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CMA No. 2344 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2344 of 2025

S.Kumar

Appellant

Vs

1. Neela,

2.United India Insurance Company
Limited,
Sillingi Building, New No.134, Old
No.40-45, Greams Road, Chennai -600
006.

Respondents

PRAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the compensation awarded in the Judgment and Decree dated 31.07.2024 passed in M.C.O.P No. 972 of 2022 on the file of the Motor Accidents Claims Tribunal (II Special Court, Small Causes Court, Chennai)

For Appellant: Mr.K.Balaji

For Respondents: Mr.K.Swaminathan For R2



JUDGMENT

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The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.972 of 2022, dated 31.07.2024 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 31.01.2022 at about 13.50 hours, when the petitioner was riding his two wheeler bearing Regn. No.TN-13 E-6305 proceeding towards Anna Salai MTC Cooperative Society from north to south direction at Teynampet, Anna Salai, near L.R.Samy building, at that time, the driver of a auto bearing Regn. No. TN-07 L-1743 came from opposite direction driven it in a rash and negligent manner, dashed on the petitioner and caused accident. Due to which, the petitioner sustained injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.15,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the



accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent. Having come to such a conclusion, the

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Tribunal fixed the total compensation payable at Rs.1,46,256/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Medical expenses	41,256
2.	Transportation	10,000
3.	Extra nourishment	5,000
4.	Attender charges	10,000
5.	Disability/loss of income	60,000
6.	Lass of partial income	nil
7.	Pain and sufferings	20,000
	Total	1,46,256

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.



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6. The learned counsel for appellant would submit that the medical board certified his disability 12% of permanent disability, but the tribunal had awarded a sum of Rs.5,000/- towards per percentage of disability. He would also submit that though the accident was happened in the year 2022, pain and sufferings as well as as other heads also not been properly considered by the tribunal. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent raised objections stating that he was a driver of Metropolitan Transport Corporation, Chennai and the tribunal has rightly awarded compensation to the appellant towards his disability as well as other heads, which needs no interference of this court.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.

9. Considering both side submissions, the fact reveals that admittedly, he sustained grievous injury and the medical board had certified his disability as 12% of permanent disability, but without assigning any reason, the tribunal has awarded only a sum of Rs.5,000/- per percentage of disability. Therefore, on



considering the 12% of permanent disability as well as considering his age and

the accident was happened in the year 2022, this Court is inclined to enhance

the sum awarded towards per percentage of disability from Rs.5,000/- to Rs.10,000/-.

10. Furthermore, on seeing the facts, he had suffered with 12% of permanent disability and he took treatment for more than 22 days, he was in need of more nourishment. Hence, this Court is inclined to enhance the sum awarded towards extra nourishment from Rs.5,000/- to Rs.25,000/-.

Considering the fact that during the treatment period, he was admitted as inpatient for more than 22 days, the petitioner required an attender, for which the tribunal has awarded a sum of Rs.10,000/-, which is on the lower side.

Hence, this court is inclined to enhance the attender charges from Rs.10,000/- to

Rs.15,000/- and the transportation charges is also to be enhanced from

Rs.10,000/- to Rs.15,000/-. On seeing the nature of injury and the period of

treatment, he would have suffered with severe pain. Hence, this Court is

inclined to enhance the sum awarded towards pain and sufferings from

Rs.20,000/- to Rs.50,000/-. Moreover, the tribunal has not awarded any sum



towards loss of amenities. Hence, this court is inclined to award a sum of Rs.60,000/- under the said head. The compensation that has been fixed under the head of medical expenses is reasonable and does not require the interference of this Court.

11.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Medical expenses	41,256	41,256	confirmed
2.	Transportation	10,000	15,000	enhanced
3.	Extra nourishment	5,000	25,000	enhanced
4.	Attender charges	10,000	15,000	enhanced
5.	Permanent disability (Rs.10,000/- x 12%)	60,000	1,20,000	enhanced
6.	Partial loss of income	nil	nil	
7.	Pain and sufferings	20,000	50,000	enhanced
8.	Loss of amenities		60,000	awarded
	Total	1,46,256	3,26,256	
	Rounded off to	1,46,500	3,26,260	

12.The compensation awarded by the tribunal at Rs.1,46,500/- is enhanced to Rs.3,26,260/-. The 2nd respondent insurance company is directed to



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deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment.

On such deposit, the appellant is permitted to withdraw the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

13. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

25-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special Court-II, Small Causes Court, Chennai.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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