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CMA No. 2897 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2897 of 2023

1. S.Subramanian
S/o. Sundarabashiam, Door No.4,
Devanampattinam St, Cuddalore 607
001.

Appellant(s)

Vs

1. Udhaya Raja
S/o. Mayavan, No.8, Arunthathiyar
Nagar, Manjakuppam, Cuddalore 607
001.

2.Shriram General Insurance Co.Ltd.,
Moggambikai Complex, II Floor, No.4,
Lady desiga Road, Mylapore, Chennai
4.

Respondent(s)

CMA No. 2897 of 2023

PRAYER



To against the judgment and decree in MCOP.No. 3937 of 2015 dated 28.02.2023, on the file of the Motor Accidents Calims Tribunal, Chief Judicial Magistrate, Cuddalore.**CMA No. 2897 of 2023**

For Appellant(s): M/s.R.Navaneetha Krishnan

For Respondent(s): M/s V.Pushpa For R2 R1 -
Dispensed With

JUDGEMENT

This Civil Miscellaneous appeal has been filed against the judgment and decree in MCOP.No. 3937 of 2015 dated 28.02.2023, on the file of the Motor Accidents Calims Tribunal, Chief Judicial Magistrate, Cuddalore.

2. The brief facts of the case:

On 14.09.2015 at about 05.45 p.m., the claimant drove the motor cycle bearing registration No. PY 01 U 3454 on the left side of the road at Manjakuppam, at that time the vehicle bearing registration No. TN 31 BA 4189 driven by the first respondent in rash and negligent manner hit the claimant. Due to which, the claimant sustained injury. Thereafter, the claimant filed petition in MCOP No.3937 of 2015 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Cuddalore,(in short 'tribunal') claiming compensation of Rs.10,00,000/-. On Considering the oral and documentary, the

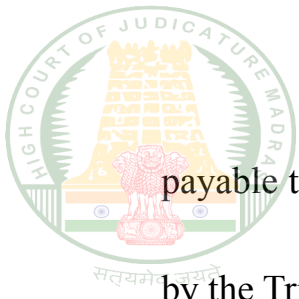


tribunal awarded a sum of Rs.2,34,991/- as compensation. Challenging the quantum of compensation, the claimant preferred this appeal.

3. The learned counsel for the petitioner submits that the accident was happened in the year 2015 but the tribunal fixed very meagre amount as income of the the claimant. Further, the awarded very meagre amount for pain and sufferings and extra nourishment. Hence, he prays to enhance the compensation.

4. The learned counsel for the second respondent submits that the tribunal rightly awarded the compensation which needs no interference.

5. Considering the fact that the accident was happened in the year 2015 hence this Court is inclined to award Rs.12,000/- per month. Accordingly, this Court enhance award for loss of income to Rs.28,000/-(12,000x4). Further, the petitioner sustained greivous injury hence this Court is inclined to award Rs.5,000/- per percentage of disability. The medical board arrived 24% disability. Accordingly, this Court is inclined to enhance the award for disability to (24x5,000/-=1,20,000/-) Rs.1,20,000/-. Further, this Court enhance the award for extra nourishment to Rs.15,000/- from Rs.5,000/-. In respect of other heads this Court is not inclined to enhance the amount. Therefore, the total amount

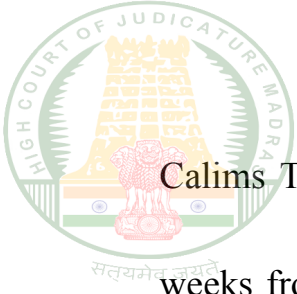


payable to the claimant is fixed at Rs.2,92,991/-. Accordingly, the award passed by the Tribunal is modified as follows:-

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<i>S.No.</i>	<i>Head</i>	<i>Compensation awarded by the tribunal</i>	<i>Compensation awarded by this Court</i>
1.	For disability	Rs.96,000/-	Rs.1,20,000/-
2.	For loss of income	Rs.24,000/-	Rs.48,000/-
3.	For pain and sufferings	Rs.30,000/-	Rs.30,000/-
4.	For Medical expenses	Rs.56,991/-	Rs.56,991/-
5.	Extra Nourishment	Rs.5,000/-	Rs.15,000/-
6.	Loss of clothing	Rs.2,000/-	Rs.2,000/-
7.	For Attender charges	Rs.16,000/-	Rs.16,000/-
8.	For transportation charges	Rs.5,000/-	Rs.5,000/-
	Total	Rs.2,34,991/-	Rs.2,92,991/-

6. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.2,92,991/- respondent/Insurance Company is directed to deposit the enhanced award amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP.No. 3937 of 2015 on the file of the Motor Accidents



Calims Tribunal, Chief Judicial Magistrate, Cuddalore. within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal.

7. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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T.V.THAMILSELVI J.
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