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CMA No. 1772 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1772 of 2025

Gowri

Appellant

Vs

1. Dinesh Kumar

2. United India Insurance Company Limited,
Sillingi Building, 4th Floor
Motor third party hub, No.132,
Greams Road, Chennai-600 006.

Respondents

PRAYER:-Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow this Civil Miscellaneous appeal by enhancing the compensation awarded in the Judgement and Decree Dated 07.02.2025 passed in MCOP.No. 759 of 2023 on the file of the Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai.



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For Appellant: Mr.K.Balaji

For Respondents: R1 - Notice Dispensed With
Mr.K.Swaminathan For R2

JUDGMENT

The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.759 of 2023, dated 07.02.2025 has preferred this appeal seeking for enhancement of compensation.

2.The case of the appellant is that on 15.01.2023 at about 17.30 hours, when the petitioner was riding his two wheeler bearing Regn. No.TN-11-E-0158 on Karanaipudhucherry road, in Karana, near Cholcolate factory, at that time, a two wheeler bearing Regn. No. TN-14-F-0077 driven by its driver in a rash and negligent manner, dashed on the petitioner and caused an accident. Due to which, the petitioner sustained injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.18,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the



accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent. Having come to such a conclusion, the

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Tribunal fixed the total compensation payable at Rs.3,17,500/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Medical bills	1,52,421
2.	Transportation expenses	10,000
3.	Extra nourishment	10,000
4.	Attender charges	10,000
5.	Disability	75,000
6.	Loss of income	45,000
7.	Pain and sufferings	15,000
	Total	3,17,421
	Rounded off	3,17,500

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The appellant not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

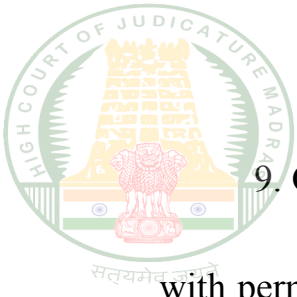


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6. The learned counsel for appellant would submit that the petitioner had sustained 15% of permanent disability as per Ex.X1, but the tribunal had fixed only a sum of Rs.5000/- per percentage of disability without considering the nature of injury sustained by him. He would submit that the accident was happened in the year 2023 and he was a security guard in a private concern and earned a sum of Rs.18,000/- per month, but the tribunal had fixed only a sum of Rs.15,000/-. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent would submit that as per the medical board certificate marked under Ex.X1, 15% of permanent disability was suggested. He would submit that the accident was happened in the year 2023 and he was a security guard in a private concern and earned a sum of Rs.18,000/- per month, but there is no proof adduced for the income derived by him. Hence, the tribunal has rightly fixed the income of the petitioner, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.



9. Considering both side submissions, the fact reveals that he had suffered with permanent disability of 15%, for which the tribunal has awarded a sum of Rs.5000/- per percentage. But, on considering the petitioner's age of 42 years and the accident was happened in the year 2023 and the fact that he has sustained 15% of permanent disability, this court is inclined to enhance the said sum as Rs.10,000/-.

10. Furthermore, on perusal of records, it is further revealed that except the bank statement Ex.P8, there is no documentary proof for the income derived by him as a Security Guard in a private concern a sum of Rs.18,000/-. But, on seeing facts, though the accident was happened in the year 2023 and he was a security guard in a private concern, the tribunal had fixed only a sum of Rs.15,000/- towards notional monthly income. Therefore, on considering the cost of living at that time as well as considering his age and also considering the fact that he worked as a security guard in a private concern, this Court is inclined to enhance the notional monthly income from Rs.15,000/- to Rs.16,000/-.



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11. On considering the injuries as well as treatment period, the learned Tribunal fixed three months for loss of income, but the learned counsel for appellant argues that due to the injuries sustained, he was not able to move outside and nearly about six months, he was not able to attend his avocation. Hence, six months period is to be taken for loss of income. By relying the discharge summary, the learned counsel for 2nd respondent would submit that only 9 days, he is in hospital, but however on seeing the grievous injury sustained by the appellant, this Court is inclined to modify the period for loss of income as six months.

12. As he had suffered with locomotor disability, for which a surgery was conducted and he was in hospital for 9 days. Therefore, this Court is inclined to enhance the sum awarded towards pain and sufferings from Rs.15,000/- to Rs.25,000/-. As he had suffered with permanent disability, he was in need of more nourishment. Hence, this Court is inclined to enhance the sum awarded towards extra nourishment from Rs.10,000/- to Rs.15,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.



13. In the light of the above discussion, the compensation awarded by the

tribunal is modified as follows:

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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Permanent Disability (15% x Rs.10,000)	75,000	1,50,000	enhanced
2.	Pain and sufferings	15,000	25,000	enhanced
3.	Loss of income (Rs.16000 x 6)	45,000	96,000	enhanced
4.	Transportation	10,000	10,000	confirmed
5.	Medical expenses	1,52,421	1,52,421	confirmed
6.	Extra nourishment	10,000	15,000	enhanced
7.	Attender charges	10,000	10,000	confirmed
	Total	3,17,421	4,58,421	
	Rounded off to	3,17,500	4,58,430	

14. The compensation awarded by the tribunal at Rs.3,17,500/- is enhanced to Rs.4,58,430/-. The 2nd respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the appellant is permitted to withdraw the enhanced award



amount now determined by this court along with interest and costs, less the

amount if any, already withdrawn. Insofar as the enhanced compensation is

concerned, the deficit court fee, if not paid, shall be paid by the appellant. The

other directions issued by the Tribunal with regard to the mode of payment of

compensation remains unaltered.

15. In the result, the Civil Miscellaneous Appeal is partly allowed. No

costs.

30-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, II Special Court, Small Causes Court,
Chennai.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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