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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2299 of 2022

M. Vignesh

... Appellant

Vs.

1. M/s Shanthi Power Controls Pvt Ltd.,
No.50, 1st main Road, Sathya Nagar,
Padi, Chennai-600 050.

2. United India Insurance Co. Ltd.,
Silingi Buildings, 4th Floor,
No.134, Greams Road,
Chennai – 600 006.

3. Mr.Bhuvanendran

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal and be pleased to enhance the amount awarded in M.C.O.P.No.1680 of 2014 dated 12.04.2022 on the file of Motor Accident Claims Tribunal, (III Court of Small Causes), Chennai and pass orders.

For Appellant : Mr.K. Varadha Kamaraj

For Respondent-2 : Mr.Mr.D. Venkatachalam



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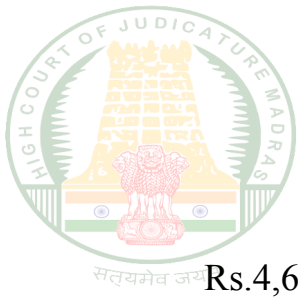
JUDGMENT

The appellants have filed this appeal to allow this appeal and be pleased to enhance the amount awarded in M.C.O.P.No.1680 of 2014 dated 12.04.2022 on the file of Motor Accident Claims Tribunal, (III Court of Small Causes), Chennai and pass orders

2. The brief facts of the case of the appellants/claimants are as follows:

On 01.01.2014 at about 00.45 hours when the appellant was riding in his motor cycle bearing Reg.No.TN-02-AP-4239 from South to North near Pattinathan Koil, Thiruvotriyur a motor cycle bearing Reg.No.TN-20-BU-3227 came in the opposite direction in a rash and negligent manner and dashed against the appellant. As a result of which the appellant sustained grievous injuries. Hence the appellant filed a claim petition before the Tribunal seeking compensation a sum of Rs. 12,00,000/-

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of



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Rs.4,62,765/- as compensation, directed the first and second respondents to pay the said amount jointly to the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

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

5. The learned counsel for the appellant submitted that the Tribunal erred in awarding Rs.8,000/- as monthly income of the appellant as he was earning Rs.15,000/- per month at the time of accident. He further submitted that the amount awarded under all other heads is also very low. 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.



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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.2,00,000/- towards Disability; Rs.24,000/- towards loss of income; Rs.10,150/- towards attender charges; Rs.20,000/- towards loss of amenities; Rs.20,000/- towards pain and sufferings; Rs.15,000/- towards Transport and Extra nourishment and Rs.1,73,615.00/- towards Medical Expenses.

9. Considering the occupation of the appellant, it would be just and appropriate to fix Rs.15,000/- as his monthly income. Taking note of the injuries sustained by him he would have not gone for job atleast for a period of six months. Hence the head loss of income is arrived at Rs.90,000/- (15,000x6). With regard to loss of amenities and pain and sufferings is enhanced to Rs.50,000/- and 60,000/- respectively. The tribunal has awarded Rs.15,000/- under the head towards Transport and Extra nourishment, the same is modified. Rs.15,000/- is taken under the head Extra nourishment and Rs.10,000/- is awarded under the head Transportation. The compensation awarded under the other heads are reasonable and does not require interference of this Court.



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

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Disability 50% @ Rs.4,000/- per percentage	Rs.2,00,000/-	Rs.2,00,000/-
2.	Loss of income	Rs.24,000/-	Rs.90,000/-
3.	Towards Attender charges	Rs.10,150/-	Rs.10,150/-
4.	Towards Loss of amenities	Rs.20,000/-	Rs.50,000/-
5	Towards Pain and sufferings	Rs.20,000/-	Rs.60,000/-
6	Towards Transport and Extra Nourishment Extra Nourishment Transportation	Rs.15,000/-	Rs.15,000/- 10,000/-
7	Medical expenses	Rs.1,73,615/-	Rs.1,73,615/-
5	Total	4,62,765/-	Rs.6,08,765/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.4,62,765/- to Rs.6,08,765/-**, which shall carry interest at the rate of 7.5% per annum.



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11. In the result:

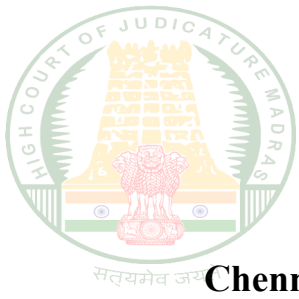
i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from **Rs.4,62,765/- to Rs.6,08,765/-**.

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.

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 first and second respondents are directed to deposit the enhanced compensation amount, i.e., **Rs.6,08,765/-**, (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.1680 of 2014 dated 12.04.2022 on the file of Motor Accident Claims Tribunal, (III Court of Small Causes),**



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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.

07.08.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

smn

To

1. The Motor Accident Claims Tribunal, (III Court of Small Causes),
Chennai a

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No.50, 1st main Road, Sathya Nagar,
Padi, Chennai-600 050.

2. United India Insurance Co. Ltd.,
Silingi Buildings, 4th Floor,
No.134, Greams Road,
Chennai – 600 006.

3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

smn

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