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CMA No. 2245 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2245 of 2025

S. Giridharan

Appellant

Vs

1. R.Sivanantham

2.The Manager

The Oriental Insurance Company Ltd.,
Oriental House, 2nd Floor, Old No.115,
New No.216, Prakasam Salai,
Broadway, Chennai-600 108

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 07-01-025 passed in MCOP.No.6324/2016 on the file of the Motor accident Claims Tribunal(in the VI Court of Small Causes, 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.6324 of 2016, dated 07.01.2025 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 24.08.2016 at about 10.45 hours, when the petitioner riding his two wheeler bearing Regn. No. TN-19 Q-0190 and stopped for U turn at G.S.T.Road, near Sivananda Gurukulam, Kattankulathur, Kanchipuram District, at that time, a mini lorry bearing Regn. No. TN-56-F-5401 driven by its driver in a rash and negligent manner, dashed on the petitioner's two wheeler 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.3,00,000/-.

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



Tribunal fixed the total compensation payable at Rs.90,600/- under various heads as follows:

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Part Disability	40,000
2.	Pain and sufferings	10,000
3.	Medical expenses	1,800
4.	Attender charges	500
5.	Transportation	5,000
6.	Loss of income	13,300
6.	Loss of amenities	10,000
7.	Extra nourishment	10,000
	Total	90,600

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

5.The claimant 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.

6. The learned counsel for appellant would submit that the petitioner was a contract labour in a private concern, thereby he had earned a sum of Rs.12,000/- per month and the tribunal has awarded a sum of Rs.13,300/- as

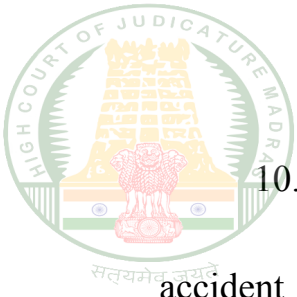


notional monthly income and the same is to be enhanced. Furthermore, due to the accident, he had lost his three teeth, but the tribunal had erroneously fixed 8% of disability. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent would submit that at the time of accident, he was only a contract labour and earned a sum of Rs.12,000/- and no documentary evidence produced for the same. Hence, the tribunal has rightly fixed the income of the petitioner, 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 and on seeing facts, he had suffered with 8% of disability, for which the tribunal has awarded only a sum of Rs.5000/- per percentage. But, on considering the petitioner's age of 31 years, the accident happened in the year 2016, considering the fact that the appellant had lost his three teeth in the accident and also the fact that the medical board had assessed his disability as 8% of disability, this court is inclined to enhance the sum from Rs.5000/- to Rs.6000/- towards percentage of disability.



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10. Furthermore, on seeing the facts, it reveals that admittedly, due to the accident he had lost his three teeth and he was a contract labour in a private concern at the time of accident, which was happened in the year 2016. The tribunal had fixed only a sum of Rs.13,300/- towards notional income. Therefore, considering his age of 31 years, considering the loss of three teeth, considering the cost of living at that time and also the fact that he was a contract labour, this Court is inclined to enhance his notional monthly income from Rs.13,300/- to Rs.14,000/- per month.

11. Furthermore, on perusal of award, it reveals that due to the injuries sustained in the accident, the appellant had lost his three teeth, as a result of which, he is unable to do any normal work. But on seeing the grievous injury as well as considering his disability of loss of three teeth, this Court is inclined to modify the period for loss of income as five months.

12. On seeing the facts, due to the accident, he has lost his teeth, as a result of which, he sustained with severe pain and not able to work properly. Considering that, the sum awarded for pain and sufferings is to be increased from Rs.10,000/- to Rs.50,000/-. After the accident, he took treatment at a



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private hospital, for which, he would have incurred huge transportation expenses. Considering that, transportation charges is enhanced from Rs.5,000/- to Rs.10,000/-. During the period of treatment and subsequent days, he has to take nutritious food to restore his body to normal condition. Hence, this Court is inclined to enhance the sum awarded towards extra nourishment from Rs.10,000/- to Rs.15,000/-. Considering the fact that during the treatment period, the petitioner required an attender, the same is enhanced from Rs.500/- to Rs.9,000/-. Considering the nature of injury of loss three teeths, he had to incur expenditure for fixing of three teeths, this Court is inclined to award a sum of Rs.60,000/- under the head of 'loss of teeths'. As the amount was awarded for loss of teeths, awarding of compensation under the head of loss of amenities would not arise. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

13.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.	Disability (Rs.6000 x 8%)	40,000	48,000	enhanced
2.	Pain and sufferings	10,000	50,000	enhanced
3.	Medical expenses	1,800	1,800	confirmed
4.	Attender charges (Rs.300 x 30)	500	9,000	enhanced
5.	Transportation	5,000	10,000	enhanced
6.	Loss of income (Rs.14,000 x 5)	10,000	70,000	enhanced
7.	Extra nourishment	10,000	15,000	enhanced
8.	Loss of amenities	10,000		Would not arise
9.	Loss of three teeths		60,000	awarded
	Total	90,600	2,63,800	enhanced

14.The compensation awarded by the tribunal at Rs.90,600/- is enhanced to Rs.2,63,800/-. The second respondent insurance company is directed to 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



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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. It goes without saying that the enhanced compensation that is paid by the 2nd respondent Insurance Company can be recovered from the 1st respondent as was ordered by the Tribunal.

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

14-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, VI Judge, Court of Small Causes, Chennai.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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