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CMA No.1918 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1918 of 2025

N. Kannan

... Appellant

Vs.

1. P.Rajendran

2. M/s The Oriental Insurance Company Ltd.,
Oriental House, 2nd Floor, Old No.115,
New No.216, Prakasam Salai, Broadway,
Chennai 600 108.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to allow the Civil Miscellaneous appeal by enhancing the compensation awarded in the Judgment and Decree, dated 28.11.2024, passed in M.C.O.P.No.2142 of 2020 on the file of the Motor Accident Claims Tribunal, Chennai (II Special Court, Small Causes Court, Chennai) and pass orders.

For Appellant

: Mr.K. Balaji

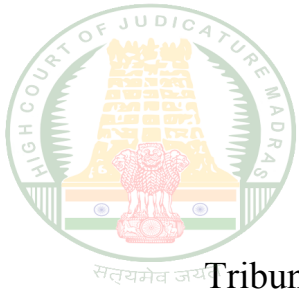
For R2

: Mr.S.Senthil Kumar

for R1 Notice dispensed with

JUDGMENT

The appellant has filed this appeal against the award passed in M.C.O.P.No.2142 of 2020 on the file of the Motor Accident Claims



CMA No.1918 of 2025

Tribunal, Chennai (II Special Court, Small Causes Court, Chennai), dated
28.11.2024.

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

On 21.07.2020 when the appellant was walking near Murugan Idli shop, a two wheeler bearing Registration No. TN-05-AT-1483 dashed against the appellant, due to which the appellant sustained grievous injuries. The accident has occurred only due to the rash and negligent driving of the two wheeler. Therefore, he has filed M.C.O.P.No.2142 of 2020 on the file of the Motor Accident Claims Tribunal, Chennai (II Special Court, Small Causes Court, Chennai) seeking compensation.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,41,743/- 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.



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

5. Heard Mr.K. Balaji, learned counsel appearing for the appellant, and Mr.S.Senthil Kumar, learned counsel appearing for the second respondent.

6. 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.

7. 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.



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8. On going through the amount awarded by the Tribunal, it is seen that 10 % was taken as disability and thereby awarded Rs.5,000/- per percentage and awarded Rs.50,000/- under the head Permanent Disability and loss of earning power. Considering the nature of injuries the same is enhanced to Rs.90,000/- (Rs.9,000 x 10%). Considering the earning power of the injured and the pain and sufferings suffered by him in the accident, this Court is inclined to the amount awarded under the head loss of partial income and pain and sufferings. Hence, the loss of partial income arrived by the Tribunal at Rs.36,000/-(Rs.12,000 x 3) as the injured would have not gone for job for 3 months is enhanced to Rs.75,000/- (Rs.15,000 x 5). The amount awarded under the head pain and sufferings is enhanced to Rs.25,000/- from Rs.15,000/-. No amount was awarded under the head loss of amenities and the same is taken note and Rs.20,000/- is awarded under the said head. Hence, the award passed by the Tribunal is modified accordingly.

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



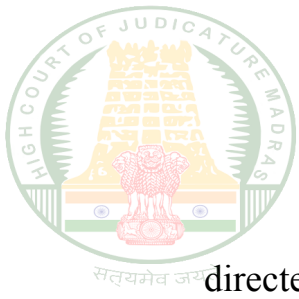
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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Medical Expenses	10,743/-	10,743/-
2.	Transportation	10,000/-	10,000/-
3.	Extra Nourishment	10,000/-	10,000/-
4.	Attendant Charges	10,000/-	10,000/-
5.	Permanent Disability and loss of earning power	50,000/-	90,000/-
6.	Partial loss of income	36,000/-	75,000/-
7.	Pain and sufferings	15,000/-	25,000/-
8.	Loss of amenities	-Nil-	20,000/-
	Total	Rs.1,41,743/-	Rs.2,50,743

Thus, the compensation awarded by the Tribunal is enhanced from Rs.1,41,743 /- to Rs.2,50,743/-, which shall carry interest at the rate of 7.5% per annum.

10. 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.1,41,743 /- to Rs.2,50,743/-,.
- 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, The Oriental Insurance Company Ltd, is



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directed to deposit the enhanced compensation amount, i.e., Rs. **2,50,743/-** (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.2142 of 2020 on the file of the Motor Accident Claims Tribunal, Chennai (II Special Court, Small Causes Court, Chennai) , within a period of eight 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.

25.07.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
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1. The Motor Accident Claims Tribunal, Chennai.
II Special Court, Small Causes Court, Chennai)

2. The Oriental Insurance Company Ltd.,
Oriental House, 2nd Floor, Old No.115,
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3. The Section Officer, V.R. Section, High Court, Madras.



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T.V.THAMILSELVI, J.

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