



WEB COPY

CMA No. 2785 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2785 of 2024

1. SANMUGAM

S/o. Thulasingham, Old No. 30, New
No. 35, Vellala Street, Kodambakkam,
Chennai District 600 024

Appellant(s)

Vs

1. Varadharajan Piradeep Kumar

Old No. 99, New No. 2, 1st Floor, Gill
Nagar, Chennai 094

2.Royal Sundharam General Insurance
Co.Ltd.

No.1, 2nd Floor, Subramanyam
Building, Club House Road,
Chennai 002

Respondent(s)

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the amount awarded in MCOP No. 928 of 2023 on the file of the Motor Accidents Claims Tribunal (In the II Special Judge Court of Small Causes, Chennai).

For Appellant(s): U.Chithambaram



For Respondent(s): R2 - No Appearance
R1- Want For Correct Address

JUDGEMENT

The appellant has filed this appeal against the award passed in MCOP.No.928 of 2023 on the file of the Motor Accidents Claims Tribunal (In the II Special Judge Court of Small Causes, Chennai), dated 24.06.2024.

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

On 21.01.2023 at about 1.30 p.m. While the petitioner was walking as a pedestrian in front of a Tasmac shop at Kodambakkam, Arcot Road, from north to South, the first respondent, who was riding a motorcycle bearing Registration No.TN-04-AL-8106, came at a dangerous speed in a rash and negligent manner, endangering public safety, and sashed against the petitioner. The accident occurred solely due to the rash and negligent riding of the said motorcycle. The first respondent, being the owner of the motorcycle, and the second respondent, being the insurer of the said vehicle.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.2,18,230/- as compensation, directing the 2nd respondent to pay the said amount to the



appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the compensation awarded by the Tribunal is not commensurate with the injuries sustained by the claimant. He, therefore, prayed for enhancement of compensation.

6. On the other hand, the learned counsel appearing for the second respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. The claimant is working as a Manager at Wens Roadways and earning Rs.20,000/- per month. However, the appellant has not produced any document to prove his income. Considering the cost of living in the year 2023 and partial permanent disability, this Court reasonably fixes the monthly income at Rs. 18,000/- per month. However, considering the nature of injuries, this Court is



inclined to fix disability at 25% and awarded Rs.10,000/- per percentage.

Accordingly, a sum of Rs. 2,50,000/- (Rs. 10,000 x 25%) is awarded towards partial permanent disability. Loss of income for 3 months is calculated as Rs.18,000 × 3 = Rs.54,000/-. For pain and suffering, Rs.50,000/- is awarded.

The compensation awarded under the other heads by the Tribunal is confirmed.

8. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Medical Expenses	10,730	10,730
2.	Transportation	8,000	8,000
3.	Extra nourishment	7,000	7,000
4.	Attender charges	10,000	10,000
5.	Disability	1,30,000	2,50,000
6.	Loss of Income	37,500	54,000
7.	Pain and suffering	15,000	50,000
	Total	2,18,230	3,89,730
	Rounded off		3,89,800

Thus, the compensation awarded by the Tribunal is enhanced from



Rs.2,18,230/- to Rs.3,89,800/-, which shall carry interest at the rate of 7.5% per annum.

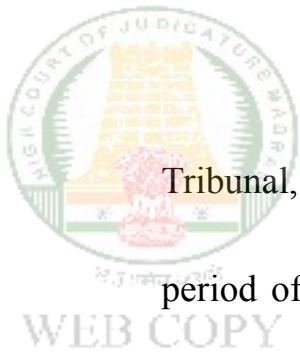
9. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.2,18,230/- to Rs.3,89,800/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The 2nd respondent, Royal Sundharam General Insurance Co.Ltd., is directed to deposit the enhanced compensation amount, i.e., Rs.3,89,800/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization, to the credit of M.C.O.P. No. 928 of 2023 on the file of Motor Accident Claims



Tribunal, Chennai, (II Special Judge Court of Small Causes, Chennai), within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.

vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

20-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rri



To
WEB COPY

1. Varadharajan Piradeep Kumar
Old No. 99, New No. 2, 1st Floor, Gill
Nagar, Chennai 094

2. Royal Sundharam General Insurance
Co.Ltd.
No.1, 2nd Floor, Subramanyam
Building, Club House Road,
Chennai 002

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



WEB COPY

CMA No. 2785 of 2024



T.V.THAMILSELVI J.
rri

CMA No. 2785 of 2024

20-06-2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2785 of 2024

1. SANMUGAM

S/o. Thulasingham, Old No. 30, New
No. 35, Vellala Street, Kodambakkam,
Chennai District 600 024

Appellant(s)

Vs

1. Varadharajan Piradeep Kumar
Old No. 99, New No. 2, 1st Floor, Gill
Nagar, Chennai 094

2.Royal Sundharam General Insurance
Co.Ltd.
No.1, 2nd Floor, Subramanyam
Building, Club House Road,
Chennai 002

Respondent(s)

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to enhance the amount awarded in MCOP No. 928 of 2023 on the file of the Motor Accidents Claims Tribunal (In the II Special



Judge Court of Small Causes, Chennai).

For Appellant(s): U.Chithambaram

For Respondent(s): R2 - No Appearance

R1- Want For Correct Address

ORDER

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

2.It is brought to the notice of this Court that some typographical error has been crept in Paragraph Nos.7, 8 and 9 of the Order dated 20.06.2025. The said Paragraph Nos.7,8 and 9 is replaced as follows:

7. The claimant is working as a Manager at Wens Roadways and earning Rs.20,000/- per month. However, the appellant has not produced any document to prove his income. Considering the cost of living in the year 2023 and partial permanent disability, this Court reasonably fixes the monthly income at Rs. 18,000/- per month. However, considering the nature of injuries, this Court is inclined to fix disability at 26% and awarded Rs.10,000/- per percentage. Accordingly, a sum of Rs. 2,60,000/- (Rs. 10,000 x 26%) is awarded towards partial permanent disability. Loss of income for 3 months is calculated as $\text{Rs.18,000} \times 3 = \text{Rs.54,000/-}$. For pain and suffering, Rs.50,000/- is awarded. The compensation awarded under the other heads by



the Tribunal is confirmed.

8. *The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:*

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	<i>Medical Expenses</i>	10,730	10,730
2.	<i>Transportation</i>	8,000	8,000
3.	<i>Extra nourishment</i>	7,000	7,000
4.	<i>Attender charges</i>	10,000	10,000
5.	<i>Disability</i>	1,30,000	2,60,000
6.	<i>Loss of Income</i>	37,500	54,000
7.	<i>Pain and suffering</i>	15,000	50,000
	Total	2,18,230	3,99,730
	Rounded off		4,00,000/-

Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,18,230/- to Rs.4,00,000/-, which shall carry interest at the rate of 7.5% per annum.

9. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.2,18,230/- to Rs.4,00,000/-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court



fee.

WEB COPY

iv. *The 2nd respondent, Royal Sundharam General Insurance Co.Ltd., is directed to deposit the enhanced compensation amount, i.e., Rs.4,00,000/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization, to the credit of M.C.O.P. No. 928 of 2023 on the file of Motor Accident Claims Tribunal, Chennai, (II Special Judge Court of Small Causes, Chennai), within a period of eight weeks from the date of receipt or uploading of a copy of this order.*

v. *On such deposit being made, the appellant/claimant is at liberty to withdraw the same, after following due process of law.*

vi. *The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.*

3. Registry is directed to make out the necessary correction in the order copy and issue fresh order copy to the parties forthwith.

4. In other respects, the order dated 20.06.2025 shall remain unaltered.

13.10.2025

Index: Yes/No

Speaking/Non-speaking order



Internet: Yes

Neutral Citation: Yes/No

smn

WEB COPY

CMA No. 2785 of 2024





To
WEB COPY

1. Varadharajan Piradeep Kumar
Old No. 99, New No. 2, 1st Floor, Gill
Nagar, Chennai 094

2. Royal Sundharam General Insurance
Co.Ltd.
No.1, 2nd Floor, Subramanyam
Building, Club House Road,
Chennai 002

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



WEB COPY

CMA No. 2785 of 2024



T.V.THAMILSELVI J.

smn

CMA No. 2785 of 2024

13.10.2025