



C.M.A.No.2751 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.09.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2751 of 2024

Sheshaiya

...Appellant(s)

Vs.

1.A.Mohanraj

2.United India Insurance Co. Ltd.,

Motor 3RD Party Hub,

Silingi Bilding, 4TH Floor,

No.134, Greams Road,

Chennai -6.

...Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 12.03.2024 MACT.O.P.No.1863 of 2021, on the file of the Motor Accidents Claims Tribunal, in the IV Judge, Small Causes Court, Chennai.

For Appellant(s) : Mr.K.Ayyadurai

For Respondent(s) : R1 – No appearance



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Ms.I.Malar for R2

J U D G M E N T

Today, the matter is listed under the caption "for being mentioned",
at the instance of the learned counsel for the appellant / petitioner.

2. It is brought to the notice of this Court that some error has been crept in paragraph Nos.12 to 16 of the order dated 05.08.2025. The said paragraph Nos.12 to 16 are to be replaced as follows:

"12.The amount awarded under the heads medical expenses, pain & suffering and attender charges, in the opinion of this Court is just and reasonable and the same is confirmed. The amount awarded under the heads disability, transportation expenses, nutrition expenses and damages to clothes, 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 disability is enhanced to **Rs.5,34,600/-** from Rs.2,85,120/-. Accordingly, the amount awarded under the head transportation expenses is enhanced to Rs.10,000/- from Rs.5,000/-. Accordingly, the



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amount awarded under the head nutrition expenses is enhanced to Rs.20,000/- from Rs.10,000/-. Accordingly, the amount awarded under the head damages to clothes is enhanced to Rs.5,000/- from Rs.2,000/-. Though the Tribunal awarded a sum of Rs.25,000/- for loss of amenities, this Court is not inclined to award any compensation as it is not necessary.

13.Considering the age, year and nature of the injuries sustained by the appellant and the submission made by the learned counsel for the appellant, this Court is inclined to modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

(Rs.500 x 30 days = Rs.15,000/- + 10% future prospects
(Rs.1,500) = Rs.16,500 x 12m = Rs.1,98,000/-; Rs.1,98,000/- x 9
multiplier x 30% disability = Rs.5,34,600/-)

S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Disability	2,85,120/-	5,34,600/-
2	Medical expenses	18,981/-	18,981/-



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<i>S.No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
3	Pain and suffering	25,000/-	25,000/-
4	Transportation expenses	5,000/-	10,000/-
5	Nutrition expenses	10,000/-	20,000/-
6	Damages to clothes	2,000/-	5,000/-
7	Attender charges	14,000/-	14,000/-
8	Loss of amenities	25,000/-	-
	Total	3,85,101/-	6,27,581/-

14.The appellant/claimant is entitled to total compensation of **Rs.6,27,581/-** along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

15.The judgment and decree passed by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai in M.C.O.P.No.1863 of 2021 dated 12.03.2024 is modified to the above extent.



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16.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount, if not deposited earlier, before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment, **in the first instance. Thereafter, the Insurance Company is at liberty to recover the same from the owner of the vehicle / 1st respondent, under the same cause of action.** On such deposit being made, the appellant/claimant 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.”

3. Registry is directed to incorporate the above paragraph No.12 to 16 quoted above and issue fresh order copy to the parties forthwith.

4. In other respects, the order dated 05.08.2025 shall remain unaltered.

26.09.2025

rri



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To

- 1.The Motor Accidents Claims Tribunal,
IV Court of Small Causes, Chennai.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



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...Appellant(s)

Vs.

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Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 12.03.2024 MACT.O.P.No.1863 of 2021, on the file of the Motor Accidents Claims Tribunal, in the IV Judge, Small Causes Court, Chennai.

For Appellant(s) : Mr.K.Ayyadurai

For Respondent(s) : R1 – No appearance
Ms.I.Malar for R2



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JUDGMENT

This appeal is filed by the appellant challenging the judgment and decree dated 12.03.2024 passed in M.C.O.P.No.1863 of 2021 on the file of Motor Accidents Claims Tribunal/IV Court of Small Causes, Chennai.

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

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

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

On 30.03.2021 at about 08.40 hours, when the petitioner was a pedestrian at Adham Sagif Street in front of Saini Tea Stall, Royapuram, Chennai, at that time, the first respondent's motorcycle bearing Registration No.TN-03-Z-5731 drove in a rash and negligent manner and dashed against the petitioner and caused grievous injury. Immediately, after the accident, the petitioner was taken to Government Stanley



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Medical College, Chennai and took treatment as inpatient from 30.03.2021 to 26.04.2021. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.1863 of 2021, the Tribunal awarded a sum of Rs.3,85,101/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that due to the accident, the appellant sustained multiple grievous injuries. He further submitted that though the Medical Board assessed the disability of the appellant at 41%, the Tribunal reduced to 20% as his permanent disability of whole body which is not sustainable and the compensation awarded by the Tribunal is very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the second respondent submitted that the Tribunal after considering the oral and documentary evidence has rightly awarded the compensation which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.



