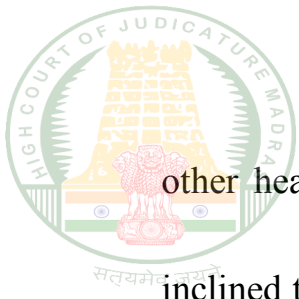


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3. The learned counsel for the claimant submits that despite sustained grievous injuries the medical board assessed 3% disability. Hence, while pending this proceedings this Court again sent the claimant for reassessment of disability, accordingly, the medical has assessed 28% disability. Further, he submits that due to the said accident he was permanently disabled. Hence, he prays to enhance the compensation based on that disability.

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

5. Considering the facts of the case and also the cost of living at the time of the accident this Court is inclined to fix Rs. 15,000/- as notional income of the complainant. Further this Court fix 20% as disability of the claimant. Accordingly, the claimant is entitled to Rs.6,30,000/- (15000+3750x12x14x20/100) under the head of disability. Further, the award passed under the head of loss of earning is unwarranted. The claimant has sustained grievous injuries but the tribunal has awarded very less amount in

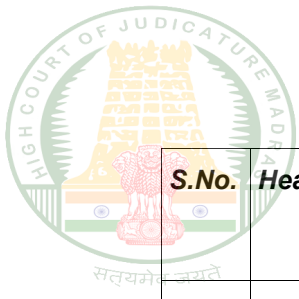


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other heads. Considering the injuries sustained by the claimant, this Court is inclined to enhance the award passed under the head of pain and suffering from Rs. 5,000/- to Rs.75,000/- and also the claimant requires extra nourishment for recovery. Accordingly, this Court is inclined enhance the compensation for Extra nourishment from Rs.5,000/- to Rs.20,000/- and this Court is inclined to enhance the amount awarded under the head of attender charges from Rs.5,000/- to Rs.10,000/- and from Rs. 5,000/- to Rs.25,000/- under the head of loss of amenities. Further, the claimant has taken in-patient treatment for more than 10 day. Hence, this Court is inclined to enhance amount awarded under the head of transportation from Rs. 5,000/- to 15,000/-.

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. 5,000/-	Rs.75,000/-
2.	Loss of Income	Nil	Nil
3.	Medical Expenses	Nil	Nil
4.	Transportation expenses	Rs.5,000/-	Rs.15,000/-



S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
5.	Extra Nourishment	Rs.5,000/-	Rs.20,000/-
6.	Attender charges	Rs.5,000/-	Rs.10,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.5,000/-	Rs.25,000/-
9.	For permanent disability	Rs.63,000/-	Rs.6,30,000/-
10	Total	Rs.98,000/-	Rs. 7,75,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 7,75,000**. The second **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 MCOP No.3118 of 2016, on the file of the Motor Accident Claims Tribunal (In the II 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 **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.



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

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26-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal (In the II 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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