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CMA No.2128 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 14.08.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**C.M.A.No.2128 of 2025**

Baby  
W/o.Rayar

... Appellant

Vs.

1.S.Nallakannu  
S/o.Shanmugam

2.United India Insurance Company Ltd.,  
Sillingi Building, 4<sup>th</sup> Floor,  
No.134, Greaves Road,  
Chennai 600 006.

... Respondents

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the compensation awarded in the judgement and decree, dated 07.12.2024 passed in MCOP.No.2750 of 2019, on the file of the Motor Accidents Claims Tribunal (in the IV Court of Small Causes, Chennai).

For Appellant : Mr.K.Balaji  
For R2 : Mr.K.Swaminathan  
For R1 : Notice Dispensed with

**JUDGMENT**



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**WEB COPY** The appellant has filed this appeal praying to enhance the compensation awarded in the judgement and decree, dated 07.12.2024 passed in MCOP.No.2750 of 2019, on the file of the Motor Accidents Claims Tribunal (in the IV Court of Small Causes, Chennai).

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

On 14.02.2019 at about 22.30 hrs, while he was crossing the road from West to East direction, at that time a car bearing Reg.No.TN 72-AU-4939, driven by its driver in a rash and negligent manner and hit the appellant. As a result, the appellant sustained grievous injuries. Hence, it is stated that the driver of the car, caused the accident negligently.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,49,200/- as compensation, directing the 2<sup>nd</sup> 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.



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

5. Heard Mr. K.Balaji, learned counsel appearing for the appellant, and Mr.K.Swaminathan, learned counsel appearing for the second respondent.

6. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.

7. 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.

8. The Medical Board assessed his partial permanent disability at 18%. The Tribunal did not find any functional disability, and therefore,



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awarded compensation at the rate of Rs7,000/- per percentage of disability. However, considering the claimant's age (60 years at the time of accident) and the nature of injuries sustained, it would be appropriate to enhance the compensation to Rs.9,000/- per percentage. Accordingly, a sum of Rs.1,62,000/- (Rs.9,000 x 18%) is awarded towards partial permanent disability.

9. The claimant is working as a farmer and earning Rs.12,000/- per month. However, the appellant has not produced any document to prove his income. Considering the nature of employment and the absence of documentary proof, this Court is of the opinion that fixing the notional monthly income of the injured at Rs.12,000/- would meet the ends of justice. Due to the accident, the appellant would have been unable to attend to his regular work for at least six months. Therefore, a sum of Rs.72,000/- (Rs.12,000 x 6 months) is awarded towards loss of income during the period of treatment and recovery. Additionally, the amount awarded by the Tribunal under the heads of Transportation, Extra Nourishment and Attender Charges are enhanced to Rs.10,000/-, Rs.15,000/- and Rs.15,000/- respectively. The compensation awarded



under the other heads by the Tribunal is confirmed.

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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         | 1,26,000                                | 1,62,000                                  |
| 2.     | Loss of earnings   | 34,500                                  | 72,000                                    |
| 3.     | Pain and suffering | 50,000                                  | 50,000                                    |
| 4.     | Transportation     | 5,000                                   | 10,000                                    |
| 5.     | Extra nourishment  | 5,000                                   | 15,000                                    |
| 6.     | Damages to cloth   | 2,000                                   | 2,000                                     |
| 7.     | Attender charges   | 5,000                                   | 15,000                                    |
| 8.     | Loss of Amenities  | 20,000                                  | 20,000                                    |
| 9.     | Medical Expenses   | 1,716                                   | 1,716                                     |
|        | <b>Total</b>       | <b>2,49,216</b>                         | <b>3,47,716</b>                           |

Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,49,216/- to Rs.3,47,716/-, 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.



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ii. The compensation awarded by the Tribunal is enhanced from Rs.2,49,216/- to Rs.3,47,716/-.

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 respondent, United India Insurance Co.Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.3,47,716/- (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 realization, to the credit of M.C.O.P. No. 2750 of 2019 on the file of the Motor Accidents Claims Tribunal (in the IV Court of Small Causes, 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.



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vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

14.08.2025

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

To

1. The Motor Accidents Claims Tribunal  
(in the IV Court of Small Causes, Chennai).
2. United India Insurance Company Ltd.,  
Sillingi Building, 4<sup>th</sup> Floor,  
No.134, Greaves Road,  
Chennai 600 006.
3. The Section Officer, V.R. Section,  
High Court of Madras.

**T.V.THAMILSELVI, J.**

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