



C.M.A.No.1888 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1888 of 2025

Mrs.Pattu

...Appellant

Vs.

1.Mr.N.R.Sreenivaasan

2.The Manager,

M/s.HDFC ERCO General Insurance Co. Ltd.,
RR Towers – II, 2nd Floor,
No.94/95, T.V.K.Industrial Estate, Guindy,
Chennai – 600 032.

...Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the order made in M.C.O.P.No.6058 of 2019, award 16.04.2025, on the file of the Motor Accident Claims Tribunal (In the VI Court of Small Causes, Chennai).

For Appellant : Mr.K.Balaji

For Respondent : R1 – NDW

Mr.S.Arun Kumar for R2

J U D G M E N T



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This appeal is filed by the appellant challenging the order dated 16.04.2025 passed in M.C.O.P.No.6085 of 2019 on the file of Motor Accidents Claims Tribunal/VI Court of Small Causes, Chennai.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioner is the claimant, first respondent is the owner of the vehicle and second respondent is the Insurance Company before the Tribunal.

4.The brief facts of the case are as follows:

On 16.10.2019 at about 16.30 hrs., the petitioner was a pedestrian while proceeding from North to South at Velachery Main Road, near Camp Road Bus Stop, Selaiyur, Chennai at that time, a car bearing Registration No.TN-20-CA-4648 driven by its driver in a rash and negligent manner and hit against the petitioner. Due to the accident, the petitioner sustained grievous injuries. Immediately, after the accident,



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she was taken to Chellam Hospital Madambakkam for first aid treatment and thereafter, she admitted in COSH Hospital as inpatient from 17.10.2019 to 19.10.2019. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.6085 of 2019, the Tribunal has awarded a sum of Rs.5,35,200/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that the accident occurred only due to rash and negligent driving by the driver of the car bearing Registration TN-20-CA-4648 and due to the accident, the appellant sustained grievous injuries. He further submitted that the Medical Board assessed permanent disability of the appellant at 45% thereby, the Tribunal awarded Rs.7,000/- per percentage of disability, which is very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the second respondent submitted that Tribunal after considering the oral and documentary evidence has awarded the compensation as per the judgment of this Court in the case



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of ***Rajkumar Vs. Saravanan and Others*** in ***C.M.A.No.1551 of 2021***

dated 10.07.2024, which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.

7.Heard learned counsel appearing for the appellant, learned counsel for the second respondent and perused the materials available on record.

8.Before the Tribunal, the petitioner was examined as PW1 and on the side of the petitioner, 13 documents were marked as Exs.P1 to P13. On the side of the respondents, no oral and documentary evidence were adduced.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.3,15,000/- for partial disability, Rs.50,000/- for pain and suffering, Rs.1,11,000/- for medical expenses, Rs.1,500/- for attender charges, Rs.8,500/- for transportation, Rs.29,200/- for loss of income, Rs.10,000/- for loss of amenities, Rs.10,000/- for extra nourishment and



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arrived at a total compensation of Rs.5,35,200/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.On perusal of the records, it is seen that the petitioner was aged 53 years at the time of the accident.

11.The amount awarded under the heads pain and suffering, medical expenses and extra nourishment, in the opinion of this Court is just and reasonable and the same is confirmed. The amount awarded under the heads partial disability, attender charges, transportation, loss of income and loss of amenities, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said heads. Accordingly, the amount awarded under the head partial disability is enhanced to Rs.3,60,000/- from Rs.3,15,000/- (45% x Rs.8,000/-) Accordingly, the amount awarded under the head attender charges is enhanced to Rs.5,000/- from Rs.1,500/-. Accordingly, the amount awarded under the head transportation is enhanced to Rs.10,000/- from Rs.8,500/-. Accordingly, the amount awarded under the head loss of



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income is enhanced to Rs.73,000/- from Rs.29,200/-. Accordingly, the amount awarded under the head loss of amenities is enhanced to Rs.30,000/- from Rs.10,000/-.

12.On perusal of records, it is seen that the petitioner sustained the following injuries:

- (i)Grade I A Fracture Distal End of Right Femur
- (ii)Multiple grievous injuries all over the body.

13.In view of the above, this Court is inclined to modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

<i>S.No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1	Partial disability (45 x Rs.8,000/-)	3,15,000/-	3,60,000/-
2	Pain and suffering	50,000/-	50,000/-
3	Medical expenses	1,11,000/-	1,11,000/-
4	Attender charges	1,500/-	5,000/-



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S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
5	Transportation	8,500/-	10,000/-
6	Loss of Income (Rs.14,600 x 5 months)	29,200/-	73,000/-
7	Loss of Amenities	10,000/-	30,000/-
8	Extra nourishment	10,000/-	10,000/-
	Total	5,35,200/-	6,49,000/-

14.The appellant/claimant is entitled to total compensation of Rs.6,49,000/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

15.The judgment and decree passed by the Motor Accident Claims Tribunal/VI Court of Small Causes, Chennai in M.C.O.P.No.6085 of 2019 dated 16.04.2025 is modified to the above extent.



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16.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant is permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

17.The appellant/claimant shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellant/claimant is directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal/VI Court of Small Causes, Chennai shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellant/claimant.



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18.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.

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Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Motor Accidents Claims Tribunal,
VI Court of Small Causes, Chennai.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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T.V.THAMILSELVI, J.

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