



CMA.No.476 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.08.2025

CORAM

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

**C.M.A.No.2333 of 2025**

Roselin

...Appellant

Vs

1.C.Saravana Kumar

2.National Insurance Co.Ltd.,  
( Motor Third Party Cell)  
Murugesu Naicker Complex, 1<sup>st</sup> floor  
No.66, Greaves Road  
Chennai 600 006.

..Respondents

**Prayer:** Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in MCOP.No.743 of 2019 dated 28.01.2025 on the file of Motor Accident Claims Tribunal (III Small Causes Court, Chennai)

For Appellant : Mr.K.Balaji

For Respondents : Mr.S.Senthil Kumar for R2

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

This appeal has been filed by the claimant seeking enhancement of compensation under the impugned award dated 28.01.2025 passed by the Motor Accident Claims Tribunal (III Small Causes Court, Chennai) in MCOP.No.743 of 2019.

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



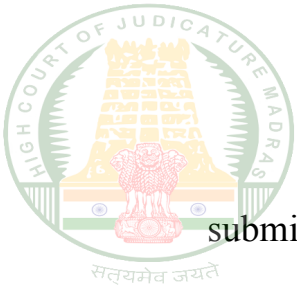
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On 22.10.2017 at about 22.00 hours, when the appellant was travelling as a pillion rider in the motor cycle bearing Regn.No.TN-21-AY-5973, proceeding to Chengalpattu Ayyanchery, Tambaram, G.S.T.Road, near signal, Kanchipuram District, the rider of the motor cycle bearing Regn.No.TN-19-F-9410 hit against the vehicle of the appellant, due to which the petitioner fell on the road and sustained grievous injuries. Claiming that the driver of the motor cycle bearing Regn.No.TN-19-F-9410 is responsible for the accident, the claimant has filed a claim petition before the Tribunal claiming a sum of Rs.10,00,000/-. The Tribunal after adjudicating the issues with reference to the documents and evidences, has awarded a total compensation of Rs.89,500/-.

3. The appellant/claimant, unsatisfied with the quantum of compensation awarded by the Tribunal under the impugned award, has preferred this appeal seeking enhancement.

4. Heard the learned counsel for the appellant and learned counsel for the second respondent and perused the materials available on record.

5. The learned counsel appearing for the Appellant/Claimant



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submitted that the Tribunal failed to appreciate the evidence of PW1 and also the disability assessed by the Medical Board disability of 10% permanent. The appellant took in-patient treatment from 22.10.2017 to 26.10.2017 and she suffered with L1, D12 Wedge compression fracture and also taken treatment as out patient and also disability certificate of medical board was also marked as Ex.C1. Hence the Tribunal ought not to have reduced the disability. The Tribunal ought to have applied multiplier method since the injuries sustained and the disability suffered cannot be measured in terms of money. The Tribunal ought to have award adequate compensation under the head of continuing disability and also towards loss of earning power. The Tribunal erroneously fixed the income of the appellant at Rs.10,000/- per month and it ought to have fixed the same at Rs.15,000/- per month and adopted multiplier method and awarded compensation towards disability and loss of earning capacity. The Tribunal erred in awarding meagre amount on all other heads also and the same needs interference of this court for enhancement. Hence, he prayed to enhance the compensation.



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6. Per contra, the learned counsel appearing for the second respondent/Insurance Company has submitted that the compensation claimed by the appellant is highly excessive and baseless. He further submitted that the Tribunal after analysing the evidences on record, has rightly awarded the compensation to the appellant/claimant and hence, the award passed by the Tribunal does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

7. On perusal of records, it is seen that the claimant/injured was a tailor by profession. Since there is no quarrel over the negligence aspect and the dispute is only with regard to the quantum of compensation, the finding of the Tribunal with respect to the negligence aspect is confirmed.

8. This court, considering the cost of living and the profession of the appellant and that the accident is of the year 2017, and that the petitioner has suffered partial and permanent disability of 10%, this court is inclined to fix Rs.7000/- per percentage and thus a sum of Rs.70,000/-, (Rs.10x7000=70,000) is fixed under the head of Disability. Due to the grievous injuries sustained by the appellant, she might have undergone more



pain and sufferings during the treatment period and hence the award under the head of pain and sufferings is enhanced to Rs.30,000/- During the period of treatment as in-patient as well as out patient, she would have incurred Rs.10000/- towards transportation expenses and hence a sum of Rs.10000/- is fixed on the said head.

9. Taking note of the period of treatment and nature of injuries sustained by the appellant, the amounts awarded by the Tribunal towards extra nourishment and attender charges are hereby enhanced to Rs.10,000/- and Rs.5,000/- respectively.

10. On perusal of records, it is seen that the compensation awarded under the head of loss of amenities, seems to be very meagre. Accordingly, a sum of Rs.15,000/- is fixed towards the head 'loss of amenities'. Similarly, due to the said injuries, the appellant might not have done her work atleast for 3 months and thus a sum of Rs.30,000/- is fixed under the head 'loss of earnings'.

11. Insofar as the heads such as medical expenses and damages to



clothes are concerned, the Tribunal has granted a just and fair compensation and hence, they do not call for any interference of this court and the same remains unaltered.

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

| <i><b>Sl.No.</b></i> | <i><b>Head</b></i>  | <i><b>Compensation<br/>awarded by the<br/>Tribunal</b></i> | <i><b>Compensation<br/>awarded by this<br/>Court</b></i> |
|----------------------|---------------------|------------------------------------------------------------|----------------------------------------------------------|
| 1.                   | Disability          | 50,000/-                                                   | 70,000/-                                                 |
| 2.                   | Pain and sufferings | 10,000/-                                                   | 30,000/-                                                 |
| 3.                   | Transportation      | 4,000/-                                                    | 10,000/-                                                 |
| 4.                   | Medical Expenses    | 3,000/-                                                    | 3,000/-                                                  |
| 5.                   | Extra Nourishment   | 5,000/-                                                    | 10,000/-                                                 |
| 6.                   | Attender charges    | 1,500/-                                                    | 5,000/-                                                  |
| 7.                   | Damages to clothes  | 1,000/-                                                    | 1,000/-                                                  |
| 8.                   | Loss of Amenities   | 5000/-                                                     | 15,000/-                                                 |
| 9.                   | Loss of earnings    | 10,000/-                                                   | 30,000/-                                                 |
| 10                   | Total               | <b>89,500/-</b>                                            | <b>1,73,000 /-</b>                                       |

The amount is rounded off to Rs.1,73,000/-

13. Thus, the appellant/claimant is entitled to the enhanced compensation of Rs..1,73,000/-(Rupees One Lakh and Seventy Three



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Thousand only).

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14.The Civil Miscellaneous Appeal is partly allowed. Consequently, connected miscellaneous petition is closed. No costs.

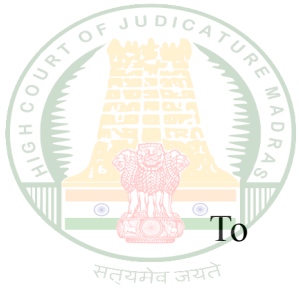
15. The second respondent/Insurance Company is directed to deposit the enhanced compensation as ordered above, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw the enhanced award amount by filing necessary application before the Tribunal.

16. Since the compensation amount now awarded is Rs..1,73,000/-, it is made clear that the claimant has to pay the appropriate Court fee in order to receive the enhanced award amount.

Index : Yes/No  
gv

26.08.2025

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



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To

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1.The Motor Accident Claims Tribunal/  
(III Small Causes Court, Chennai)

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

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