



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : .11.2025

CORAM:

THE HON'BLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.3150 of 2025

Rajendran

Vs.

.... Appellant

1. A. Farjan
2. Tirunavukkarasu (Owner as per RC)
3. Shriram General Insurance Co.Ltd.,
represented by its Manager,
1st Floor, Front Portion,
5-F, Sachin Plaza, Reddiyar Block 1,
Salem

... Respondents

Prayer : Civil Miscellaneous Appeal is filed under sec.173 of Motor Vehicles Act, 1988 against the judgment dated 03.08.2023 made in M.C.O.P.No.427 of 2021 on the file of Special Sub Court to deal with MCOP Cases, Krishnagiri.

For Appellant : Mr.S.P. Yuvaraj

For Respondents : Mr.J. Michael Visuvasam
for R3

JUDGMENT_

This Civil Miscellaneous Appeal has been preferred by the claimant against the Award dated 03.08.2023 passed in MCOP.No.427 of 2021 on the file of Special Sub Court (to deal with MCOP Cases), Krishnagiri for



enhancement of compensation.

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2. The parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. A Claim petition was filed by the claimant under section 166 of the Motor Vehicles Act, claiming compensation of Rs.30 lakhs for the injuries sustained by the him in a road traffic accident that took place on 13.05.2020.

4. The Tribunal upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.3,50,000/- with interest at the rate of 7.5% per annum from the date of filing of application.

5. The amounts awarded by the Tribunal under different heads are given hereunder:

s.No.	Heads	Compensation in Rs.
1	For disability suffered	Rs. 2,00,000/-
2	Towards pain and sufferings	Rs. 35,000/-
3	For Transport charges	Rs. 7000/-
4	For extra nourishment	Rs. 9000/-
5	For damage to clothers	Rs. 1600/-



s.No.	Heads	Compensation in Rs.
6	For loss of amenities	Rs. 25000/-
7	For attendar charges	Rs. 3000/-
8	For loss of income during treatment period	Rs. 17000/-
9	For future medical expenses	Rs. 14000/-
10	Towards Medical Expenses	Rs. 38,400/-
	Total	Rs. 3,50,000/-

6. Learned counsel for the appellant would strenuously argue that the claimant suffered fracture of left medial Tibia Condyle and 2nd Metacorpel Head right and fracture of left scapula. The disability was assessed at 40% by the Medical Board and the amount granted by the Tribunal for disability is less. It is further argued that for other heads namely transport charges, attender charges and for loss of income during treatment period, the amounts awarded by the tribunal are grossly inadequate and hence, sought for enhancement of compensation.

7. Per contra, the learned counsel for the 3rd respondent/Insurance Company would vehemently contend that in consideration of the age, date of accident and the injuries sustained by the claimant, the compensation granted by the Tribunal is reasonable and it does not warrant any interference by this



Court.

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8. It has come on record through the evidence of PW1/injured claimant that he was aged about 36 years at the relevant point of time and he was running a Medical Shop and also doing agricultural work and thereby earning Rs.30,000/- per month. To substantiate the said details, no document was marked by the claimant. In the absence of any concrete evidence to show that the claimant was running a Medical Shop, his income is fixed as Rs.15,000/- per month.

9. Ex.P.5 is the Discharge Summary issued by the Maruthi Nursing Home, Krishnagiri, wherein, he was admitted on 16.05.2020 and got discharged on 19.05.2020. He had undergone surgery for the fracture of left medial Tibia Condyle, wherein, Closed Reduction and Interinal Fixation of screws were done. In consideration of the age, year of the accident and the nature of the fractures/injuries suffered by the claimant, the claimant is granted Rs.60,000/- for the loss of income during the treatment period.

10. Disability of the claimant was fixed by the District Medical Board, Krishnagiri as 40% partial permanent disability. In consideration of the injuries suffered and as per Ex.P.5 and Ex.C.1, disability for the whole body was fixed



at 38%. This Court awards Rs.9000/- per percentage of disability suffered by the claimant and for the disability, a sum of .38 X Rs.9000/- = Rs.3,42,000/- is granted. For transportation and for attender charges, a sum of Rs.8000/- is granted under each head in addition to the amount already granted by the Tribunal. For Extra Nourishment, a sum of Rs.5,000/- is granted in addition to the amount already granted by the Tribunal. As regards the other heads, the amounts granted by the Tribunal appears to be reasonable and acceptable and hence, it does not need any interference by this Court.

11.The amounts awarded as mentioned supra, after it is re-worked are tabulated hereunder:

Sl. No	Heads	Compensation granted by the Tribunal (in Rs.)	Compensation granted by this Court (in Rs.)	Remarks
1	For disability suffered	2,00,000/-	3,42,000/-	enhanced
2	Towards pain and sufferings	35,000/-	35,000/-	confirmed
3	Fot Transport charges	7000/-	15,000/-	enhanced
4	For extra nourishment	9000/-	14,000/-	enhanced
5	For damage to clothers	1600/-	1600/-	confirmed
6	For loss of amenities	25000/-	25000/-	confirmed
7	For attendar charges	3000/-	11000/-	enhanced
8	For loss of income during treatment period	17000/-	60000/-	enhanced
9	For future medical expenses	14000/-	14000/-	confirmed



Sl. No	Heads	Compensation granted by the Tribunal (in Rs.)	Compensation granted by this Court (in Rs.)	Remarks
10	Towards Medical Expenses	38,400/-	38400/-	confirmed
		3,50,000/-	5,56,000/-	enhanced

12. Thus, this court awards **Rs.5,56,000/-** towards compensation for the claimant along with interest at the rate of 7.5% per annum from the date of petition.

13. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced from **Rs.3,50,000/-** to **Rs5,56,000/-**.
- The third respondent is directed to deposit the enhanced compensation of **Rs.5,56,000 /-** awarded by this Court to the credit of MCOP.No.427 of 2021 on the file of the Special Sub Court (to deal with MCOP Cases), Krishnagiri along with interest at the rate of 7.5% per annum from the date of petition, till the date of realisation, (excluding the period of default, if any) less the amount, if any deposited, within a period of eight weeks from the date of receipt of a copy of this judgment.
- On such deposit, the appellant/ claimant is at liberty to withdraw



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the award amount along with interest and costs, after adjusting the amount, if any already withdrawn, by filing relevant application before the Tribunal.

- The appellant/claimant is directed to pay the court fee for the enhanced compensation amount, if required. The Tribunal may disburse the enhanced amount upon production of the certified copy showing proof of payment of court fee by the appellant.

msr

27.11.2025

Index:Yes/No

Internet:Yes

To

The Motor Accident Claims Tribunal,
Special Subordinate Judge, Krishnagiri.



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R. KALAIMATHI, J.

msr

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