



C.M.A.No.2244 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.08.2025

CORAM:

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

**C.M.A.No.2244 of 2025**

M.Teju (in Coma),  
*(represented by his father and natural  
guardian Mani N.Narayanappa)*

...Appellant

Vs.

1.Ghouse Baig

2.The Branch Manager,  
United India Insurance Co. Ltd.,  
794/11, Trunk Road, Poonamalle,  
Chennai – 600 056.

...Respondents

**Prayer :** Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Decree and Judgment dated 19.08.2021 made in M.C.O.P.No.944 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Court, Krishnagiri District.



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For Appellant : Mr.C.Prabakaran

For Respondents : Mr.C.Paranthaman for R2

### **J U D G M E N T**

This appeal is filed by the appellant challenging the order dated 19.08.2021 passed in M.C.O.P.No.944 of 2018 on the file of Motor Accidents Claims Tribunal/Special Sub Court, Krishnagiri District.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioner is the claimant, first respondent is the owner of the vehicle and second respondent is the Insurance Company before the Tribunal.

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

On 12.07.2018 at about 8.15 p.m., when the petitioner along with his nephew proceeding in his father's motorcycle bearing Registration No.AP 03 CA 7848 on Kuppam – Vegotta Road, near Mosaranappalli Junction, at that time, a lorry bearing Registration No.KA 01 AE 6897



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driven by its driver in a rash and negligent manner and hit against the petitioner's motorcycle. Due to the accident, the petitioner and his nephew sustained grievous injuries and petitioner sustained severe head injuries and was unconscious. Immediately, after the accident, he was taken to PES Medical College Hospital as the condition of the petitioner was very serious and thereafter, he was taken to Sparsh Hospital for treatment. The petitioner's father filed a claim petition before the Tribunal in M.C.O.P.No.944 of 2018, the Tribunal awarded a sum of Rs.55,08,040/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that the accident occurred only due to rash and negligent driving by the driver of the lorry, the appellant sustained grievous head injuries and he is still in coma stage. He further submitted that the compensation awarded by the Tribunal is very meagre and hence, he filed the present appeal for enhancement.



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6.Learned counsel appearing for the second respondent submitted that the Tribunal has rightly fixed the notional income of the appellant at Rs.9,000/- and after considering the oral and documentary evidence has awarded the compensation, which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.

7.Heard learned counsel appearing for the appellant, learned counsel for the second respondent and perused the materials available on record.

8.Before the Tribunal, the petitioner's father was examined as PW1, Mr.Jayappa was examined as PW2 and on the side of the petitioner, 11 documents were marked as Exs.P1 to P11. On the side of the respondents, no witness was examined and no document was marked. The wound certificate of the petitioner was marked as Court Document (Ex.C1).



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9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.24,49,440/- for loss of earning capacity, Rs.26,82,089/- for medical expenses, Rs.16,000/- for transporation, Rs.20,000/- for extra nourishment & attender charges during hospitalization, Rs.1,00,000/- for pain and suffering, Rs.1,00,000/- for social amenities, Rs.1,000/- for damages to clothes and articles, Rs.1,00,000/- for attender charges to take care of petitioner in coma stage and arrived at a total compensation of Rs.55,080,40/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.On perusal of the records, it is seen that the petitioner was aged 18 years and was studying a degree course at the time of the accident. It is also seen that the petitioner sustained severe head injuries and fracture of right transverse process of C5, C6 and C7 and still in coma stage.

11.The amount awarded under the heads medical expenses, transportation and extra nourishment & attender charges, social amenities



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and damages to clothes & articles , in the opinion of this Court is just and reasonable and the same is confirmed. The amount awarded under the heads loss of earning capacity, pain & suffering and attender charges for take care of petitioner in coma stage, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said heads. Accordingly, the amount awarded under the head loss of earning capacity is enhanced to Rs.48,98,880/- from Rs.24,49,440/-. Accordingly, the amount awarded under the head pain and suffering is enhanced to Rs.5,00,000/- from Rs.1,00,000/-. Accordingly, the amount awarded under the head attender charges for take care of petitioner in coma stage is enhanced to Rs.10,00,000/- from Rs.1,00,000/-.

12.Considering age, year of the accident, nature of the severe injuries sustained by the appellant and submission made by the learned counsel for the appellant, this Court is inclined to fix Rs.18,000/- (Rs.600/- per day x 30 days) as notional income of the appellant, modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:



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Rs.25,200/- x 12 x 18 x 90/100 = Rs.48,98,880/-)

| <b>S.No.</b> | <b>Description</b>                                         | <b>Amount<br/>awarded by<br/>Tribunal<br/>(in Rs.)</b> | <b>Amount<br/>awarded by<br/>this Court<br/>(in Rs.)</b> |
|--------------|------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|
| 1            | Loss of earning capacity                                   | 24,49,440/-                                            | 48,98,880/-                                              |
| 2            | Medical expenses                                           | 26,82,089/-                                            | 26,82,089/-                                              |
| 3            | Transportation                                             | 16,000/-                                               | 16,000/-                                                 |
| 4            | Extra nourishment and attender charges                     | 20,000/-                                               | 20,000/-                                                 |
| 5            | Pain and suffering                                         | 1,00,000/-                                             | 5,00,000/-                                               |
| 6            | Social amenities                                           | 1,00,000/-                                             | 1,00,000/-                                               |
| 7            | Damages to clothes and articles                            | 1,000/-                                                | 1,000/-                                                  |
| 8            | Attender charges for take care of petitioner in coma stage | 1,00,000/-                                             | 10,00,000/-                                              |
|              | <b>Total</b>                                               | <b>55,08,040/-</b>                                     | <b>92,17,969/-</b>                                       |

13.The appellant/claimant is entitled to total compensation of Rs.**92,17,969/-** along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.



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14.The judgment and decree passed by the Motor Accident Claims Tribunal/Special Sub Court, Krishnagiri District in M.C.O.P.No.944 of 2018 dated 19.08.2021 is modified to the above extent.

15.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, on behalf of appellant, the appellant's father is permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

16.The appellant/claimant shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellant/claimant is directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal/Special Sub Court, Krishnagiri District shall disburse the enhanced amount upon



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production of certified copy showing proof of payment of Court fee by the appellant/claimant.

17.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.

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Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

1.The Motor Accidents Claims Tribunal,  
Special Sub Court, Krishnagiri District.

2.The Section Officer,  
VR Section,  
High Court of Madras, Chennai – 600 104.



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

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