



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1860 of 2025

Dhanapal

... Appellant

Vs.

1.Somu

2. United India Insurance Co., Ltd.,
Third Party Hub
Siling building, No.134, Greams road,
Murugesaniker Street,
Chennai – 600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, on the file of Court No.III of Small Causes Court, Chennai dated 15.10.2024 made in M.A.C.T.O.P.No.7031 of 2013 from Rs.1,45,200/- to Rs.3,45,200/- with interest and cost.

For Appellant : Mr.K.V. Muthu Visakan
For Respondent : Mr.S. Arun Kumar



JUDGMENT

WEB COPY The appellant had filed this appeal against the Judgment and award passed in M.A.C.T.O.P.No.7031 of 2013 on the Court No.III of Small Causes Court, Chennai dated 15.10.2024.

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

On 16.09.2013 at about 21;15 hours when the appellant was riding the Motor Cycle bearing Registration No.TN-05-J-9258 a Motor cycle bearing Registration No. No.TN-05-AR-9819 came in the opposite direction and dashed against the appellant due to which the appellant sustained grievous and multiple injuries . Hence, the appellant has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.9,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.1,45,200/- as compensation, directed 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 **and recover the same from the owner of the vehicle as per the order passed by the Tribunal**



WEB COPY

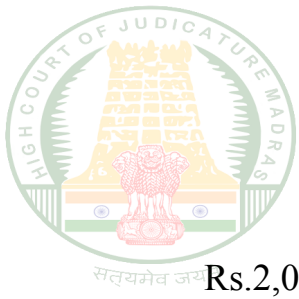
4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellants submitted that the Tribunal erred in awarding Rs.18,000/- as notional income of the injured as he was earning Rs.25,000/- per month at the time of accident. Hence prays to enhance the compensation by allowing this petition.

6. 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 interfered.

7. Heard both sides and perused the materials available on record

8. On a analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.75,000/- towards disability; Rs.10,000/- towards pain and sufferings Rs.4,000/- towards Transportation;



WEB COPY

Rs.2,008/- towards Medical Expenses; Rs.10,000/- towards Extra nourishment; Rs.3,200/- towards Attender charges; Rs.1,000/- towards damages to clothes; Rs.10,000/- towards loss of amenities. Thus the total compensation comes to Rs.1,45,200/-

9. Considering the nature of injuries sustained by the appellant the amount awarded under the head Pain and sufferings, Transportaion, Extra Nourishment, Attender charges, Damages to clothes and loss of amenities are enhanced. Rs.75,000/- is enhanced towards the head pain and sufferings; Rs.10,000/- is enhanced towards Transportation; Rs.20,000/- towards Extra Nourishment; Rs.6,000/- towards attender charges; Rs.5,000/- towards Damages to clothes; Rs.50,000/- towards loss of amenities. The Tribunal has taken per percentage to award under the head Part Disability and the same does not require interference. The amount awarded under the head medical expenses remains the same.

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



WEB COPY

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability	Rs.75,000/-	Rs.75,000/-
2.	Pain and sufferings	Rs.40,000/-	Rs.75,000/-
3.	Transportation	Rs.4,000/-	Rs.10,000/-
4.	Medical Expenses	Rs.2,008/-	Rs.2,008/-
5.	Extra Nourishment	Rs.10,000/-	Rs.20,000/-
6.	Attender charges	Rs.3,200/-	Rs.6,000/-
7.	Damages of clothes	Rs1,000/-	Rs.5,000/-
8.	Loss of amenities	Rs.10,000/-	Rs.50,000/-
	Total	Rs.1,45,208/- rounded off to Rs.1,45,200/-	Rs.2,43,008/- rounded off to Rs.2,43,000/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.1,45,200/ to Rs.2,43,000/-** , which shall carry interest at the rate of 7.5% per annum.

11. 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.1,45,200/ to Rs.2,43,000/-**

iii. The appellants/claimants are 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.



WEB COPY

iv. The second respondent is directed to deposit the enhanced compensation amount, i.e., **Rs.2,43,000/-**, (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.A.C.T.O.P.No.7031 of 2013 on the file of Court No.III of Small Causes Court, Chennai** within a period of eight weeks from the date of receipt or uploading of a copy of this order **and recover the same from the owner of the vehicle as per the order passed by the Tribunal**

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.

18.08.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
smn



WEB COPY

To

1. The Court No.III of Small Causes Court, Chennai
2. The United India Insurance Co., Ltd.,
Third Party Hub
Siling building, No.134, Greams road,
Murugesaniker Street,
Chennai – 600 006.
3. The Section Officer, V.R. Section, High Court of Madras.



WEB COPY



T.V.THAMILSELVI, J.

smn

C.M.A.No.1860 of 2025

18.08.2025