



C.M.A.No.2303 and 2304 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2303 and 2304 of 2023

Naren @ Naren Kumar

...Appellant in CMA No.2303/2023

Kishore @ Kishore Kumar

...Appellant in CMA No.2304/2023

Vs.

1.N.Danapal

2.United India Insurance Co. Ltd.,

No.134, Greams Road, 4th floor,

Sillingi Building, Chennai -600 006. ...Respondents in both CMAs

Prayer in C.M.A.No.2303 of 2023: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 22.02.2023 MACT.O.P.No.7406 of 2015, on the file of the Motor Accidents Claims Tribunal, in the IV Court of Small Causes, Chennai.

Prayer in C.M.A.No.2304 of 2023: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment



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and Decree dated 22.02.2023 MACT.O.P.No.7405 of 2015, on the file of the Motor Accidents Claims Tribunal, in the IV Court of Small Causes, Chennai.

For Appellant
in both CMAs : Mr.K.Ayyadurai

For Respondents
in both CMAs : R1 – Left

Mr.J.Michael Visuvasam for R2

COMMON JUDGMENT

These appeals are filed by the appellants challenging the judgment and decree dated 22.02.2023 passed in M.C.O.P.Nos.7405 & 7406 of 2015 on the file of Motor Accidents Claims Tribunal/IV 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 petitioners are the claimants, the first respondent is the owner of the vehicle and the second respondent is the Insurance Company before the Tribunal.



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

On 04.09.2015 at about 15.45 hours, petitioner in M.C.O.P.No.7406 of 2015 was riding bike and the petitioner in M.C.O.P.No.7405 of 2015 was travelling as a pillion in the motorcycle bearing Registration No.TN-10-AC-7060 from South to North direction at GNT Salai near Padiya Nallur Police Check Post, at that time Tata 207 bearing Registration No.TN-18-E-0672 was driven by its driver in a rash and negligent manner, hit against the petitioners and caused grievous injuries. Immediately, after the accident, the petitioner in M.C.O.P.No.7405 of 2015 was taken to Pavithra Hospital and took treatment as inpatient from 04.09.2015 to 06.09.2015 and thereafter, he was taken to Kalyani General Hospital and took treatment as inpatient from 06.01.2016 to 09.01.2016. Also, the petitioner in M.C.O.P.No.7406 of 2015 was taken to Pavithra Hospital and took treatment as inpatient from 04.09.2015 to 16.09.2015 and thereafter, he was admitted in the same hospital and took treatment as inpatient from 20.09.2015 to 12.10.2015. The petitioners filed a claim petition before the Tribunal in



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M.C.O.P.Nos.7405 & 7406 of 2015, the Tribunal awarded a sum of Rs.1,85,642/- and Rs.5,83,000/- as compensation respectively. Aggrieved by the same, these appeals have been filed.

5.Learned counsel appearing for the appellants/claimants submitted that PW3, the Doctor, who assessed the disability of the appellants at 50% and 45% respectively and the cases was referred to the Medical Board for further assessment. The Medical Board assessed the disability of the appellants was Nil and accordingly, the Tribunal has not awarded any compensation under the said heads and the compensation awarded by the Tribunal are very meagre and hence, they filed the appeals for enhancement.

6.Learned counsel appearing for the second respondent/Insurance Company submitted that as per assessment of the Medical Board, the Tribunal has rightly not awarded any compensation under the said head. He further submitted that the Tribunal after considering the oral and documentary evidence awarded compensation under other heads which is



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reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeals.

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

8.Before the Tribunal, the petitioners were examined as PW1 & PW2, and on the side of the petitioners, 23 documents were marked as Exs.P1 to P23. On the side of the respondent, no witness was examined and no document was marked and Certificate issued by the Medical Board were marked as Exs.C1 and C2.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.76,662/- for medical expenses, Rs.45,000/- for pain and suffering, Rs.5,000/- for transportation, Rs.10,000/- for nutrition expenses, Rs.10,000/- for nutrition expenses, Rs.1,000/- for damages to clothes, Rs.2,800/- for attender charges, Rs.45,000/- for loss of amenities



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and arrived at a total compensation of Rs.1,85,462/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

9.1.The awarded a sum of Rs.4,57,590/- for medical expenses, Rs.50,000/- for pain and suffering, Rs.10,000/- for transportation, Rs.10,000/- for nutrition expenses, Rs.10,000/- for nutrition expenses, Rs.1,000/- for damages to clothes, Rs.14,400/- for attender charges, Rs.40,000/- for loss of amenities and arrived at a total compensation of Rs.5,82,990/- 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 in M.C.O.P.No.7406 of 2015 was aged 23 years and was working as a supervisor at the time of the accident and the petitioner in M.C.O.P.No.7405 of 2015 was aged 18 years and was +2 student at the time of the accident.



