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CMA No. 2746 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2746 of 2024

1. KUMAR

S/o. Chellan, Residing at No.4/112,
Perumal Koil Street, Kizhameni
Village, Chinnabedu Post, Ponneri
Taluk, Tiruvallur district-601 206

Appellant(s)

Vs

1. BASKAR

S/o. Ganesan, No.266, Main Road,
Kosavanpettai, Ralapadi Arani, Ponneri,
Thiruvallur-601 101

2. The Manager

UNITED INDIA INSURANCE CO.
LTD., Motor 3rd Party Hub, Silingi
Building, 4th Floor, No.134 Greaves
Road, Chennai-6

Respondent(s)

CMA No. 2746 of 2024



PRAYER

To enhance the award passed by the Honourable Special Sub Judge, II Small Causes Court, (Motor Accident Claims Tribunal) Chennai on 10-10-2023 in MCOP.No.5425/2021 and thus render justice

CMA No. 2746 of 2024

For Appellant(s): Mr.K.Ayyadurai

For Respondent(s): Mrs.V.Pushpa For R2
R1 - No Appearance

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the award passed by the Special Sub Judge II, Small Causes Court, (Motor Accident Claims Tribunal) Chennai on 10.10.2023 in MCOP No. 5425 of 2021.

2. On 06.12.2021 at about 18.30 hours when the claimant was pedestrian at Borax GNT road, near Sai Saravanan Hotel Ponneri, at the time the first respondent motorcycle bearing registration No. TN 18 AQ 2675 drove in excessive speed in a rash and negligent manner dashed against the claimant caused grievous injuries. Thereafter the claimant filed the petition before the tribunal claiming compensation. The second respondent contested the case by filing counter. After considering the oral and documentary evidence the tribunal awarded compensation of Rs.4,27,050/- by deducting 10% for contributory



negligence upon the claimant.

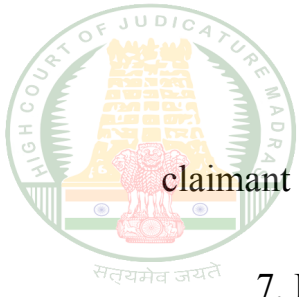
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3. The learned counsel for the claimant submits that the the appellant/claimant was standing on the left side of the road at the time of the accident but the tribunal has fixed 10% contributory negligence upon the claimant as such is erroneous and also the tribunal has fixed very less compensation in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the second respondent submits that the tribunal has rightly fixed compensation which needs no interference. Hence, he prays to dismiss this appeal.

5. Heard the submission of the learned counsel for the claimant and the second respondent and perused the materials available on records.

6. On perusal of the records, it reveal that the claimant was standing in the high way where there is no pedestrian crossing thereby he contributed the accident. Therefore, the tribunal rightly fixed 10% contributory negligence upon the claimant which needs no interference. However, the accident was happened in the year 2021 hence this Court is inclined to enhance the amount fixed per percentage of disability from Rs.5,000/- to Rs.9,000/-. Accordingly, the

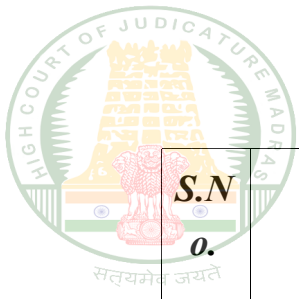


claimant is entitled to Rs.2,79,000/- under the head of disability for 31%.

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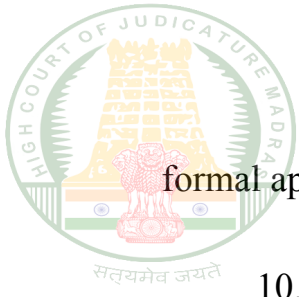
7. Further the claimant has sustained greivous injuries and taken inpatient treatment for 5 days. Hence, this Court is inclined to enhance the award passed under the head of pain and sufferings and transportation from Rs.40,000/- to 50,000/- and from Rs.5,000/- to Rs.10,000/-, respectively. Further, the claimant would have lost his income for five months and the claimant is agriculturist. Hence, this Court is inclined to enhance the notional income fixed by the tribunal from Rs.10,000/- to Rs.14,000/-. Accordingly, the claimant is entitled to Rs.70,000/- under the head of loss of income for five months and also this Court is inclined to enhance the amount awarded under the head of loss of amenities and extra nourishment from Rs.10,000/- to 15,000/- and Rs.10,000/- to Rs.15,000/-, respectively. Except above modification the award passed by the tribunal in other heads remain unchanged.

8. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-



<i>S.No.</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Pain and sufferings	Rs.40,000/-	Rs.50,000/-
2.	Loss of Income	Rs.30,000/-	Rs.70,000/-
3.	Medical Expenses	Rs.2,20,500/-	Rs.2,20,500/-
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.15,000/-
6.	Attender charges	Rs.4,000/-	Rs.4,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Rs.10,000/-	Rs.15,000/-
9.	For disability	Rs.1,55,000/-	Rs.2,79,000/-
10	Total	Rs.4,74,500/-	Rs.6,63,500/-

9. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs. 6,63,500/-**. The 2nd **respondent** is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No. 5425 of 2021 on the file of the Special Sub Judge II, Small Causes Court, (Motor Accident Claims Tribunal) Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the **appellant/claimant** is permitted to withdraw the award amount by making



formal application before the Tribunal.

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10. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

06-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Special Sub Judge, II Small Causes Court, (Motor Accident Claims Tribunal) Chennai

2. The Section Officer, V.R Section, High Court, Madras.



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T.V.THAMILSELVI J.

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