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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 first petitioner was examined as PW1, and on the side of the petitioner, 11 documents were marked as Exs.P1 to P11. On the side of the respondent, Mr.Jawahar, Administrative Officer, Insurance Company was examined as RW1 and 5 documents were marked as Exs.R1 to R5 and Certificate issued by the Medical Board was marked as Ex.C1.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.2,85,120/- for disability, Rs.18,981/- for medical expenses, Rs.25,000/- for pain and suffering, Rs.5,000/- for transportation, Rs.10,000/- for nutrition expenses, Rs.2,000/- for damages to clothes, Rs.14,000/- for attender charges, Rs.25,000/- for loss of amenities and arrived at a total compensation of Rs.3,85,101/- with



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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 56 years and was a fruit vendor at the time of the accident.

11.On perusal of the findings, it is seen that the Tribunal held that in Ex.C-1, the disability is post-traumatic traumatic sequelae on right leg, chest fracture right comminuted Both Bone leg proximal 1/3rd surgically stabilised with implant Insitu (2) fracture on right 7, 8, 9, 10, 11 ribs – Conservatively treated (3) with OA changes of right knee. As far as the percentage of disability is concerned, it is 41%. It is concerned with both lower limb and multiple rib fractures; this Tribunal quantifies 20% as his Permanent Disability of the whole body, is not sustainable and therefore, this Court is inclined to fix disability of the appellant at 30%.

12.The amount awarded under the heads medical expenses, pain & suffering and attender charges, in the opinion of this Court is just and



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reasonable and the same is confirmed. The amount awarded under the heads disability, transportation expenses, nutrition expenses and damages to clothes, 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 disability is enhanced to Rs.4,86,000/- from Rs.2,85,120/-. Accordingly, the amount awarded under the head transportation expenses is enhanced to Rs.10,000/- from Rs.5,000/-. Accordingly, the amount awarded under the head nutrition expenses is enhanced to Rs.20,000/- from Rs.10,000/-. Accordingly, the amount awarded under the head damages to clothes is enhanced to Rs.5,000/- from Rs.2,000/-. Though the Tribunal awarded a sum of Rs.25,000/- for loss of amenities, this Court is not inclined to award any compensation as it is not necessary.

13.Considering the age, year and nature of the injuries sustained by the appellant and the submission made by the learned counsel for the appellant, this Court is inclined to modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:



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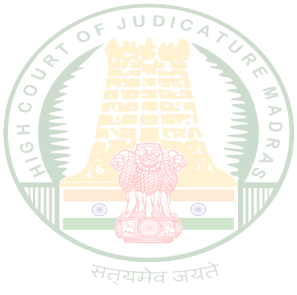
WEB COPY (Rs.500 x 30 days = Rs.15,000/- x 12 = Rs.1,80,000/-;

Rs.1,80,000/- x 9 multiplier x 30% disability = Rs.4,86,000/-)

S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Disability	2,85,120/-	4,86,000/-
2	Medical expenses	18,981/-	18,981/-
3	Pain and suffering	25,000/-	25,000/-
4	Transportation expenses	5,000/-	10,000/-
5	Nutrition expenses	10,000/-	20,000/-
6	Damages to clothes	2,000/-	5,000/-
7	Attender charges	14,000/-	14,000/-
8	Loss of amenities	25,000/-	-
	Total	3,85,101/-	5,78,981/-

14.The appellant/claimant is entitled to total compensation of Rs.**5,78,981/-** along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

15.The judgment and decree passed by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai in M.C.O.P.No.1863 of 2021 dated 12.03.2024 is modified to the above extent.

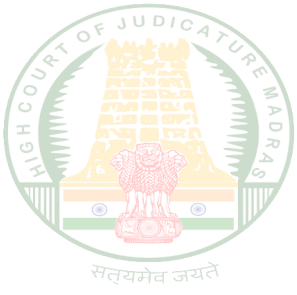


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16.The second respondent Insurance Company is directed to deposit the modified/enhanced award amount, if not deposited earlier, before the Tribunal within a period of 8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellant/claimant 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.

17.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/IV Court of Small Causes, Chennai shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellant/claimant.



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

05.08.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

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IV Court of Small Causes, Chennai.

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