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11.The amount awarded under the heads medical expenses, transportation, attender charges and loss of amenities, in the opinion of this Court is just and reasonable and the same is confirmed. The amount awarded under the heads pain and suffering, nutrition expenses and damages to clothes, 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 pain and suffering is enhanced to Rs.60,000/- from Rs.50,000/-. Accordingly, the amount awarded under the head nutrition expenses is enhanced to Rs.15,000/- from Rs.10,000/-. Accordingly, the amount awarded under the head damages to clothes is enhanced to Rs.5,000/- from Rs.1,000/-. Considering the gravity of the injuries sustained by the appellant and the submission made by the learned counsel for the appellants, this Court is inclined to award Rs.12,000/- for loss of income for 6 months (Rs.12,000 x 6 months = Rs.72,000/-).

11.1.The amount awarded under the heads medical expenses, attender charges and loss of amenities, in the opinion of this Court is just and reasonable and the same is confirmed. The amount awarded under



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the heads pain and suffering, transportation, nutrition expenses and damages to clothes, 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 pain and suffering is enhanced to Rs.60,000/- from Rs.45,000/-. Accordingly, the amount awarded under the head transportation is enhanced to Rs.10,000/- from Rs.5,000/-. Accordingly, the amount awarded under the head nutrition expenses is enhanced to Rs.20,000/- from Rs.10,000/-. Accordingly, the amount awarded under the head damages to clothes is enhanced to Rs.5,000/- from Rs.1,000/-. Considering the gravity of the injuries sustained by the appellant and the submission made by the learned counsel for the appellants, this Court is inclined to award Rs.12,000/- for loss of income for 6 months ($\text{Rs.12,000} \times 6 \text{ months} = \text{Rs.72,000/-}$).

12.Considering the age, year of the accident and nature of the injuries sustained by the appellants, this Court is inclined to modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:



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<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	30 % Disability	-	21,600/-
2	Medical expenses	4,57,590/-	4,57,590/-
3	Pain and suffering	50,000/-	60,000/-
4	Transportation expenses	10,000/-	10,000/-
5	Nutrition expenses	10,000/-	15,000/-
6	Damages to clothes	1,000/-	5,000/-
7	Attender charges	14,400/-	14,400/-
8	Loss of amenities	40,000/-	40,000/-
9	Loss of income (Rs.12,000 x 6 months)	-	72,000/-
	Total	5,82,990/-	6,95,590/-
	Rounded off to	5,83,000/-	6,95,600/-

<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	Disability	-	-
2	Medical expenses	76,662/-	76,662/-
3	Pain and suffering	45,000/-	60,000/-



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S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
4	Transportation expenses	5,000/-	10,000/-
5	Nutrition expenses	10,000/-	20,000/-
6	Damages to clothes	1,000/-	5,000/-
7	Attender charges	2,800/-	2,800/-
8	Loss of amenities	45,000/-	45,000/-
9	Loss of income (Rs.12,000 x 6 months)	-	72,000/-
	Total	1,85,462/-	2,91,462/-
	Rounded off to	1,85,500/-	2,91,500/-

13.The appellant/claimant in M.C.O.P.No.7406 of 2015 is entitled to total compensation of Rs.2,91,500/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization and the appellant/claimant in M.C.O.P.No.7405 of 2015 is entitled to total compensation of Rs.6,95,600/- along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.



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14.The judgment and decree passed by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai in M.C.O.P.Nos.7405 & 7406 of 2015 dated 22.02.2023 are modified to the above extent.

15.The Insurance Company is directed to deposit the modified/enhanced award amounts, if not deposited earlier, 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 appellants/claimants are 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.

16.The appellants/claimants shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellants/claimants are directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal/IV Court of Small Causes, Chennai shall disburse the enhanced amount upon



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production of certified copy showing proof of payment of Court fee by the appellants/claimants.

17.The Civil Miscellaneous Appeals are 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,
IV 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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