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C.M.A. No.3502/2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

C.M.A.No.3502 of 2024

Ragavendra

... Appellant

Vs.

1.P.Mani

2.Periyasamy

3.The Manager,
Reliance General Insurance Co. Ltd.,
570, Naigaum Cross Road,
Next to Royal Industries Estate,
Wadala (West),
Mumbai - 400 031.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award in Judgment and Decree dated 04.12.2020 made in MCOP No.384 of 2018 on the file of the Motor Accidents Claims Tribunal and Additional District Judge, Hosur.

For Appellant : Mr.S.P.Yuaraj



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For Respondents : No appearance [R1 & R2]
Mr.P.Suresh Srinivasan [R3]

JUDGMENT

Aggrieved by the judgment and decree passed by the Motor Accident Claims Tribunal/Addl. District Judge, Hosur, in MCOP No.384 of 2018 dated 4.12.2020, the present appeal has been filed.

2. The case was posted on 16.12.2024 on which date, this Court dismissed the appeal, however, when the matter was typed and placed for signature, it revealed that the appeal has been filed by the claimant seeking enhancement, whereas, this Court had reduced the compensation, which has been directed to be paid and, therefore, the same was listed under the caption 'For clarification'.

3. Accordingly, the matter was listed on 10.7.2025 and after hearing the learned counsel appearing on either side, this Court is inclined to recall the order dated 16.12.2024 and also the order dated 17.4.2025 and hear the appeal afresh.



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

On 30.11.2014 at 05.30 a.m., the petitioner was travelling in Omni Maruti Car bearing Regn.No.TN-70-P-1829 from Hosur to Theni along with four other persons. The driver of the car proceeding on the left side of the road, when the said vehicle was proceeding near Karukkampatti Diversion Bypass Road on Karur to Dindigul NH 7 Road, the driver of the lorry bearing Regn.No.TN-41-R-4533 drove the same in a rash, reckless and negligent manner and uncontrollable speed and dashed on Omni Maruti Car, the petitioner sustained head injury and other multiple injury. A case was registered against the driver of the lorry in Crime No.361 of 2014 u/s 279, 337 of IPC by Veda sandur Police. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.384 of 2018, the Tribunal awarded a sum of Rs.5,13,761/-. Not satisfied with the same, the present appeal has been filed seeking enhancement.

5. Learned counsel appearing for the appellant submitted that due to the accident, the appellant sustained head injury and multiple injuries but the



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compensation awarded by the Tribunal is very meagre and requested this Court to enhance the compensation. Hence, he prayed for appropriate orders.

6. Learned counsel appearing for the third respondent submitted that after considering the evidence and documents, the Tribunal awarded the compensation, which is just and reasonable and since the appellant already received a sum of Rs.2,90,000/- from the insurer of his car, the Tribunal has deducted the same from the total compensation. Hence, he prayed for dismissal of the appeal.

7. Heard learned counsel appearing for the appellant as well as the learned counsel appearing for the third respondent and perused the materials available on record.

8. It is to be pointed out that as against the award, neither the insurance company nor the owner of the vehicle have filed any appeal. However, the present appeal has been filed seeking enhancement.



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9. The manner in which the accident had happened is not disputed and so also the injuries suffered by the claimant/petitioner. To substantiate the same, the petitioner examined himself as P.W.1 and Exs.P-1 to P-13 were marked. On the side of the respondents neither oral nor documentary evidence was marked. Based on the said evidence, the Tribunal has awarded the compensation.

10. The Tribunal has awarded various sums under the following heads :-

S. No.	Description	Amount awarded by the Tribunal (in Rs.)
1	Disability compensation (applying multiplier of 18 as per Sarla Varma case)	4,32,000/-
2	Amount towards Medical Expenditure (as per Ex.P-11)	3,07,624/-
3	Future medical expenditure	10,000/-
4	Compensation towards pain and sufferings	10,000/-
5	Compensation for loss of amenities	10,000/-
6	Amounts towards extra Nourishment	5,000/-
7	Amount towards attender charges	2,000/-
8	Transportation expenses (as per	27,137/-



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Ex.P12)		
	Total	8,03,761/-
	Less	2,90,000/-
	Net compensation	5,13,761/-

11. Though it is the claim of the petitioner that the compensation ought to be enhanced, however, there is no material to countenance such enhancement. The Tribunal, considering all the documentary evidence has awarded the aforesaid compensation. When the claimant seeks for enhancement, necessary documents ought to be produced to substantiate such enhancement. Enhancement cannot be granted for the mere asking. In the present case, without any proper documentary evidence, the claimant has sought enhancement, which cannot be granted. The compensation granted, though could be said to be on the higher side, but in view of the fact that no appeal has been filed either by the owner of the vehicle or the insurer, this Court is not inclined to reduce the compensation awarded by the Tribunal. Therefore, the compensation of Rs.8,03,761/-, which has been awarded by the Tribunal stands confirmed.



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12. It is brought to the notice of this Court that pending the claim petition, a sum of Rs.2,90,000/- has already been paid to the claimant. Therefore, the Tribunal, reducing the said amount had directed payment of Rs.5,13,761/- as compensation, which is perfectly in order. Therefore, no interference is warranted with the same.

13. Accordingly, the judgment and decree passed by the Motor Accident Claims Tribunal/Additional District Judge, Hosur in MCOP No.384 of 2018 is confirmed. The 3rd respondent/insurance company is directed to deposit the balance compensation amount of Rs.5,13,761/- along with interest at 7.5% p.a. from the date of claim petition till the date of deposit and costs, less the amount, if any, deposited, within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the Tribunal is directed to transfer the said amount directly to the bank account of the claimant within a period of two weeks thereafter.

14. The appeal is dismissed with the aforesaid direction. There shall be no order as to costs in this appeal.



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10.07.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
GLN

To

The Motor Accident Claims Tribunal/Additional District Judge, Hosur.



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C.M.A. No.3502/2



M.DHANDAPANI, J.

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C.M.A.No.3502 of 2021

06.01.2025



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C.M.A. NO. 3502 OF 2021

M.DHANDAPANI, J.

This appeal is listed today under the caption “For Being Mentioned” at the instance of the Registry.

2. It is brought to the notice of this Court by the Registry that vide the order dated 16.12.2024, while this Court had partly allowed the appeal, it was listed for clarification on 10.07.2025, on which date, this Court, dismissed the appeal. However, in the order dated 10.07.2025, more particularly in para-2 of the said order in the first line, it has been inadvertently shown as if the Court had dismissed the appeal on 16.12.2024. Therefore, Registry prays for necessary correction of the same.

3. Learned counsel appearing for the parties fairly concede the same and have no objection to carrying out the said correction.



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4. In view of the above, para-2 of the order dated 10.07.2025 shall stand substituted with the following :-

“2. The case was posted on 16.12.2024 on which date, this Court partly allowed the appeal, however, when the matter was typed and placed for signature, it revealed that the appeal has been filed by the claimant seeking enhancement, whereas, this Court had reduced the compensation, which has been directed to be paid and, therefore, the same was listed under the caption ‘For clarification’.”

5. Registry is directed to make the aforesaid correction in the order dated 10.07.2025 and issue order copy to the parties.

26.09.2025

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26.09.2025