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CMA No. 1807 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1807 of 2025

Anbalagan

Appellant

Vs

1. Venkatesan

2.Vinayaka Medical Care Centre

Private Ltd

D.No.44A, IInd Agraharam, Salem

District - 001.

3.The United India Insurance Co., Ltd.

Branch Office-III, Arjuna Towers,

248/164, Cherry Road, salem-636001

Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Sec. 173 of Motor Vehicle Act, praying to allow the above CMA and enhance the award in the order dated 19.12.2022 made in MCOP No.1342 of 2019, on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge No.I, Salem.



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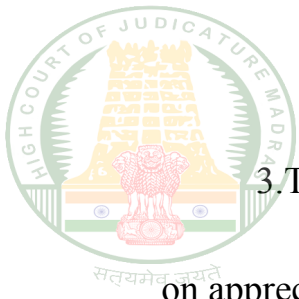
For Appellant: Mr.C. Paraneedharan

For Respondents: Mr.D.Venkatachalam For R3

JUDGMENT

The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.1342 of 2019, dated 19.12.2022 has preferred this appeal seeking for enhancement of compensation.

2.The case of the petitioner is that on 03.01.2019 at about 06.30 hours, when the petitioner tried to cross the road from north to south direction, at that time, the driver of a van bearing Regn. No. TN-54 A-4510 proceeding from Salem to Omalur road driven it in a rash and negligent manner, dashed on the petitioner and caused an accident. Due to which, the petitioner sustained injuries, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.15,00,000/-.



3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st and 2nd respondents. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.2,74,552/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Pain and sufferings	30,000
2.	Loss of income	18,000
3.	Medical expenses	85,552
4.	Transportation	10,000
5.	Extra nourishment	10,000
6.	Attender charges	10,000
7.	Damages to cloths	1000
8.	Loss of amenities	10,000
9.	Permanent disability	1,00,000
	Total	2,74,552

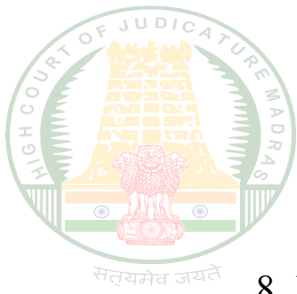
4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.



5. The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

6. The learned counsel for appellant would submit that at the time of accident, he was aged about 52 years and he was working as a highway road helper and earning a sum of Rs.12,000/- per month, but the tribunal taken income only as Rs.9000/-. He would also submit that though the medical board assessed 25% of permanent disability, the tribunal has arrived the disability as 20% and fixed a sum of Rs.5000/- towards per percentage and the same is to be enhanced. Hence, he prayed to enhance the compensation.

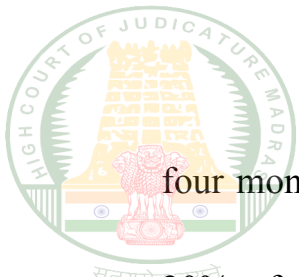
7. The learned counsel for 3rd respondent would submit that at the time of accident, he was working as highway road helper and earned a sum of Rs.12,000/-, but there is no proof adduced for the income derived by him. Hence, the tribunal has rightly fixed the income of the petitioner, which needs no interference of this court.



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8. Heard and considered rival submissions made by both learned counsel for appellant as well as 3rd respondent and perused materials available on record.

9. Considering both side submissions, the fact reveals that admittedly, he was highway road helper at the time of accident, which was happened in the year 2019. The tribunal had fixed only a sum of Rs.9,000/- towards notional income. Therefore, on considering the cost of living at that time as well as considering his age, this Court is inclined to enhance the notional income from Rs.9,000/- per month to Rs.14,000/- per month. On considering the injuries as well as treatment period, the learned Tribunal fixed two months for loss of income, but the learned counsel for appellant argues that due to the injuries sustained, he was not able to move outside and nearly about six months, he was not able to drive the car. Hence, six months period is to be taken for loss of income. By relying the discharge summary, the learned counsel for respondent would submit that only 18 days, he is in hospital, but however on seeing the grievous injury, this Court is inclined to modify the period for loss of income as

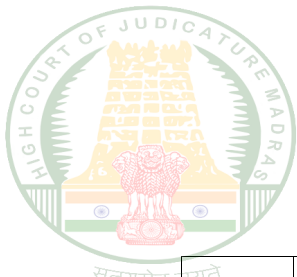


four months. On seeing the facts, he had suffered with permanent disability of 20% , for which the tribunal has awarded a sum of Rs.5000/- per percentage.

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But, on considering the petitioner's age of 52 years and the accident was happened in the year 2019, this court is inclined to enhance the said sum as Rs.7000/-. As he had suffered with permanent disability, he was in need of more nourishment. Hence, this Court is inclined to enhance the sum awarded towards extra nourishment from Rs.10,000/- to Rs.15,000/-. Considering the fact that during the treatment period, the petitioner required an attender, for which the tribunal has awarded a sum of Rs.10,000/-, which is on the lower side. Hence, this court is inclined to enhance the attender charges from Rs.10,000/- to Rs.12,000/-. Considering the nature of injury and the period of treatment, this Court is inclined to enhance the sum awarded towards loss of amenities from Rs.10,000/- to Rs.20,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

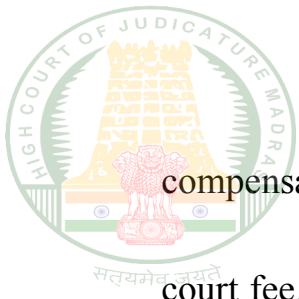
10.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Permanent Disability (20% x Rs.7000)	1,00,000	1,40,000	enhanced
2.	Pain and sufferings	30,000	30,000	confirmed
3.	Loss of income (Rs.14000 x 4)	18,000	56,000	enhanced
4.	Transportation	10,000	10,000	confirmed
5.	Medical expenses	85,552	85,552	confirmed
6.	Extra nourishment	10,000	15,000	enhanced
7.	Attender charges	10,000	12,000	enhanced
8.	Damages to cloths	1,000	1,000	confirmed
9.	Loss of amenities	10,000	20,000	enhanced
	Total	2,74,552	3,69,552	
	Rounded off to		3,69,560	

11.The compensation awarded by the tribunal at Rs.2,74,552/- is enhanced to Rs.3,69,560/-. The 3rd respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the appellant is permitted to withdraw the enhanced



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compensation. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

14-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal/Special Subordinate Judge No.I, Salem.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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